



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22nd September 2016

Subject: Application 16/01656/FU: Part two storey, part single storey side extension and single storey rear extension at 43 Moor Flatts Avenue, Middleton, LS10 3SS.

APPLICANT

Mrs C Wilby

DATE VALID

14th March 2016

TARGET DATE

26th September 2016

Electoral Wards Affected:

Middleton Park

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 specified conditions:

1. Time Limit on Permission.
2. Plans to be approved.
3. Matching materials
4. Obscure glazing in the first floor side window
5. Retention of boundary treatment
6. The extended drive shall be constructed at the same gradient as existing

1.0 INTRODUCTION:

1.1 This planning application was presented at Plans Panel South and West on 25th August 2016 with an officer recommendation for approval.

1.2 At the 25th August Panel meeting, Members resolved to defer the determination of the application and requested officers to carry out further negotiations with the applicant in respect of setting the extension in from the boundary by 1m at both ground and 1st floor. The concern expressed related to access to the rear garden for bins, but mainly with regard the dominance and overbearing effect upon the main entrance door to the adjacent bungalow. This door would face directly on to

the extension as proposed. At the Plans Panel Members raised concern that there had been a change in approach with regard the consideration of two storey side extensions. Officers had stated that the approach had not changed. However, in this case other material considerations needed to be considered. There was significant amount of debate with regard this issue and Plans Panel requested that the application was to be reported back to Plans Panel for determination.

- 1.3 It is also noted that since the last Plans Panel meeting on 25th August 2016, Cllr Kim Groves has requested to withdraw her objection to the scheme.
- 1.4 Officers have met with the applicant and their planning representative to review the details of the development proposal in light of Members' discussions at the Plans Panel meeting. The applicant has stated that a reduction of 1m set in to the ground floor side extension would not be feasible as it would not provide the desired accommodation at the ground floor. Accordingly the applicant has requested that the application be determined on the basis of the plans presented to the August Panel. The previous report, appropriately updated, is set out below for Members information. The recommendation from officers remains to grant permission subject to specified conditions.
- 1.5 To help members consideration of the application and to clarify why Officers maintain the original recommendation. It is worth considering the guidance provided in the householder design Guide and how it has been interpreted by officers, and the 'fall-back position' with regard Permitted Development.
- 1.6 The Householder Design Guide does state that two storey extensions can easily erode the character of an area as they often take up all or most of the space to the side of a house and bring the building close to its neighbour. In a street of regular, semi-detached dwellings at least a 1m gap should be maintained to the side boundary. The key consideration in the aforementioned paragraph is the reference to 'regular semi-detached dwellings'. The intention here is to prevent what is described as the creation of a terracing effect if a row of similar dwellings, character of which is defined by the spaces the driveways create, should all have similar extensions. In this case the adjacent property is a bungalow. Therefore as it is significantly lower because of its design, it could not be argued that a terracing effect exists in relation to its neighbour because it has a slightly different context to the rest of the row of semi-detached house on the street and is located directly next to a bungalow which creates a variation in the street scene and would not be seen to create any impact in regard to terracing.
- 1.7 This particular stance has been supported in a recent appeal decision referred to at the last Panel in the appeal decision for a two storey side extension at 71 Church Lane, Methley (APP/N4720/D14/2229083). In this case the proposal had been designed with 0.75m gap between the proposed extension and a neighbouring property (built up to the boundary). Officers had said that this was insufficient and should be increased to 1.0m. The Inspector noted that the section of the street was characterised by pairs of semi-detached houses arranged regularly along a similar building line with relatively narrow drives creating modest gaps between them. However, as the appeal property stood at the end of a row semi-detached pairs of houses, beyond which there were 2 detached houses with ridges running at right angles to the road, he saw this slightly different context with regard to the change in house types as sufficient to conclude that there was break in the street scene that would not lead to a terracing effect. This was in reference to the roof designs not necessarily the 0.75m gap. He went on to say that because of the atypical context of this particular semi-detached dwelling he did not consider that in this particular

case there would be serious harm to the street scene and no material conflict with the objectives of the underlying policies and guidance. It should be noted also that in the case of this application a 2.5m gap is maintained between the properties by virtue of the drive serving the bungalow.

