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**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 6<sup>th</sup> November 2014**

**Subject: APPLICATION 14/01785/FU – two storey extensions to front, side and rear with balcony to front at Overhouse, Over Lane, Rawdon, LS19 6DN**

**APPLICANT**

Mr G Stevenson

**DATE VALID**

1 April 2014

**TARGET DATE**

27 May 2014

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**Electoral Wards Affected:**

**Guiseley & Rawdon**

☐ Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

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**RECOMMENDATION:**

**GRANT PERMISSION subject to the following conditions.**

1. Time limit on full permission
2. Plans to be approved
3. Samples of wall / roof materials to be submitted
4. Landscaping implementation
5. Tree protection
6. Replacement tree planting

**1.0 INTRODUCTION:**

- 1.1 This application is presented to Plans Panel at the request of Councillor Graham Latty who considers the proposal to be unacceptable on grounds of excessive massing, overlooking, invasion of privacy, out of sympathy with the neighbourhood and damaging to the amenity of surrounding properties.

## **2.0 PROPOSAL:**

- 2.1 This application seeks planning permission for the construction of various alterations and extensions to the dwelling known as Overhouse. Together, these alterations and extensions will result in a significant alteration to its visual appearance and overall character.
- 2.2 The application follows on from an approval granted in January 2012 (11/02738/FU) which gave consent for a part three storey, part two storey side extension; first floor extension to other side; balconies to front at ground and first floor level; raised terrace to side and rear; alterations to roof including partial raised height and new flat roof; alterations to land levels. This outstanding approval replaced the majority of the existing pitched roofs with modern flat roofs (the exception being the dual pitched gable of the previous rear extension, which would be maintained) and all new additions are to have flat roofs. This previous approval also alters the fenestration and materials of the property, with the principal elevation having a strong modernist appearance with large regular glazed openings and balconies with sun shades. The existing stone work is to be rendered.
- 2.3 This current application adds to and alters this previous, extant permission. A similar design philosophy has been adhered to with regard this current proposal but with a slightly more traditional approach. Overall, it is considered that the changes to the scheme now proposed are an improvement in visual terms. The main property now retains its pitched roof and the flat roofs of the extension previously approved have been altered to pitched roofs. The footprint of the extant permission has also been altered slightly. In the main it has been moved further away from the boundary with the adjacent Welbeck House, although a previous dog-leg has been omitted by squaring off the approved footprint which does project towards Welbeck House. The approved alterations to the fenestration are largely retained but instead of introducing large, modernist style windows to the 2nd floor of the front elevation (with a balcony) an enlarged dormer is to replace the existing dormer in the original front roof slope. Dormer windows will also be added to the front and rear roof slopes in the extension. The 2<sup>nd</sup> floor balcony is now omitted.
- 2.4 Solar panels will be placed on the north east and south west roof slopes of the proposed pitched roof to the extant extension.
- 2.5 The extant approved but yet to be built extension is located on the south east elevation. It is now also proposed to significantly extend the property on the north west elevation. This will be achieved via 2 main extensions. The first of these is an extension to the rear of the existing property and to the side of the existing 2 storey rear extension. It will measure 4m wide by 4m deep and the eaves height will match those of the existing rear extension (5.5m). The ridge will be 6.8m high, which is set down from the main ridge. This extension will enable the provision of a cinema at ground floor level and will provide a bathroom at first floor level. The main bulk of the extensions proposed on the north west elevation is an 'L' shaped extension located on the side elevation of the existing property and projecting forward of the existing front elevation. This extension will have a maximum width of 8.8m and a maximum depth of 11.9m. This extension will have a pitched roof and will form a gable facing towards the western boundary. This will provide garaging on the lower ground floor level with a swimming pool above it. A single storey flat roof extension measuring 2.4m deep by 5.2m wide will be added to the rear of the swimming pool to enable the provision of a gym. Solar panels will be added to the north west and south east roof slopes. An existing conservatory will be removed to allow for this extension.

