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**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 27 November 2014**

**Subject: 14/02769/FU – Retrospective application for amendments to workshop at No.24 Wetherby Road, Roundhay, Leeds, LS8 2QD**

**APPLICANT**  
Mr Carroll

**DATE VALID**  
9 May 2014

**TARGET DATE**  
4 July 2014

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**Electoral Wards Affected:** Roundhay

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. 6 months to implement the development hereby approved.
2. Approved plans.
3. The use of the building shall remain ancillary to the main dwelling house
4. Details of Rain Water Good's and methods to avoid run off onto No.26
5. Roofing, stonework and jointing to match that of the existing building.
6. No additional windows inserted into the development hereby approved.

**1.0 INTRODUCTION:**

- 1.1 The application is brought before Plans Panel given the planning history of the site since planning permission was initially granted by Members in 2002 (Ref. 30/120/02/FU). The applicant failed to build the development in accordance with the approved plans which has instigated long and complex Enforcement action which has subsequently resulted in the application now before Members.

**2.0 PROPOSAL:**

- 2.1 The scheme before Members stems from a 2002 planning permission (granted by Members) for an extension to an existing detached garage to form a workshop, ancillary to the principle building on site, No.24 Wetherby Road, Leeds, LS8 2QD. The applicant failed to build the ancillary building in accordance with the approved plans and in 2005 the LPA received a complaint from Roundhay Conservation Society regarding the construction of the development not being in accordance with the 2002 planning permission.
- 2.2 This scheme proposed under this current application would still result in an ancillary outbuilding and in this regard the proposal remains the same. However, the scheme before Members differs from that approved in 2002 in terms of roof form, height and detailing to the side elevation. The internal layout is also being shown as modified from the 2002 plans which annotated a workroom with separate bathroom facilities all adjoining an existing garage. This current scheme annotates the functions within the building as w.c facilities, a kitchen with workshop and store in the part of the building that was the original garage on site.
- 2.3 The 2002 approved plans shows that the scheme approved by Members had a shallow hipped roof with timber detailing and eight windows facing into the application sites plot. The scheme before Members proposes a pitched roof with gable ends, omits the timber work and uses stone and proposes a fenestration arrangement of four windows and one pair of narrow patio doors. The windows are within the newer portion of the building whilst the patio doors are inserted within the original garage section. Access into the building can be gained from the side and rear.
- 2.4 2002 Planning Permission dimensions
- Depth: 16.4m
  - Width: 2.9m
  - Eaves: 2.2m to the front (\*street facing) of the building and 3.1m at the rear (\*facing the principle building on site)
  - Ridge: 3.0m to the front and 3.8m at the rear

The development as built

- Depth: 16.4m
- Width: 3.3m to the front and 2.9m at the rear
- Eaves: 2.4m to the front and 3.1m at the rear
- Ridge: 3.85m to the front and 4.4m at the rear

Proposed dimensions forming the scheme before Members

- Depth: 16.4m
- Width: 3.3m to the front and 2.8m at the rear
- Eaves: 2.4 to the front and 3.1m at the rear
- Ridge: 3.4m to the front and 4.2m at the rear

*\* Please note that measurements are approximate and have been taken from the 2002 plans and the 2014 submission.*

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

- 3.1 Within the wider area is Oakwood Local Centre and Roundhay Park. Properties within the area range from Victorian through to Edwardian with later 20<sup>th</sup> century development. The application site relates to a large detached stone built Victorian

villa located on the southern side of Wetherby Road. The building is located within a large rectangular plot and sits on a row of dwellings similar to itself as well as large semi-detached properties. The dwellings are set well back from Wetherby Road and are at elevated ground levels with deep front gardens behind stone walls and robust tree coverage providing good defensible space from the public realm. Properties along the row are stone built and generally under slate roofs although the application property has a red tiled roof. The row of properties are all identified in the Roundhay Conservation Area appraisal as positive buildings within Character Area 3 of the Roundhay Conservation Area.

