



0.
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 13th April 2017

Subject: Planning application 16/00178/FU – Replacement of pitched roof with flat roof dormer to front and new flat roof dormer to the rear at 71 Hill Top Mount, Leeds, LS8 4EL.

APPLICANT

Mr Mohammed Hussain

DATE VALID

15th January 2016

TARGET DATE

Extended 14th April 2017

Electoral Wards Affected:

Gipton & Harehills

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

RECOMMENDATION: REFUSE PERMISSION for the following reason:

1. The Local Planning Authority considers the removal of the existing, original pitched roof dormer from the front of the property and its replacement with a large, flat roofed box dormer which itself is poorly designed excessive in size represents an unsympathetic alteration, is harmful to the character and appearance of the host dwelling, when viewed individually, as a pair of semi detached properties and also as part of the wider streetscene. As such, the front dormer proposals fail to comply with Policy P10 of the Core Strategy, Policies GP5 and BD6 of saved Leeds Unitary Development Plan Review (2006) as well as the design guidance set out in Policy HDG1 of the Householder Design Guide SPD and the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application was first presented to the Panel on 7th April 2016, where Members requested that officers find out more about the personal circumstances of the family

and to explore other options/designs than could be supported before it was considered for final determination.

- 1.2 In responding to the request for more information relating to the personal circumstances of the applicant and his family, the agent has provided the following:
- The family structure comprises of the applicant, his wife and 3 children. Two of the children are school age (daughters) and the third, a son is in his 20's.
 - The applicant has health issues which also affect his mobility. He is therefore unable to use the stairs and now occupies the front living room. The wife still occupies the main first floor bedroom and a further 3 bedrooms are available, one for each of the children.
 - As the children spend a lot of time in the bedrooms (due to the father being in the living room) additional space in the two top floor bedrooms is required.
- 1.3 Further discussion about potential options have been discussed with the applicant is provided within the negotiations section of the report (section 5).

2.0 PROPOSAL:

- 2.1 Permission is sought for a dormer window to both the front and rear of a large, semi-detached family house.
- 2.2 The proposed front dormer window would require the removal of the original, pitched roof dormer window serving the top floor bedroom and would have a flat roof and measures 3.9m wide, 3.3m deep and is 2.0m in height.
- 2.3 The proposed rear dormer measures 3.5m wide, 3.5m deep and 2.0m height and could be constructed under permitted development subject to appropriate external materials being used.
- 2.4 No alterations to the proposal have been forthcoming and the application remains as originally submitted.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises a semi-detached dwelling house of brick construction with a pitched roof. The dwelling has attractive features such as an original pitched roof dormer to the front and includes coursing which runs under the eaves.
- 3.2 Internally, the property has four bedrooms (2 on the first floor and 2 on the second floor). The ground floor of the property includes two living rooms. The front room is also used by the applicant for sleeping. The basement provides the main kitchen/eating area and has an access onto the rear garden (due to a change in levels).
- 3.3 Within the streetscene there are similar designed semi-detached dwellings on the same side as the application site and directly opposite is a row of terrace properties, with similar original pitched roof dormers windows to the front.
- 3.4 With the exception of one pair of semi-detached properties within this stretch of Hill Top Mount which have not been altered, the remaining 5 pairs of semi-detached

dwellings (which includes the application site) each have one half containing a modern, box dormer as a replacement to the original pitched roof version.

- 3.5 With respect to the terrace on the opposite side, this is largely unaltered. The wider area also includes the same or very similar house types where pitched roof front dormers are an integral part of the design. Again, some have already been replaced with modern versions but proportionally the balance remains with the original versions.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/03658/FU – Originally applied for dormer windows to front and rear. Plans were revised during the course of the application to remove the front dormer as the applicant (same as current proposal) was advised it could not be supported. The scale and positioning of the rear dormer resulted in it falling within the Permitted Development Criteria. The application (rear dormer only) was therefore determined as Permitted Development (but has not been implemented).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 In accordance with previous advice given for the 2014 application, the agent was advised the front dormer could not be supported due to the loss of the original pitched roof dormer and the excessive size/poor design of the proposed replacement.
- 5.2 Following Panel Members request on 7th April 2016, to see if an alternative solution could be found, officers have sought to establish the exact needs of the applicant. Essentially these are as reported in paragraph 1.2. To aid officers understanding further, a site meeting has also been held with the agent, which was also attended by Councillor Arif Hussain.
- 5.3 During the site meeting, an internal inspection of the top floor bedrooms was undertaken so the quality of the accommodation could be fully appraised.
- 5.4 At the time of the site meeting, the top floor rear room was in use for storage and was not available for sleeping. The top floor front room was being used as a bedroom.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by individual neighbour letters dated 19th January 2016. No neighbour comments have been received.
- 6.2 Ward Councillor Arif Hussain is supportive of the scheme for the following reasons:
- There are a number of similar dormers within the streetscene and therefore precedent is set.
 - The rooms within the attic are too small and do not allow for basic bedroom furniture such as a desk, dressing table and cupboard.
 - The applicant is terminally ill and his wife is unable to communicate in English and therefore it would be problematic if the family had to move.
- 6.3 Ward Councillor Kamila Maqsood also endorses Cllr Hussain's position.

7.0 PLANNING POLICIES:

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

- 7.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered to be relevant:

P10: Seeks to ensure that new development is well designed.