- 2.6 A balcony at first floor level was approved on the front elevation as part of the extant unbuilt permission. This approved balcony has a depth of between 4.0m and 3.0m and extends across the whole of the front elevation of the original property and the whole of the extant permission granted. It is still proposed to provide a balcony as part of the current proposals. This will be at the same height as that previously approved but its depth is increased to 4.5m across the whole of the original property and in the area of the extant extension. The approved balcony extends right up to the outer edge of the property adjacent to Welbeck House and no privacy screens were proposed. Given the relationship with this neighbouring property the balcony has now been reduced in length so that it is set 3.5m in from the outer edge of the property / extension.
- 2.7 There were initially some concerns about the proposed materials. The extant approval approved the rendering of the whole of the property, including the extant extension. It is now considered that to render the whole property, including the newly proposed extensions would create a quite stark building given the overall scale. As such, the proposals have been revised and it is now proposed to render the original property and construct the extensions in coursed natural stone.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The property is set within a substantial plot which is significantly elevated above the adjacent highway. Some views of the property are visible from the public domain but these are limited and largely screened by existing substantial boundary screening and the topography. The dwelling is a part random coursed stone part rendered dwelling with three floors to the front and two to the rear in response to the slope of the site. The dwelling has previously been extended to the side and rear

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 11/02738/FU - part three storey, part two storey side extension; first floor extension to other side; balconies to front at ground and first floor level; raised terrace to side and rear; alterations to roof including partial raised height and new flat roof; alterations to land levels – approved 26 January 2012.

08/04352/FU – demolition of existing house and erection of 5 bedroom detached house, with attached triple garage - refused 12 November 2008.

29/90/00/FU - new pitched roof to existing rear extension - approved 22 June 2000.

29/202/99/FU – new first floor and new roof - approved 1 November 1999.

28/167/81 – alterations and extension to form study with 2 bedrooms and bathroom over, to rear of detached house – approved 8 June 1981.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Since the submission of the application the applicant, at the request of the case officer following consultation with Design officers, has revised the drawings to introduce areas of stonework to help break up the areas of render. Revised plans have also been submitted to improve the relationship with the neighbouring properties and a landscaping scheme has been submitted to address the removal of trees from within the site.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was originally advertised by neighbour notification letters dated 3 April 2014 and a site notice posted on 17 April 2014. 8 representations were received from 6 households in response to this. 7 of these representations raised concerns / objections to the application. These concerns / objections are summarised as follows.

- Ivy Cottage is drawn inaccurately – a conservatory was added in 2006, making it closer to the proposed extension than suggested.
- The garage at Ivy Cottage was converted to additional living accommodation in 2011, again bringing it closer to the proposed extension than suggested.
- Ivy Cottage is Grade II listed.
- Trees on the boundary with Ivy House and the application site are protected by a Tree Preservation Order.
- Overhouse is significantly elevated above Ivy Cottage. The property and garden of Ivy Cottage will therefore be unduly dominated and directly overlooked by the proposed extension and balcony.
- The excessive scale and mass and proximity to Welbeck House means that the side, front and garden of this property will be dominated and overlooked by the extension and balcony. It will also block light.
- It will result in a loss of privacy for 29 Larkfield Drive
- Such an overbearing and contemporary development will be detrimental to the setting of the listed Ivy Cottage.
- Such a substantial modern extension will be visible from Over Lane and will be detrimental to the townscape of the immediate area.
- The balcony is out of character with the area.
- As the building will not be finished in stone it will be significantly out of character. The extent of glazing is also out of character.
- The proposed extension is close to an existing Ash Tree that is protected by a TPO. It will have an unacceptable impact on the roots of this tree.
- Part of the proposal involves construction on land recently purchased by the applicant and enclosed as additional garden for Overhouse. A previous application on this land was refused on greenfield grounds.
- Trees on this greenfield land were protected by a TPO and were felled by the applicant soon after he purchased the land.
- Many of the trees and bushes within the site have recently been removed. This spoils neighbouring views.
- There are issues of ‘settling’ in the area and as such the proposed works may cause additional problems for neighbours.
- A better way of enhancing the property would be to demolish the property and build a new one following the existing property line in an east/west direction.
- A pool is proposed above the garage. It must be question how feasible this will be and whether a further redesign will then be required.
- The proposal is significant and will take some time to complete causing noise and disruption to neighbours

6.2 The 8<sup>th</sup> letter received from a local resident advises that having looked at the proposal they have no objections.

