

**Report of the Chief Planning Officer**

***PLANS PANEL EAST***

**Date: 1<sup>st</sup> October 2009**

**Subject: APPLICATION 09/03738/FU – Two storey side extension incorporating the formation of basement storage area and raised balcony to the rear at 123 Argie Avenue, Burley, Leeds, LS4 2TG**

**APPLICANT**

Mr A Butler

**DATE VALID**

25<sup>th</sup> August 2009

**TARGET DATE**

20<sup>th</sup> October 2009

**Electoral Wards Affected:**

Kirkstall

☒ X

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

**RECOMMENDATION:**

**GRANT planning permission, subject to the following conditions:**

Conditions

- (i) Time limit: 3 years
- (ii) Matching materials
- (iii) No windows to be located within the south-east side elevation (facing 121 Argie Avenue.
- (iv) The kitchen and bedroom window within the south-east side elevation (facing 121 Argie Avenue) shall be obscure glazed and retained as such
- (v) A 1.8 metre high obscure glazed screen shall be installed and then retained to both side boundaries of the raised balcony.
- (vi) The raised balcony railings shall have a black powder coated finish.
- (vii) The proposed storage areas to the basement and attic areas shall only be used for purposes incidental to the enjoyment of the dwelling house and shall not be used for commercial purposes

### Reason for granting permission

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), and The Development Plan consisting of the Regional Spatial Strategy 2004 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policy BD6 (UDP)

Policy GP5 (UDP)

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION**

- 1.1 The application is brought to Plans Panel as a similar scheme at the same address, which had been the subject of an appeal against non-determination, and which was recommended for refusal at West Plans Panel on 9<sup>th</sup> July 2009. The Planning Inspector dismissed the appeal. The applicant has now re-submitted a scheme based on the decision of the Inspectorate.

## **2.0 PROPOSAL**

- 2.1 The application relates to the construction of a 4.1 metre wide two storey extension to the side incorporating the formation of a basement storage area, and a 2.0 metre deep raised balcony area to the rear with 1.8 metre high obscure glazed privacy screens to either side. The proposal will be constructed of materials to match the existing dwelling.
- 2.2 The application is similar to the previous planning application (08/05805/FU) which was dismissed at appeal (non-determination) solely due to the proposed rear Juliet balconies having a detrimental impact on the privacy on the adjoining occupants at 125 Argie Avenue. Consequently, the Juliet balconies along with the rear dormer window have been removed from the re-submitted scheme and the Juliet balconies have been replaced with conventional casement style windows.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The existing property is a semi-detached dwelling built of brick with a concrete tile roof. The property is two storey's in height to the front elevation and three storey's to the rear, due to a significant change in land levels across the site. The surrounding area is predominately residential consisting of mainly semi-detached and terraced properties of varying size and design, with some maisonettes to the north-west. Beecroft Primary School is located directly to the south-west of the site. The land to the rear of the site is located on a significantly lower level than the existing

hardstanding. The driveway at the property appears to form a shared access with the adjoining dwelling.

#### **4.0 RELEVANT PLANNING HISTORY:**

**08/05805/FU** - Two storey side extension, incorporating formation of basement storage area, dormer window to rear, raised balcony to rear, two Juliet balconies to rear (Appeal against non-determination – Dismissed 19.08.09)

**08/04434/FU** - Two storey side extension, incorporating formation of basement storage area, dormer window to rear, raised balcony to rear, two Juliet balconies to rear (Refused – 17.09.2008)

**08/03999/FU** - Two storey double garage to rear and erection of 2m high boundary fence (Refused – 17.09.2008) *Subsequent appeal dismissed on 07.04.09*

**06/02964/FU** - Two storey side extension (Approved - 22.08.2006)

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 None under the current application.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 One letter of objection has been received from a neighbouring occupant.

The letter raises the following concerns:

- (i) Business use of the premises.
- (ii) Health and safety.

#### **7.0 CONSULTATIONS RESPONSES:**

None.

#### **8.0 PLANNING POLICIES:**

- Policy GP5 of the Leeds Unitary Development Plan (Review) 2006 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

- Policy BD6 of the Leeds Unitary Development Plan (Review) 2006 - All alterations and extensions should respect the scale, form, detailing and materials of the original building

- Planning Policy Statement 1 - Delivering Sustainable Development (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

## 9.0 MAIN ISSUES

Streetscene/design and character  
Privacy  
Overshadowing/Dominance  
Parking provision/Highway Safety  
Representations

## 10.0 APPRAISAL

### 10.1 Streetscene / Design and Character

10.1.1 The materials of the proposed two storey side extension are considered acceptable, as they are to match the original dwelling. The size and scale of the extension is also considered to be acceptable as the extension incorporates a setback from the front wall of the property of 500mm at first floor level, with a corresponding lowering of the roofline. Therefore the extension is considered to subordinate the dwelling. The proposal will be located on a higher land level than the neighbouring property at 121 Argie Avenue, which is a bungalow. However; the proposed two storey side extension will be located at a significant angle and over 6 metres at its nearest point from the neighbouring dwelling. As such it is considered that the proposed side extension will not unduly dominate the neighbouring dwelling and adequate visual gaps in the streetscene will also be retained. The proposed side extension will also have a similar appearance in the front streetscene, albeit slightly wider by 250mm to the previously approved planning application (06/02964/FU), which has recently expired, however the application was determined under the same planning guidance and policies as used at the present time. The additional width will have little further impact on the streetscene.