- 1.8 Members should also be aware that the Householder design guide does refer to the requirement for retention of 1.0m to the side boundary for both single storey and two storey extensions. For ground floor side extensions the guidance states that 'adequate space is maintained to allow access to the rear' but this is caveated by the following 'where this is not possible space should be provided for wheelie bins to the front of the property but these will need to be screened and not obtrusive'. The guidance relating to setting in by 1m the first floor element is primarily to retain space between buildings of similar design to avoid a terracing effect. Bearing in mind that a single storey side extension on its own located up to the boundary in most cases is 'permitted development' (see paragraph 1.8 below) pragmatic Interpretation of both elements of advice combined with appeal decision has led to applications such as the one before members to day being considered acceptable.
- 1.9 In addition to the aforementioned officers have taken into consideration what could be constructed under the applicants Permitted Development Rights as a legitimate fall-back position. The applicant would be able to construct the single storey element to the side of the property up to the boundary with the adjacent neighbour for the full depth of the property. Therefore presenting a blank wall along the neighbours drive way, facing the neighbour's doorway as proposed by the application with no access to the rear externally at ground floor. The applicant would also be able to construct the single storey rear extension across the full width of the property under their Permitted Development Rights.
- 1.10 Therefore officers have concluded on balance in view of the guidance provided by the Householder Design Guide, site specific circumstances, a recent appeal decision and the Permitted Development fall-back position, that the application be recommended for approval.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission for a part two storey, part single storey side extension and single storey rear extension. The proposal will create a TV room, utility, enlarged open plan kitchen and dining room at ground floor level and the extension will enlarge the existing accommodation at first floor level.
- The ground floor side element will project 2.5m in width and 7.6m in depth
 - The first floor side element is set back from the front elevation by 1m and as such will measure 6.7m in depth
 - The two storey element will have a hipped roof which measures 5.22m to the eaves and 7.08m to the ridge
 - The single storey element will have a hipped roof which measures 2.9m to the eaves and 3.66m to the ridge
 - The single storey rear extension will measure 8.5m in width, project 2.69m in depth and have a hipped roof which measures 2.42m eaves height and 3.68m

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site relates to a relatively plain and simple semi-detached, brick built dwelling with concrete tiled hipped roof. The property is set back and set down

slightly from the highway with a modest driveway to the side which runs down to meet a single garage. There is a noticeable gradient on the site, as such the rear garden area is on a lower level to that of the host and is accessed via an area of timber decking. The rear garden area has a total length of approximately 12.5m which is bounded by a 1.8m high timber fence and hedging. The host's rear garden joins the rear gardens serving Middleton Park Road.

- 3.2 The area is residential in nature; the dwellings in the immediate streetscene and surrounding area are a mix of semi-detached dwellings and semi-detached bungalows. It is noted that the host dwelling forms part of a pair of two storey dwellings on Moor Flatts Avenue after which, the house type changes to bungalows at the head of the cul de sac. The adjacent neighbouring dwelling at No.45 Moor Flatts Avenue is a bungalow and is located on a slightly higher land level.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 H21/18/81/ - Approved
Addition of car port to side and rear of semi-detached house.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 See section 1.0 above and paragraph 10.2 below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by Neighbour Notification Letter. The neighbour notification letters were posted out on 29th March 2016 and 12th May 2016 following receipt of revised plans. The publicity period expired on 19th March 2016. Two letters of objection has been received in relation to the application from the neighbour at No.45 Cross Flatts Avenue. The first letter relates to the original plans submitted; the neighbour raises concerns regarding;

- The plans submitted do not show the relationship with their property
- Loss of light and overshadowing especially in the kitchen
- Loss of privacy due to the new utility room window looking into kitchen
- Development is out of scale with other properties in the area
- There are no two storey extensions in the streetscene
- Concerns that the extension builds right up to the boundary
- Damage to the neighbours drive and foundations during construction
- Lack of access to rear bin storage area
- Reference to a restrictive covenant relating to the host property

The second letter relates to the revised plans received; the neighbour raises concerns regarding;

- The extension will be 9ft from their kitchen (only entrance door)
- Smaller extension would still obstruct light into the property and cause overshadowing
- Smaller development still out of scale and will harm the character of a small cul de sac
- Remain concerned about damage to their drive and foundations during construction
- Such an imposing extension would impact on their quality of life

6.2 Cllr Paul Truswell, Cllr Judith Blake and Cllr Kim Groves raise concerns that the precedence would be set for the building of such extensions in this street.

6.3 It is noted that the applicant's partner has submitted a letter supporting the application.

7.0 CONSULTATION RESPONSES:

7.1 None

8.0 PLANNING POLICIES:

Development Plan

8.1 Section 38 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 comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Core Strategy Policies

P10 - Design and Amenity

P12 - Landscape

T1&T2 Accessibility and transport provision for development.

Relevant Saved UDP Policies

GP5 – General planning considerations

BD5 – General amenity issues.

BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building

Supplementary Design Guide

Neighbourhoods for Living SPG

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 should 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.

