



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 29 October 2015

Subject: 15/02915/FU – Single storey side and rear extension including raised decking area with steps and balustrading at 19 Chelwood Avenue, Moor Allerton, Leeds LS8 2BA.

APPLICANT

Mr S Mauborgne

DATE VALID

4 June 2015

TARGET DATE

30 July 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:

1. Three year time limit for commencement.
2. Plans to be approved.
3. Walling and roofing materials to match those of the existing property.
4. No additional windows to be inserted in the side elevations of the development hereby approved

1.0 INTRODUCTION:

- 1.1 The application is presented to Plans Panel, in accordance with the request from Councillor Charwood. Councillor Charwood has not objected to the application but would like the Panel to consider this application in light of the impact that the development will have on the street-scene and the character of the area and that if this form of development is repeated within the street this will have an impact on the spatial setting of houses by closing the gap between them.

- 1.2 The findings of Members of the 27 August 2015 was to defer and delegate approval of the application subject to the side gable of the extension (with No. 21) being altered from a gable to a hipped solution with further consultation with the neighbour to take place. In the event agreement with the neighbour is not reached, the application is to be returned to Plans Panel for formal determination.
- 1.3 The applicant issued revised plans to accord with the requirements of Members, however the occupant of No.21 Chelwood Avenue has issued further representation seeking amendments to the pitch of the revised hipped roof. Officers views are that the proposed revisions submitted are acceptable and represent a policy compliant scheme and as such recommend that Members grant planning permission.
- 1.4 Members attention is drawn to the applicants Permitted Development fallback position where as greater level of development could take place (i.e. a side extension the full depth of the existing dwelling at a height no more than 4.0m and no more than half the width of the existing dwelling with a 3.0m deep rear extension the full width of the existing dwelling). As long as the two elements did not join then Permitted Development would exist. The proposed decking would however be subject to planning if the height of the decked area exceeded 300mm.

2.0 PROPOSAL:

- 2.1 Planning permission is sought for a single storey side and rear wrap around extension and decking extending 2.0m and being raised 800mm.
- 2.2 The proposed extension would be set back approximately 4.7m from the front elevation of the existing property and would project 3.0m past the existing rear elevation. Eaves heights would be 2.25m and the ridge terminates at 3.35m.
- 2.3 External materials would match those of the existing.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located in a well-established residential area where 1930's semi-detached housing is prevalent. Extensions to properties within the immediate area are not uncommon with dormers, single and two storey rear extensions in evidence within the very immediate area. The wider area also presents a varying selection of extensions to properties and such additions and alterations have been assimilated into the character of the area.
- 3.2 The application site is a two storey semi-detached brick built property under a tiled pitched roof (due to a gable end extension). There is an existing dormer window to the rear and to the side rear is a detached garage. An area of raised decking is also in place to the rear. The building is set within an elongated rectangular plot that has a decline in ground level from north-east to south-west. Garden areas are located to the front and rear with a driveway running from the front to the side of the property and to the detached timber garage. At the rear of the garden is beck with good levels of planting around it that acts to separate the domestic gardens from the land beyond. A Rugby Club with associated clubhouse and pitch is also located further to the south of the application site.

3.3 As a result of the ground levels the adjacent property is set at higher ground level to the application property with a retaining wall running part way along the boundary and a detached garage. This retaining wall is topped with a timber fence and wire mesh. The adjoining dwelling is set on generally equal ground level to the application property with a hedge running for much of the adjoining rear boundary. The rear garden is well screened and provides good levels of private amenity space. The rear gardens of the application site and its direct neighbours to the flanks are south facing.

4.0 RELEVANT PLANNING HISTORY:

4.1 ENQ/15/00355 - Single storey side and rear extension – Advised planning permission was required as the side and rear elements linked.