- 3.2 The rear of the properties face a back street (Back Wetherby Road), this back street has a varied pattern of outbuildings ranging from smaller pre-fabricated flat roofed structures, taller gable fronted outbuildings, an original workshop/coach house and other outbuildings of varying scale, design, materials and period of construction.
- 3.3 The architecture and scale of the application property is representative of the Victorian villas within the immediate area and the plot size is generally consistent with neighbouring sites. The application site and its neighbours are attractive buildings that offer very good examples of late Victorian villas. A number of the outbuildings along the back of the row of properties on this part of Wetherby Road offer little in the way of attractive additions within the Conservation Area. The Conservation Area was designated in 1974 and it is unclear when some of the outbuildings were constructed but there are examples of outbuildings that clearly date post and pre 1974. The rear of the application property is located behind electric gates with an existing (the unauthorised structure) stone built outbuilding that runs along the boundary with No. 26 Wetherby Road.

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

- 4.1 30/120/02/FU - Single storey rear extension and extension to form workshop to rear of detached garage - Approved
- 4.2 0-30/47/04/MOD - Rear extension to house and workroom/toilet extension to garage - Approved
- 4.3 0-30/28/05/MOD - Single storey rear extension and extension to form workshop to rear of detached garage - Approved
4. 4 07/9/00344/MOD - Single storey rear extension and extension to form workshop to rear of detached garage NON MATERIAL AMENDMENT: Change roof hips to gable ends – Refused

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

- 5.1 This application stems from several years of meetings between the applicant and the LPA. In June 2005 the original complaint received regarding development not in accordance with planning permission and the case was closed as the LPA decided not to pursue the planning breach. Another complaint was received and in October 2008 a new enforcement case was opened and the applicant was advised to stop Work; again the LPA did not consider it expedient to take further action and the case was closed.
- 5.2 On the 19 November 2009 a stage 1 complaint was received and the LPA agreed to review the 'not expedient' decision and then again a decision was made that to

pursue the matter was not expedient. This resulted in a stage 2 complaint resulting in a decision to take no further action.

- 5.3 In January 2011 Cllr Lobley requested that the matter be reinvestigated and a site visit was conducted by Enforcement Officers on the 1 February 2011 and followed this up by letter of 8 February 2011 which re-confirmed the decision to take no further action.
- 5.4 Subsequently further complainants were made, this time to the Chief Planning Officer. Then on 22 February 2012 contact was made by the Head of Planning Services to neighbours advising that the LPA will be pursuing the planning breach and on the 24 April 2012 a new Enforcement case was opened. This has resulted in this planning application before Members. The submitted drawings required some amendments in terms of annotated dimensions to actual scaled measurements and other annotation alterations to make the drawings clear. Revised drawings were submitted 11 August 2014.

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

- 6.1 Five letters of notification have been issued to neighbouring occupants on the 12 May 2014 and a site notice was posted on Wetherby Road on the 29 May 2014. In addition the application was placed in the press on the 29 May 2014.
- 6.2 In response to the above three letters of objection have been received. The points contained within these letters are summarised below:
- The building would be out of character within the Roundhay Conservation Area.
  - Such a building would set a precedent which would erode the Victorian and Edwardian character.
  - Loss of light to the kitchen window and rear garden area of No.26 Wetherby Road.
  - The development is almost twice the size of the original garage.
  - The hipped roof approved in 2002 is more in keeping with its surroundings.
  - The hipped roof gives the appearance of a shorter roof.
  - The appearance of the current roof is far too long.
  - The length of the building is out of character with the length of the Victorian houses.
  - The building is an eyesore when viewed from No.s 26 – 30 Wetherby Road and No.s 4 – 6 Ladywood Road.
  - The increase in roof height above that approved in 2002 is considerable.
  - One of the factors for the 2002 planning permission was the low eaves and ridge height.
  - The 2002 planning permission should never have been granted in the first place.
  - The building constructed is significantly different to that granted planning permission in 2002.
  - The scale of the building is over-bearing.
  - The building has spoilt the garden wall between No.24 and 26 Wetherby Road.
  - There are no other buildings within the area that are akin to this building in terms of length and proximity to the boundary.
  - The building is of poor design, the tiling is not consistent with other constructions and the finish is poor.
  - The development has an impact on the market value of No.26 Wetherby Road.
  - The building is used in part for commercial activity.