- 7.3 The application site is not specifically designated within the saved UDP Review (2006). Nevertheless, the following policies are also considered to be relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including design, visual impact and issues of access.

BD6: All alterations and extensions should respect the scale, form, detailing and materials of the original building.

- 7.4 No Natural Resources and Waste policies are considered to be relevant to this application.

Supplementary Planning Guidance:

- 7.5 Neighbourhoods for Living (SPG13, adopted).

Householder Design Guide SPD (HDG)

- 7.6 This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. It helps to put into practice the policies from the Leeds Unitary Development Plan in order to protect and enhance the residential environment throughout the city.

- 7.7 The HDG (adopted April 2012) refers to dormer windows to the front and states they will not normally be considered acceptable, particularly in prominent locations, on unbroken roof slopes or where traditional dormers are being replaced by box-style structures. It adds, however, that in some streets the overwhelming predominance of existing dormer windows has changed the appearance of a street sufficiently for dormer windows to be considered part of the character, and that in these circumstances dormer windows to the front should be:

small, well designed additions which retain the original roof form; constructed of appropriate materials; reflect the proportions and positions of existing windows.

- 7.8 The HDG also refers to dormer windows to the rear, where it states that dormer windows to the rear which do not face a public highway or other public area may be marginally larger to provide extra accommodation within the roof. However, they

should still seek to be set down from the roof ridge, up from the eaves level, and in from the sides. Matching materials should also be used. The impact upon neighbours through overlooking should also be considered.

National Planning Policy

- 7.9 The National Planning Policy Framework 2012 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 7.10 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, attaches great importance to the design of the built environment and is indivisible from good planning (paragraph.56) and seeks development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character (paragraph.58).

DCLG - Technical Housing Standards 2015:

- 7.11 The above document sets internal space standards within new dwellings and is suitable for applications across all tenures. The housing standards are a material consideration in dealing with planning applications although are not applicable to this particular proposal as the proposal relates to alterations to an existing house. Reference is nevertheless made to the space requirements for bedrooms to assist Members consideration of the application.

8.0 MAIN ISSUES

1. Townscape/design and character
2. Residential amenity considerations
3. Representations

9.0 APPRAISAL

- 9.1 The rear dormer window is considered to fall within the parameters of permitted development and it is therefore considered acceptable. Therefore no further or specific assessment in relation to the rear dormer is included in this report.

Townscape/design and character

- 9.2 In considering the acceptability of the proposed front dormer, it is important to assess the design details of the host building as well as the surrounding area in terms of what other examples of dormers/roof alterations are present, as combined these contribute towards to the character and appearance of an area. As part of this assessment, some consideration also needs to be given to when the alterations were undertaken in recognition that design guidance and policies have altered over time and in more recent years have strengthened through the adoption of guidance such as the Householder Design Guide. This is important as the Householder Design Guide was specifically introduced in promote better and more responsive designs and to move away from the commonly advanced argument that the original character and

appearance of an area has already been eroded/harmed to such an extent that another example will make no difference.

- 9.3 With the above in mind, it is clear the housing stock in the area has been adapted over a significant number of years in response to the circumstances/needs of individual households and this has largely manifested itself in the form of roof alterations (dormers), more effective use of basement areas and also through sub-division. The roof alterations are however the most visually apparent of these alterations and in the majority of cases are poorly designed, unsympathetic but are generally of a long standing nature and certainly pre-dates current design advice. Some alterations have also required the removal of original pitched roof dormers.
- 9.4 The application site relates to one half of a pair of semi-detached properties. Its original pitched roof dormer is still intact but the neighbour's has been removed and replaced with a large, flat roofed box dormer. The neighbour's box dormer (for which no planning permission can be found but is clearly of a long standing nature), as with others in the area that required the removal of the original pitched roof dormer is not considered to be positive change or one that should be encouraged. The Householder Design Guide specifically identifies that original design features should be respected and maintained (page 32) and policy HDG1 seeks to achieve this. This basic approach has also been supported at appeal numerous times and as far back as 2005 an appeal Inspector when considering a similar dormer proposal at No. 18 Hill Top Mount stated:
- “the proposed dormer would not be subservient but excessively bulky. Through its size and box-line appearance, it would dominate the roof and front elevation of the appeal house. It would fail to respect the scale and form of the building.”*
- 9.5 With respect to the removal of the original pitched roof dormer, the Inspector went on to say:
- “In my view, removing this authentic feature would in itself harm the appearance of the appeal house and terrace; its replacement with the proposed front dormer would seriously exacerbate that harm.”*
- 9.6 The above appeal decision is clearly of some age now, but is still considered to be of relevance and when added to the more recent design policies and advice, including that within the Householder Design Guide provides a solid basis on which to resist the application on a point of principle since it also requires the wholesale removal of the original pitched roof dormer. The wholesale removal of the original pitched roof dormer would ultimately result in this particular pair of semi-detached properties (71& 73) having the appearance of a 3 storey high dwelling with a flat roof form.
- 9.7 In addition to the position set out above the replacement dormer also does not comply with current design guidance (also are requirement of policy HDG1) in that it is far too large and completely dominates the roofscape is considered to provide sufficient justification to refuse the current application. However, this needs to be balanced against the existence of other examples of similar dormers in the area. This is also the main point raised in the representations from Ward Members.
- 9.8 In considering this issue, a more recent appeal decision (2013) relating to a large front dormer proposal at No. 115 Cardigan Road is therefore helpful at it provides further guidance on the weight to be given to the presence of other examples of development already present in the area. As part of this appeal, there were no original dormers to

consider so the issue focused on the size and design of the dormer itself - the applicant's basic argument being there were already lots of large flat roofed box dormers present that didn't comply with the Council's latest guidance and accordingly another one would make no difference. The Inspector disagreed and dismissed the appeal stating:

"I give considerable weight in this case to the existing roofscape and its impact on the street-scene, and accept that the scheme would have some similarities with the designs of the dormers at nos 109 and 113. However, while I agree that these existing features provide a strong context against which the appeal scheme should be judged, I do not take the view that they should be the determining factor: to do so would be to suggest that the point has now been reached where adopted policies no longer serve any purpose in this location. It remains in the wider public interest to continue to require additions of this kind to relate satisfactorily to the predominant character of the terrace."

- 9.9 This appeal decision is just one example of many that cover similar issues and the largely historic nature of the existing roof alterations in the area are such that officers consider a refusal recommendation is appropriate. Whilst examples of inappropriate alterations are plain to see in the immediate and wider area of the application site, the alterations proposed to the front of the dwelling as part of this planning application merely seek to replicate these poor examples and would only serve to compound the harm already caused to the area's original character and appearance. Further, as the proposal would result in both properties within a pair being altered it is considered to be a significantly worse impact than just one of the pair having been altered as where only one property is altered the character, scale and form of the original properties remains more apparent. To allow both properties within a pair to be altered is therefore considered to be seriously harmful to visual amenity and would exacerbate the reduction in design quality that has already taken place.

Residential amenity considerations

- 9.10 The Nationally Described Space Standards seek to ensure a quality of the internal living environment provided is suitable for the intended uses.
- 9.11 Whilst the requirements only relate to the provision of new houses and Leeds has not yet adopted a formal local plan policy that refers to these requirements, some discussion on the issues raised is provided in the context that part of the applicant's justification for the proposal is that the existing bedrooms are not fit for purpose.
- 9.12 The key criteria of the standards relevant to single bedrooms is that a floor area of at least 7.5m² is required combined with a width of at least 2.15m (so as to fit a standard bed).
- 9.13 In assessing the size of the existing front bedroom noting (as this is the only area of the proposal in dispute), it currently has a floor area of approximately 9m² (at full head height) and an additional 1.5m² when taking into account the extra circulation space than has a lower head height due to the roof slope. As such, the size of the existing front bedroom already exceeds the national space requirements (and is approaching that for double rooms) so officers do not share the applicants view that the existing bedroom is not fit for purpose.

9.14 Reference is also made by Ward Members to the personal circumstances of the applicant and his family and that the development is needed to provide additional space. Although the applicant's desire to maximise space is noted, planning guidance warns against allowing exceptions due to personal circumstances and it is noted the proposed alterations only seek to provide extra useable space within two existing bedrooms rather than the creation of additional rooms. In this context half of the additional space proposed can be delivered via the rear dormer (via permitted development) and the front bedroom is already served by the original pitched roof dormer so has more useable space than is often the case in attic rooms and also exceeds the national minimum standards. Further, this is also not a case whereby no living room/lounge accommodation is available for use by the family as access to a second room on the ground floor that fulfils this purpose is still available. Therefore, it is not considered appropriate to set aside locally adopted design policies and guidance.

10.0 CONCLUSION:

10.1 Having taken all material considerations into account, including the personal circumstances of the family and representation from Ward Members is it considered that the proposed removal of the original pitched roof dormer from the front of the dwelling and its replacement with a poorly designed and excessively large, modern flat roofed box dormer would be harmful and adversely affect the character and appearance of the host building and the surrounding area. Although other examples of similar proposals are already present within the surrounding area, this is not considered a sufficient reason to justify a development which is unacceptable in its own right. As such, the application is recommended for refusal.

Background Papers:

Application files: 16/00178/FU

Certificate of ownership: Signed on behalf of the applicant as sole owner.



