



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 29th October 2015

Subject: 15/04344/FU – Single storey side and rear extension; re-siting and conversion of a garage to habitable room; extend existing driveway at 73 Buckstone Avenue, Moortown, LS17 5EZ

APPLICANT

Mrs Adnan Ashfaq

DATE VALID

2nd September 2015

TARGET DATE

28th October 2015

Electoral Wards Affected:

Alwoodley

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. Standard 3 Year time limit
2. Development to be carried out in accordance with approved plans.
3. Materials to match existing.
4. Driveway to be extended and hard surfaced before the completion of the extension.
5. Planning permission will be obtained before windows are inserted in the side elevations of the extension.
6. Bin storage details

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel by Councillor Buckley who raises concerns relating to the large number of similar side extensions being built close to the boundary in this area and the implications of this in terms of accessing and the maintenance of rear gardens and the storage of bins to the front gardens. Councillor Buckley also expresses concerns relating to conversion of the proposed garage and the potential for it to be occupied as an independent dwelling.

2.0 PROPOSAL

- 2.1 The applicant seeks permission to construct a single storey side and rear extension and the conversion of an existing garage to a play room. The garage will be re-sited so that 0.5m further away from the dwelling.
- 2.2 The proposal follows a previously refused scheme which proposed a two storey rear extension. The previous scheme was refused on the grounds that the scale of the rear extension would have a negative impact on neighbouring residential amenity. The proposed scheme has reduced in scale with the second storey being removed. Similar to the previous scheme, the extension will wrap around the side and rear elevations of the ground level of the dwelling.
- 2.3 The single storey element of the extension will project out 4.0m from the rear elevation, the extension will be designed with a chamfered corner which pulls the tip of the extension away from the common boundary with the adjoining dwelling No.71. The extension will have a projection of 2.2m to the side.
- 2.4 The application also seeks approval to change the use of a garage to a play room and to sit the garage 0.5m further away from the rear elevation of the dwelling. Presumably this will involve the demolition of 0.5m of the front of the garage and adding 0.5m to the rear end. its extension t the fornt

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a semi-detached, brick built hipped roof property located within a residential area which is characterised by a mix of property types. Similarly sized, scaled and designed dwellings lie to each side of the property with bungalows to the opposite side of the road. Houses within the area are set back from the highway behind open front gardens and mature planting within gardens and along the beck to the rear contributes to a pleasant, verdant character to the area. Domestic driveways separate each semi-detached pair and this creates a regular spatial character. There is a slight land gradient within the area with the land rising to the north.
- 3.2 The main amenity space is set to the rear where a domestic garden is enclosed by a mix of vegetation and close boarded fencing to a height of approximately 1.5m.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/01769/FU - Two storey and single storey side and rear extension (Refused)
- 4.2 ENQ/14/00843- 2 storey rear extension, convert garage to playroom (Split Decision- the conversion of the garage is Permitted Development, the extension is not Permitted Development)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant advised the Local Planning Authority that the extension would be reduced in scale with the two storey element to the rear being omitted. Revised plans were subsequently submitted.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Neighbour Notification Letters Posted were sent on 05.08.2015

6.2 The objection letters raise the following concerns;

- The extension will block access to the garden area resulting in bins and vehicles having to be located to the front.
- Blocking access to the garden will cause fire safety issues.
- The proposal will raise drainage/ flooding issues
- Loss of off street parking spaces
- The increase in the number of bedrooms will be disproportionate
- The proposal will not be in keeping with the surrounding dwellings
- the proposal will cause a terracing affect
- the size and scale of the extension is disproportionate to the main dwelling
- The proposal will appear dominant and result in a loss over view
- The play room could be converted into a separate dwelling

6.3 Parish Council raises the following concerns;

- Concerned that a number of large side extensions built up to the boundary have been approved in the area which has prevents access to the rear, prevents the management of the rear garden and results in bins having to be sited to the front of dwellings.
- The conversion is described as a proposed habitable room and this could lead to it being occupied as a residential unit independent of the main house, particularly as it has an en-suite.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways: Raised concern relating to the new access proposed. This has now been omitted from the plans and no objections are raised.

