



Report of the Chief Planning Officer

PLANS PANEL (SOUTH & WEST)

Date: 14th January 2016

Subject:

APPLICATION 15/05445/FU: RETROSPECTIVE APPLICATION FOR DETACHED HOUSE AND REALIGNMENT OF PLOT BOUNDARY AT FORMER SITE OF 183, HAIGH MOOR ROAD, TINGLEY, LEEDS, WF3 1 EN.

APPLICATION 15/05446/FU: DETACHED GARAGE AND REALIGNMENT OF PLOT BOUNDARY AT FORMER SITE OF 183, HAIGH MOOR ROAD, TINGLEY, LEEDS, WF3 1 EN.

APPLICANT

Mr John North

DATE VALID

24th September 2015

TARGET DATE

14th December 2015

Electoral Wards Affected:

Ardsley & Robin Hood

Yes Ward Members consulted
(via Highways Consultation)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

REFUSE for the following reason:

15/05445/FU

1. The Local Planning Authority considers that the dwelling, due to the close proximity to the neighbouring property and garden of 185 Haigh Moor Road, would lead to a harmful overlooking impact and loss of outlook which would be significantly harmful to neighbouring amenity. In addition to this, the proposal, in providing an inadequate level of garden space for the new dwelling created, would also provide a poor level of amenity for future occupiers of the new dwelling created. The proposal has therefore failed to provide good amenity and protect existing amenity contrary to the wider aims of Leeds Core Strategy policy P10, Saved UDP policies GP5 and BD5 and the guidance contained within the Council's Neighbourhoods for Living SPG and the

National Planning Policy Framework.

2. The Local Planning Authority considers that the proposed dwelling, due to its size and scale, appears cramped in its plot, represents an overdevelopment of the site, and is harmful to the character of the area by virtue of its (1) harm to the setting of the neighbouring Grade II listed building at 183B Haigh Moor Road, (2) harm to the character of the cluster of non-designated historical buildings in the vicinity and (3) failure to achieve appropriate space about the building and appropriate separation distances to neighbouring buildings. As such the proposal would fail to meet the relevant legal test of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and be contrary to the wider aims of Core Strategy policies P10, P11 and P12, saved UDP policies GP5, BD5, and N14 and the guidance contained within the National Planning Policy Framework.

15/05446/FU

1. The Local Planning Authority considers that the proposed garage, in taking up a significant part of the proposed garden space which already represents an under-provision when considered against the requirements of local planning guidance, would lead to further harm to the amenity of the future occupiers of the new dwelling which is the subject of planning application 15/05445/FU. The proposal has therefore failed to provide good amenity contrary to the wider aims of Leeds Core Strategy policy P10, Saved UDP policies GP5 and BD5 and the guidance contained within the Council's Neighbourhoods for Living SPG and the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed garage, in addition to the dwelling proposed at the site, would represent built development which appears cramped in its plot, represent an overdevelopment of the site, and be harmful to the character of the area by virtue of its (1) harm to the setting of the Grade II listed neighbouring building at 183B Haigh Moor Road, (2) harm to the character of the cluster of non-designated historical buildings in the vicinity and (3) failure to achieve appropriate space about the building and appropriate separation distances to neighbouring buildings. As such the proposal would fail to meet the relevant legal test of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and be contrary to the wider aims of Core Strategy policies P10, P11 and P12, saved UDP policies GP5, BD5, and N14 and the guidance contained within the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 These applications are brought to South and West Plans Panel at the request of Martin Sellens, Head of Planning Services, in the interests of transparency. There is a long and complex planning history at this site which includes on-going planning enforcement action which relates to the proposals now submitted.
- 1.2 Members of Plans Panel should be aware that Cllr Tom Leadley, locally elected ward member for Morley North, lives in the property adjacent to the application site and has submitted objections to the development in his capacity as a local resident.

- 1.3 Members are also reminded that as the report relates to two applications, two decisions are required to be made by Panel.

2.0 PROPOSAL:

- 2.1 The applicant has submitted two applications relating to the former site of No.183 Haigh Moor Road, Tingley, Leeds, WF3 1EN; the first of which (15/05445/FU) seeks retrospective consent for a detached house and realignment of the plot boundary. The plot boundary needs to be realigned because the red edge previously approved was inaccurate. The second application (15/05446/FU) seeks consent for a detached garage and realignment of plot boundary.

