



**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 1<sup>st</sup> December 2016**

**Subject: 16/06387/FU – Replacement detached house with basement garage at 7 Bracken Park, Scarcroft, Leeds. LS14 3HZ**

**APPLICANT**

Mr and Mrs Khan

**DATE VALID**

19<sup>th</sup> October 2016

**TARGET DATE**

14th December 2016

**Electoral Wards Affected:**

**Harewood**

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. Time limit on full permission;
2. Development carried out in accordance with approved plans
3. Materials to match the existing;
4. Pre-commencement Tree Survey required. Recommendations to be implemented;
5. Permitted development restriction – No windows to side elevations/roof plane of proposed extensions;
6. Glazed door to side (east) to be glazed and tall fencing to be erected to maintain privacy of adjacent property.
7. Pre-commencement condition requiring approval in writing of bat roosting provision to be made on the site.
8. Pre-commencement details of tree protection methods.
9. Porous materials for driveway and hard standing.
10. Details of proposed and existing ground levels and finished floor levels to be submitted and agreed.
11. Structural Impact Assessment
12. Statement of Construction Practice Practice

## **1.0 INTRODUCTION**

- 1.1 An application (14/05100/FU) for this site, seeking permission to raise roof height of main existing dwelling; two storey extension to front; two storey extension to side/rear; single storey extension to side; dormer windows to rear roof plane and create living space in roof, was brought forward to panel on 9<sup>th</sup> April 2015 at the request of Councillor Rachel Procter who was concerned with the impact that the proposal will have on the character of the area. The Panel approved the application.
- 1.2 This current application seeks permission to replace the existing detached house with a new build detached house with basement garage. The proposed dwelling retains a similar footprint to the original but will include a two storey element that projects from the rear elevation and a single storey side element. Although the proposed dwelling has a 1m increase in height, the ground level is being regraded and lowered, mitigating the height increase.
- 1.3 The planning permission approved under 14/05100/FU (approved plan 2013/75/23N refers) accepted a proposed ridge height of approximately 146.99 above sea level. The two storey element of the adjacent property, 9 Bracken Park, to the side (east), measures approximately 146.68m above sea level.
- 1.4 The current proposal – plan 2013/75/32F, by virtue of a re-graded and lowered ground level will be approximately 146m above sea level.
- 1.5 The application is brought to Panel at the request of Councillor Rachael Procter who is has expressed concern at the impact the proposal will have on the adjacent property, 9 Bracken Park and the character and nature of the area.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application relates to a gable roofed, random coursed stone built rectilinear large detached residential dwelling. It is of modest and simple form and style set down and back from the highway set back from the highway behind a low wall and a front garden dominated by a driveway with two access points off Bracken Park. The property is characterised by a chalet style form, thus rather than appearing as a two storey structure it has a single storey with living space and dormers in the roof. The property has a large garden to the rear with mature planting and trees and solid timber fencing and high hedge boundary treatment which is to be retained.
- 2.2 The property has a detached double garage set to the side of the main property and the tarmacked driveway allows at least two cars to be parked clear of the highway.
- 2.3 Bracken Park is located on a cul-de-sac of large residential dwellings of similar size, scale, form and style to the applicant property in a rural-fringe location within the envelope of the village of Scarcroft to the north east of the City of Leeds.

## **3.0 PROPOSAL**

- 3.1 It is proposed to demolish the existing dwelling and replace with a new build detached house with a basement garage. The front elevation is of a traditional appearance with window openings of traditional proportions and arrangements. The whole house is to be constructed from stone with a slate roof. The rear elevation differs in appearance in that it incorporates large areas of glazing and three small flat roof dormers sit on the rear facing roof slope.
- 3.2 It is proposed to erect a gable roofed dwelling measuring approximately 26.8 wide at ground floor and 23.8m wide at first floor by 17.4m deep by 8m tall to ridge and 5.7m tall to eaves.
- 3.3 The proposal includes a two storey transverse gable roofed projection to the rear measuring approximately 7m wide by 5.5m deep by 7.8m tall to ridge and 5.5m tall to eaves.
- 3.4 Also, a single storey element to the side adjacent to 9 Bracken Park which will measure approximately 3m wide by 8m deep by 4.7m tall to ridge and 2.8m tall to eaves measured from ground level and set back from the front elevation. A gap of approximately 2.2m will be retained to the side boundary with no. 9 Bracken Park.
- 3.5 It is proposed to use the roof space as living space with three flat roofed box dormers to the rear (north) roof plane.
- 3.6 The proposal also includes a basement garage (not visible from the front) to the rear of the application property and to be set under and within the footprint of the main dwelling.

