



Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 27 November 2014

Subject: APPLICATION 14/05348/FU - Retrospective application for porch to front/side at No.47 School Lane, Leeds, LS7 3PN

APPLICANT

Mr Simon Phillips

DATE VALID

12 September 2014

TARGET DATE

7 November 2014

Electoral Wards Affected:

Chapel Allerton

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Development to accord with approved plans
2. External materials to be retained
3. Timber windows to be retained
5. No removal of the courtyard cobbles.

1.0 INTRODUCTION

- 1.1 This retrospective application is brought to the Plans Panel at the request of Councillor Jane Dowson who has cited her reasons for this application to be considered by Panel Members as concerned that there is an accusation that heritage stone sets have been disrupted and further concern that the porch does not fit in with the aims of the heritage area and that there is a size issue.

2.0 PROPOSAL

- 2.1 This retrospective application seeks planning permission for a porch located to the corner of the application building, No.47 School Lane, Leeds, LS7 3PN.
- 2.2 The proposed dimensions on the porch are:

1.5m in depth x 2.0m in width x 2.5m to the eaves and 3.18m to the ridge.

2.3 The external materials match those of the existing property.

2.4 The porch has necessitated the removal of stone sets; that removal extends to the footprint of the porch. However the applicant has stated in his supporting document that the sets removed from the entrance to the building have been reinstated back in the ground in gaps surrounding the porch. The remaining cobbles were placed in areas of the courtyard where they were missing, or had broken, this included around the base of the tree that is located within the courtyard.

3.0 SITE AND SURROUNDINGS

3.1 The site relates to an L-shaped development of four adjoining properties located on School Lane, in the Chapel Allerton area of Leeds. The dwellings are two storeys with rendered walls (brick in part) under a pitched slate covered roof. To the front of the properties is a cobbled courtyard set behind a stone wall that appears to have been re-built and restored in recent years. Access into the courtyard is via two access points along School Lane. Parking restrictions also exist along School Lane. Development that can be found within the immediate area offers a variance in architectural styles and periods of construction. External materials are red brick, render and stone with slate or tiled roofs. There is a good level of planting which is generally located within plots but provides a leafy element within the immediate area.

3.2 The area is residential in nature and in close proximity to the Chapel Allerton district centre and close to good public transport links. The site also falls within the Chapel Allerton Conservation Area and the application property and its adjoining neighbouring properties are identified within the Conservation Area Appraisal as positive buildings.

4.0 RELEVANT PLANNING HISTORY:

4.1 H34/318/84/ - Change of use involving alterations of dwelling house to one, 2 bedroom terrace house and two, 1 bedroom terrace houses – Approved 25 February 1985.

4.2 The above approval was granted with conditions, *inter alia* “the existing cobbled parking area shall be retained, made good and maintained thereafter to the satisfaction of the Local Planning Authority.”

5.0 THE HISTORY OF NEGOTIATIONS

5.1 During the course of this application the LPA have instructed the applicant to issue the correct notice (Certificate B) on all freeholders of land affected by the development.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site notices were posted advertising this application as affecting the character of the Conservation Area on the 19 September 2014 and three neighbour notifications were issued on the 12 September 2014.

- 6.3 An advert was posted in the YEP on the 2 October 2014.
- 6.3 Four letters of representation have been received. Two from ID Planning on behalf of the occupants of No.45 School Lane and three other letters of support. The representations have been summarised below:

Objections

- The quality of the submission.
- Doubts over Land Ownership.
- No Heritage Statement or Design and Access Statement submitted.
- Impact on parking and maneuverability within the site
- Impact on trees.
- Impact on the Conservation Area.