- The commercial use attracts vehicles that part either side of No.26's entrance which makes access difficult.
- If the commercial activity grows this would also increase the noise and disturbance as well as demand for parking.

## 7.0 CONSULTATIONS RESPONSES:

### Conservation Officer

It is the Conservation Officers view that the proposed building will preserve the special character and appearance of the main dwelling and 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. These development plan policies are supplemented by supplementary planning guidance and documents.

8.2 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.

8.3 Core Strategy  
Policy P10 - Design of buildings  
Policy P11 – Conservation

8.4 Saved Policies within the Unitary Development Plan Review:  
The application site is identified as falling within the boundaries of the Roundhay Conservation Area. The following policies and supplementary planning document are considered relevant to the proposal:-

Policy GP5 – refers to general planning considerations  
Policy BD6 – refers to scale, form, detailing and materials  
Policy BC7 – refers to materials within Conservation Areas  
Policy N19 – refers to development within Conservation Areas

### The Roundhay Conservation Area Appraisal (RCCA) - 2004.

The application site falls within the boundaries of the Conservation Area and is identified in the appraisal as being located within Character Area 3 and as being a positive building.

### The Roundhay Ward Neighbourhood Design Statement (NDS) -

The area is identified in this document as falling within the Wetherby Road and Park Avenue Character Area.

*“In 1873, after its purchase of Nicholson's park and estate, Leeds Corporation ran a competition to design a master plan for its development. George Corson won it. His plan for this area was originally laid out for substantial villas set well back from street frontages in large plots, following one of Corson's principles, which envisaged that*

*villas on the fringes of the park would not be visible from within the park itself. Smaller scale coach houses, stables and servants accommodation were also provided, usually to the rear of the main residences”.*

“New development within Roundhay Ward must be mindful of the local character of the surrounding area.....”

#### Householder Design Guide(2014)

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.

Policy HDG1 of the Householder Design Guide states that:

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.

Policy HDG2 states:

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

#### National Planning Policy Framework (NPPF):

- 8.5 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Development should respond to local character and history, and reflect the identity of local surroundings and materials.
- 8.6 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.
- 8.7 Guidance is provided in the National Planning Practice Guidance on the use of planning conditions.

#### **9.0 MAIN ISSUES**

- Principle of development
- Impact on the character and appearance on the Conservation Area
- Residential amenity
- Highways
- Visual amenity
- Other matters

## 10.0 APPRAISAL

### Principle of Development

- 10.1 In 2002 (under application reference 30/120/02/FU) planning permission was granted for an extension to form a workshop to rear of an existing detached garage by Members following an Officer recommendation to approve the application. The Members decision was made following a site visit. Conditions were attached to the 2002 planning permission which included *inter alia* that the resulting outbuilding must remain ancillary to the main dwelling house. The scheme before Members clearly differs in appearance from that approved planning permission in 2002 but the proposed use would remain ancillary. This can be secured by condition.
- 10.2 There have been material changes in planning policy and guidance since 2002 with the adoption of the Roundhay Conservation Area Appraisal, The Roundhay Design Guide, the National Planning Policy Framework and the Planning Practice Guidance and the adoption of the Core Strategy.
- 10.3 During the 2002 assessment the Leeds UDP (2001) was adopted and the policies the 2002 scheme was assessed against were saved as part of the UDP Review in 2006. The above changes and the contents of those documents are not considered to guide Officer opinion to any other view regarding the principle of development than was reached during the assessment of the 2002 application Therefore the principle of development that was accepted in 2002 is considered to remain relevant.