15/05445FU

- 2.2 The first application seeks retrospective consent for a detached dwelling which as built measures 9.8m in width, 7.07m in depth with a pitched roof measuring 5.46m to the eaves and 7.72m to the ridge. The dwelling is constructed out of stone with a slate tiled roof. The property is a detached 3 bedroom property with a pitched roof including porch, lounge, kitchen/dining room, utility and W/C to ground floor; landing area, house bathroom, three double bedrooms to the first floor, one of which has an en-suite.

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- 2.3 The second application seeks consent for a detached garage and realignment of plot boundary to serve the detached house described above. The garage will measure 3.58m in width and 6m in depth with a pitched roof measuring 2.6m to the eaves and 3.78m to the ridge. In addition to this the proposal includes the laying of a new driveway with parking space for two cars. The alterations to the boundary involve re-building the existing 1.2m high stone wall along the eastern boundary.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located off Haigh Moor Road to the rear of existing residential properties and is known as 'Commonside'. A neighbouring property known as 183B was previously a barn and was converted into a dwelling post 2007 after obtaining planning permission. It is noted that this neighbouring building is Grade II Listed. Neighbouring properties comprise of a cluster of buildings including houses and stables. The immediate area is mainly residential, however designated Green belt land and a special landscape area are located very close by including open fields and farmland beyond.
- 3.2 It is noted that at the time of site visit, development had commenced on site to in an attempt to implement the previously approved application 14/05475/FU. However because the red line boundary was inaccurate, the development cannot be constructed in accordance with the approved plans. The building erected had reached two storey level, the roof was finished and the first and second floor windows were fitted. Whilst the internal fit out was unfinished the dwelling was not far off from being completed. The access road off Clarke Road is currently unmade.
- 3.3 The application site is unallocated in the UDP.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 As is noted in the Introduction to this report the application site has a long and complex planning history. The relevant planning applications are outlined below:

13/05674/FU	Alterations including two storey extension with chimney to side; raise eaves and roof height to part of existing rear extension	Refused 28.05.2015
14/02926/FU	Detached dwelling to site of semi-detached house	Refused 24.07.2014
14/05475/FU	Detached dwelling to site of semi-detached house	Approved 12.01.2015
15/00419/COND	Consent, agreement or approval required by conditions 3, 6 and 10 of Planning	Refused 22.07.2015
15/02989/FU	Variation of condition 2 (approved plans) of planning approval 14/05475/FU for MINOR MATERIAL AMENDMENT to allow increased footprint and repositioning of new dwelling	Refused 27.08.2015

4.2 The relevant planning enforcement cases are outlined below.

15/00303/NCP3	Breach of planning permission 14/05475/FU	On-Going
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4.3 The relevant timeline of events for the site is as follows:

January 2015: Planning permission was granted at the site for the erection of a detached house to replace the pair of semi-detached houses at the site (**14/05475/FU**). This followed an earlier planning refusal (**14/02926/FU**) in 2014. Shortly after the applicant then applied to discharge the conditions attached to the planning approval (**15/00419/COND**) however the LPA were not satisfied with the detail and the request was refused.

March 2015: It was reported to the Council's Enforcement Team that the building was not being built in accordance with the approved plans. As such, an enforcement case was set up to investigate whether a breach of planning control had occurred. Investigations have since revealed that the dwelling as part built is wider, deeper, taller and further forward in the plot than the approved scheme (**14/05475/FU**). There are also a number of minor elevational detail differences.

August 2015: The applicant applied to vary condition 2 (relating to the approved plans) of previous planning approval (**14/05475/FU**) for a 'minor material amendment' to allow increased footprint and repositioning of new dwelling under application reference (**15/02989/FU**) in an attempt to try and regularise the unauthorised development. This application was refused as the amended proposal put forward was not appropriate to be considered as a 'minor material amendment'.

September 2015: The applicant has now submitted two applications which are the subject of this report and are brought to members of South and West Plans Panel for consideration as outlined in the Proposal section of this report. At the time of the

officer site visit, the detached dwelling house was near to completion; stone walls had been constructed up to roof height level, the ground and first floor windows had been inserted, the roof had been fully constructed using hung slate tiles and footings for the detached garage had been dug. However, works had ceased on the site following the issue of a Temporary Stop Notice which was served on the applicant on 18th August 2015 by the Planning Enforcement Team under planning enforcement reference **15/00303/NCP3**. The Temporary Stop Notice required the applicant to cease any further works internal or external on the detached two storey dwelling and detached garage.

