



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 25th June 2015

Subject: 15/00889/FU - Single storey side and rear extension at 8 Kings Mount Moortown, Leeds, LS17 5NS

APPLICANT

Mr & Mrs Gary and Kirsty
Neilson and Wilson

DATE VALID

16 February 2015

TARGET DATE

13 April 2015

Electoral Wards Affected:

Moortown

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. However, if Members are minded to refuse permission a suggested reason is set out at paragraph 1.3 of the report.

1. Standard 3 Year time limit
2. Development to be carried out in accordance with approved plans.
3. Submission of materials to be used.
4. No windows to be inserted in side elevation facing number 6 Kings Mount during or subsequent to construction of the extensions hereby permitted.

1.0 INTRODUCTION

1.1 This application is brought back to Plans Panel following consideration at its meeting on 28th May where Members resolved to:

To defer determination of the application to enable further negotiations to take place to reduce the bulk of the extension, with particular regard to that element which contains the proposed kitchen, so as to reduce the impact on the neighbouring property and for the Chief Planning Officer to submit a further report in due course for determination of the application

1.2 Following that meeting the applicant's agent was contacted to discuss the possibility of reducing the size of the extension with particular regard to the kitchen element. Having discussed this with their clients, and assessed the implications of such a reduction, the applicants have concluded that they wish to application to be determined as submitted for the following reasons:

- The extension has been designed to meet the needs of a growing family by incorporating a family room with access to the garden, utility room and study.
- It utilizes unattractive and wasted land to the side of the house.
- 80% of the extension could be done as permitted development.
- The proposal is significantly smaller than that built at No.10.
- Following the receipt of the objection from the residents of No.6 the plans were altered to reduce the impact on them even though this was at additional cost to the applicant.
- Although it is appreciated that the build impacts on number 6 the applicant does not believe it will prevent them from enjoying their property and surrounding gardens.

The agent has made the following points:

- Whilst it is possible to gain a concession under the building regulations for the reductions in the size of the single storey side extension previously negotiated by officers the kitchen is classed as a habitable room and therefore subject to more 'stringent' rules in terms of internal headroom clearance.
- This allied with the projection of the extension not being materially different to the extension that exists at number 6, (having only a 400mm projection beyond the rear elevation at number 6), thereby negating any impact on the rear facing patio door windows of that extension, and
- That whilst the proposed kitchen is close the common boundary with number 6 Kings Mount, it will still be 2 metres away from it.

1.3 Accordingly the previous report is set out below for Members consideration. However, if Members are minded to refuse planning permission a suggested reason is set out below for Members consideration. The wording of the suggested reason reflects points made in the discussion of the application at the May Panel:

The bulk and massing of the proposed extensions is considered too large and will result in a detrimental impact on the amenities of occupiers of the neighbouring property by reason of loss of outlook from and overbearing impact on their private rear garden space, these being amenities that occupiers of this property can reasonably expect to continue to enjoy. As such the proposal is considered contrary to policy P10 of the Core Strategy, saved policies GP5 and BD6 of the Unitary Development Plan (Review) 2006 and to the advice given in the SPG Householder Design Guide and to advice in the National Planning Policy Framework on good design.

2.0 PROPOSAL

2.1 The proposal seeks a single storey rear and side extension that wraps around the property. The extension proposed consists of a full width rear flat roof extension projecting 4 metres from the rear elevation of the property. This then projects out by an additional 300 mm to form the kitchen extension at that part of the house which forms the 'wrap-around'. The side element of the extension is shown to be set 150mm away from the common boundary with number 6 Kings Mount. The rear

elevation of the single storey extension will have a window serving a study/bedroom, sliding glass doors in the middle section serving the proposed family/garden room and then a further window serving a proposed kitchen. Due to levels differences the Family/Garden room will access onto an external patio area which has a raised planter to the side and steps down to the lawned area.