NORTH AND EAST PLANS PANEL

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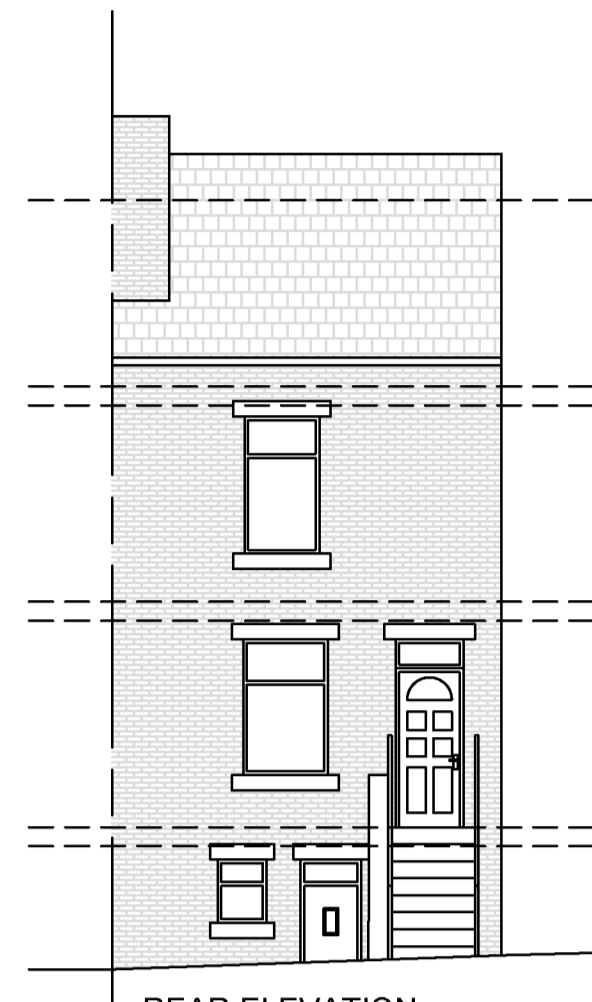
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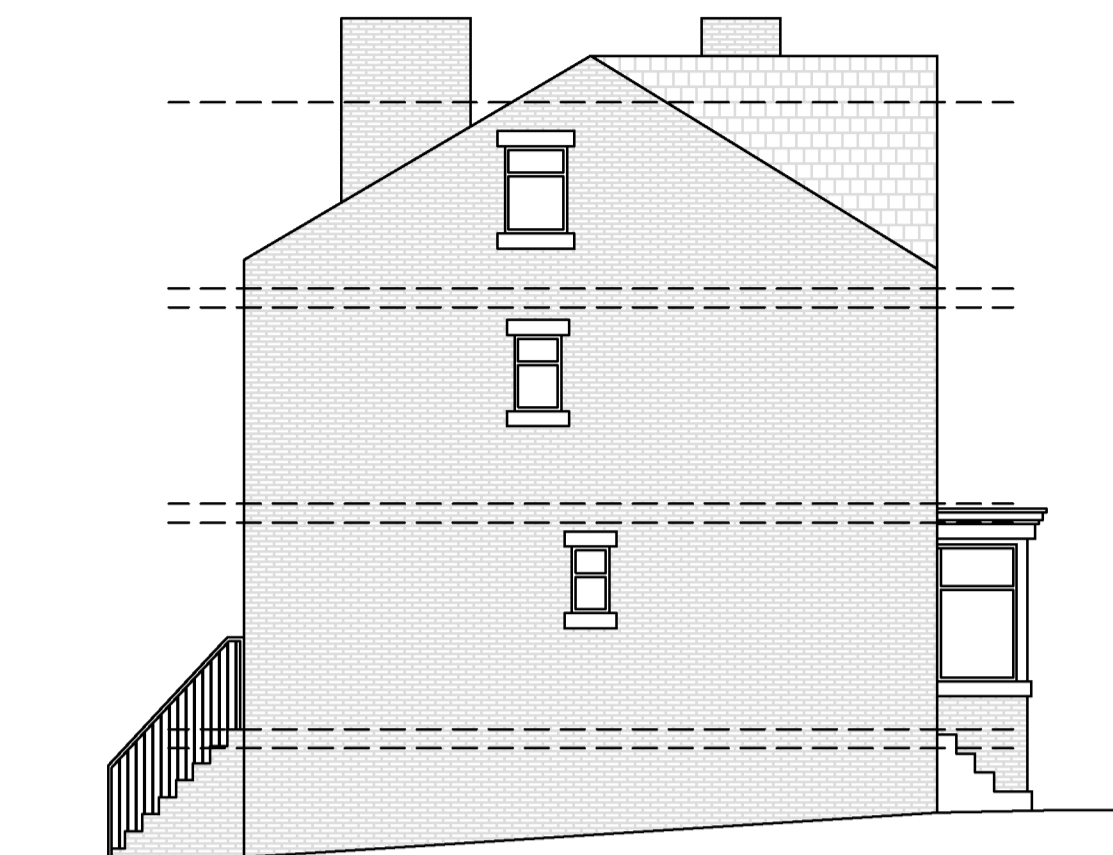




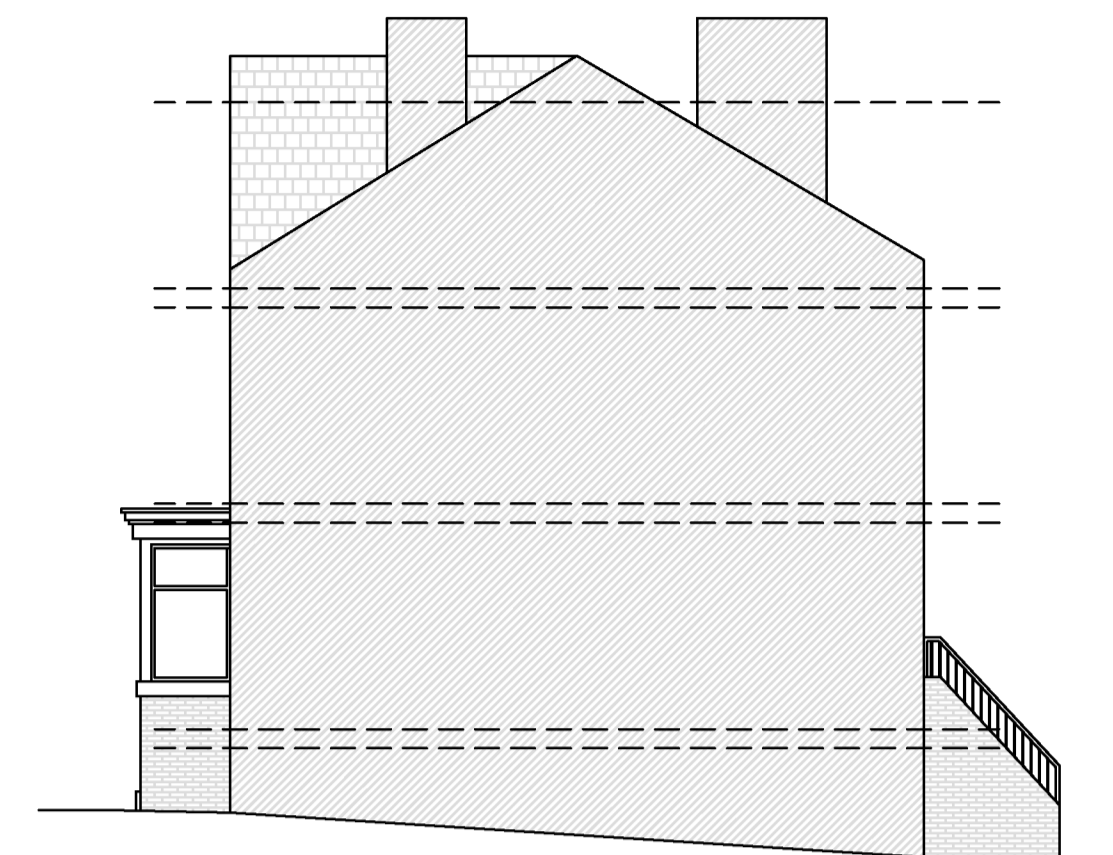
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REAR ELEVATION