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 Seeks to ensure that new development is well designed and respect its context.
- T2 Seeks to ensure that new development does not harm highway safety.
- H2 Relates to new housing development on non-allocated sites.
- P12 Seeks to ensure that Leeds landscape character is retained

8.3 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.
- Policy LD1 – refers to landscaping Policy

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:

Para 7 of the NPPF: Requiring good design

9.0 MAIN ISSUES

- Design
- Impact on Neighbours Amenity
- Highways
- Public Representations

10.0 APPRAISAL

Design

- 10.1 Local planning policy guidance allows for single storey side extensions to be built right up against adjacent boundaries and such extensions can often be built under Permitted Development. 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”. Policy P10 of the Core Strategy seek to ensure that new development is of high quality and is appropriate to its context and this is also reflected in saved UDP policies GP5 and BD6 and policy HDG1 of the Householder Design.
- 10.2 Concern has been raised by a local resident regarding the size and scale of the extensions which are proposed and the impact of the proposal upon visual amenity and views. The scheme has been greatly reduced from its original submission with two storey elements being omitted. It is considered the single storey side and rear extension will appear subordinate and proportionate to the size and scale of the existing dwelling. The design of the extension reflects the basic, hipped roof form of the existing house and will be constructed using matching materials. Therefore, it is considered that the proposal will appear in keeping with the design of the building and the character of the area.
- 10.3 It is noted that in order to create sufficient off-street parking part of the front garden is to be given over to hardstanding. The front gardens within the locality do contribute to a pleasant residential environment and extensive hardstanding would have a negative impact upon the existing streetscene. However, this said some of the front garden is retained and this is considered to be sufficient to ensure the verdant character of the locality is retained. The remaining lawn area will also allow any additional surface water run-off to drain within the site.
- 10.4 Concern has been raised in relation to loss of views from the neighbouring dwellings on either side of the host dwelling. Whilst it is reasonable to prevent harmful overdominance (see point 2 below) there is no right to a view toward or across third party land. The works which are proposed will alter the views from 71 Buckstone View as well as from other houses within the streetscene, however this change is not considered to be harmful.
- 10.5 The proposed resitting of the existing garage will not significantly alter the design and scale of the existing garage. Therefore, it is not considered that the proposal will significantly harm the character of the area.
- 10.6 In conclusion the extensions which are proposed reflect the shape and form of the existing dwelling, are not visually disproportionate and thus comply with the aims and intentions of policy HDG1, P10, GP5 and BD6. The application is thus acceptable in this regard.

Impact on Neighbours Amenity

- 10.7 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice is expanded further in policy HDG2 which notes that “all development proposal should protect the amenity of neighbours. Proposals which harm the existing residential

amenity of neighbours through excessive overdominance, overshadowing or overlooking will be strongly resisted”.

- 10.8 As outlined with the HHDG (p11) it is usually expected that rear extensions will not project more than 3.0m beyond a neighbouring rear elevation at ground floor and 1.0m at first floor. These distance relate to extensions which are set on the common boundary and these distances can therefore be increased where space to the boundary is retained.
- 10.9 The extension which are proposed comply with this guidance. The rear extension has a maximum depth of 4m. The extension is designed so that the closet element of the extension to the boundary with the adjoin dwelling No.71 has a projection of the 3m the extension thereafter projects away from No.71 by 1m. Therefore, it is considered that, viewed from the neighbour's garden at 71, the extension would not introduce significant additional visual mass to a degree which is considered to be over-dominant. Furthermore, given that the scale of the extension complies with policy guidance, it is not considered that the proposal will raise issues of overshadowing in relation to No.71.
- 10.10 As noted by the neighbours there is a slight gradient within the area, with the application property sitting a little higher than number 71. Although this land level change will marginally exacerbate the impact of the extension this is unlikely to be to any perceptible degree and thus the gradient within the area is not a matter which significantly weighs against the proposal. The location of the extension to the north of number 71 means that there will be no harmful loss of direct sunlight.
- 10.11 The side and rear extension has a similar relationship with 75 Buckstone Avenue with the single storey extension sat on the common boundary. However the application dwelling is separated from the main garden areas and main windows by the driveway of number 75. This, and the garage within the garden of 75 Buckstone Avenue mitigate the impact of the extension and prevent unreasonable harm. The location of the extension to the south of number 75 could lead to harmful overshadowing, however the impact of the extension is unlikely to be significantly greater than that of the existing dwelling, and the slight additional overshadowing during the middle of the day/early afternoon will not harm residential amenity to an unreasonable degree.
- 10.12 The mass and scale of the garage are not proposed to be increased the proposal is merely to site the garage 0.5m further into the site presumably by demolishing a metre off the front of the garage and then extending 0.5m towards the rear. It is considered that the proposed alterations to the garage will not result in the structure significantly over dominating or over-shadow neighbouring dwellings or at least not a significantly degree.
- 10.13 The new rear windows will face the applicants own garden area and will not allow direct views of the neighbouring dwellings, whilst a separation distance of 25m will be maintained from the dwelling beyond the rear boundary. Therefore, it is not considered that he proposal will raise overlooking concerns. Two north facing side windows are proposed, one serving a utility area the other a playroom. These are secondary in nature and can be conditioned to be obscure glazed.
- 10.14 The only new window proposed in the garage is set facing the application own dwelling and therefore it is not considered that the alterations to the garage will raise overlooking concerns.