5.0 HISTORY OF NEGOTIATIONS:

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Seven neighbour notification letters were issued on the 8 June 2015 and the adjacent and adjoining neighbours at No's 17 and 21 Chelwood Avenue have raised objections. These are summarised below:

- The proposed extension contravenes The Party Wall Act 1996 as building works come within 3m of No.21
- The retaining wall between the application site and No.21 are liable to collapse and that they are particularly expensive to repair if they do.
- The proposed extension fails to comply with the guidance laid out in the Planning Policy Guidance 14 (PPG 14): Development on Unstable Land. Excavating near the retaining wall may compromise the stability of the whole site.
- A desk top study or geotechnical investigation would be needed to assess the slope stability before building work could commence.
- The design and height of the extension to the side of No.19 will over-dominate No.21's driveway and garden creating a 'hemmed' in feeling.
- The current outlook from our back door (No.21) and driveway is of green open space and the development proposed would result in the aspect from our back door being totally brick wall.
- Over-shadowing No.21's garden.
- Children play on the drive of No.21 with toys, which will get caught within this gap. Or worse, one of them could fall and get wedged between the buildings.
- Loss of light towards No.17. Sunlight from the only window to the dining room (No.17).
- Loss of a significant part of the common hedge with No.17, which has been there for at least 40 years and is home to nesting sparrows and a wren but is to be removed to facilitate construction.
- Inevitable damage to the established border and our herb garden ensuing from excavation and construction right up to the boundary (No.17).
- Structural implications to No.17
- Drainage implications
- The application is invalid as the red line is incorrect.

- No consultation with neighbours by the applicant.
- Prolonged noise and disturbance
- Harmful to the local character by way of introducing terracing and reduce the openness of the street.
- Over-development as the property already has a box dormer.
- The roof-form should be hipped.
- Problems for maintenance given the proximity of the extension to the common boundary with No.21

6.2 A further letter of representation was received from the resident of No.21 commenting on the revised scheme submitted to accord with the request of Panel Members to hip the extensions roof. Those comments are summarized below:

- We would like the roof to slope down gently towards us. The length of the roof ridge is detailed as 925cm, perhaps shortening the length of this would create a more gentle slope.
- Further clarity is needed regarding other measurements. On the original plans the maximum width of the drive, where the garage door is to be situated, is recorded as 2700cm. Accurate on site measurements record 2460cm at this point. This measurement was verified by a Planning Officer.
- Detailed plans are needed specifying all measurements, especially at the front to ensure that the guttering does not over-hang our boundary wall at the narrowest point.

7.0 CONSULTATION RESPONSES:

Drainage

7.1 The area proposed for the extension should not be subject to flooding and is definitely outside of the area determined to be “prone to settlement from surface water runoff” along the southern boundary of the Chelwood Avenue properties.

7.2 Flood Risk Assessments have been undertaken for the wider area by several developers (with input and guidance by FRM) since the initial proposals for the development of the Yorkshire Bank sports club site to the south west of this site. The most recent analysis has been undertaken for the proposed development of the High Moor Avenue area to the west of the Football grounds. The flooding issues identified mainly affected the football grounds and discussions have been taking place between the developer, FRM and YW to have an improved drainage system running in parallel with the culverted watercourse along the boundary of the site and this would dramatically reduce any accumulation of surface water runoff along the southern boundary of the site.

FRM would have no objections to the proposed development with regards to the site drainage.

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 (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013). The Site Allocations Plan is emerging and is due to be deposited for Publication at the end of the Summer 2015.

Leeds Core Strategy (2014):

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The Core Strategy (CS) was Adopted in November 2014. The following CS policies are relevant:

General Policy – Sets of presumption in favour of Sustainable Development

Policy P10 – Refers to design

Policy T2 – Refers to accessibility requirements and new development

Leeds Unitary Development Plan (Review 2006):

- 8.3 The application site is unallocated within the Leeds UDP and the below saved policies are relevant:

Policy GP5 - Refers to general planning considerations

Policy BD6 - Refers to scale, form, details and materials for extensions and alterations

Policy T24 - Refers to parking guidelines

Supplementary Planning Guidance / Documents:

- 8.4 The 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 whilst protecting residential amenity.
- 8.5 Street Design Guide – Provision for adequate parking including driveways.

National Planning Guidance (NPPF):

- 8.6 The promotion of sustainable (economic, social and environmental) development.
- Secure high quality design.