### Impact on the character and appearance on the Conservation Area

- 10.4 The historic environment of buildings is one of the key contributors to Leeds' identity. Leeds' historic environment is a finite resource which needs careful management in particular when considering the balance between preservation and changes. The good management of the historic environment relies on informed conservation which identifies the historic significance of buildings to overcome any harm. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset
- 10.5 The applicant failed to adhere to the approved plans subject to the 2002 application and the resulting outbuilding was constructed higher at ridge level, had gable ends rather than the approved shallow hipped roof, altered the fenestration detailing, added timber detailing to the front gable, inserted roof-lights and increased the width. This has resulted in an extremely lengthy enforcement process by the Council and the scheme before Members is the result of negotiations between the applicant and Senior Officers. The assessment of this application is focused on the building subject to the current application and whether the alterations above those approved in 2002 are unduly harmful within the context of the site and wider Conservation Area. If Members are of the view that planning permission should be withheld the applicant then has a fallback position in which he can implement the 2002 scheme or he can engage his right of appeal against the refusal.
- 10.6 To the rear of this part of Wetherby Road along the row of the dwellings are an array of detached outbuildings that vary in scale, height, design, materials and period of

construction. The varied pattern of outbuildings range from the smaller pre-fabricated flat roofed structures, gable fronted outbuildings and in one instance what appears to be a workshop/coach house that is contemporary with the age of the principle buildings along the row on this part of Wetherby Road.

- 10.7 The scheme before Members reflects the length of the 2002 scheme at some 16.4m in total length (this includes the length of the original garage that was on site pre-development in 2002), and would be a maximum of 400mm wider, 200mm higher to the eaves to the front gable and 400mm higher to the ridge.
- 10.8 The unauthorised building on site is 16.4m in length and the proposed development would see the width and eaves heights remain however the ridge height would be reduced from 3.85m (front of the building) to 3.4m and from 4.4m (rear of the building) to 4.2m. The external materials would be natural stone under a pitched roof covered in red clay tiles (Sandtoft 20:20) and timber windows and doors.
- 10.9 In order to ensure that appropriate and thorough assessment was given to the special character of this part of the Roundhay Conservation Area a view was sought from the Conservation Officer. The Conservation Officer is of the view that the proposed building as shown on the submitted plans will preserve the special character and appearance of the main dwelling and the wider Conservation Area. The pitched roof would be consistent with other outbuildings along the back street and with the principle buildings along this part of Wetherby Road, although a number of the existing outbuilding addressing the back street also have hipped or flat roofs. The detailing, design and the external materials are appropriate within the Conservation Area context. Materials can be secured by condition.
- 10.10 Moreover, whilst the depth of the proposal is not insignificant at 16.4m, this depth has already been accepted as part of the 2002 planning permission and the applicants fall-back position would still result in the 16.4m. Therefore the scheme before Members and the resulting alterations proposed to the unauthorised building on site are not considered to be, on balance, an unduly harmful form of development in terms of the context of the Conservation Area.

#### Impact upon Residential Amenity

- 10.11 In terms of the proposed developments effect on living conditions, it is the residents of No.26 Wetherby Road that are most affected as the development runs along the common boundary with the applications rear garden/amenity area and that of No.26. Prior to the 2002 planning permission and the subsequent construction of the unauthorised building a stone built boundary wall demarked the two sites. This wall terminated in height to the eaves of the original garage, no records state its actual height but using photographs attached to the 2002 planning file it is estimated that the wall was at least 2.0m in height.
- 10.12 The approved 2002 development had an eaves height of 2.2m to the front (\*street facing) of the building and 3.1m at the rear (\*facing the principle building on site) with a terminating ridge height of 3.0m to the front and 3.8m at the rear. The heights proposed are 2.4m to the eaves at the front and 3.1m at the rear with a terminating ridge height of 3.4m to the front and 4.2m at the rear. This therefore equates to a proposed increase of 400mm to eaves level at the front and a retained eaves height of 3.1m to the rear and a terminating height increase of 400mm. The height differences would have an increased impact in terms of a kitchen window and external seating area at No.26 Wetherby Road.