Highways

- 10.15 The proposed parking spaces are considered to be of a good size and does not raise Highways Safety issues. The Highways Officer has analysed the scheme and has raised no concerns.

Public Representations

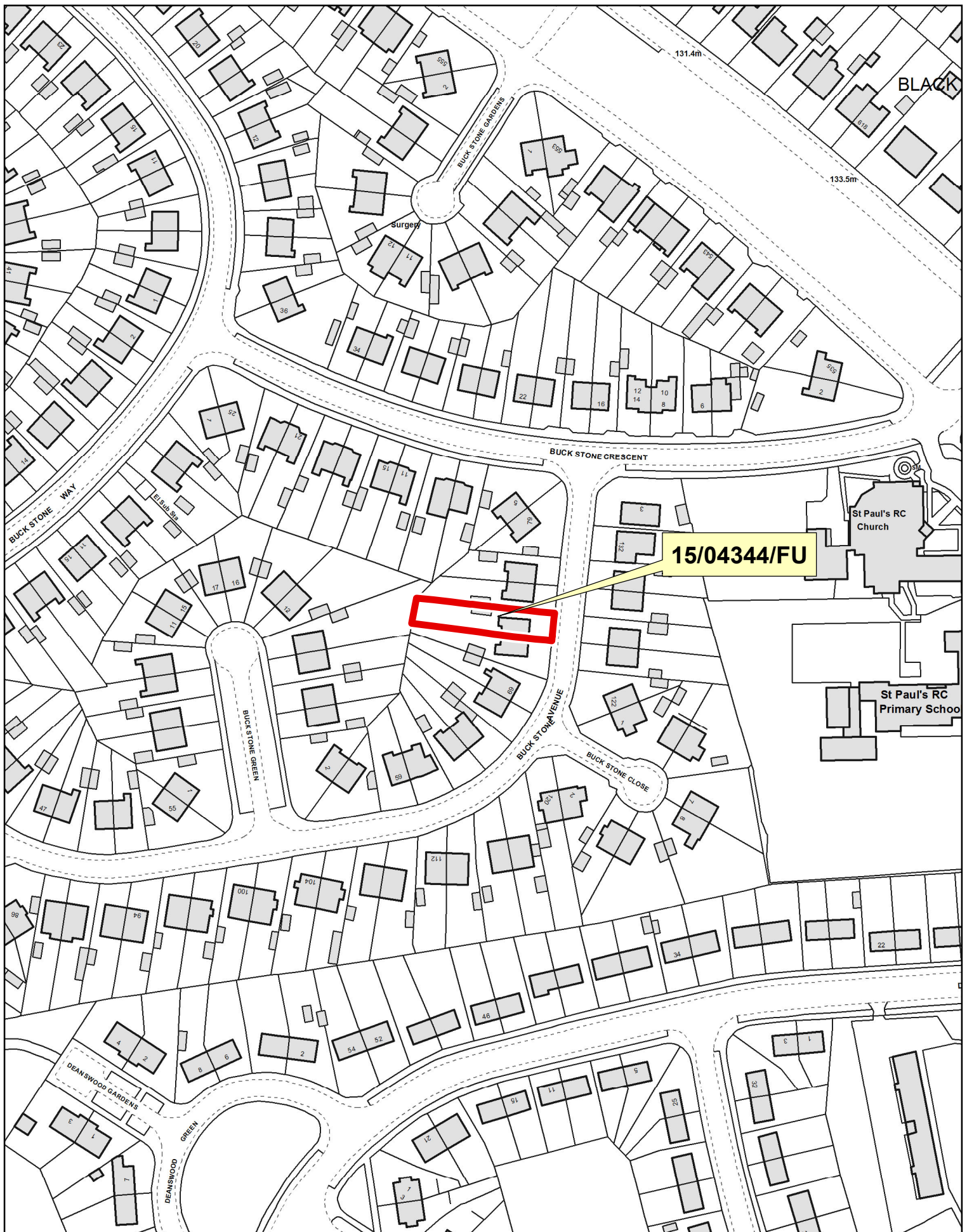
- 10.16 All material planning considerations raised through representations have been discussed above. The concerns raised relating and the potential for the garage to be converted into a self-contained dwelling, are noted. However, permission cannot be withheld due to fears about potential breaches of planning control at some point in the future. Moreover, the existing garage can be converted to habitable accommodation without planning consent.
- 10.17 The concern raised that the extension will block access to the garden area resulting in bins and vehicles having to be located to the front. Concerns have also been raised that the side extension would prevent emergency services accessing the garden in an event of a fire. It is considered that the side extension which will block access to the garden of the application site, is commonly approved on buildings all over the city raising similar consequences as those highlighted. Whilst the bins may have to be positioned to the front of the site, it is not considered that this will significantly harm visual amenity. In terms of fire safety, firemen will have to go through the dwelling should there be a fire to the rear garden and this is no different to a situation where needed to access the rear garden of a terraced dwelling.
- 10.18 The concern raised that the proposal will cause drainage issues, is noted. It is not considered that a development of this size will cause significant drainage issues, and the drainage issues will be evaluated in detailed at the Building Control stage of the development.