Support

- This porch has been built to a high quality and is an enhancement to the building.
- The porch fits in well with the character of the Conservation Area.
- The works are an improvement and enhance the property.
- The porch creates no obstructions.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways

The porch would reduce the available space between the building and a large existing tree. Given the restricted space for vehicles to manoeuvre between the tree and building the porch is probably not in the best interests of maintaining a vehicular route in this location. However it must be noted that the existing dimensions for parking and turning area for the houses would not meet current standards. There is an alternative entrance / exit that residents can use. With this in mind an outright highway objection might be difficult to justify.

7.2 Conservation

No objections with comments.

“As the host building is a positive building with the Chapel Allerton Conservation Area, it is important that any proposals are sympathetic to the historic character of the area. Whilst I do not feel the position of the porch is particularly appropriate to the building, I feel its finish and detailing is sympathetic to the character and appearance of property. Overall I feel the proposals preserve the character of the building, and therefore preserves the character of the wider conservation area

8.0 PLANNING POLICIES:

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the adopted Core Strategy, saved policies within the Unitary Development Plan (Review 2006) (“UDP”) and the Natural resources and Waste DPD.

Section 72 of the (Listed Buildings and Conservation Areas) Act 1990

(LBCA Act) identifies the general duty with respect to any buildings or other land located within a Conservation Area. Parliament requires the decision-maker to give considerable importance and weight to the preservation or enhancement of the character or appearance of a Conservation Area.

The application site is identified within the Leeds UDP (2006) as being located within the Chapel Allerton Conservation Area.

- 8.2 The below saved UDP policies, Core Strategy policies, supplementary development documents and national guidance are considered to be relevant to this application.

Core Strategy

Policy P11 – Conservation

UDP

Policy GP5 – General planning considerations

Policy BD6 – refers to alterations and extensions and that they should respect the scale, form, detailing and materials of the original building.

Policy N19 – Conservation Areas

Policy N20 – Demolition or removal of features which contribute to Conservation Areas.

Policy BC7 – Traditional local materials within Conservation Areas

Policy T2 – Transport and highway safety.

Policy T24 – Car parking provision (Appendix 9)

Supplementary Planning Documents/Guidance

Householder Design Guide

The guide gives advice on how to achieve high quality design for extensions and additions to existing properties, in a sympathetic manner that respects the spatial context.

Supplementary Planning Guidance 13 - Neighbourhoods for Living: A guide for residential design in Leeds (Dec 2003).

The Chapel Allerton Conservation Area Appraisal.

The building is identified as a positive building with this document.

- 8.3 National Planning Policy Framework (2012):
- Promotion of sustainable (economic, social and environmental) development.
 - Conserving and enhancing the historic environment.

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

9.0 MAIN ISSUES

- Character and Appearance of the Conservation Area
- Effect on residential amenity
- Highway matters

- Other matters
- Conclusion

10.0 APPRAISAL

Character and Appearance of the Conservation Area

- 10.1 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.2 The NPPF also instructs LPA's to identify and assess the particular significance of any heritage asset that may be affected by a proposal; in this instance this would be the application property and its adjoining neighbours which are identified in the Conservation Area Appraisal as being 'positive buildings' within the Chapel Allerton Conservation Area. A statement has been submitted by the applicant that is considered to be of appropriate content, notwithstanding the submitted statement, the LPA are aware of the heritage significance of the site and have applied the appropriate weight in its assessment. Paragraph 129 of the NPPF advises that LPA's must identify and assess the particular significance of a heritage asset taking account of the available evidence and necessary expertise.
- 10.3 Given that the site falls within the boundaries of the Conservation Area comment was sought from the Conservation Officer who raised no objections. Conservation do however note that the main building is a positive building within the Chapel Allerton Conservation Area and as such it is important that proposals are sympathetic to the historic character of the area. Whilst the Conservation Officer is of the view that the position of the porch is not particularly appropriate to the building, the finish and detailing is sympathetic to the character and appearance of property and therefore the proposals preserve the character of the building and therefore preserves the character of the wider Conservation Area. As such, whilst the simplistic form of the terrace is altered, this alteration is not considered to be unduly harmful.
- 10.4 The porch has been constructed in render and slate with timber window frames; therefore the external materials match those of the existing building and the retention of such can be secured by condition. To accommodate the footprint of the porch cobbles have been removed however no further removal of this surfacing materials has occurred, to prevent further loss of cobbles around the application site and to preserve a sense of the historical character of the site and the courtyard which serves the site and the three other neighbours a condition is considered reasonable to prevent further loss of the surfacing materials. Given that the porch stands in the place of the cobbles lost the visual impact on the wider courtyard is not considered to be so harmful that withholding planning permission is warranted.