Following investigations by the Planning Enforcement Team it was discovered that the dwelling has not been built in accordance with the previously approved plans **14/05475/FU**. Therefore the dwelling as constructed represents unauthorised development. The following differences were noted in comparison to the approved scheme:

- As built, the main ridge of the roof is 0.52m higher than the previously approved plans and 0.32m higher than indicated on the plans submitted.
- As built, the eaves height measures 5.46m which is 0.16m higher than the eaves height previously approved and indicated on the plans submitted.
- As built, the width of the extension measures 9.8m which is 0.785m wider than the previously approved plans.
- As built, the depth of the extension measures 7.070m which is 0.78m deeper than the previously approved plans.
- As built, the front elevation of the porch is sited 4.15m from the boundary wall shared with the adjacent neighbour at No.185 Haigh Moor Road. This is 2.49m closer to the adjacent neighbouring property No.181 Haigh Moor Road than the previously approved plans.

The Council is currently considering further actions in the form of formal enforcement action but before doing so it is prudent to await the outcome of the current planning applications.

5.0 CONSULTATION RESPONSES:

5.1 Highways No objections - subject to a revised red line plan, extended garage door width and details of proposed improvements to the access road as it is currently unmade.

Conservation Object to the proposals; the unauthorised building is more harmful to the undesignated heritage assets than the approved scheme, however, in terms of the impact on the designated heritage asset – i.e. the listed barn, the additional harm is minimal.

The additional harm to the heritage assets is due to siting, scale and design.

Flood Risk Management - no response received.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by Site Notice (affecting the setting of a listed building) and Neighbour Notification Letter. The neighbour notification letters were

posted out on 24th September 2015 and the site notice was posted on 09th October 2015. The publicity period expired on 23rd November 2015.

- 3 letters of objection have been received in relation to the retrospective application for detached house and realignment of plot boundary
- 1 letter of objections has been received in relation to the detached garage and realignment of plot boundary.

6.2 MP Comments:
None

6.3 Ward Member Comments:
Cllr Jack Dunn has objected to the application, Cllr Dunn has raised the following concerns:

- The application appears to be a deliberate disregard of the permission received.
- The applicant has been at the centre of more than one planning dispute and as such is well versed in planning procedures and has a first class planning consultant at his disposal so there should be no margin for error.
- The development will set a precedent which the applicant or others could use in future developments.
- Allowing the development when other applicants in the ward have been the subject of full planning enforcement action.
- Highlights the objection received from the local residents which gives a full account of why this development is not in accordance with the approved plans and as such requests that this application is refused.

6.4 Parish/Town Council Comments:
None

6.5 Community Forum Comments:
None

6.6 Objection Comments:
A total number of 3 objections have been received to the application:

- Cllr Jack Dunn
- Cllr Tom Leadley – local resident (No.181 Haigh Moor Road)
- Mr Allan Wood – local resident (No.185 Haigh Moor Road)

6.7 The letters of objection from the neighbours at No. 181 Haigh Moor Road and No.185 Haigh Moor Road raise the following concerns:

- Construction work started in March does not match approved plans
- Lack of speedy enforcement action
- The building is much larger and further forward than the approved plans, and the dwelling now includes concrete footings within the eastern boundary of the plot
- Reports of inaccurate plans and of earlier inaccurate plans and misleading information on the application forms.
- Highlight a need for more numeric detail and dimensions
- Concerns that the dwelling as built does not meet necessary minimum distances to boundaries and neighbouring properties contained within planning policy
- Previous approval cannot be a fall-back position as it cannot be built due to earlier inaccurate plans and the fact that the site is not big enough.
- Overdominance
- Issues of overlooking and loss of privacy

- Invasion of privacy in relation to principal windows and neighbouring private garden space
- Scale and massing of what is under construction
- Distances from the front porch wall and porch
- Overshadowing and loss of light
- Detrimental impact on the neighbouring barn conversion which is Grade II listed.
- Overbearing, oppressive and overdominant
- Overall harmful development which is out of place with the character of surrounding buildings
- Refers to a similar application within the city where the application and plans had typographic errors and the house had been built with in the wrong place and bigger than approved. As a result the house had been demolished and a legal dispute was on going between the applicants and their agent who were alleged to be responsible for the errors and therefore liable for consequential losses suffered by the applicant.
- Concerns regarding vehicle turning areas and lack of turning areas
- Bringing the new eastern boundary wall closer to the listed building at No.183b Haigh Moor Road which may be harmful
- Reports that the existing garage serving No.183b Haigh Moor Road is also not in accordance with the approved plans.