National Planning Policy

- 8.3 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.
- 8.4 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.
- 8.5 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 the consideration of this application:
7. Requiring good design

9.0 MAIN ISSUES:

- Design and Character
- Fallback Position
- Residential Amenity
- Highway Safety/Accessibility
- Bin Storage
- Representations

10.0 APPRAISAL:

Design & Character

- 10.1 The Leeds Core Strategy includes a number of policies appropriate to 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. Saved Unitary Development Plan policy GP5 looks to protect amenity (including visual amenity) and saved UDP policy BD6 aims to ensure that "alterations and extensions should respect the scale, form, detailing and materials of the original building". The Council's Householder Design Guide Supplementary Planning Document (SPD) includes a number of policies and detailed guidance for domestic extensions which are relevant to the proposal.
- 10.2 Originally the applicant sought consent for a larger part two storey, part single storey side extension. The original extension included a two storey side extension with a width of 2.5m and depth of just over 7m running along the common boundary shared with the adjacent neighbour at No.45 Moor Flatts Avenue. This amount of solid massing along the boundary was considered unreasonably dominant and building right up to the boundary at two storey level was considered harmful to the character of the host dwelling and could not be supported. As such, amendments were requested in order to provide more relief between the first floor extension and the

boundary shared with the adjacent neighbouring dwelling resulting in the first floor element being set in by 1m.

- 10.3 Following receipt of revised plans, the part two storey, part single storey side and rear extension is now considered acceptable in terms of design and character. It is acknowledged that the two storey side extension does add a degree of additional bulk and the adjacent neighbouring bungalow is of smaller scale and form. However, the first floor extension has been reduced in width and is now offset from the common boundary shared with the adjacent neighbour at No.45 Moor Flatts Avenue by 1m. The first floor element of the side extension is set back from the front elevation by 1m, and set down adequately from the main roof ridge. Furthermore the extension will use matching materials, fenestration and detailing. As such, the amended two storey side extension does comply with the guidance contained within the Householder Design Guide and will be read as a subservient addition. The single storey rear extension is also considered acceptable in terms of design and character. The extension is of modest proportions with a mono-pitched roof. The extension is located to the rear of the property and will replace an existing flat roof extension.
- 10.4 It is acknowledged that the neighbour at No.45 Moor Flatts Avenue has raised concerns regarding the development being out of scale with other properties in the area and that there are no two storey extensions in the immediate streetscene. However, it would be unreasonable to hold a strong objection to the proposal on these grounds as every application is treated on its own merits. There are some examples of side extensions within the surrounding area and in this instance the proposal represents an acceptable addition which sufficiently respects the character of the existing property and wider streetscene and meets the wider aims of Core Strategy policy P10, saved UDP policies GP5 and BD6, HDG1 of the Householder Design Guide SPD, and the guidance contained within the National Planning Policy Framework in these respects.

Fallback Position

- 10.5 It is noted that the applicant does have a permitted development fallback position; the applicant could build a single storey side extension and also a single storey rear extension without the need for planning permission under 'permitted development' provided that the extension does not wrap around the corner of the property. Therefore, a lot of the massing associated with the proposal could be built without the need for planning permission and the principle of a single storey side and rear extension cannot be disputed. The parts that do require permission would therefore be the first floor element, and the link between the corner and the side.
- 10.6 Members should note that for a fall-back position to be given weight there has to be a reasonable expectation that it would be built. In this instance, following discussions with the agent, it is clear that the applicants would be likely to implement their permitted development rights should planning permission for the application before members not be forthcoming. It is considered therefore that this factor should be given some weight in the overall appraisal.

Residential Amenity

- 10.7 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.’ Policy GP5 notes that “extensions should protect amenity and this includes the loss of privacy through overlooking, overdominance and overshadowing”. The Council’s Neighborhood’s 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.