- 2.2 The side extension is a smaller part of the development having been reduced in size through negotiations with the applicant. This consists of a step in from the boundary of an additional 150 mm and a reduction in height over the original submission of 850 mm resulting in an overall height of side extension of 2.8 metres above the applicant's ground level. The land levels drop further on the neighbour's side of the boundary by a further 0.3-0.4 metres. This part of the extension is some 3.8 metres long and projects out from the side wall of the original dwelling by 2.45 metres.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a detached dwelling situated in a row of predominantly detached 2 storey dwellings fronting Kings Mount. The dwellings are generally evenly spaced and set in mature gardens. The houses are of brick and with tiled roofs. The houses would appear to date from the 1930's and include features such as bay windows, chimneys, timber detailing and recessed doorways.
- 3.2 The land slopes downhill from the west to the east and also slopes from the south to the north, hence the rear gardens of the properties are to the north of the dwellings on this side of Kings Mount and all in varying degrees slope to the north away from the houses themselves. Likewise, dwellings to the west of the application site sit on higher ground than the application site and those to the east are on lower ground.
- 3.3 Kings Mount itself runs in a roughly north east south west orientation to the south of the application site. Other than public highway the remaining land in the immediate vicinity is in exclusively residential use.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was submitted with no pre-application advice given. During the processing of the application concern was raised regarding the originally submitted drawings, in particular the relationship of the side extension in relation to a window that exists in the side elevation of the neighbouring property at number 8 Kings Mount that serves the kitchen in that property. As a result of those concerns the drawings that are the subject of this report were submitted. These reduced the overall height of the side element of the extension by 850mm and set it from the common boundary by an additional 150mm.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by the delivery of 6 letters to occupiers of nearby and adjacent dwellings. The time for comment to this consultation exercise

which was undertaken twice due to the receipt of amended drawings expired on 9th April 2015. The second round of neighbour consultation resulted in one letter of objection from the occupier of number 6 Kings Mount, comments made are:

- Objections are raised on the grounds of significant massing on the boundary: The extension is flat roofed and will be a flat wall extending in excess of 2 meters above the boundary fence.
- An extension this high and right on the boundary will detract from the amenity currently enjoyed.
- It is unnecessary for the extension to be both flat roofed and right up to the boundary fence/wall. A large extension would still be able to be built that doesn't impact on No.6 Kings Mount in this way.

7.0 CONSULTATIONS RESPONSES:

7.1 None

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Adopted Local Policies:

8.2 Adopted Core Strategy:

- P10 - Design

Saved UDP Policies:

- GP5 - seeks to ensure that all development proposals resolve the detailed planning considerations, including residential amenity for existing and future occupiers.
- T2 - states that new development should not cause new problems for highway safety and efficiency, or exacerbate existing risks and congestion.
- BD6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Relevant Supplementary Planning Guidance includes:

8.4 Supplementary Planning Guidance "Householder Design Guide" – that includes guidance that the design and layout of new extensions and that they should have regard to the character of the local area the impact on their neighbours.

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 details;

- iii) architectural features;
- iv) boundary treatments and;
- v) materials.

Extensions or alterations which harm the character and appearance of the main dwelling or the locality will be resisted.

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.

Supplementary Planning Document: "Street Design Guide".

National Planning Policy

- 8.5 The National Planning Policy Framework (NPPF, March 2012) gives a presumption in favour of sustainable development and has a strong emphasis on high quality design. The following section is particularly relevant:

7 Requiring good design

9.0 MAIN ISSUES

- 9.1 The main issues in connection with this development are:
- o Design
 - o Impact on Neighbours Amenity

10.0 APPRAISAL

Design

- 10.1 By its very nature the design is a simple form, creating additional internal space for the occupiers of the dwelling. Given that the proposal is single storey in height with the side extension set back from the front elevation of the house it is considered that the flat roof finish raises no specific design concerns.
- 10.2 The drawings indicate that the finishing materials proposed are to vary across the development and not necessarily match the materials of the original dwelling. To this end a condition is recommended that these materials are submitted for approval in order that they can be fully assessed.

Impact on Neighbours Amenity

- 10.3 The initial drawings showed a more bulky side extension. As outlined above it was considered that this single storey side extension would have an adverse impact on the outlook of a window serving the kitchen of the next door property at number 6 Kings Mount. Amended drawings were received which reduced the size of this part of the extension so that it lies 850 mm lower than the roof of the 'wrap around' part of the proposal and is set in from the common boundary by an additional 150 mm. The remainder of the side extension abuts the common boundary. These are relatively small amounts, and given that number 6 is set at a lower level, do not mitigate the impact of this part of the extension as much as they might otherwise do. The extension will still project significantly above the boundary fence.

