



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 19th November 2015

Subject: 15/04780/FU – Retrospective application for a detached garage, gates and boundary fence to front at 122 Fountain Street, Morley, LS27 0PX.

APPLICANT

Mr Marko Milanovic

DATE VALID

7th August 2015

TARGET DATE

2nd October 2015

Electoral Wards Affected:

Morley South

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Development in accordance with approved plans
2. Within 3 months, details of roller shutter door including materials colour to be submitted and installed

1.0 INTRODUCTION:

1.1 This application seeks retrospective permission to construct a detached garage, gates and boundary fence to the front a back to back terrace property. The fence was erected approximately one year ago and has been amended and the garage erected following the refusal of the original application and the advice given by the planning officer at that time.

- 1.2 This application is reported to Plans Panel at the request of Councillor Dawson who considers that the proposal is out of character with the Conservation Area and harmful to highway safety.

2.0 SITE AND SURROUNDINGS:

- 2.1 Although addressed as Fountain Street, the site fronts onto Oak Road. The property is a stone built back-to-back with garden and yard facing onto Oak Road. There is a mixture of boundary treatments in the street with examples being either red brick or stone walls. Despite the variety of materials, the unifying characteristic is the low level of the boundaries and the openness this creates in the streetscape. There is a large brick structure at 112 which projects towards the highway. Properties on the opposite side of Oak Road are more modern, and generally have 1m high walls.

- 2.2 The area is predominantly residential in character and the property is located within the Morley Dartmouth Park Conservation Area.

3.0 PROPOSAL

- 3.1 At the time of the site visit, it was clear that works had been carried out making the application retrospective. The works consist of the following:

- 3.2 Along both party boundaries, there have been erected bow topped close boarded fencing panels set in concrete posts on top of concrete gravel boards to a height of 1.5 metres with the last panel dropping to 0.9 metres in height. There has been erected a 6 metre by 3 metre pre-cast concrete detached garage with a maximum height to its flat roof of 2.5 metres that has a pebble dash finish. There are also gates to the same height as the fencing set back 1.9 metres back from the highway.

- 3.3 The application differs from its predecessor in that the gates and the garage were located adjacent to the highway whereas the current proposal now sets back the garage in line with advice given by the planning officer after the refusal of permission. Also the final fence panels are dropped below 1 metre in height to allow for adequate visibility.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/06017/FU : Detached garage and new gates to front; retrospective application for boundary fence to front. Application refused 19th December 2014

Reasons for refusal were

1 The Local Planning Authority considers that the boundary fence and garage by reason of their design, materials and scale constitutes an incongruous form of development which fails to relate sensitively to the character and appearance of the Morley Dartmouth Park Conservation Area. As such, the development conflicts with saved policies N25 and GP5 of the Leeds Unitary Development Plan Review (2006), Policy P10 of the Core Strategy, the guidance within the draft Morley Conservation Area Appraisal and Management Plan and with the guidance contained with the National Planning Policy Framework.

2. The proposed garage, by reason of doors opening over the footpath, would be detrimental to pedestrian safety, contrary to Core Strategy Policy T2 and advice in Leeds Street Design Guide.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Upon refusal of the previous application, the agent had correspondence with the planning officer responsible for that refusal and agreement was reached upon changes that could be made to overcome those reasons for refusal. It is considered that this proposal is broadly in accordance with the advice given at that time to relocate the gates and the garage back from the back edge of the highway and to drop the height of the last fence panels to below 1 metre in height.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by neighbour notification letters sent on 11th August 2015 and site notice posted 20th August 2015.

6.2 The publicity period for the application expired on 11th September 2015.

6.3 One letter of representation has been received in response to the proposal. This was received from Ward Councillor Neil Dawson, who raises the issues of the previous refusal as still being valid in that this application fails to overcome these matters, these being that the fence is an incongruous and dominant feature within the Morley Dartmouth Park Conservation Area due to height, materials, dimensions and impact and that the proposal still impacts on highway safety due to it being located closer than 1 metre from the highway.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways – Objection to up and over door projecting over the highway

7.2 Sustainable Development Unit (Conservation) – The garage is no more harmful than the one it replaced and would therefore be acceptable. The fencing is out of character with the surroundings of the Conservation Area in terms of materials detailing dimensions and impact.

7.3 Morley Town Council – No response

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act The Development Plan comprises of the Core Strategy, saved policies of the UDP (2006) and the Natural Resources and Waste Local Plan. The relevant policies are:

- T2 - Highways safety requires new development to be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- P10 – Good Design.

- GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.
- BC7 – Traditional Local materials to be used in Conservation Areas
- N25 – Development and site boundaries

8.2 **Supplementary Planning Guidance/Documents**

Neighbourhoods for Living: A Guide for Residential Design in Leeds (SPG13)

Householder Design Guide Supplementary Planning Document

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. The following policies are relevant to this application.

HDG1: all alterations and extensions to respect the scale, form, proportions and the 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
- v. materials

HDG2: all development proposals to 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.

Street Design Guide guidance on access and parking layout

8.3 **National Policy**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in on the consideration of this application.

- Requiring good design

9.0 **MAIN ISSUES**

1. Impact on the character and appearance of the conservation area
2. Highway safety

10.0 **APPRAISAL**

Impact on the character and appearance of the conservation area

- 10.1 There is a mixture of boundary treatments in the street with historic examples being either red brick or stone walls. Despite the variety of materials, the unifying characteristic is the low level of the boundaries and the openness this creates in the

streetscape. The proposed 1500mm close boarded timber panelled gates and fencing are significantly different in character by way of its materials, detailing, dimensions and impact. It reduces the characteristic openness in a negative way and makes the boundary treatment a more dominant feature of the streetscape. However, the major consideration here is that the fence is a party fence and as it is below 2 metres, is permitted development. It drops to below 1 metre where it is adjacent to the road and as such whilst its appearance as described is unfortunate, it is nevertheless permitted. This also applies to the gates that have been set back from the highway and are therefore permitted development.