6.8 Support Comments:
None

6.9 Other Comments:
None

7.0 **PLANNING POLICIES:**

7.1 Core Strategy Policies
P10 - Design and Amenity
T1&T2 Accessibility and transport provision for development.

Relevant Saved UDP Policies
GP5 – General planning considerations
BD5 – General amenity issues.
N14 – Listed Buildings
N17 - Listed Buildings

7.2 Supplementary Design Guide
Neighbourhoods for Living SPG

7.3 National Planning Policy
The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant

policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

The aims of the NPPF include a presumption in favour of sustainable development and cites the three dimensions to sustainable development; which include an economic, social and environmental role which should be performed by the planning system.

The NPPF attaches great importance to the design of the built environment and encourages good design (NPPF56). Authorities are encouraged to refuse development of poor design where opportunities are not taken to improve the character and quality of an area and the way it functions (NPPF64).

Planning law states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (NPPF11)

Development Plan

The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

Because of the scale and nature of the development, there are no DPD policies which are relevant to the consideration of this application.

8.0 MAIN ISSUES:

- Sustainability/Principle of Development
- Fallback Position
- Residential Amenity
- Private Amenity Space
- Design/Character and Setting of the Listed Building
- Highway Safety/Accessibility
- Representations
- Other

9.0 APPRAISAL:

15/05445/FU - Retrospective application for detached house and realignment of plot boundary

Principle of development

9.1 The site has accommodated residential development for a substantial period of time, with records showing a small detached property was occupied at the site from 1938. The principle of new residential development at the site, which would represent a continuation of this long established use, is therefore considered acceptable as was demonstrated in granting the recent planning approval at the site (REF) in January 2015.

Fallback Position

The planning history of the site, including the findings of the on-going planning enforcement case, is detailed in the Planning History section of this report. It is noted that it is not an offence in itself to carry out works without first gaining the necessary

planning permissions, however the Council strongly advises against this for obvious reasons. Notwithstanding the retrospective nature of the application however, the current proposal must be assessed on its individual planning merits.

In considering the merits of the planning application submitted it is important to consider what, if any fallback position exists. It is well established that a fallback position, where it exists, is a relevant material planning consideration for any proposed scheme. As noted above it is clear that the dwelling erected on site has not been implemented in accordance with the approved plan and conditions in relation to application 14/03997/FU. As such the dwelling erected does not benefit from planning permission and therefore represents an unauthorised structure.

In normal circumstances the applicant would have a fallback position, in the form of the approved scheme, to which weight should be attached as appropriate. However, following the determination of planning application 14/03997/FU the submitted plans were found to be inaccurate. The inaccuracies in the plans show a larger application site than actually exists and therefore allowances were made for this during the consideration of the previous application. Following the discovery of these inaccuracies it is apparent that the dwelling approved under 14/03997/FU could not in practice be built out. It is therefore considered that the previous planning permission does not represent a viable fallback position and should be attached very little weight in the consideration of the current planning applications.

9.3 Design, Character and Setting of the Listed Building

The application site is situated on the edge of an existing established residential area. However the character of the application site itself is strongly defined by the wider rural setting in the Green Belt and designated special landscape area beyond. Indeed, the close proximity of the Grade II listed barn to the east and the neighbouring cluster non-designated historic buildings of the application site are examples of the rural heritage of the site.

The Leeds Core Strategy includes a number of policies relevant to conservation and design which are relevant. Policy P10 outlines a number of key principles which fall under the wider objective of ensuring new development delivers high quality inclusive design, policy P11 looks to conserve and enhance the historic environment and policy P12 looks to protect the character and quality of Leeds townscapes. Saved UDP policies are also relevant including policies GP5 and BD5 which encourage good design and policy N14 sets out a presumption in favour of the preservation of listed buildings.

The NPPF suggests that local authorities should consider refusing permission 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' (paragraph 64). The NPPF sets out national planning policy in relation to heritage matters in section 12.