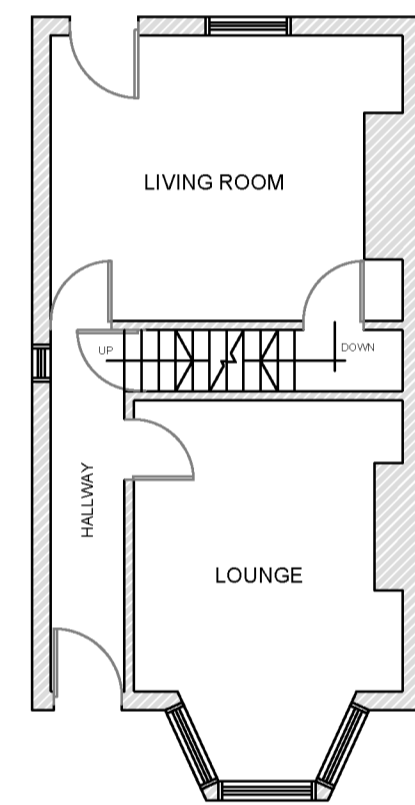


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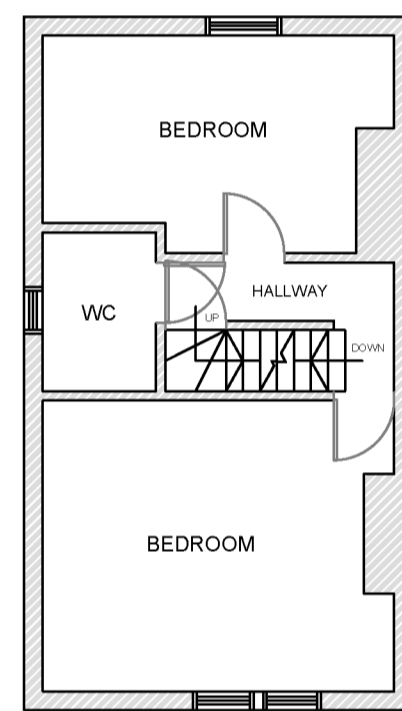