11.0 CONCLUSION

- 11.1 It is considered that proposed extensions to the dwelling are of a good design and will not harm the character of the area. It is also considered that the proposal will not harm neighbouring residential amenity or highway safety. It is therefore concluded that planning permission should be granted subject to the conditions at the head of this report.

Background Papers

Application file: 15/04344/FU
Certificate of ownership: Singed by Agent Phil Lowe on behalf of the applicant Mr Sohanpal



NORTH AND EAST PLANS PANEL

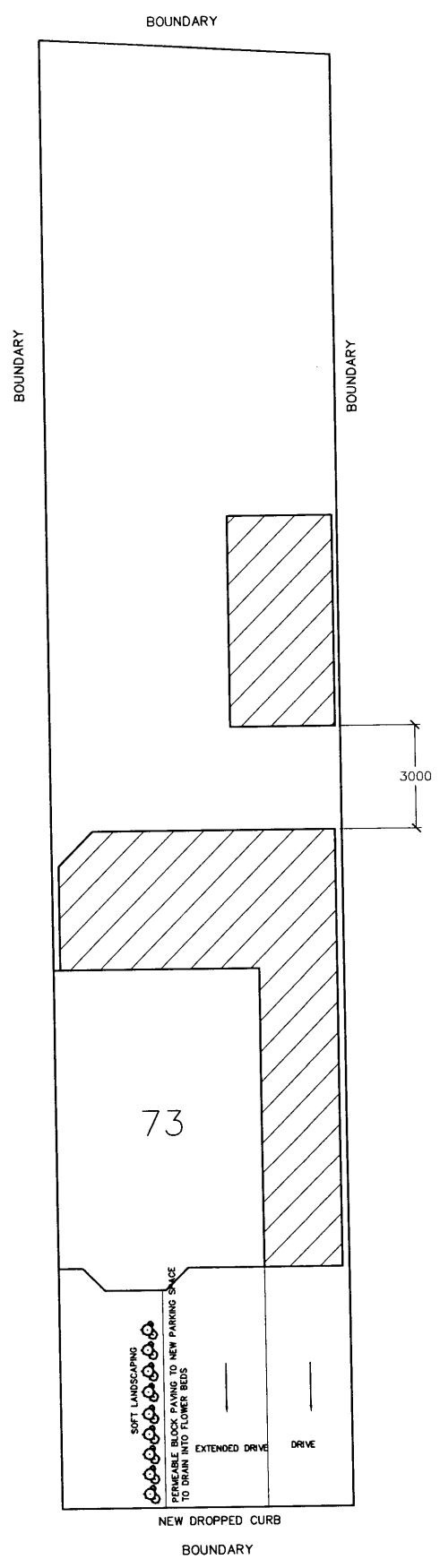
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SCALE : 1/1500



15 / 04344 #2



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