- 10.13 The issue then is whether the additional 400mm in height above the 2002 planning permission creates a situation where the proposed development would have a significantly greater impact on living conditions than the 2002 planning permission was considered to have by Officers and Members.
- 10.14 In respect of overlooking it is not considered that this would be problematic. All proposed windows would gain outlooks onto the application site's private amenity space to the rear with the roof-lights also positioned on the roof-plane facing into the application site. This means that outlooks would be of the application site and skywards and neighbouring occupants would not be overlooked from the proposed development. A condition can secure that no additional window openings are inserted.
- 10.15 The rear garden/amenity areas of the application site and No.26 Wetherby Road are south-east facing. This would result in natural light being able to penetrate the garden/amenity areas to the rear and rear elevation windows for much of the day. However, as the day progresses the level of shade cast would increase towards No.26's rear elevation ground floor kitchen window and the external patio area in front of this window. It is considered that the 2002 development, albeit some 400mm lower would have created a similar situation and the opportunities for natural light into No.26's kitchen window and onto the rear private patio area are not significantly altered from what would occur if the 2002 development was implemented as part of the applicants fallback position. The kitchen window is a secondary window and the main garden area is located to the front of the property facing Wetherby Road. Therefore, whilst the level of shading is noted, it is not considered to present a robust reason for withholding planning permission and the LPA would find it difficult to substantiate a refusal on this basis at appeal given the level of impact that would also result from the 2002 development.
- 10.16 In terms of assessing the potential for the proposed development to be unduly overbearing towards the occupants of No.26 the increase in height at eaves level and ridge level as well as the roof-form must be taken into consideration, as is the resulting 16.4m depth. The 2002 planning permission accepted the 16.4m depth and the resulting height to eaves and ridge and a hipped roof. The scheme now before Members retains the 16.4m depth and as detailed previously in this report the fall-back position of implementing the 2002 planning permission would not change this and therefore the 16.4m is accepted. Therefore the crux of the assessment of dominance towards neighbours is the height differences and roof form between the 2002 scheme and the current application. It is Officers view that the additional height and therefore the additional stone work facing No.26 would not be significantly more oppressive than the approved height of the 2002 scheme. It is duly noted that the difference in height would be evident from No.26's side of the boundary especially that part of the resulting building closest to the rear elevation of No.26, however it is not considered that the increase in height would introduce a form of development that is significantly more harmful in terms of over-dominance than the 2002 approval and therefore the building that would result from the fallback position.
- 10.17 The proposed roof form is pitched with front and rear gables, this moves away from the shallow hipped roof of the 2002 scheme. The 2002 Case Officer notes in his report that the low ridge and eaves height mitigate for impacts towards No.26. The proposed pitch is angled at approximately 26 degrees this is a little steeper than the hipped roof approved in 2002 which was some 23 degrees. The variance is not significant enough to warrant refusal of planning permission due to an overly oppressive roof form in terms of height, length and design.

- 10.18 It is considered therefore, that on balance, the development proposed is not significantly greater in terms of its effect on the living conditions of neighbouring occupants.

### Highways

- 10.19 The 2002 plans identified that the garage would remain, however this current proposal clearly show that the building will have the majority of the footprint to be a kitchen area with a workshop and store and a small w.c. being proposed elsewhere within the building. This clearly removes the parking facility and is another change from the 2002 planning permission. The rear of the principle building is in part hard-standing which is able to accommodate two vehicles. This is considered to present an acceptable level for off-street parking facilities and the loss of the garage use whilst reducing the off-street parking options is not considered to be problematic in terms of parking options or matters of highway safety.