Effect on residential amenity

- 10.5 The porch is be situated well enough away from the neighbouring properties to avoid what can reasonably be regarded as introducing an over-bearing form of development, nor would the porch cast shade that would be unduly harmful to residential amenity. The proposed windows to the side elevation would face onto a courtyard area and as the purpose of the extension is as a porch it is not considered

that overlooking would occur as it is unlikely that the porch would be utilised for anything other than utilitarian purposes.

Highways Matters

- 10.6 The level of off-street parking provision would remain unchanged however the porch reduces the available space between the building and a large existing tree and given the restricted space for vehicles to manoeuvre between the tree and building the porch is probably not in the best interests of maintaining a vehicular route in this location. Highways Officers do also note that the existing dimensions for parking and turning area for the houses does not meet current standards and there is an alternative entrance / exit that residents can use. With this in mind Highways Officers are of the view that a highway objection would be difficult to justify.
- 10.7 In light of the above Highways considerations and conclusion it is considered that on balance the effect on vehicular access is not so detrimental to justify withholding planning permission.

Other Matters

- 10.8 In response to the site notice and neighbour notifications and the press advert four letters of representation have been received from a planning consultant on behalf of the residents at No.45 School Lane in addition three letters of support have been received from neighbouring occupants. Some of the points raised have already been covered within this report and are not repeated, all other points are covered below:

- The quality of the submission.

The submission includes front and side elevations and a block plan of all four properties on the row. It is fair to say that the plans are not of professional quality but are considered to be clear enough to show the design and the dimensions of the porch. Moreover, this application is retrospective and so the nature of the proposal is clear.

- Doubts over Land Ownership.

Notice has been served (Certificate B) on the occupants of No.s 39, 43 and 45 School Lane.

- Loss of trees.

The trees along School Lane are a valuable component of the character of the surrounding area and along with the tree to the front of the site abutting School Lane are protected given their status in the Conservation Area. Any works to the tree in front of the application building would need to be put to the Council to assess the extent of works and their appropriateness.

- Precedent.

Each application must be assessed on its own merits and full consideration of the cumulative impact of the character and appearance of the mews and the wider Conservation Area would be required.

11.0 CONCLUSION

- 11.1 The proposed design, scale and massing are considered to represent an appropriate form of development that does not unduly harm the heritage significance of the application building or the character and appearance of the wider Conservation Area. A view also shared by the Conservation Officer.
- 11.3 The technical view from Highways Officers was that that whilst the porch would narrow the gap between the building and an existing tree on site there is another entrance /exit point and justification for withholding planning permission on highways matters would be difficult to justify. Parking levels would remain the same albeit with some reduction to the courtyard in terms of the footprint of the porch.
- 11.4 The nearest occupants of residential properties on School Lane would not have their living conditions reduced in terms of dominance, shade, loss of light or over-looking.
- 11.5 All other materials considerations have been covered above and the effects of the scheme on these points are considered to be acceptable in planning terms. Therefore the scheme is considered to be compliant with the aims of the policies and guidance listed within this report. Accordingly the application is recommended for planning permission for the reasons set out within this report and subject to the above list of conditions.