#### 4.0 RELEVANT PLANNING HISTORY

Application number:	14/02450/FU
Proposal:	Alterations including three storey, two storey and single storey front/side/rear extensions; dormer windows to front/rear and balconies to side/rear
Status:	Withdrawn.
Date of decision:	19 <sup>th</sup> June 2014
Application number:	14/05100/FU
Proposal:	Raise roof height of main dwelling; two storey extension to front; two storey extension to side/rear; single storey extension to side; dormer windows to rear roof plane and create living space in roof
Status:	Approved
Date of decision:	13 <sup>th</sup> April 2015
Application number:	15/06670/FU
Proposal:	Raise roof height of main dwelling; two storey extension to side/rear; single storey extension to side; single storey extension to rear; dormer windows to rear roof plane and create living space in roof.

Status:	Withdrawn
Date of decision:	18 <sup>th</sup> February 2016
Application number:	16/04340/FU
Proposal:	Demolition of existing dwelling and construction of replacement dwelling.
Status:	Withdrawn
Date of decision:	8 <sup>th</sup> September 2016

## 5.0 HISTORY OF NEGOTIATIONS

5.1 No pre-application discussions per se have been. However, this application is a re-submission of earlier applications for a similar proposal that were withdrawn.

## 6.0 PUBLIC/LOCAL RESPONSE

6.1 The initial application was advertised by neighbour notification letters sent on 20<sup>th</sup> October 2016

6.2 The publicity period for the application expired on the 14<sup>th</sup> November 2016. To date one objector from no. 9 Bracken Park has made comments. Concerns expressed are in relation to the initial plans:

- The proximity of the proposal to the boundary and closure of the gap between properties
- Loss of gap
- Over-dominance.
- Overshadowing.
- Scale and massing of rear extension.
- Contrary to the Council's House Holder Design Guide.

## 7.0 CONSULTATIONS RESPONSES

7.1 Sustainability-Nature Team: The applicants, on advice from the Nature Officer, have provided a Bat Emergence Survey. This has been reviewed by the Nature Officer who concludes that the report is satisfactory and advises that should planning permission be approved a condition be attached that requires the provision of bat roosting features.

Landscape: Note that the proposal does not appear to be in conflict with any trees but advise a condition requiring trees to be protected during construction works.

## 8.0 PLANNING POLICIES

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies of the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), as well as relevant SPGs and SPDs.

### Local Planning Policy

8.2 Relevant saved UDP policies include:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD5: Seeks to ensure design has regard to its context.

### Local Development Framework - Core Strategy

- 8.3 Policy P10 requires a high standard of design.

### Supplementary Planning Guidance/Documents

- 8.4 Neighbourhoods for Living – gives guidance in respect of design having regard to its context and separation distances.

### National Planning Policy

- 8.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF requires places an importance on achieving good design.

## **9.0 MAIN ISSUES**

- 1) Design and Character
- 2) Neighbour Amenities
- 3) Highway Safety
- 4) Consideration of Objections

## **10.0 APPRAISAL**

### Design and Character

- 10.1 The National Planning Policy Framework states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted". Leeds Unitary Development Plan Policy GP5 states that "development proposals should seek to resolve detailed planning considerations including design" and should seek to avoid "loss of amenity". These policies are elucidated and expanded within the Householder Design Guide.
- 10.2 The existing property is as noted a large residential dwelling of modest and simple style and form and the proposal will increase the width, height and depth of the property. Although taller than the existing the ground level will be regarded to lower ground level by approximately 1m mitigating the 1m increase in proposed ridge height. The proposed new dwelling will remain largely within the footprint of the existing, with the exception of the of the two storey projecting rear element.
- 10.3 The application property is set in a depression and is thus lower than the surrounding street scene. The existing ground level will be lowered and thus the rise in roof height within this context does not significantly impact on the wider street scene.