### Other Matters

- 10.20 In response to the three letters of objection that this application has attracted the majority of the points raised are considered to have covered already within this report. Other points are dealt with below:
- Such a building would set a precedent which would erode the Victorian and Edwardian character.
- 10.21 The above point of precedent is duly noted but each case must be assessed on its merits. The impact on the local character has already being covered above and the effect on the historic character of the area has been discussed with the Councils Conservation Team.
- The development has an impact on the market value of No.26 Wetherby Road.
- 10.22 The above point is not a material planning consideration and as such this cannot be used as a variable of assessment.
- The building is used in part for commercial activity.
  - The commercial use attracts vehicles that part either side of No.26's entrance which makes access difficult.
  - If the commercial activity grows this would also increase the noise and disturbance as well as demand for parking.
- 10.23 The proposal will be ancillary to the principal building on site and a planning condition can secure that this remains the case. In the event that commercial activity occurs beyond what can reasonably be regarded as an ancillary function then clearly the LPA must investigate further to see if a change of use has occurred. In the event that such activities constitute the requirement of planning permission all issues will require due consideration which would include noise and disturbance and the demand for car-parking and all other highway matters.

## **11.0 CONCLUSION**

- 11.1 It is considered that the proposed ancillary outbuilding building which differs from that granted planning permission by Members in 2002 in terms of the 400mm

increase in height, the pitched roof with gable ends and fenestration detailing as well as the loss of the garage function is not significantly more harmful to the living conditions of the neighbouring occupants than that building granted planning permission in 2002 which could be implemented as a fallback if planning permission is refused. Moreover, the Councils Conservation Officer has raised no objections to the proposed building in the context of the application site or the wider Conservation Area.

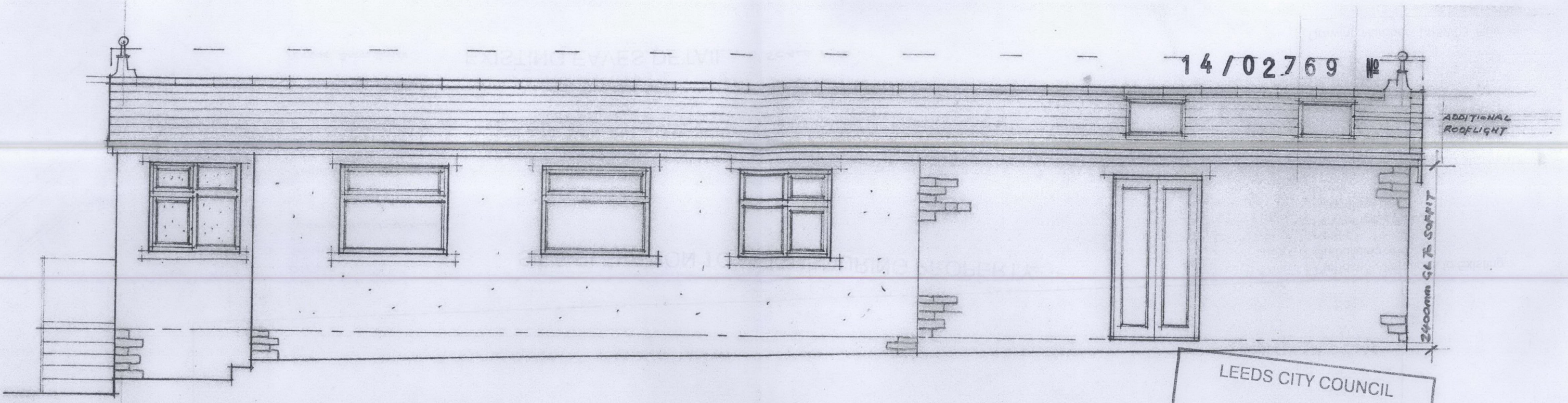
- 11.2 In light of the above it is considered that the proposal comply with the Leeds UDP (2006) policies and supplementary guidance listed above in this report as well as the advice set out in the NPPF and NPPG.