In addition to this Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve setting of listed buildings.

As is noted above, the principle of residential development at the site is considered acceptable. In considering the application in design and character terms one of the main considerations is whether the proposal would impact upon the setting of the

listed building or be harmful within the context of the other non-designated heritage assets at the site (i.e. the cluster of non-designated historic buildings).

The Council's Conservation Officer has advised that the proposed dwelling would be harmful to the setting of the Grade II listed barn to the east but that the harm created over the previously approved, although not implementable, scheme would be minimal. Greater harm would however be created in relation to the cluster of historical buildings (of which the listed barn forms part of) due to the size of the new dwelling proposed in what is currently a very modest plot.

In assessing harm to designated heritage assets the NPPF advises at paragraph 134 that the harm should be weighed against the public benefits of a proposal, including securing its optimum viable use. It is not considered that any such benefits exist. In assessing harm to non-designated heritage assets the NPPF advises at paragraph 135 that a balanced judgement should be reached in regard to the scale of any harm of loss and the significance of the heritage asset. It is considered that the cluster of non-designated historical buildings form an important feature of the local area in this respect and therefore the harm is considered to be significant.

This would be harmful to local character including to the setting the of neighbouring Grade II listed building and the non-designated historical buildings in the vicinity. In addition to this the failure to maintain adequate separation distances to neighbouring residential properties and provide for an adequate garden area represent poor design features which add to the overall view that the proposal represents an overdevelopment of the plot.

As such the proposal is therefore considered to fail the relevant legal test of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposal is also considered to be contrary to the wider aims of Core Strategy policies P10, P11 and P12, saved UDP policies GP5, BD5, and N14 and the guidance contained within the National Planning Policy Framework in these respects.

9.4 Residential Amenity

Leeds Core Strategy policy P10 aims to protect general and residential amenity. Saved UDP policy GP5 aims to protect amenity including the amenity of future occupants and policy BD5 states:

'All new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight and sunlight.'

The Council's Neighbourhoods for Living SPG looks to ensure development proposals provide a good level of amenity for future occupiers. Paragraph 17 of the NPPF requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

New residential development should look to provide a good level of amenity for future occupiers and protect the amenity of neighbours. This includes protecting privacy and outlook and ensuring that residential development provides for includes providing good quality outdoor amenity areas for the enjoyment of occupiers.

In terms of privacy, the windows in the front elevation of the dwelling do not meet the minimum distances necessary to comply with guidance. The porch window does not

meet the necessary distance of 4m to the highway, the ground floor 'main' windows do not meet the minimum distance of 10.5m the boundary and the first floor 'secondary' bedroom windows do not meet the minimum distance of 7.5m to the boundary. The combination of these substandard distances and the proximity and orientation of the neighbouring site at 181 Haigh Moor Road leads to significant concerns in relation to privacy with the private garden space of number 181 being particularly overlooked.

Whilst it may be possible to prevent overlooking from the ground floor windows through boundary treatment, the use of obscure glazing in first floor rear window serving the first floor bedrooms would fail to afford future occupiers with satisfactory living accommodation and outlook.

In addition to the above, the larger, two storey element of the dwelling as built measures only 5.7m from the shared front boundary and is also located on a higher land level; as such the dwelling has an overly oppressive impact on the outlook of the adjacent neighbouring site at 181 Haigh Moor Road. The proposal is therefore considered to be harmful to neighbouring residential amenity in respect of overlooking and a loss of outlook contrary to the Neighbourhoods for Living SPG and also policy GP5 and BD5 of the adopted UDP

It is also acknowledged that the increase in height of the dwelling has created some additional overshadowing of the garden space serving the neighbour at No.185 Haigh Moor Road. However, the level of additional shadow cast is not considered to be so significant as to warrant a reason to refuse the application.

In terms of private garden space provision it is considered that the dwelling as built when combined with the proposed detached garage fails to achieve an acceptable level of private amenity space for future occupants. Supplementary Planning Guidance document 'Neighbourhoods for Living' states that the garden area for new housing should represent 2/3rd of the total gross floor area of the dwelling. Using the council's measurements the dwelling has an approximate floorspace of 140m² and whilst the plans submitted suggest that there is ample room for a garage as well as the provision of adequate garden space for future occupants, in reality the footings dug for the garage are much closer to the house thus suggesting that there is a discrepancy between the size of the site and plans submitted.