9.0 MAIN ISSUES

- Character and Appearance
- Residential Amenity
- Highways
- Representations

10.0 APPRAISAL

Character and Appearance

- 10.1 Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. The NPPF states

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. It is therefore fundamental that new development should generate good design and respond to the local character. The NPPF goes on to state that that 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 Policy P10 of the Leeds Core Strategy (LCS) deals with design and states that *inter alia* alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.
- 10.3 Charlwood Avenue and the surrounding area is a well established residential settlement where semi-detached properties form the dominant house type. The properties appear to date from the 1930's and over time as one would reasonably expect extension and alterations have taken place i.e. dormers to the side and rear, rear extensions at single and two storeys in height, detached garages and porches. It is noted that side extensions do not appear to be common within the immediate area with only one being noticed on the Officers site visit in relatively close proximity to the application site. However, the lack of single storey side extension does not mean that there is policy support for refusing such an extension. The Householder Design Guide (HHDG) recognises that such extensions are acceptable in principle subject to appropriate scale, design and use of materials. These objectives are consistent with the requirements of Policy P10 and the NPPF. There is nothing in planning policy that seeks to resist the construction of a single storey extension up to the side boundary as is proposed in part in this instance; due to the line of the western side boundary the extension would be set marginally away from the boundary for much of its depth along the western boundary.
- 10.4 The HHDG states that care should be taken with regards to proportions of side extensions and as a general rule the width of side extension should be no greater than 66% of the main house, the design is appropriate to the main house, adequate space is maintained for access to the rear but where this is not possible appropriate provision for bin storage should be to the front of the house.
- 10.5 In terms of the previous scheme presented to Members on the 27 August 2015 the, scale and form of the proposal was considered acceptable by Officers and Members and other than the roof form Members accepted the proposed design scale and massing as being appropriate within its residential context and no objection was raised to Officers views that the proposal would be proportionate to the existing dwelling representing development of domestic scale. Moreover the proposed width of the side element of the proposal is far less than 66% and the 4.7m set back from the front of the side element emphasises the limited width of 2.7m and the visual impact on the street-scene would not be unduly harmful. The garage proposed is not in reality a functional one in terms of storing a vehicle as a result of its internal depth however the garage door appears as a domestic feature. What the proposed side element fails to do is allow external access to the rear with such access gain only through the dwelling and proposed extension; however the 'garage' could reasonable be used to store bins. The side element brings the application site and the adjacent closer and

this would be noticeable within the street-scene, however the significant set back and the single storey nature of the development means that no terracing would occur and it is considered that there would be no erosion of the character and appearance of the area. If the LPA were to receive further applications for similar extension, then of course this would start to alter the spacing between properties. However, there is policy and guidance support for such extensions in principle and subject to assessment this need not be detrimental to the spatial surroundings of the area. Members will be aware that the LPA have guidance that allows for a greater scale of extension at the side in a street-scene of semi-detached properties where subject to design two storey extension are acceptable in principle to sides within a regular street-scene of semi-detached properties. As with the previous scheme this proposal before Members with a hipped roof to accord with their comments of the 27 August, the proposed development is considered to be policy compliant and meeting with the aims of Members suggested alterations.

- 10.6 The bulk of the development is to the rear and therefore outside of the public realm, the HDDG also provides advice on single storey rear extensions and states that care should be taken to avoid dimensions that would unduly harm neighbouring residents living conditions. In case where an extension is to be located on the boundary with a neighbour (such as a semi-detached arrangement) a projection of 3.0m is normally acceptable. The proposed depth of the rear element would be 3.0m. A good deal of garden would be retained as would the green and planted aspect leading to the rear of the site and beyond towards the beck and Rugby ground thus retaining the green character of the rear of the application site and its neighbours.
- 10.7 The proposed materials would match those of the existing property and this can be secured by condition.

Residential Amenity

- 10.8 The proposal would have glazing to the rear elevation only, this glazing would serve a kitchen and dining area, there would also be roof-lights serving this internal space. The outlooks from these windows would be down the application site rear garden and skyward. Given the existing boundary treatments to the rear flanks, a robust hedge, much of which will be retained and fencing it is not considered that the rear elevation windows would create undue levels of overlooking. Moreover, the angle at which the roof-lights would be positioned would not overlook neighbouring amenity spaces. A condition can secure that no further windows are inserted.
- 10.9 Clearly the level of shade would increase as a result of the proposal; the side and rear element to the eastern boundary adjacent to No.21 would cast shade during the early to late parts of the morning towards No.21's driveway and side elevation (which are set at a higher ground level to the application site) the side elevation of No.21 has a side door and two small tertiary windows. It is not considered that the shade cast during the morning hours would justify withholding planning permission. The resident of No.21 advises that the driveway is used as amenity space and the enjoyment of this area would be reduced by proposed extension; it is however considered that whilst greater shade would be cast onto it, the drive could still be used and there is a generous garden serving No.21 which can reasonably be used for amenity purposes.
- 10.10 To the opposite side is the adjoining neighbour at No.17; a well-established and robust hedge runs along the adjoining boundary. Part of this hedge would be removed to accommodate the proposed extension and during the latter part of the day the level of shade would increase across the rear elevation ground floor window of No.17. Both No's 17 and 21 have south facing gardens and it is considered that whilst levels of