- 10.4 The materials to be used on the side element of the extension are shown to be matching materials to that of the main side wall of the dwelling which means that in terms of neighbours amenity, the impact will be one of bringing that wall in closer proximity to the window that serves the kitchen of number 6. Originally that side window would have been a secondary window to the kitchen, however due to the existence of a single storey extension on the rear of number 6; Kings Mount, it is now the only window allowing direct light into that room. The room is not totally devoid of other light sources as 'borrowed' light does come from that extension, however it is evident from a site visit that the kitchen is somewhat darker even on sunny days than would have otherwise have been the case.
- 10.5 The "wrap around" element and the rear extension have greater height and this scales from the application plan at 3.6m (as scaled from the ground level on the applicants land). The rear projection is similar to that of the extension at No.6. The overall height, in combination with the change in levels, proximity to the boundary and extent of projection all add to the impact on the residents No.6.
- 10.6 However, to balance against this impact, it should be remembered that there are no planning restrictions on the dwelling at number 8 Kings Mount and the occupiers of that property could construct a single storey extension along the entire length of their property up to a height of 3 metres from the ground level of the applicants property. The proposal indicates the single storey side element of the extension to be circa 3.0 metres above the ground level of the adjoining property at number 6 Kings Mount (a difference of circa 0.4 metres). Having regard to all of these factors it is considered that a reason for refusal could not be substantiated on harm to the amenities of the residents of No.6.
- 10.7 In respect of the impact on the amenities of occupiers at number 10 Kings Mount there are no concerns as there are no windows in their side elevation that directly overlook the proposed extension and there is a full driveway width and an existing garage structure that separates the side of the rear extension facing that property.

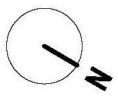
11.0 CONCLUSION

- 11.1 It is still the view of officers that this proposal does not adversely affect the amenities of the neighbours at number 6 Kings Mount sufficiently to justify a refusal of planning permission. That element of the development that does have a direct impact on the amenities of the occupiers of the adjoining property has been negotiated with the applicants to be as diminutive as possible and still be useable in a practical sense.
- 11.2 The concerns raised by Members at the last Plans Panel meeting regarding the rear corner element of the proposed development and its size are noted and whilst the difference in land levels between the two properties are to the disadvantage of the occupiers of number 6, the added perception of bulk and massing that this contributes to is not considered sufficiently bad to justify a refusal of planning permission. In all respects the proposed extension complies and exceeds the design advice contained in the Councils Householder Design Guide including the 45 degree rule and the acceptable projection distances advised in that document for rear extensions. However, if Members are mindful to refuse planning permission a reason for refusal is suggested in the recommendation section above.

Background Papers:

Application files: 15/00889/FU

Certificate of ownership: Signed by applicants as sole owners



KINGS MOUNT

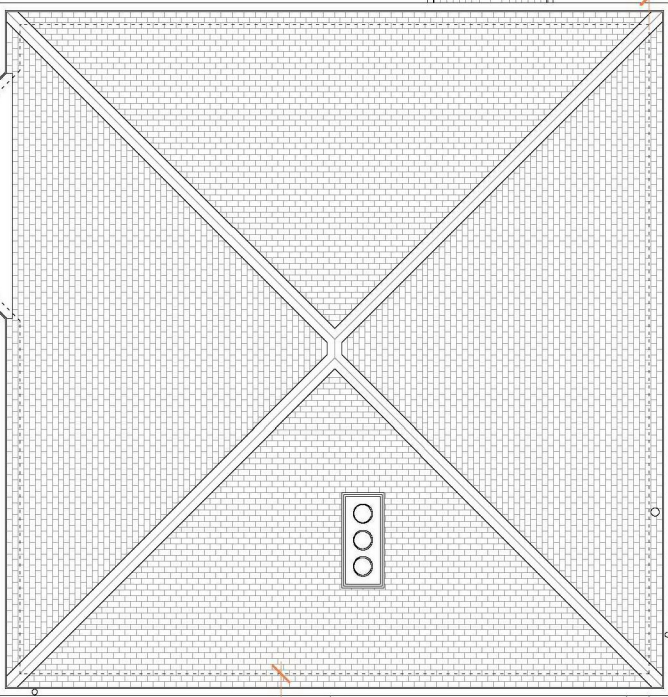
NO. 10

NO. 10

DRIVE

GARAGE

SHED



4000

PATIO

LAWN

GRP or SPM 'flat' roof

GRP or SPM 'flat' roof

steps down to lawn

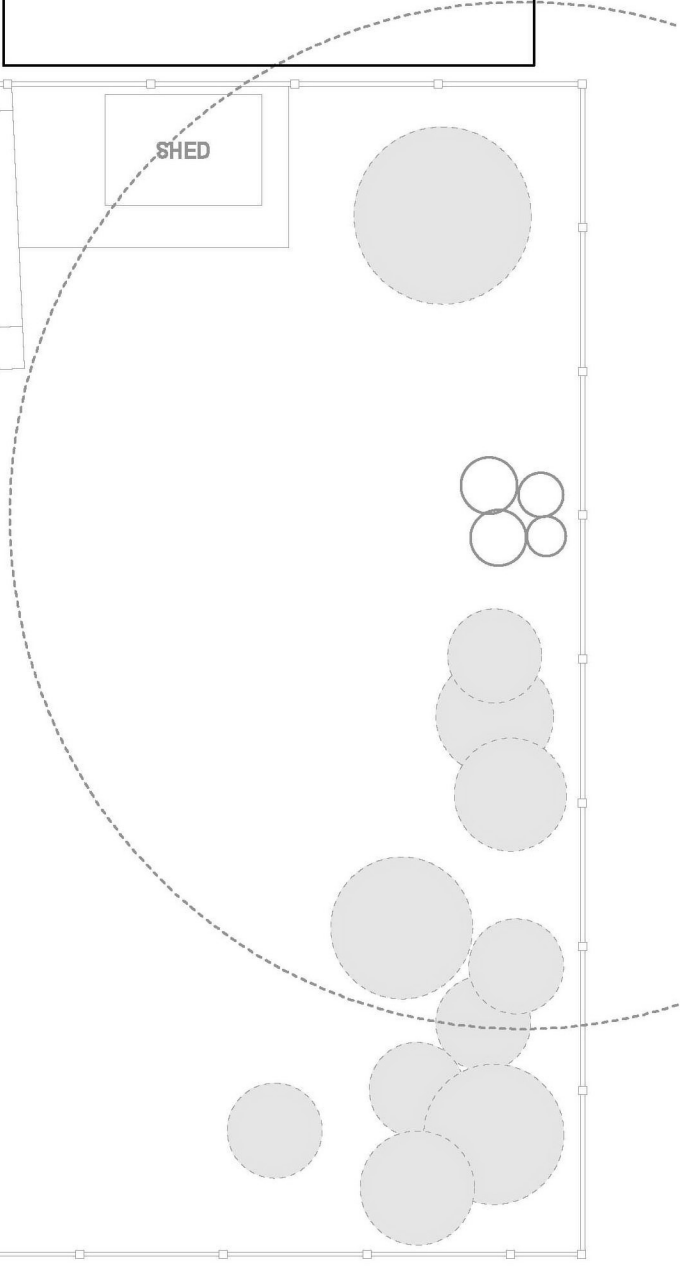
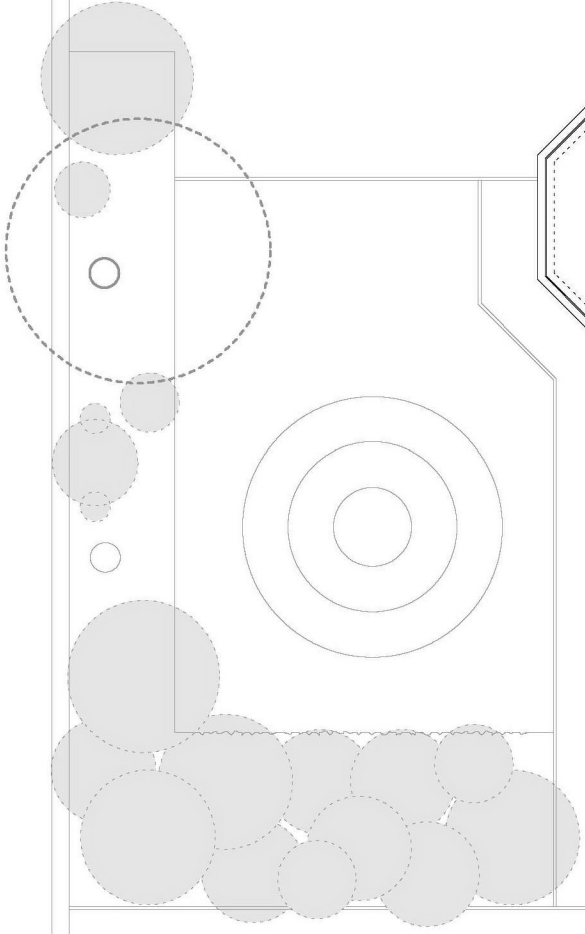
300

planter

2450

150

NO. 6



0m 1m 2m 3m

19 BATCLIFFE DRIVE
FAR HEADINGLEY
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RUSSELL HUNT ARCHITECTS

REV	NOTE	DATE	BY
B	Further amendment to design of utility and vvc element of side extension	23/03/15	Rus
A	Design of utility and vvc element of side extension amended	16/03/15	Rus

CLIENT	Gary Neilson & Kirsty Wilson
PROJECT	8 Kings Mount, Leeds, LS17 5NS
TITLE	Proposed Site Plan

PROJECT NO	DRAWING NO	SCALE	DATE	STATUS	DRAWN	CHECKED
1208	L(-1)12B	1:100@A3	Jan 15	Planning	Rus	Rus



NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