In conclusion, given the limited garden space proposed, a significant chunk of which is to be taken up with the proposed detached garage, would be unacceptable and would provide insufficient private amenity space to serve the dwelling to the detriment of the amenity of future occupiers. The proposal is therefore also considered to be harmful to the residential amenity of future occupiers in this respect contrary to the Neighbourhoods for Living SPG and also policy GP5 and BD5 of the adopted UDP

9.5

Highway Safety

Both applications are considered acceptable in terms of their impact on highway safety. The application site is located in a sustainable location with good access and transport links. It is the view of the Highways Officer that in light of the previously approved application, a highways objection would be hard to justify.

The highways officer has requested that the door on the proposed garage is widened to 2.4m in width and that the red line should be extended to the adopted highway to include the full length of the access route from Haigh Moor Road. Additionally the Highways Officer has requested that the applicant provides details

of improvements to the access track as it is currently unmade. The agent has confirmed no improvements to the access track are proposed as part of the application and that they have edged the access route in blue as they have a right of access along the access route from Haigh Moor Road. It is therefore considered that the proposal complies with aims of policy T2 of the adopted Core Strategy.

9.6 Representations

It is acknowledged that the neighbours at No.181 and No.185 Haigh Moor Road have submitted lengthy objections in response to the application which seeks retrospective consent for a detached dwelling and realignment of plot boundary. The concerns raised by neighbours support the officer view that the larger dwelling as built is overly dominant and will have a detrimental impact on neighbouring amenity space and that there will be an unreasonable loss of privacy from first floor bedroom windows once the dwelling is occupied. These concerns are also supported by local ward Cllr Jack Dunn. Cllr Dunn highlights the applicant has been involved in previous planning disputes and that this development is also not in line with the approved plans. Cllr Dunn adds that the Council have taken enforcement action to remedy similar unauthorised development elsewhere in the city; the Council is currently looking into taking formal enforcement action.

9.7 Application 15/05446/FU – Detached Garage

The principal of the addition of a domestic garage to serve a new residential property at the site is considered acceptable in principle. In terms of design and character, the garage is of modest proportions with a pitched roof and is to be constructed out of matching materials; furthermore garages are a common feature of residential properties.

It is noted that the Councils Highways Team do not raise any objections to the proposal in terms of highway safety. However, the additional built form created by the introduction of the proposed garage to the side of the dwelling would add to the harm created in this respect with the resulting development leaving little relief between the proposed and neighbouring structures. Therefore, it is considered that within this context the garage would be harmful to both the setting of the listed building (the designated heritage asset) and the non-designated historical buildings and would appear cramped in the plot.

As highlighted previously under Section 9.4 of this report, in terms of private garden space provision it is considered that the larger dwelling as built when combined with the proposed detached garage fails to achieve an acceptable level of private amenity space for future occupants. Whilst the plans submitted suggest that there is ample room for a garage as well as the provision of adequate garden space for future occupants of the detached dwelling, in reality the footings dug for the garage are much closer to the house thus suggesting that there is a discrepancy between the size of the site and plans submitted. The proposal is therefore also considered to be harmful to the residential amenity of future occupiers in this respect contrary to the Neighbourhoods for Living SPG and also policy GP5 and BD5 of the adopted UDP.

10. **CONCLUSION**

10.1 **15/05445/FU - Retrospective application for detached house and realignment of plot boundary**

The proposal is considered to create a well-proportioned, family dwelling using high quality materials in a sustainable location which does not lead to any significant highway safety concerns; these are considered to be the positives of the application.

However, negatives of the proposal include harm to neighbouring amenity in the terms of overlooking, loss of outlook, overdominance, and inadequate level of garden space resulting a poor level of amenity for future occupiers of the new dwelling. Furthermore the proposal will lead to overdevelopment of the site, and is also considered harmful to the character of the area by virtue of its harm to the setting of the neighbouring Grade II listed building at 183B Haigh Moor Road, and cluster of non-designated historical buildings in the vicinity. The development also fails to achieve appropriate space about the building and appropriate separation distances to neighbouring buildings. The negatives of the proposal significantly outweigh the positives of the scheme.