- 10.4 The proposed dwelling will have a simple shape and form and the size and scale reflect the pattern and scale of surrounding development. As such no harm is anticipated to the dwelling or the wider street scene.
- 10.5 In terms of size and scale, the proposed application property will be similar to other properties in Bracken Park and whilst the proposal represents a significant change to the existing application property the size and scale is in keeping with neighbouring properties in Bracken Park.
- 10.6 There has been some concern expressed in relation to the reduction of the gap between the application property and 9 Bracken Park. The proposal will result in a gap of approximately 2.9m between the proposed side (east) elevation of the single storey side (east) element and the side (west) elevation of the single storey garage at 9 Bracken Park and approximately 8m between the side (west) elevation of proposed single storey side (east) element and the side (west) elevation of the main two storey dwelling at 9 Bracken Park.
- 10.7 In terms of the gap and the effect of the proposed two storey side (east) elevation on the gap, it will result in a gap of approximately 6m between the proposed side (east) elevation and the single storey garage at 9 Bracken Park and 11m from the side to the main dwelling at 9 Bracken Park.
- 10.8 Whilst the gap will be reduced, there will still be a clear visible gap when read from the street and as such it is considered that the proposal will not significantly harm the character and nature of the application property, 9 Bracken Park or the wider street scene.

#### Neighbour Amenity

- 10.9 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking will be strongly resisted”.

#### Overshadowing:

- 10.10 In respect of overshadowing the potential greatest impact is on 9 Bracken Park. This is a two storey house of similar size and scale to the applicant property. Under the proposed scheme the main dwelling would be separated from the application property by a gap and its own a single storey attached garage.
- 10.11 The proposed property will be set slightly lower than 9 Bracken Park and the proposed two storey side (east) and rear (north) extension have been stepped down relative to the applicant property. In terms of the track of the sun in relation to the proposed side (east) extension, it is considered that overshadowing will not be to a significantly greater degree than in relation to the existing.
- 10.12 In respect of the proposed two storey rear (north) projection, it is likely that this will cause some overshadowing during the afternoon. However, the garage of 9 Bracken Park is located to the side (west) and it will be that area to the rear of the garage that will be most affected by the proposal. It is noted that 9 Bracken Park has a large garden with a significant amount of private amenity space that will not be affected by the proposal. Given the distance from the main dwelling at 9 Bracken Park and proposed two storey rear (north) projection, approximately

11.4m, overshadowing is not considered to have such a significantly harmful impact that it would justify a refusal. The shadowing diagrams support these conclusions.

Overdominance:

- 10.13 In light of the degree of separation (11m to the main house) and scale of the extensions it is not considered that the resultant house would dominate 9 Bracken Park to such a significant or harmful extent that it would justify a refusal.

Overlooking:

- 10.14 5 Bracken Park is the adjacent property set approximately 19m to the side (west) of the application property.
- 10.15 It is proposed to install windows at ground and first floor level into the side (west) elevation of the proposed two storey rear (north) extension. These windows will be approximately 24m from the common boundary with 5 Bracken Park and 37m from the main dwelling at 5 Bracken Park. As such they exceed the distances advised in the NFL and are not uncommon within residential contexts. Accordingly, overlooking is not considered to be significantly harmful enough to justify refusal.
- 10.16 Other proposed windows will allow views toward the front (south) and over the highway and rear (north) and over open countryside. There will be no windows located in the side (east) elevation and thus no overlooking toward 9 Bracken Park.

Highway Safety

- 10.17 Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including highway safety”. In order to be considered acceptable in respect of highway safety development proposals must not prevent two cars parking within the curtilage of a dwelling.
- 10.18 The works which are proposed remove the existing garage and replace it with a new integral garage set in the proposed basement and measuring approximately 5.8m wide by 9m deep. The garage is large enough for 2 vehicles, there is also additional parking provision within the site frontage. As such the application is considered acceptable in this regard.

Consideration of Objections

- 10.19 The concerns and issues raised by the neighbour at no. 9 Bracken Park have been addressed above.