**Background Papers:**

30/120/02/FU

Certificate of Ownership: signed as applicant

14/02769

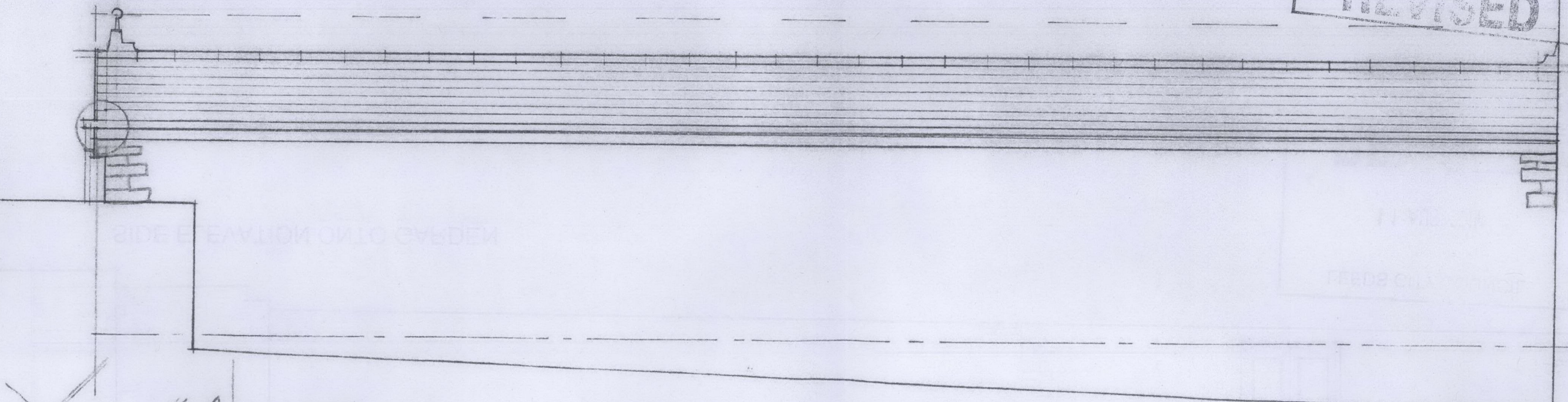


ADDITIONAL ROOFLIGHT

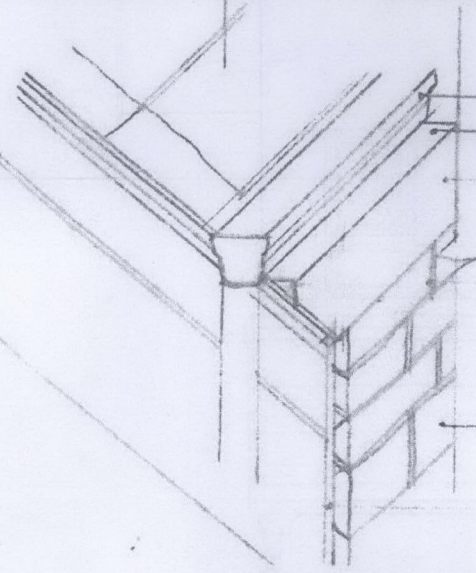
2400mm G.L. TO SOFFIT

SIDE ELEVATION ONTO GARDEN

LEEDS CITY COUNCIL  
 11 AUG 2014  
**REVISED**



SIDE ELEVATION TO NEIGHBOURING PROPERTY



- CUTTER
- 50MM WIDE LEAD SHELF
- 150MM, 6MM THICK FASCIA, PAINTED BLACK
- 2<sup>N</sup> ADDITIONAL COURSES OF NATURAL STONE
- EXISTING COURSED NATURAL STONE
- FEATURE BARGE BOARD

