



Leeds
CITY COUNCIL

Originator: Terry Moran

Tel: 39 52110

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 6th November, 2014

Subject: APPLICATION 14/04182/FU – Two storey front and side extension with raised timber deck, to detached house at 10 Hillcrest Rise, Leeds. LS16 7DL.

APPLICANT

Dr Lesley Sunderland

DATE VALID

16th July, 2014

TARGET DATE

6th October, 2014

Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

REFUSE PERMISSION for the following reason:

The Local Planning Authority considers that the proposed two storey extension would, as a result of its overall scale, design, form and massing, result in an unacceptable impact on the appearance and setting of the host property and visual amenity within the wider streetscene, and result in an unacceptable impact on the vitality of Protected Trees along the boundary of the site. As such, the proposal fails to comply with Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006), is contrary to Policy HDG:1 of the Adopted SPD 'Householder Design Guide' and also fails to comply with guidance set out in the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Panel at the request of Councillor Sue Bentley, on the grounds that the recommendation does not take full account of the submitted Arboricultural report and the special construction measures referred to therein and also that the proposal would not unduly impact on the wider townscape.

2.0 PROPOSAL:

- 2.1 The proposal is to erect a two storey extension to the front and side of a detached house, with a raised decked area to the front. The ground floor extension is intended to provide an additional living room. The first floor extension is intended to provide an additional bedroom. The decked area incorporates four steps and would overlook the front lawn.
- 2.2 The two storey extension has a rectangular design, and is 4.5m deep and 5.2m wide, at a distance of 1.0m from the side boundary with Hillcrest Mount.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises a modern detached house in an elevated position, which is of stone and render construction, with a hipped tiled roof. The house has an integral hipped porch to the front elevation. The front of the property is accessed via several stone steps. There is a narrow garden to the side, with a more spacious garden to the rear. The side of the property along Hillcrest Mount is screened by close-boarded timber fencing, to the outer boundary of which are several mature trees which are protected by a Tree Preservation Order.
- 3.2 The next door property to the South is of similar age to the host property, being of stone and render construction. Properties to the North are typically set well back from the highway with high level screening provided by mature trees and landscaping, providing a relatively uniform streetscape.
- 3.3 The site is in a wholly residential location.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/00388/FU – Two storey extension with raised decked area to front. Withdrawn.
- 4.2 26/328/98/FU – Eight detached houses. Approved, 25/05/1999.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been no pre-application discussions or negotiations prior to the submission of this proposal.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by means of Neighbour Notification letters to 9 adjacent properties.
- 6.2 Ward Councillor Sue Bentley has written to ask that this application be referred to the Plans Panel
- 6.3 One letter of support has been received from the neighbouring property at No. 8. A supporting statement has been submitted by a third party acting on behalf of the applicant, which refers to a number of issues raised in discussions with the architect for this scheme, arguing that the proposal would not in fact result in any adverse impact on the trees which about the site.

7.0 CONSULTATION RESPONSES:

7.1 The following consultations have been carried out for this application.

Landscape. The Landscape Officer initially objected to this application on the grounds that the proposal would be likely to result in the loss of Protected Trees. The Tree Officer has subsequently visited the site and has indicated that, although the suggested construction methods may be sufficient to prevent initial harm to those trees, the likely long-term impact of the proposal would be that one or more of the Protected Trees would be lost, with the replacement of those trees being a matter which could not readily be controlled by condition given that the trees are on land outside the control of the applicant.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).

8.2 UDP Policies:

GP5: Proposals should resolve detailed planning criteria (access, landscaping, design, etc.), should seek to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and should maximise highway safety.

BD6: All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Householder Design Guide SPD:

8.3 Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city. It incorporates the following policies:

HDG1: All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments;
- v) Materials.

HDG2: All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

Relevant supplementary guidance:

- 8.4 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Neighbourhoods for Living SPG

DRAFT CORE STRATEGY

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed and examination has now been completed.

The Inspector's Reports into the Core Strategy 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 The following policies within the Draft Core Strategy are considered relevant.