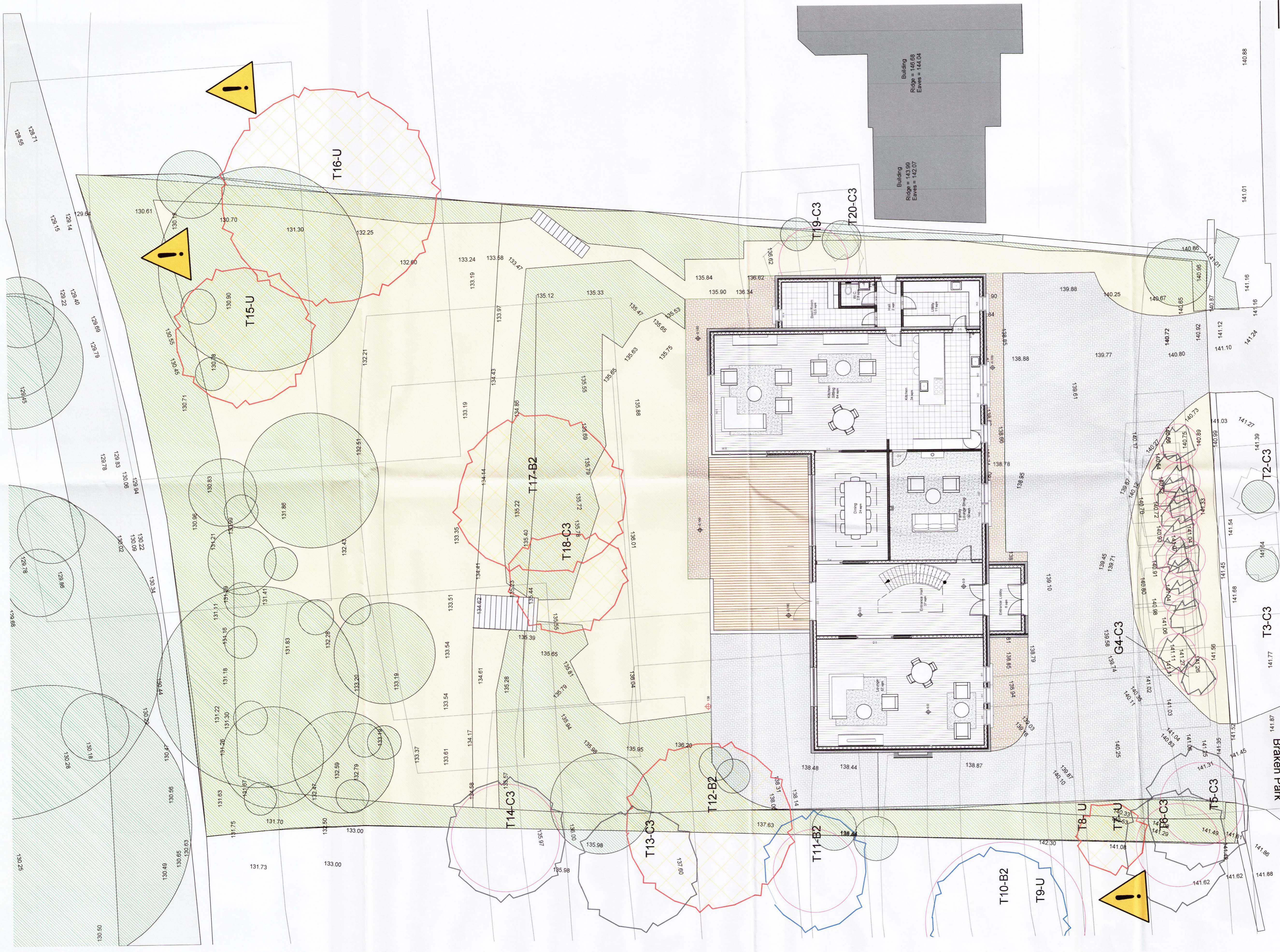
## **11.0 CONCLUSION**

- 11.1 The application is considered to be acceptable. The proposal would not harm the design and character of the applicant dwelling or Bracken Park nor harmfully impact on neighbour amenity or highway safety. As such, the application is compliant with the relevant policies and guidance.

### **Background Papers:**

Application file: 16/06387/FU

Certificate of ownership: Certificate A signed by agent on behalf of applicant.



Proposed Site Plan

REVISION HISTORY			
REV	DESCRIPTION	DATE	APPROVED
B	General Amendments	12/10/15	DMC
C	General Amendments	03/12/15	DMC
D	General Amendments	23/05/16	DMC
E	General Amendments	27/05/16	DMC
F	General Amendments	07/06/16	DMC
G	General Amendments	13/06/16	DMC
H	General Amendments	20/06/16	DMC
I	General Amendments	01/07/16	DMC

- Key
- Neighbouring Buildings
  - Vehicle Accessible Path
  - Green Areas
  - Private Foot Path
  - Tarmacadam
  - Vegetation/Planting
  - Hedges
  - Property Boundaries
  - Trees