6.3 Councillor Graham Latty considers there to be a number of problems with “the proposed (extensive) extension of Over House.” These are summarised as follows.

- The removal of the tree barrier between the properties is inexplicable and contributes to the problems the owners of Ivy Cottage now face.

- It needs to be checked if there is a TPO on these trees and appropriate action taken if there is.
- The overall size of the property will be totally out of proportion with any other house in the immediate vicinity.
- It will completely overshadow Ivy Cottage, a situation exacerbated by the tree removal.
- The windows of the swimming pool will afford a view into Ivy Cottage, particularly the two main bedrooms and will even render the garden open to view.
- The materials that are itemised on the plan speak of a house that will not sit happily with its surroundings.
- I have not had the opportunity to see Over House from any other of the adjacent properties but would be most surprised if it would enhance anyone's outlook.

6.4 Rawdon Parish Council supports Councillor Latty's request that this application is considered by the Plans Panel before a decision is made.

6.5 Revised and additional plans were then submitted in June and those neighbours who had already contributed were re-notified. In response to this 3 representations were submitted. These all raised objections and are summarised as follows.

- The tree planting shown is only a token gesture and is not enough to compensate for the trees removed and the loss of a greenfield site.
- A proper planting plan of native flora should be insisted on as there are now no trees on the rear boundary.
- The planting of trees on the northern boundary does not alter previous objections.
- The applicant has moved /removed large amounts of earth within the site and adjusted levels. Has this been discussed with the Council?
- There are concerns that the earth works will damage the adjacent Ash tree.

6.6 A further revised plan was submitted in September which amends the proposal adjacent to Welbeck House. Again, those neighbours who originally contributed were re-notified. In response to this 2 representations have been submitted. These maintain the objection to the proposal and are summarised as follows.

- The changes are very minor
- Previous objections still stand – overbearing; out of sympathy with neighbourhood; large balcony and swimming pool will invade privacy; overlooking a listed building (exacerbated by elevated position and removal of trees); amendment to height made by applicant in August has made the situation worse; continues to build on greenfield land.
- Ask that it be rejected and be determined without further delay.

## **7.0 CONSULTATIONS RESPONSES:**

### Statutory Consultations

7.1 None due to the nature of the application.

### Non-Statutory Consultations:

7.2 None due to the nature of the application.

## **8.0 PLANNING POLICIES:**

### National Policy

- 8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.
- 8.2 In respect of design it states that "good design is indivisible from good planning" and Local Authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".

#### Local Policy

- 8.3 Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.4 The Inspector's Reports into the Core Strategy (CS) and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan.
- 8.5 Relevant Saved Leeds Unitary Development Plan (Review) 2006 Policies:
- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.
- 8.6 UDP Policies N12, N13 and T2 are to be superseded by CS Policies P10 and T2 but are saved until the adoption of the CS (likely to be in November).
- UDP N12 states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention.
- UDP N13 requires all new buildings to be of high quality and have regard to character and appearance of surroundings.
- CS P10 relates to design and requires new development for buildings and spaces, and alterations to existing, to be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.
- UDP T2 states that development proposals should not create new, or exacerbate existing, highway problems.
- CS T2 requires new development to be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

#### Supplementary Planning Documents

- 8.7 Householder Design Guide

Policy HDG1 of the Householder Design Guide requires all alterations and extensions to respect the scale, form, proportions and the character and appearance of the main dwelling and the locality with particular attention to be paid to the roof form and roof line, window details, architectural features, boundary treatments and materials.

Policy HDG2 of the Householder Design Guide requires development proposals to protect the amenity of neighbours and states that proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.