- 10.2 The garage does however require planning permission, but it is considered by the Conservation Area Officer that as it is no more harmful than the previous garage that stood on the site and that it is partly screened by the aforementioned fencing that it will not be harmful to the character or appearance of the Morley Dartmouth Park Conservation Area. There are a number of other structures within the streetscene facing Oak Road all with differing appearances, including a large brick garage/workshop to the North that sits on the back edge of the highway, a small timber shed within the neighbouring garden to the South and two larger garages both set on the back edge of the highway and towards the South. Given these another nearby structures and the minimal impact on the Conservation Area, it is considered that the application is recommended for approval in this regard.

Highway Safety

- 10.3 The highway consultation response objected to the application on one single matter. This was that the garage should be set back 1 metre from the highway rather than the 0.76 metres that it is currently located. The reason for this is that the existing up and over door would project over the highway. However, the agent, on behalf of the applicant has agreed that they would be happy to have any permission conditioned requiring the replacement of this door with a roller shutter door that would overcome the issue, and therefore, subject to this condition, there would be no harm to highway safety from this proposal.

11.0 CONCLUSION

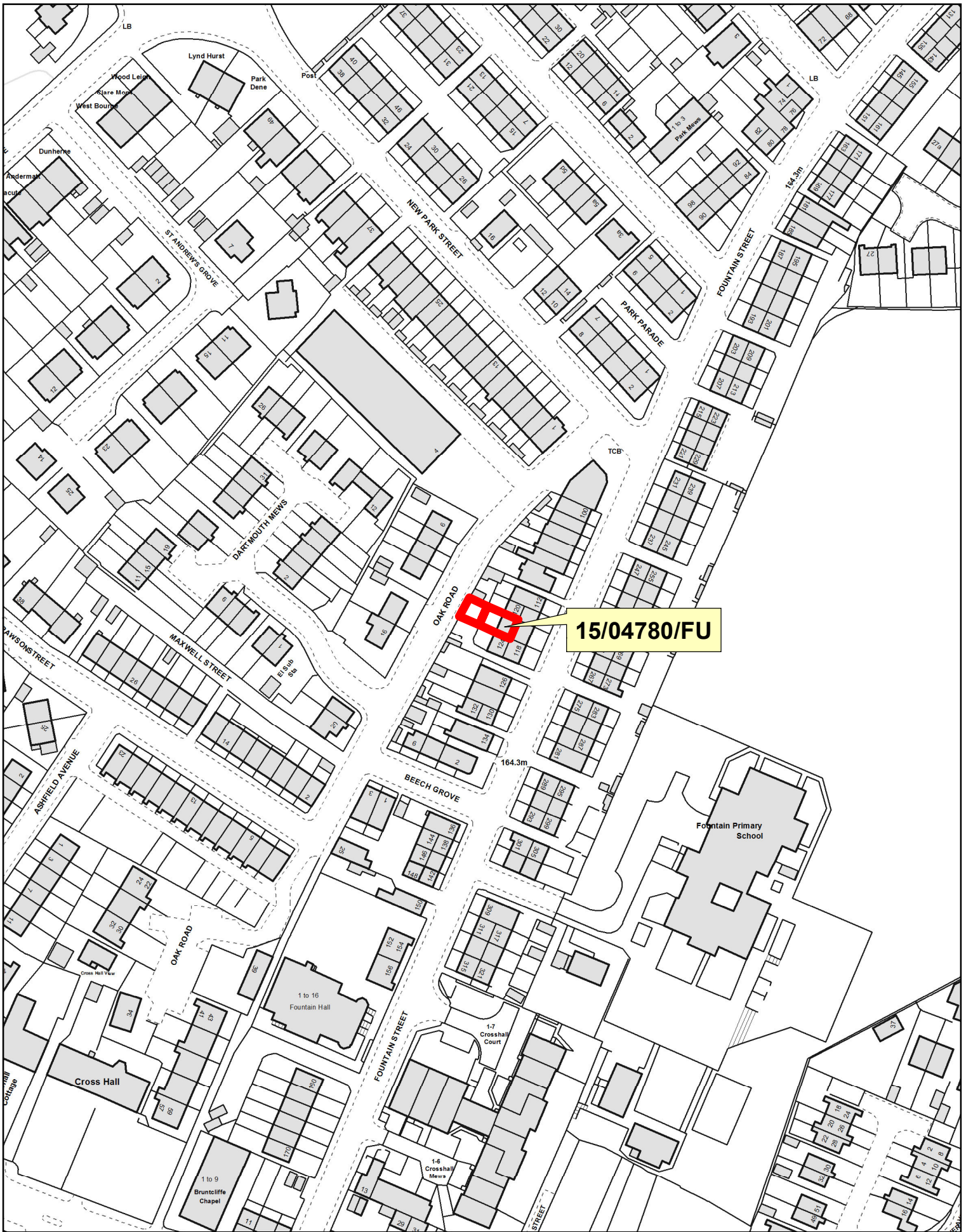
- 11.1 In light of the above, the application is considered to be acceptable. The development is not considered to be harmful to the character and appearance of the Morley Dartmouth Park Conservation Area, nor would it have a harmful impact on highway safety and as a result, subject to appropriate conditions detailed above, the application is considered to be compliant with the relevant policies and guidance and approval is recommended.

Background Papers:

Application files
14/06017/FU/S
15/04780/FU/S

Certificate of ownership:

Certificate A signed by agent



SOUTH AND WEST PLANS PANEL

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