- 10.8 With regard to these considerations, the proposal is considered acceptable. The adjacent bungalow at No.45 Moor Flatts Avenue is of a smaller scale and form and it is acknowledged that the occupiers of this property have raised concerns regarding the close proximity of the extension to their kitchen (and only entrance door) and how the plans submitted do not include their property. However, this detail is not required as part of the ‘validation criteria’ and the spatial relationship between the neighbouring properties is assessed during the officer site visit. As noted above, there is a noticeable gradient between the host property and the adjacent bungalow; as a result the host property is located on a lower level and it is also noted that the bungalow features two windows to this side serving a bathroom and kitchen, it is also noted that the kitchen is served by two windows one to the front and one to the side.
- 10.9 It is acknowledged that the proposal will add a degree of additional bulk and massing. However, this is not considered harmful to neighbouring amenity space as the bulk of the proposal will be located over the hosts existing driveway which runs parallel to the neighbour’s driveway rather than their private garden space. The change in land levels and 1m offset from the boundary will help mitigate the additional massing proposed. Therefore, the proposal is not considered harmful in terms of overdominance of neighbouring amenity space.
- 10.10 It is noted that the adjacent neighbour has raised concerns regarding overshadowing and loss of light to principal windows. However, the bulk of the extension will be confined within the hosts western side elevation therefore any additional shadow cast will be limited to later in the day and will fall over the host’s front garden area rather than neighbouring windows or amenity space.
- 10.11 With regards to overlooking, the windows in the front elevation will look out in the direction of the highway rather than neighbouring amenity space. The windows in the rear elevation will look out over the hosts own garden area rather than neighbouring private amenity space. The new first floor window opening in the western side elevation will serve a bathroom and could be obscure glazed to prevent any loss of privacy. The ground floor window serving the utility room is a high level window with very limited outlook which would be offered additional screening by the existing boundary treatment. If members are minded to approve the application, a condition should be attached requiring the use of obscure glazing in the first floor side window.
- 10.12 Overall, the proposals are not expected to create a harmful increase in overshadowing of neighbouring private amenity space or principal windows. As such, the application is considered to be acceptable in terms of privacy, loss of light and overshadowing and is considered to be in keeping with the wider aims of UDP policies GP5 and Householder Design Guide policy HDG2.

Highway Safety

- 10.13 The proposal does not prevent two cars from parking off-street on site. Whilst the proposal will build over part of the hosts existing driveway, using the proposed block plan submitted, the applicant is intending to create a second off street parking space to the front. It should also be noted that the proposed increase in width to the drive way would reduce the length of kerb available for visitor parking directly in front of the property on street. However, the remaining length is still sufficient to park a vehicle without obstructing driveways. As such, the proposal is considered to protect highway safety and is considered to be in keeping with the wider aims of adopted Core Strategy policy T2.

Bin Storage

- 10.14 The proposed extension will involve building over part of the hosts existing driveway and restricting access from the rear of the property to the front. Since the last Panel meeting on 25th August 2016 the agent has provided a revised block plan showing the proposed bin store which would be located in front of the extension and to the side boundary of number 45 Moor Flatts Avenue.

Representations

- 10.15 It is acknowledged that the adjacent neighbour at No.45 Moor Flatts Avenue has objected to both the original and revised plans. All material planning matters raised by way of representation are discussed above. Concerns regarding structural damage to the neighbours driveway and foundations during construction are covered separately by Building Regulations. Comments in relation to a restrictive covenant relating to the host property are a legal matter and should be dealt with outside of the planning process.

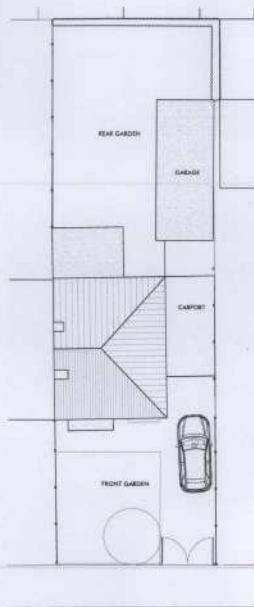
11.0 CONCLUSION

- 11.1 The scheme is considered to comply with both National and Local planning policy regarding householder development. The proposal would create additional living accommodation for an existing family dwelling and the development does not lead to harm to neighbouring amenity in terms of outlook, privacy, over-dominance or create any significant highway safety concerns. Amendments have been requested in order to achieve a more sensitive design which is in keeping with the character of the host dwelling and wider streetscene. In addition an additional condition has been added to ensure that the proposed extension to the width of the driveway is constructed to the same gradient as the existing driveway. There are not considered to be any material planning reasons to resist a part two storey, part single storey side extension and single storey rear extension at this property.
- 11.2 Overall, the application is considered acceptable in planning terms and does accord with the aims of the relevant local and national planning policy and as such is recommended for approval subject to conditions.