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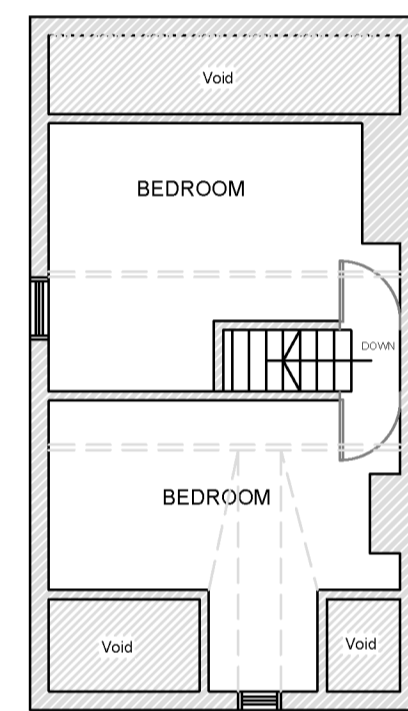
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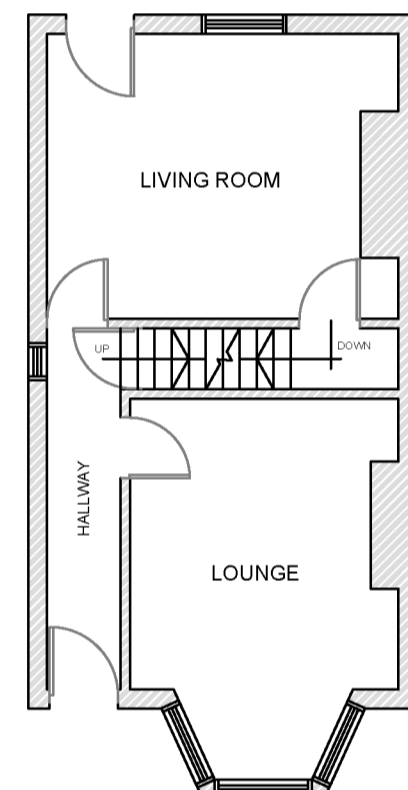
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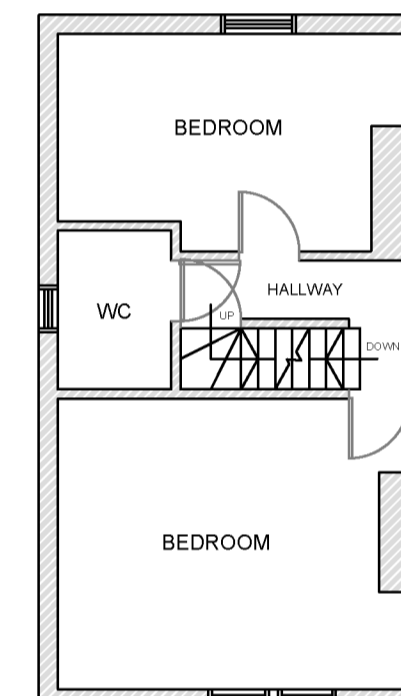
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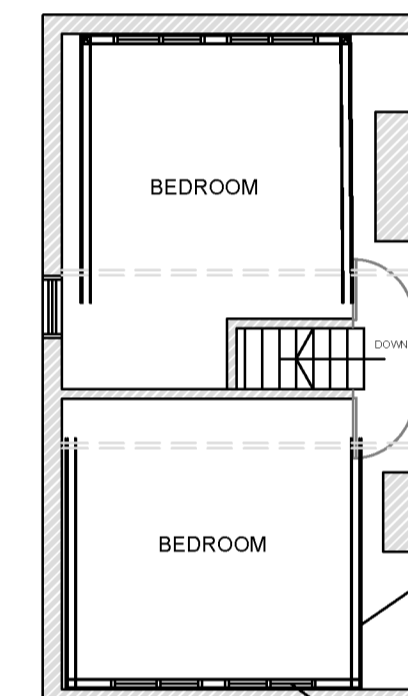