Policy P10 – Design

- 8.6 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

9.0 MAIN ISSUES:

- 9.1 The following main issues have been identified:

- Impact on visual amenity and the streetscene
- Impact on Protected Trees
- Impact on neighbouring residential amenity
- Representations

10.0 APPRAISAL:

IMPACT ON VISUAL AMENITY AND THE STREETSCENE

- 10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and 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”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity”. Leeds Unitary Development Plan Policy BD6 states that “all alterations and extensions should respect the form and detailing of the original building”. This advice is elucidated and expanded within the Householder Design Guide.
- 10.2 The proposed extension raises significant concerns with regard to visual amenity and appearance within the street scene. The proposal seeks to erect a two storey extension to the front and side of the property. Its position is therefore considered contrary to the recommendations of Policy HDG1 of the approved Householder Design Guide SPD, which states that two storey front extensions will normally be refused unless such extensions are set well back from the front boundary, there is a lack of uniformity within the streetscene and also that the design of the proposal will not harm the character of the locality.
- 10.3 In this instance, although the house is set back from the front boundary, the property is in an elevated and prominent corner position with only limited screening provided by the existing trees along Hillcrest Mount. The proposed two storey front extension is considered too prominent, with the degree of existing screening being considered insufficient to mitigate its impact on visual amenity and the streetscene. The siting of the extension would result in only very limited space remaining between the dwelling and the boundary. As such, the position and form of the extension is considered unduly prominent and disproportionate to the original house.

IMPACT ON PROTECTED TREES

- 10.4 The applicant has argued that the existing screening, provided by the existing mature trees to the outer side along Hillcrest Mount, is sufficient to mitigate the appearance of the extension and has submitted a detailed Engineer's report to support this which indicates a number of measures aimed at avoiding any significant harm to the root systems of the trees.
- 10.5 The site has, however, been assessed by the Department's Tree Officer. The conclusion of his visit to the site is that although the adjacent trees are not individually good specimens, they are not dead, dying or dangerous and do not require immediate removal. Those trees contribute positively to the streetscene and local character, being protected by a Tree Preservation Order. Their loss is therefore considered harmful to the locality.
- 10.6 The Tree Officer has considered the contents of the Engineer's report in his comments. It is considered that, even if all the suggested tree protection measures are complied with, there will still be longer term harm to the existing trees due to the proximity of the proposed extension and its height, with a consequent detrimental impact on the continued vitality of those trees. Furthermore, any subsequent attempts to replace those trees could not readily be controlled by condition as the existing TPO'd trees are outside the redline boundary and in third party ownership within the adjacent grass verge. It is

therefore considered that the proposed extension would ultimately be likely to result in the loss of one or more of those trees. Consequently, it is considered that the proposed two storey front extension would therefore be too prominent, with the degree of screening being considered insufficient to mitigate its impact on visual amenity and the streetscene. The proposal cannot therefore be supported.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

- 10.7 The position and form of the proposed extension raises no significant concerns with regard to neighbouring residential amenity, as it is to the outer side of a property at the junction with Hillcrest Mount, and thus raises no issues relating to either overshadowing or overdominance.

REPRESENTATIONS

- 10.8 Ward Councillor Sue Bentley has requested by email that this application be referred to the Plans Panel for determination by Members on the grounds that the recommendation does not take full account of the submitted Arboricultural report and the special construction measures referred to therein and also that the proposal would not unduly impact on the wider townscape.
- 10.9 One letter of support has been received from the neighbouring property at No. 8, which states that the proposal would not impact on their property. A supporting statement has also been received from a third party acting on behalf of the applicant which argues that the proposal would not result in any undue impact on existing trees. Ward Councillor Sue Bentley has requested by email that this application be referred to the Plans Panel for determination by Members on the grounds that the recommendation does not take full account of the submitted Arboricultural report and the special construction measures referred to therein and also that the proposal would not unduly impact on the wider townscape.
- 10.10 With reference to the points raised by Ward Councillor Sue Bentley. It is considered that, although the submitted Arboricultural report and proposed special measures may potentially be sufficient to prevent any initial damage to the adjacent Protected trees, the longer-term impact of the proposal is likely to result in the loss of one or more of those trees as they are still relatively young specimens whose growth patterns are likely to be harmed by the proximity and massing of the extension. Furthermore, as those trees are on third party land outside the control of the applicant, the replacement of said trees cannot readily be controlled by condition. The loss, whether partial or complete, of those trees cannot therefore be supported as it would be detrimental to visual amenity and the wider townscape.
- 10.11 As regards the point of representation that the proposal would not extend beyond the building line of the next door property, although that is technically correct, it is considered that the position of the host dwelling, being elevated and on a corner plot, is such that the proposed front extension would nonetheless appear unduly prominent within the streetscene and thereby fail to comply with the Householder Design Guide SPD.