## **9.0 MAIN ISSUES**

1. Visual amenity
2. Residential amenity
3. Highway safety / parking
4. Representations

## **10.0 APPRAISAL**

### Visual amenity

- 10.1 It is considered that the proposed extensions will, given their size, location, design and materials, be in keeping with the host dwelling and existing development in the locality by virtue of their being no overriding cohesiveness in the locality. The design (e.g. shape and form) of the proposed extension is reflective of and sympathetic to the design of the host dwelling and given its location and existing screening it will not be readily visible or prominent in views from the public domain. The proposed materials will match those existing and, whilst the extent of the extensions are quite significant, the extended property will remain subservient to the plot in which it is located.
- 10.2 The nature of the plot and its location results in there being no discernable streetscene context in which the property will be viewed and there are a variety of property types, styles, ages and materials. This presents the opportunity, which has been taken by the applicant and their architect, to embark upon a substantial re-design of the dwelling with a relatively free hand as regards what would be an appropriate form of design. The existing property is of limited architectural merit and appears to have been substantially altered since its original construction in the 1960's/70's. The various alterations have limited coherence in the context of the dwelling and its original and relatively unusual design which leads to a confused and rather poor visual appearance. The design proposed is considered to have successfully worked with the host property and imprinted a coherent design philosophy across the retained elements, which has been enhanced by the further additions. Overall, it is considered that the changes to the scheme previously approved and the alterations and extensions now proposed are an improvement in visual terms.
- 10.3 Concerns have been expressed about the impact the proposal will have on the setting of the adjacent Ivy Cottage, which is a Grade II listed building. For the above reasons the proposal is not considered to have an adverse impact on the setting of this building and instead will be in keeping with its surroundings. It should be noted that the 2 properties are not seen together easily given their relative locations, existing planting and the topography of the area.

### Residential amenity

- 10.4 It is considered that the proposed windows are either set sufficiently far enough away from adjacent dwellings and their private amenity space or are sufficiently well screened by existing boundary treatments such that the proposed scheme will not lead to any significantly harmful increase in overlooking.
- 10.5 The extant extension on the south east elevation only had windows at ground floor level and therefore, due to the topography and existing boundary treatment, there was no issue of overlooking in respect of the nearest neighbour to this element (Welbeck House). It is now proposed to add a bedroom in the roof space above this element. This would be served by dormer windows to be located in the front and rear elevations. These would face down the existing front garden and towards the side of Welbeck House. The rear dormer is between 5m and 7m off the common boundary with Welbeck House but given it will face onto a blank side gable there are not considered to be any issues of overlooking.
- 10.6 The proposed wholly new extension to be located on the north west elevation will have a number of windows at first floor level which face towards the western boundary. However, given the nature of these windows and the rooms that they serve, along with the existing boundary treatments and topography means that there will be no impact on neighbouring properties as a result of overlooking. The large front gable window is directly adjacent to the proposed swimming pool which will be set below cill level. As such, views out of this window will not result in any overlooking. Even if direct views were available out of this window, the distance to the boundary, existing boundary planting and topography mean that no adverse overlooking would occur. The application property is set above the level of the neighbouring Ivy Cottage but it is so far above the level of this neighbouring property that only its roof and the upper part of its windows are visible from the first floor windows and balcony of the host property. Views into the windows and private garden areas of Ivy Cottage are not possible.
- 10.7 Overhouse and Ivy Cottage do not have a 'typical' relationship to one another. Both are set back from Over Lane but Overhouse is set back further in its plot than Ivy Cottage. Overhouse is angled within its plot such that its existing front elevation faces towards the front and side of Ivy Cottage. The existing front corner of Overhouse nearest to Ivy Cottage is approximately 25m from the rear corner of Ivy Cottage and a minimum of 17m from the common boundary. The proposed extension on the north west side elevation will face towards the rear and side of Ivy Cottage. The proposed front corner nearest to Ivy Cottage will be approximately 17.5m from the rear corner of Ivy Cottage and a minimum of approximately 10m from the common boundary.
- 10.8 The Householder Design Guide sets out a guideline distances for developments from boundaries and neighbouring properties. As a general rule ground floor main rooms (living and dining rooms) should be a minimum of 10.5m from a boundary and 12m from the side of a neighbouring property and secondary rooms (e.g. bedrooms and kitchens) should be 7.5m from a boundary and 9m from the side of a neighbouring property. These are only a guideline and, obviously, need to be increased to take into account changes in level and the provision of first floor living rooms.
- 10.9 The balcony and large main windows are to the principal elevation of the dwelling which looks over the large front garden. The addition of a balcony will not lead to significant overlooking due the distance it is from the boundaries of the site and the presence of existing vegetation which provides effective screening. Furthermore, as set out above, the application property is set above the level of the neighbouring Ivy