SECOND FLOOR



GROUND FLOOR



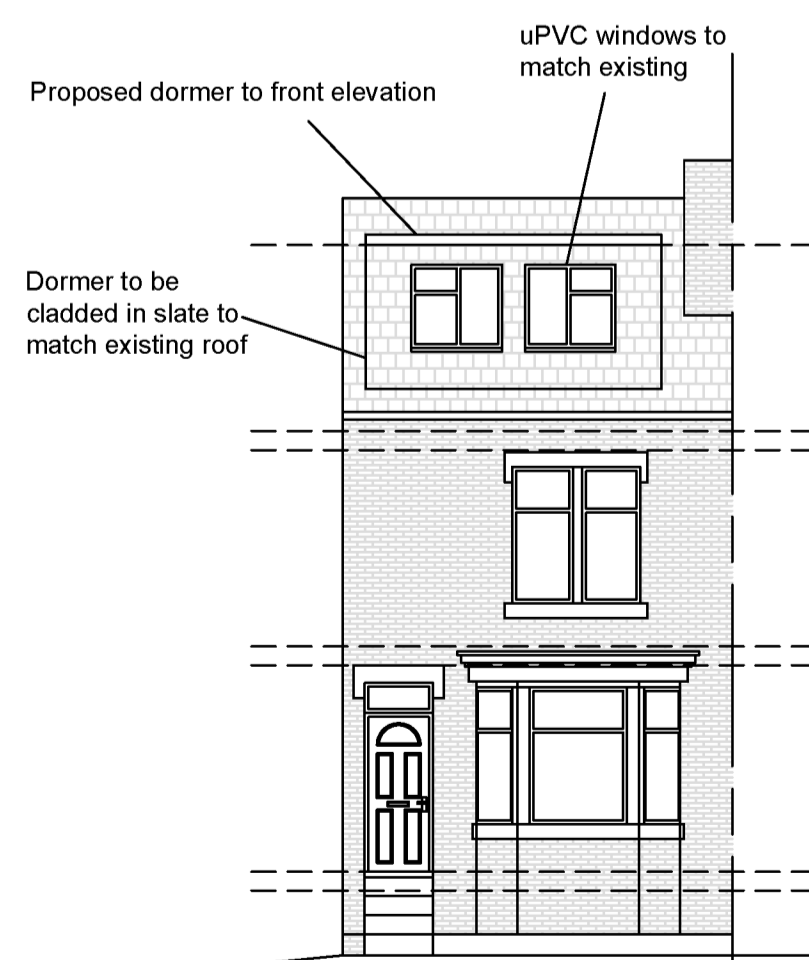
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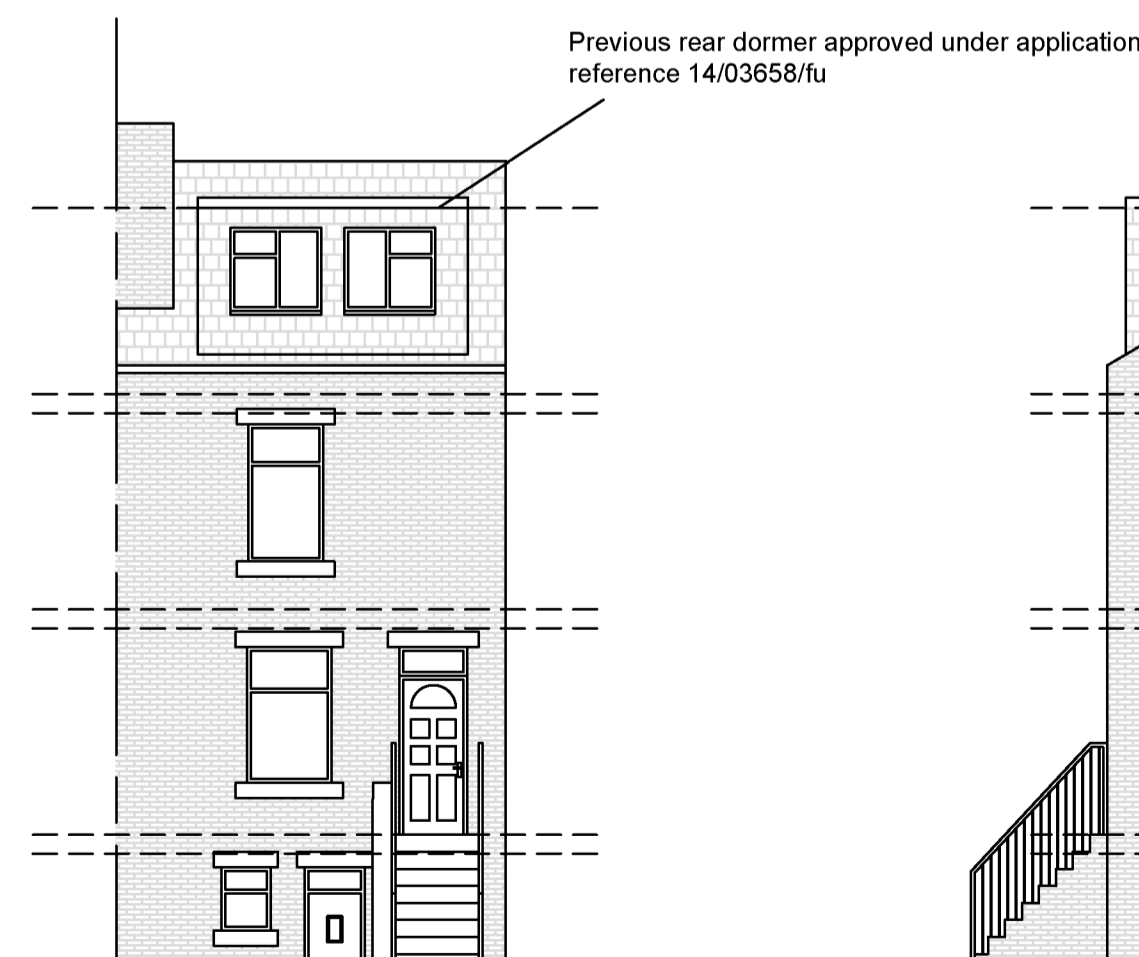
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Proposed dormer to front elevation
uPVC windows to match existing