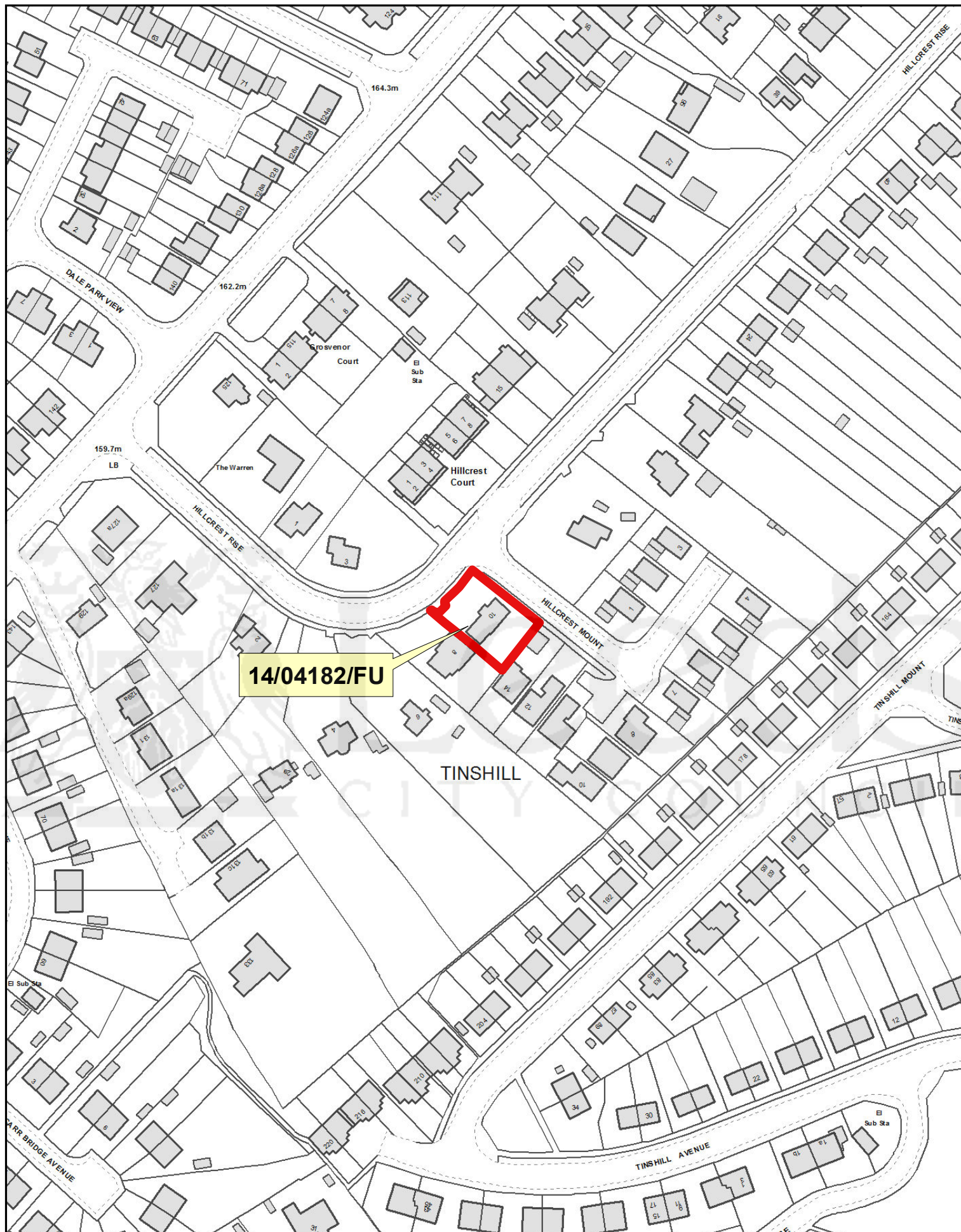
11.0 CONCLUSION:

- 11.1 For the above reasons the Panel is recommended to refuse planning permission.

Background Papers:

Application file;

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2014 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