shade would increase as a result of the extension there would remain good levels of opportunity for natural light to penetrate gardens areas and rear habitable rooms.

- 10.11 The proposed dimensions of the extension are, as stated previously, considered to be proportionate and represent a policy compliant form of development. It is not considered that the proposed single storey extension would create an oppressive sense of enclosure; the flanking neighbours have relatively deep rear gardens and No.21 is set at a higher ground level which is considered to add to officer opinion that dominance would not be introduced towards No.21. It would be No.17 that would have the greater degree of impact in terms of dominance but at 3.0m deep and an eaves height of 2.25m it is Officers view that the proposal is acceptable in this regard.
- 10.12 Members are advised that there is a fallback position for the applicant in terms of the engagement of permitted development rights where a single storey side extension and a single storey rear extension can be constructed subject to those two elements not connecting with each other. This could in principle mean a greater degree of impact in terms impact on No.21's amenity and the spatial setting of the street-scene if the side element was brought further forward to compensate for loss of space to the rear. The rear element at 3.0m in depth could be constructed as permitted development as set out in the GPDO.
- 10.13 Outlooks from the neighbouring properties would not be unduly impeded; No.21 would have outlooks from its side driveway altered but occupants of No.21 do not have a right of outlook over third party land. No.21's conservatory is at higher ground than the application site and a detached garage sits on the boundary; it is therefore considered that the changes in outlook would be limited. Both flanking neighbours would remain to have very good outlooks towards the tree coverage and beck area to the benefit of residential amenity.
- 10.14 In addition to the extension the proposals include a raised decking some 850mm in height. This proposed decked area would cover a larger area than an existing decked area but would be of similar height. The existing hedge to the east which would be retained could provide screening from the use of the decking whilst the elevated level of No.21 and a detached brick built garage on the common boundary would act to screen both amenity areas of the application site and that of No.21.

Highways

- 10.15 The proposed development would be set back 4.7m from the front elevation of the existing dwelling thereby retaining approximately 10.0m of driveway. This is considered to be adequate depth to accommodate two vehicle parked in a tandem formation therefore in compliance with the advice set of in the Street Design Guide (SDG). The proposed garage has internal dimensions of 2.4m in width x 3.0m in depth; this is below the internal dimensions given in the SDG advice and therefore cannot be regarded as a parking space.
- 10.16 In light of the tandem parking facilities on the retained level of driveway it is not considered that any greater levels of parking facilities are required as a result of the proposal and adequate off-street parking will be retained.

Representations

- 10.17 Neighbours at No's 17 and 21 Chelwood Avenue have raised objections. These are summarised below:

- The proposed extension contravenes The Party Wall Act 1996 as building works come within 3m of No.21.

The Party Wall Act is legislation outside of Planning and is not material to the consideration of this planning application.

- The retaining wall between the application site and No.21 are liable to collapse and that they are particularly expensive to repair if they do.

Certainly care must be taken if construction is to take place near the retaining wall and this would be a matter for the Building Inspector to assess during the Building Regulation stages.

- The proposed extension fails to comply with the guidance laid out in the Planning Policy Guidance 14 (PPG 14): Development on Unstable Land. Excavating near the retaining wall may compromise the stability of the whole site.
- A desk top study or geotechnical investigation would be needed to assess the slope stability before building work could commence.
- Structural implications to No.17
- Drainage implications

PPG14 and its associated annexes set out the broad planning and technical issues to be addressed in respect of development on unstable land, landslides and subsidence. PPG14 is no longer a working document and was replaced in 2012 by the NPPF. The matters of ground stability and drainage could adequately be dealt with at Building Regulations stage. Moreover, the Council's Flood Risk Management team have confirmed that the area proposed for the extension should not be subject to flooding and is definitely outside of the area determined to be "prone to settlement from surface water runoff" along the southern boundary of the Chelwood Avenue properties.