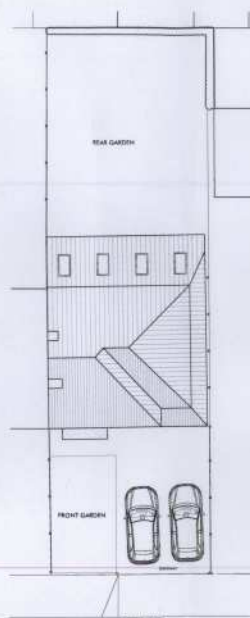
Background Papers:

Application files 16/01656/FU

Certificate of ownership: signed by applicant



EXISTING SITE PLAN



PROPOSED SITE PLAN

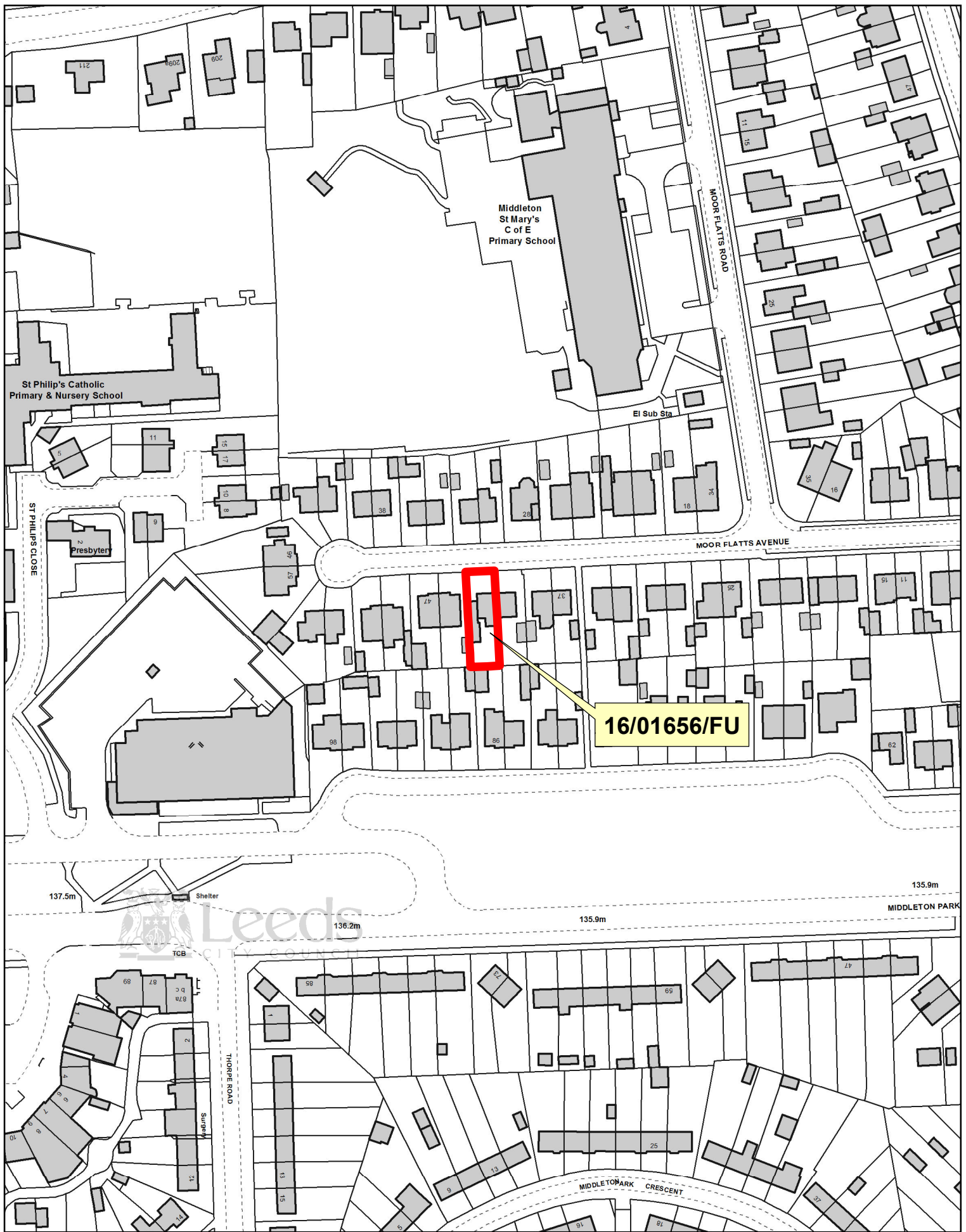
REV. DATE. DESC.



33e Chapel Street
 East Ardsley
 Wakefield
 West Yorkshire
 WF3 2AA
 T: 01924 835600
 M: 07767 774257
 W: www.sk-design.co.uk
 E: info@sk-design.co.uk

CLIENT:	MRS C WILBY
PROJECT:	43 MOOR FLATTS AVENUE, MIDDLETON, LS10 3SS
DRAWING TITLE:	FLOOR PLANS
PROJECT REF:	2016-075
DRAWING NO:	300
REVISION:	-
SCALE:	1:200(A3)
DATE:	FEB 2016





SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