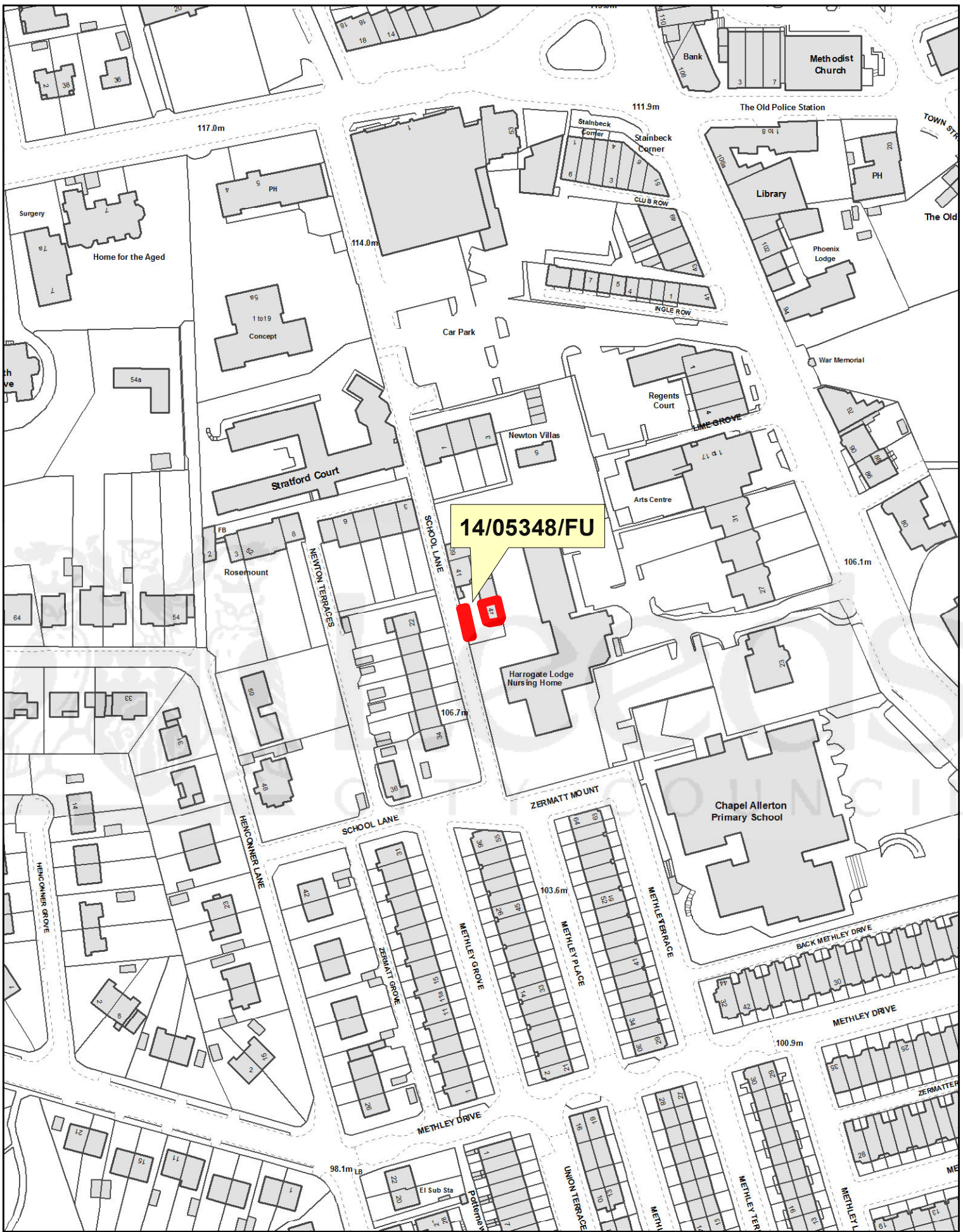
Background Papers:

H34/318/84

Certificate of Ownership (Cert B) signed by the applicant: 6 October 2014

Notice served on No.s 39, 43 and 45 School Lane





NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