- The design and height of the extension to the side of No.19 will over-dominate No.21's driveway and garden creating a 'hemmed' in feeling.
- The current outlook from our back door (No.21) and driveway is of green open space and the development proposed would result in the aspect from our back door being totally brick wall.
- Over-shadowing No.21's garden.
- Loss of light towards No.17.
- Sunlight from the only window to our dining room (No.17).
- Harmful to the local character by way of introducing terracing and reduce the openness of the street.

The above points have already been covered within this report.

- Children play on the drive of No.21 with toys, which will get caught within this gap. Or worse, one of them could fall and get wedged between the buildings.

A fence runs along the top of the retaining wall and No.21's driveway, this fence has mesh wire securing the gaps between the timber posts and the whole boundary treatment terminate once it reaches a detached brick built garage to the rear of No.21's driveway. It is therefore considered that if this situation was to remain or if necessary re-instated the opportunity for the loss of belonging and health and safety issues would be greatly reduced.

- Loss of a significant part of our common hedge (No.17), which has been there for at least 40 years and is home to nesting sparrows and a wren but is to be removed to facilitate construction.
- Inevitable damage to the established border and our herb garden ensuing from excavation and construction right up to the boundary (No.17).

The above points are duly noted; part of the boundary hedge would be lost as a result of the rear element of the proposal. However much of the hedge would be retrained as would the substantial level of tree coverage and planting both within domestic gardens and on and around the beck area to the rear of the gardens. The ecological impact would be minimal and translocation areas for wildlife exist. The matter of the herb garden is considered to be a civil matter and this does not outweigh the applicant right to develop their property. As stated already the applicant has a fall back of permitted development which would have the same consequences to and along the boundary with No.17.

- The application is invalid as the red line is incorrect.

This point is incorrect. The submitted location plan outlines the site.

- No consultation with neighbours by the applicant.

The LPA advise that applicants do engage with neighbours however there is no legislation or policy requirements to enforce such engagement.

- Prolonged noise and disturbance.

Noise, disturbance and effects from dirt and dust are reasonable concerns by neighbours. The construction phase is a finite period and good working practices should be adhered to by the construction team be that keeping noise to a minimum and suppressing dust. On larger schemes the LPA could reasonably impose conditions regarding working hours and methods of dust suppression however it is not common practice that the LPA considered it to be reasonable or necessary to impose such conditions on householder applications given the limited scale of the developments. Therefore it would be for separate legislation to tackle undue levels of noise and disturbance, i.e. Environmental Protection.

- Over-development as the property already has a box dormer.

Officers take a different view to the above point.

- The roof-form should be hipped.

A hipped roof form would work aesthetically within the context of the area but the pitched roof responds to the roof-form of the main dwelling (albeit that the roof has been amended from a hipped roof). A hipped roof would also take the proposed roof away from the boundary with No.21 but not significantly and as detailed above the proposed design and proximity is considered to be acceptable with the differences in ground levels offering some mitigation.

- Problems for maintenance given the proximity of the extension to the common boundary with No.21.

It is likely that any maintenance would require access onto the neighbours property however this would be a matter for neighbours to deal with between themselves.

A further letter of representation was received from the resident of No.21 commenting on the revised scheme submitted to accord with the request of Panel Members to hip the extensions roof. Those comments are summarized below:

- We would like the roof to slope down gently towards us. The length of the roof ridge is detailed as 925cm, perhaps shortening the length of this would create a more gentle slope.
- Further clarity is needed regarding other measurements. On the original plans the maximum width of the drive, where the garage door is to be situated, is recorded as 2700cm. Accurate on site measurements record 2460cm at this point. This measurement was verified by a Planning Officer.
- Detailed plans are needed specifying all measurements, especially at the front to ensure that the guttering does not over-hang our boundary wall at the narrowest point.

As stated above Officers are of the view that the applicant has met with the aims of Members requirements to hip the roof; he has also annotated the plans to show the Measurements as measured on site.