Cottage but it is so far above the level of this neighbouring property that only its roof and the upper part of its windows are visible from the first floor windows and balcony of the host property. Views into the windows and private garden areas of Ivy Cottage are not possible. It should be noted that the balcony is approximately 14.5m from the common boundary with Ivy Cottage and 22m from the side of this property. It also replaces an existing balcony, albeit with a larger / deeper one.

- 10.10 Due to the orientation of the site, the location of the applicant's property and the scale of the development, there will be no additional or significantly detrimental overshadowing or dominance of adjacent dwellings or their curtilage.
- 10.11 It is proposed to add a pitched roof to the extant extension proposed on the south east elevation. However, this will have no additional impact on the living conditions of the occupiers of Welbeck House given the orientation and location of the 2 properties in relation to one another and that the side of Welbeck House is a blank elevation.
- 10.12 Whilst the proposed extension(s) on the north west elevation is fairly significant and brings the application property closer to the boundary with Ivy Cottage it will have no additional impact on the living conditions of the occupiers of this property as a result of overshadowing or dominance given the distances involved, the topography and existing boundary treatments.
- 10.13 The dwelling sits within a very large plot and is surrounded on all sides by private amenity space which is very well screened by mature vegetation. The proposal does not significantly increase the footprint of the dwelling relative to the size of the existing private amenity space and sufficient private, external amenity space is therefore retained.

#### Highway safety / parking

- 10.14 The dwelling will continue to utilise the existing access and a significant area of hard standing will be retained for the parking and maneuvering of vehicles, along with the provision of 6 garage spaces within the proposed extensions. As such, the proposal exceeds UDP guidelines in respect of parking and raises no issues in relation to highway safety.

#### Representations

- 10.15 A number of representations have been received in respect of this application and these are summarised in the 'public/local response' section above. It is considered that most of the planning issues raised have been addressed in the above appraisal. Of those that haven't, the following should be noted.

#### Trees/landscaping

- 10.16 There are concerns that the applicant has removed significant areas of planting from within the application site and that the proposed extension is close to an existing Ash Tree that is protected by a Tree Preservation Order (TPO - 2005/32). The proposed extension is 18m from this tree (10.5m from the outer canopy edge) and as such is well outside of the root protection zone and will therefore have no adverse impact. Although it is always unfortunate when established planting is removed, the applicant is entitled to do this as the site is not within a Conservation Area and trees within the application site are not protected by TPOs. However, substantial areas of planting remain within the site and the applicant has recently planted a significant number of conifers along much of the site boundary. In addition, a landscaping scheme for additional native planting has been prepared. This needs to be assessed and an update will be given to Members on this at the Panel meeting.