**studio MAP**  
 Architecture and Project Management

Bridge House  
 1 - 2 Station Bridge, Harrogate  
 North Yorkshire, HG1 1SS  
 Tel: 01423 709192  
 Fax: 01423 709183  
 Email: admin@studiomap.co.uk

CLIENT  
 Mr & Mrs Khan

PROJECT  
 7 Braken Park, Scarcroft, Leeds

TITLE  
 Proposed Site Plan

STATUS  
 Planning

DATE  
 July 2015

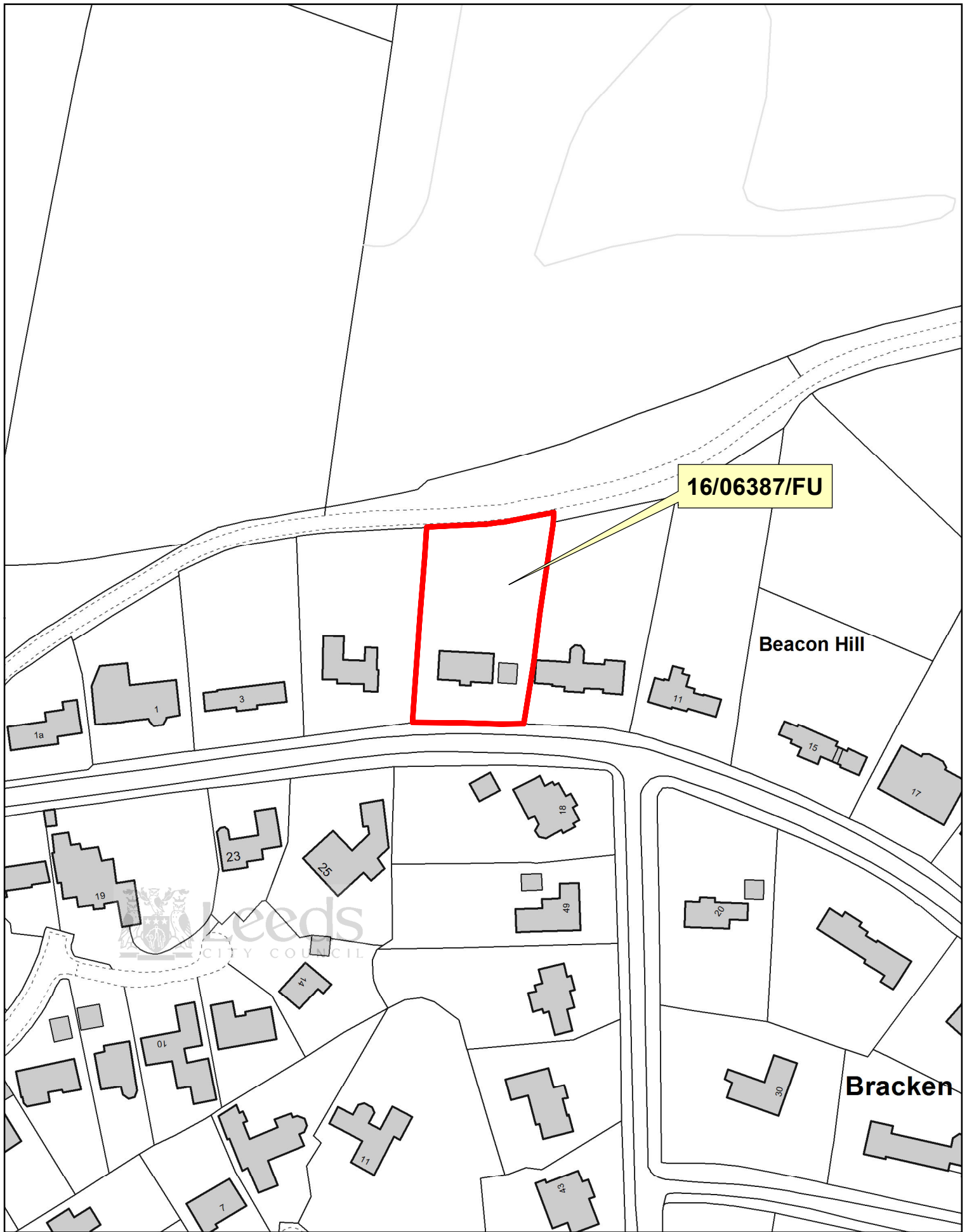
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 2013 75 30 I





# NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