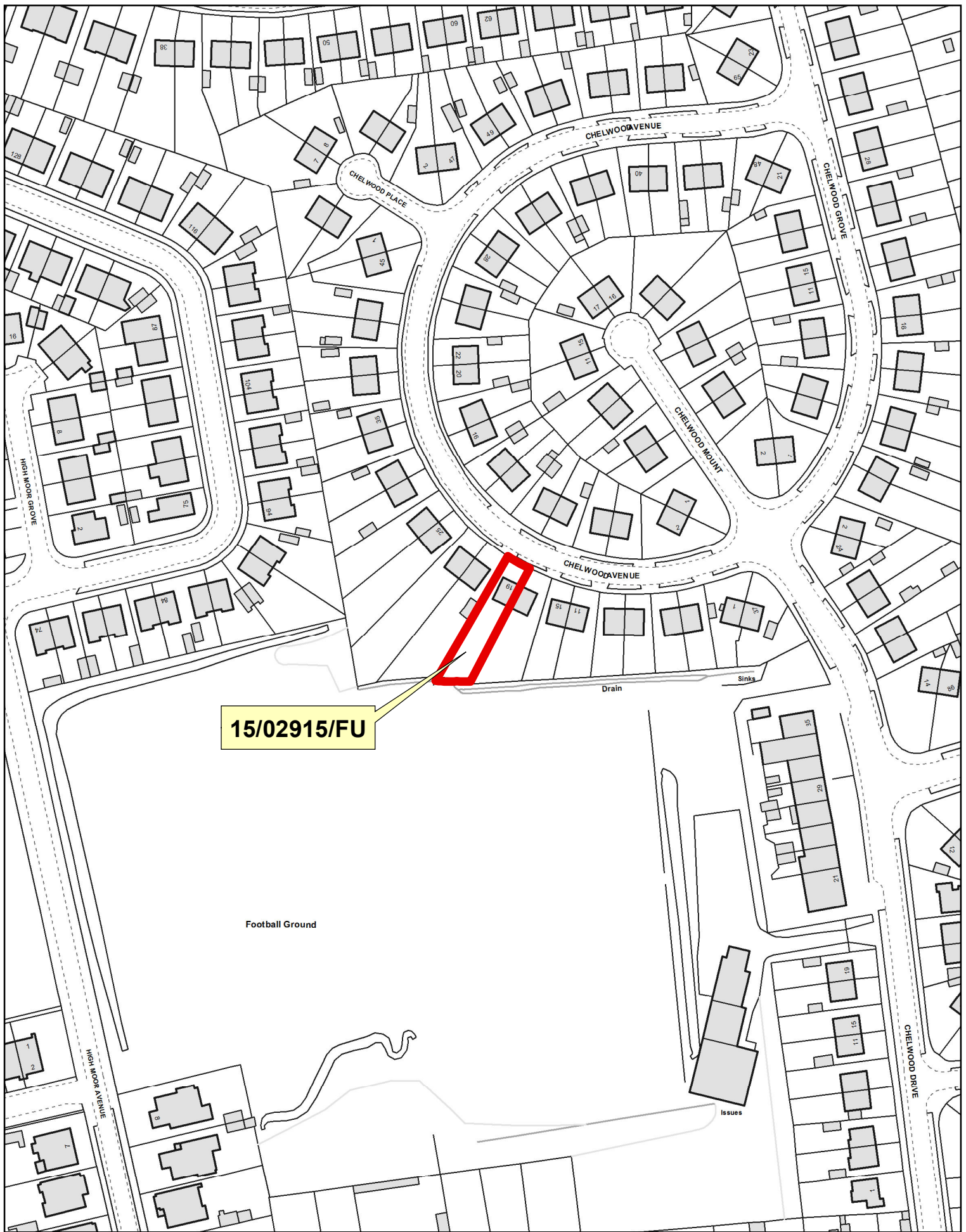
11.0 CONCLUSION

- 11.1 In light of the above and the responsive nature of the revised plans to accord with Members earlier comments it is not considered that the living conditions of the neighbouring properties would be unduly reduced, the scale, form and detailing as well as materials would be acceptable within the context of the site and the wider area and adequate off-street parking would be retained with all other materials planning matters considered to be acceptable. Therefore subject to the conditions at the head of this report it is recommended that planning permission be granted.