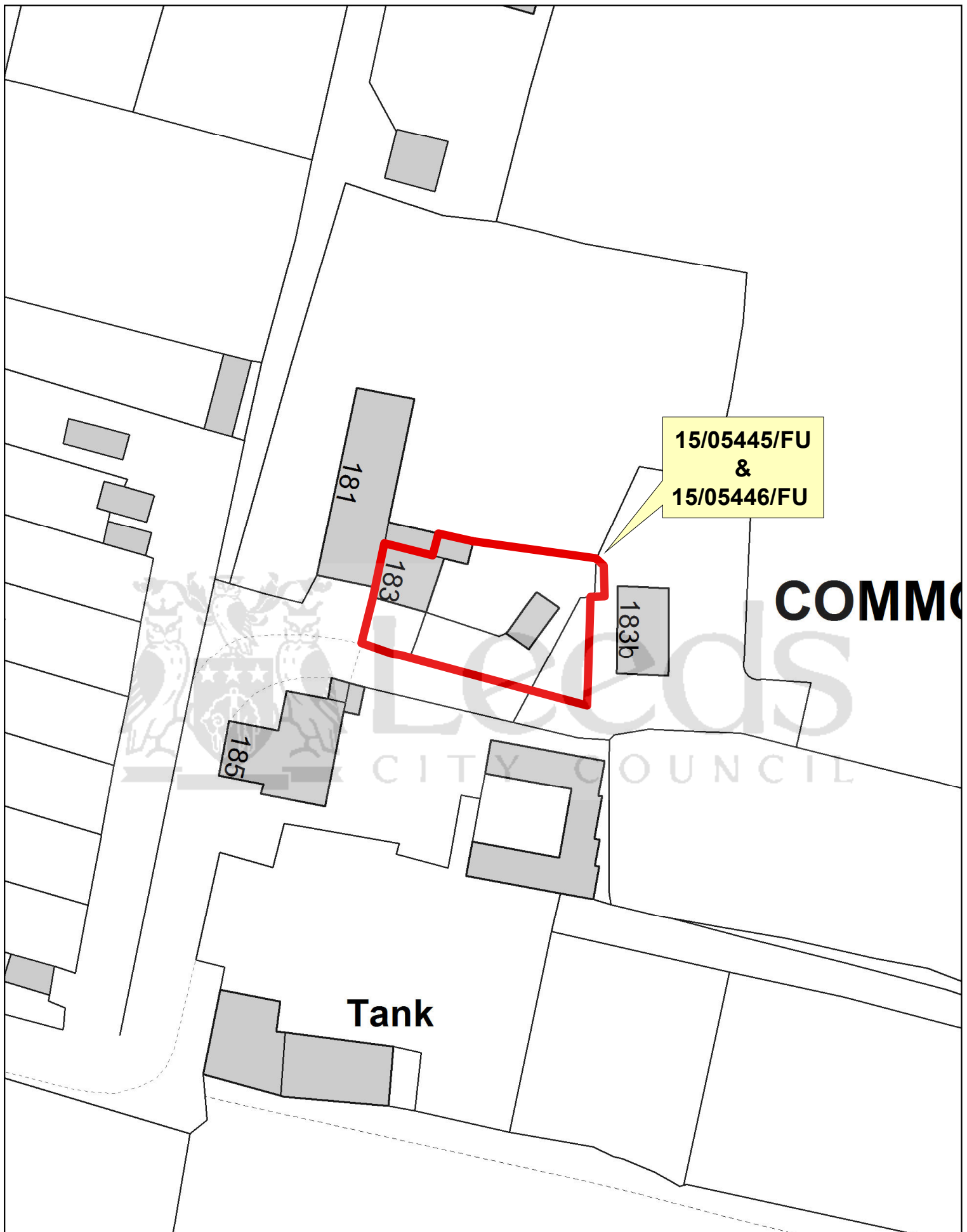
15/05446/FU - Detached garage and realignment of plot boundary

In conclusion, given the limited garden space proposed, a significant chunk of which is to be taken up with the proposed detached garage, the detached garage is considered unacceptable and would provide insufficient private amenity space to serve the dwelling to the detriment of the amenity of future occupiers.

- 10.2 Overall, the applications are considered unacceptable in planning terms and would be contrary to the aims of the relevant local and national planning policy and as such are recommended for refusal.

Background Papers:

Application files 15/05445/FU & 15/05446/FU



SOUTH AND WEST PLANS PANEL

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SCALE : 1/500