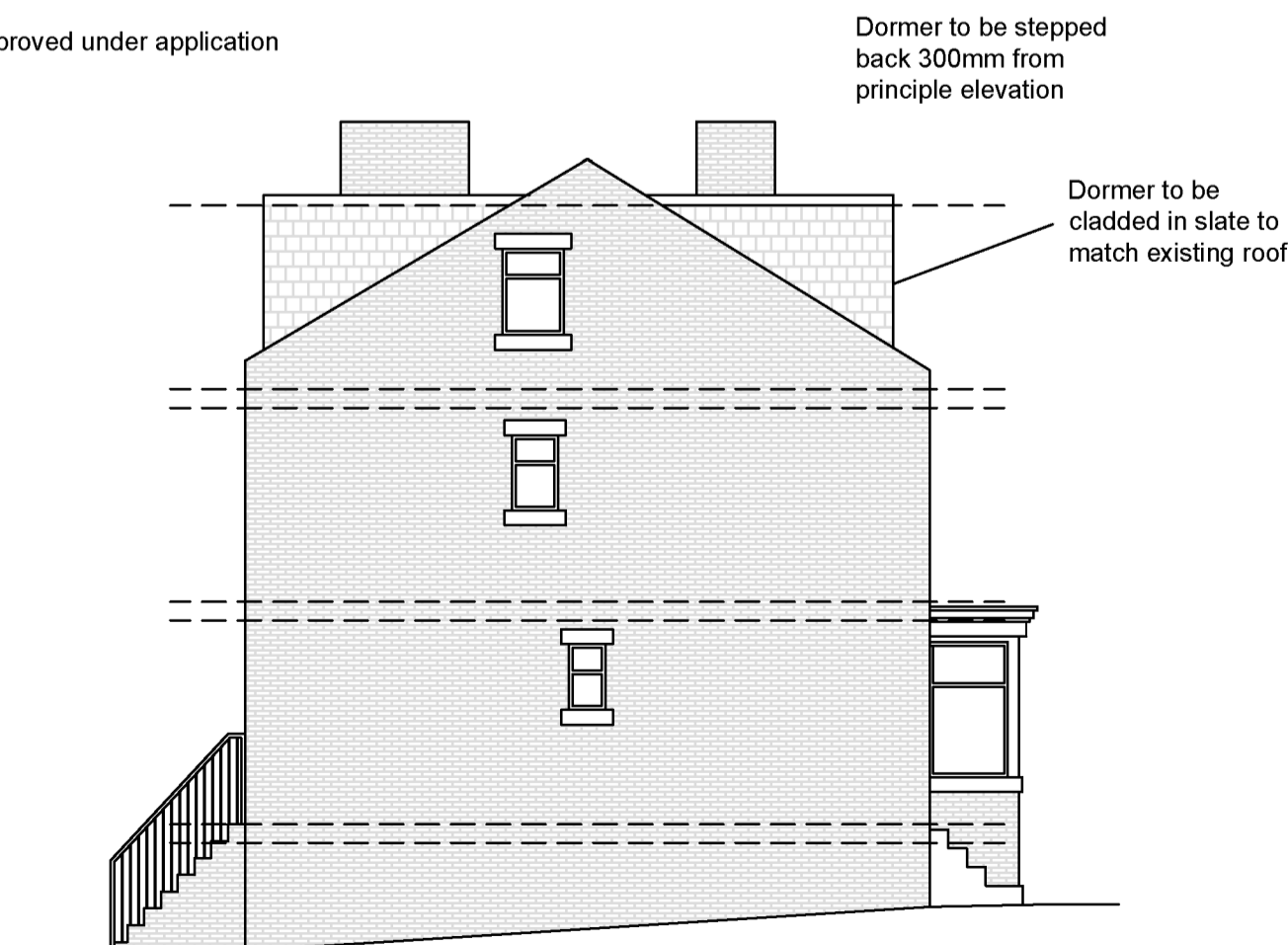
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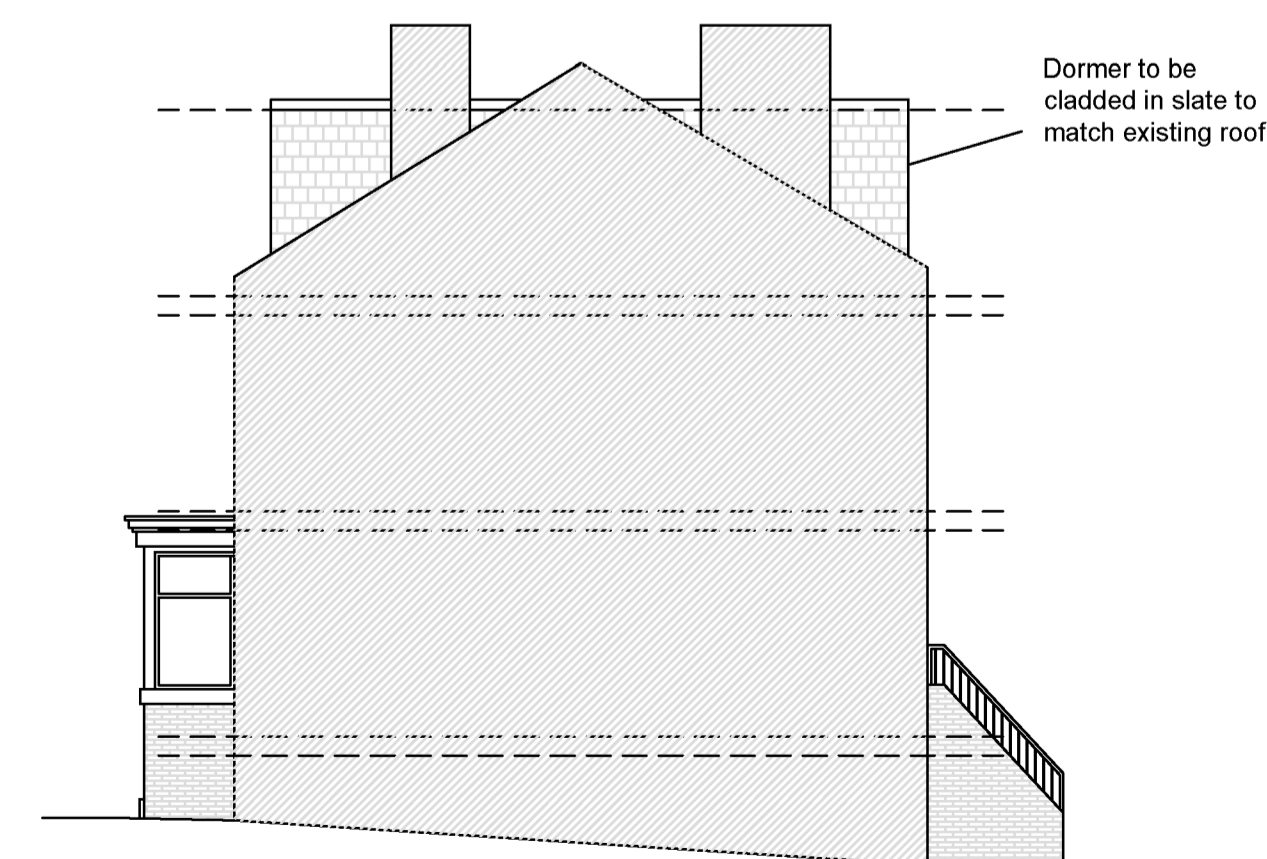
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

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STATUS					
CLIENT:					
MOHAMMED HUSSAIN					
M2 DESIGN & PLANNING CONSULTANTS					
PROJECT:					
71 HILL TOP MOUNT, LEEDS, LS8 4EL					
TITLE:					
DORMER TO FRONT					
DRAWN BY:		CHECKED BY:		APPROVED BY:	
FH		OS			
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