Background Papers:

Application file

Certificate of ownership A – Signed by the applicant.



15/02915/FU

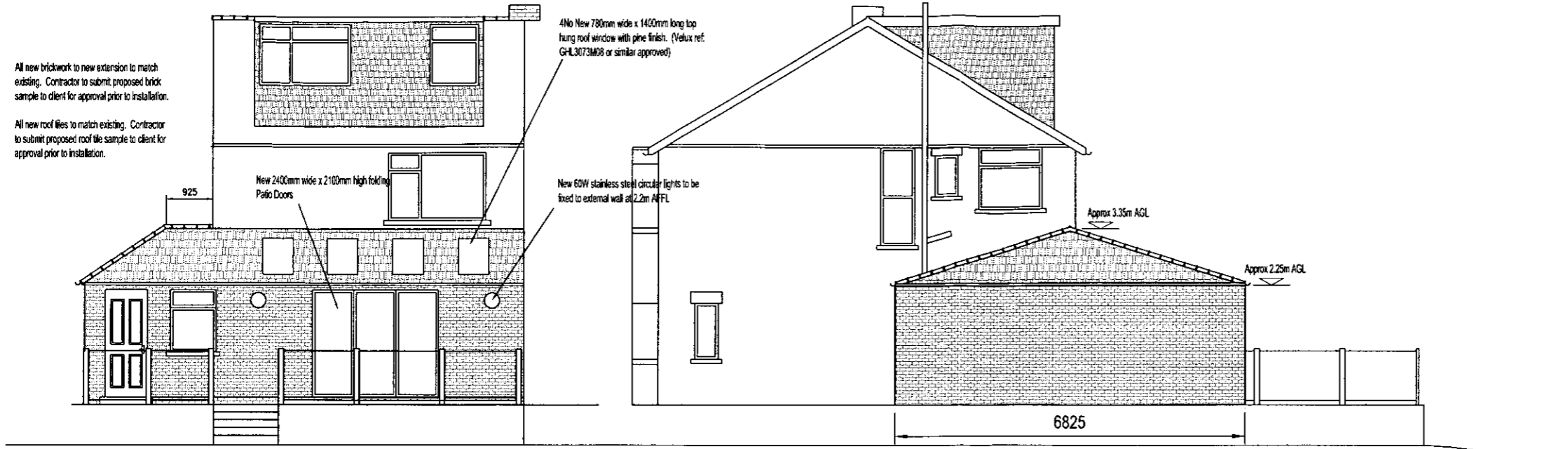
NORTH AND EAST PLANS PANEL

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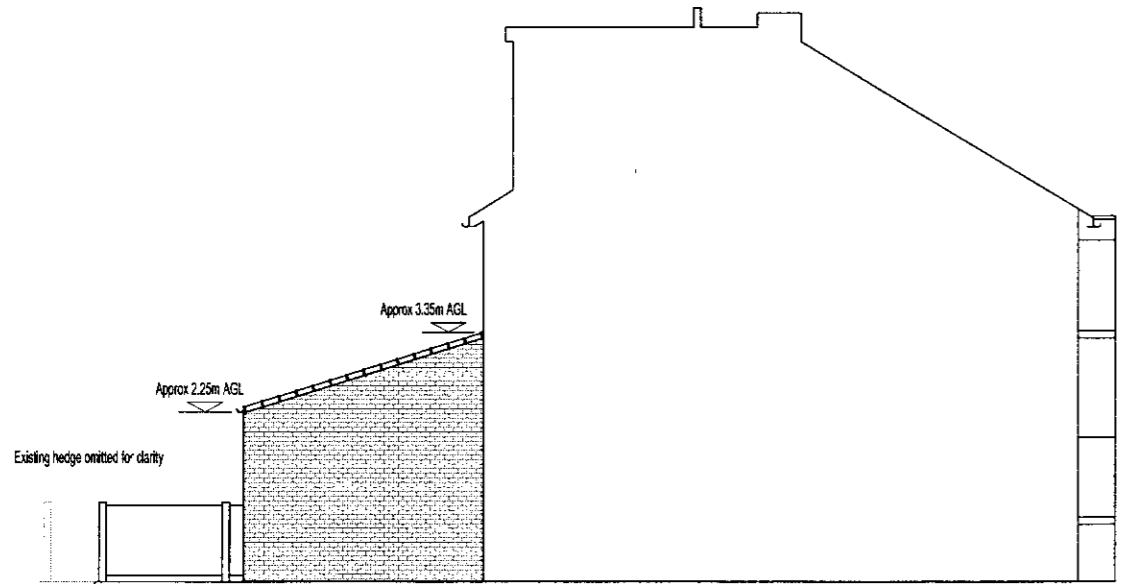
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Proposed Rear Elevation
(Scale 1:50@A1; 1:100@A3)