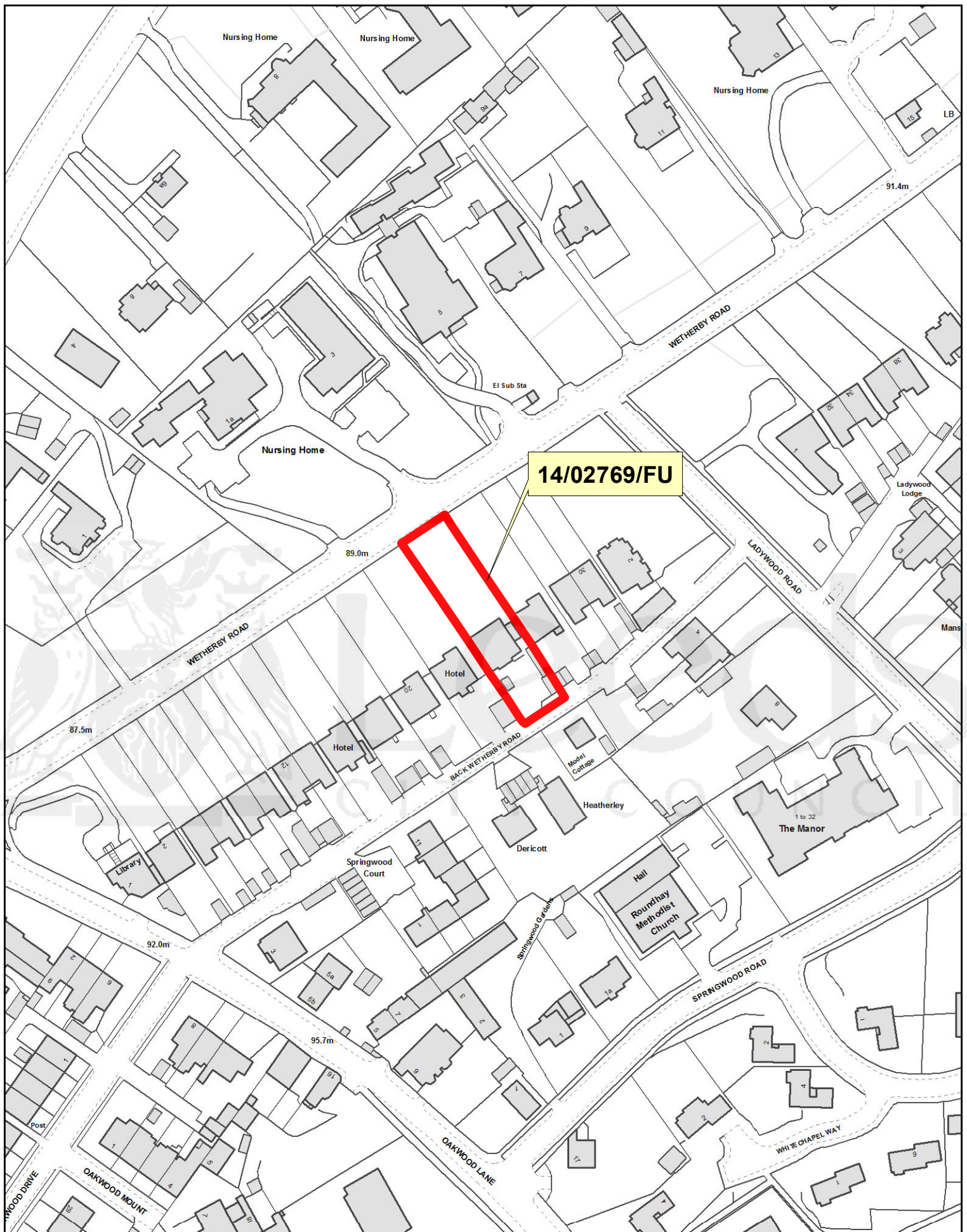
PROPOSED EAVES DETAIL SCALE 1:10

Proposed Alterations to Existing  
 Outbuilding at  
 Rear of  
 24 Wetherby Road  
 Roundhay  
 Leeds

Proposed Side Elevations and Detail

Scale: 1 : 50 1:10  
 Date: April '14

Drawing Number: 14/52/04 Rev: A



# NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