### *Greenfield land*

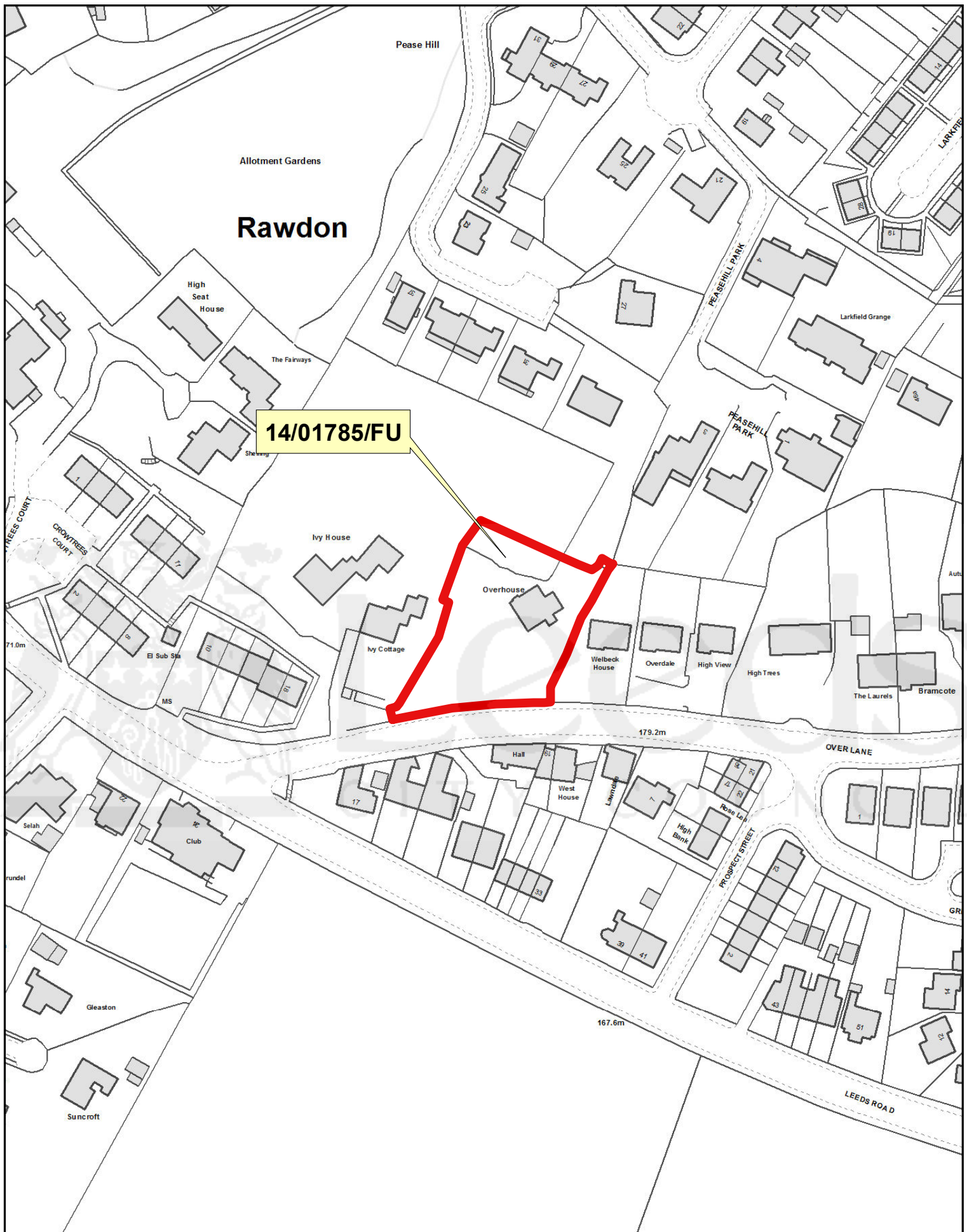
- 10.18 The applicant has purchased a piece of land to the rear of the site and enclosed it as private garden. This was previously part of a grassed field but works have taken place to clear the land. It has also been enclosed by a timber fence and retaining walls have been constructed. At the same time as carrying out these works a number of trees were also felled. Some residents believe these to have been protected by a TPO but the applicant advises that they were in their original garden and not the paddock and as such were not covered by the TPO. Due to the landscaping works that have taken place within the site there is no evidence to contradict the applicant's viewpoint. There are also no planning objections to incorporating the land into the domestic curtilage in this instance.

## **11.0 CONCLUSION**

- 11.1 In light of the above it is considered that the proposed extension will not result in undue harm to visual or neighbouring amenity. The design and nature of the proposal is considered appropriate to the host property and the wider locality and will respect and preserve the existing streetscene. The proposal will result in a large dwelling but this is proportionate to the large plot within which it is located. As such the application is considered to be in accordance with relevant UDP policies, to the guidance set out in the Householder Design Guide and to the policies of the National Planning Policy Framework. Approval is therefore recommended.

## **12.0 Background Papers:**

- Application file 14/01785/FU
- History file 11/02738/FU
- Certificate of Ownership: signed as applicant



# SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