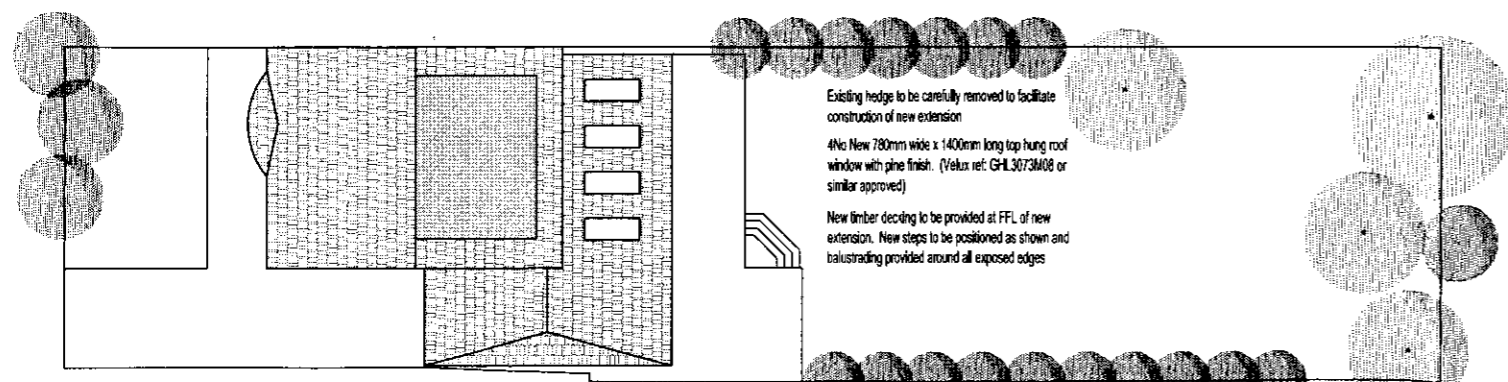
Proposed Gable Elevation
(Scale 1:50@A1; 1:100@A3)



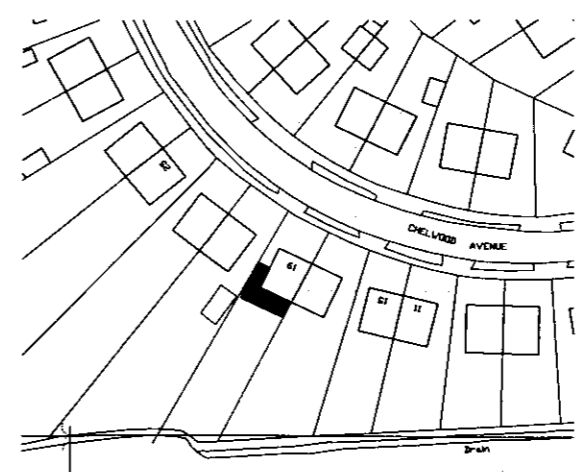
Proposed Party Wall Elevation
(Scale 1:50@A1; 1:100@A3)



Proposed Front Elevation
(Scale 1:50@A1; 1:100@A3)



Proposed SITE PLAN
(Scale 1:100@A1; 1:200@A3)



Site Location Plan
(Scale 1:1250@A3; 1:625@A1)

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LEEDS CITY COUNCIL

27 AUG 2015

REVISED

Rev	Amendment	Date	By	Chkd
A	Roof extension amended to suit planning panel comments	27/8/15		
Status: Construction				
Drawing: Proposed Site Plan & Elevations				
Project: Extension to 19 Chelwood Avenue				
Scale:	Drawn By:	Checked By:	First Issued:	Dwg No. BR01
				Rev A