10.1.2 The proposal also incorporates the formation of a raised balcony area to the rear of the dwelling. Numerous similar raised balconies are present to the rear elevations of the neighbouring properties to the south-east, most notably at 121 Argie Avenue, next door. As such it is considered that the balcony will not create an incongruous feature at first floor level within the locality. The addition of two obscure glazed screens is also not considered to compromise the design of the rear balcony.

10.1.3 The previous planning application (08/05805/FU) was presented at Plans Panel on 9<sup>th</sup> July 2009 and it was resolved that the planning application would have been refused for the following reason if the Plans Panel had the opportunity to do so:

*The Local Authority considers that the proposed dormer window, second floor Juliet balconies and window openings to the rear would by reason of their unsympathetic form, appearance and window detailing create incongruous additions which clutter the current rear elevation which is of simple form, to the detriment of the character and appearance of the original property and the present rear streetscene from both long and short distance view points , contrary to policies GP5 and BD6 of the Unitary Development Plan (Review) 2006 and advice contained within PPS1: Delivering Sustainable Development.*

However, within the appeal decision notice the Inspector states that a wide variety of window and door openings to the rear of the properties are present within the vicinity of the site as well as an assortment of dormer windows, balconies and decking. He concluded that given the context of the site the previous proposal would not be unduly

out of character and that no material harm would occur. The Juliet balconies and rear dormer window have since been removed from the proposal are not present on the re-submitted scheme. Therefore the rear elevation of the proposal appears less cluttered than previously. Thus, in view of the changes to the scheme and the recent comments relating to the previous, similar planning application by the Planning Inspectorate it is considered that the proposal will not be unduly detrimental to the character or appearance of the original property or the present streetscene.

## 10.2 Privacy

- 10.2.1 The proposed two storey side extension contains three windows within its side elevation which face the neighbouring property at 121 Argie Avenue. However; the proposed second floor bedroom window and the first floor kitchen window are both secondary openings for the habitable rooms and could be obscure glazed through the use of a planning condition, in order to prevent any loss of privacy to the neighbouring dwelling. The side extension also contains a window at ground floor level within its side elevation. However; the window will serve a storage area, which is not considered to form a habitable room. Furthermore; given the window's location in close proximity to land level of the side garden/driveway area it is considered that no undue potential exists for overlooking. It is therefore considered that the proposed side extension will not be unduly detrimental to the privacy of any neighboring occupants.
- 10.2.2 The proposal also incorporates the formation of a 2 metre deep raised balcony to the rear. However; no significant overlooking of any neighbouring properties or private amenity space at 121 & 125 Argie Avenue will occur, as a 1.8 metre high obscure glazed screen is proposed to each side boundary of the balcony. This screening should also be retained through the use of a planning condition, in order to prevent any overlooking in future years. Furthermore; no residential dwellings are located directly to the rear of the site. The proposal will also be situated over 10.5 metres from the land at Beecroft School at its nearest point. As such it is considered that the raised rear balcony will not be detrimental the privacy of any neighbouring occupants
- 10.2.3 The previous planning application (08/0585/FU) had an appeal against non-determination dismissed because the inspector was of the opinion that the second floor rear Juliet balconies would be detrimental to the privacy of the adjoining occupiers due to their close proximity to the neighbouring bedroom window. The Juliet balconies have been removed from the re-submitted scheme. Consequently; it is considered that the proposal has overcome the previous reason for refusal. Furthermore; the Inspector found no other aspects of the proposal to be unduly detrimental to the privacy of any neighbouring occupants.

## 10.3 Overshadowing /Dominance

- 10.3.1 The host dwelling is located on a higher land level than the neighbouring dwelling at 121 Argie Avenue. The neighbouring property contains two windows within its side elevation which face the proposed side extension, however neither of the windows appear to be main openings for habitable rooms. The side extension will also be situated approximately 6.5 metres to the north-east of the neighbouring property and at a significant angle to the side windows. Furthermore; it is considered that the proposal will not have a significantly greater impact on the neighbouring property than the previously approved two storey side extension (06/02964/FU), as the proposal is only 250mm wider. It is therefore considered that the proposal will not

have a significant impact on the neighbouring dwelling at 121 Argie Avenue in terms of loss of light or over-dominance.

- 10.3.2 The proposed rear balcony incorporates an obscure glazed screen to its side elevation at first floor level. However; the proposed glazed screen is not considered to unduly dominate or result in a significant loss of light to the adjoining property or private amenity space, as it only extends 2 metres from the rear wall of the property and will be set-in 2.75 metres from the common boundary between the properties. Furthermore; the adjoining dwelling only contains a garage at ground floor level to its rear elevation. Thus; it is considered that no undue potential for loss of light or over-dominance exists as a result of the proposal

#### 10.4 Highway Safety/Parking

- 10.4.1 The proposal will not affect the current car parking provision at the property, as the existing integral garage to the rear will be retained. Additional car parking is also present on the hardstanding to the rear of the dwelling. Therefore at least two off-street car parking spaces will remain at the property. Furthermore; the proposal is unlikely to result in a significant increase in traffic levels or noise given that the garage will serve a residential dwelling. Thus, no adverse highway safety issues resulting from the proposal are foreseen.

#### 10.5 Representations

- 10.5.1 As mentioned previously 1 letter of objection has been received from a neighbouring occupant.

The letter raised concerns regarding :

- (i) Business use of the premises
- (ii) Health and safety

In response:

- (i) Business use of the premises - The applicant has applied for a residential extension and the presence of storage areas within the attic and basement areas is considered to be an appropriate ancillary use for such a property. In addition; if the storage areas were to be used for purposes deemed to be of commercial use then further planning approval would be required. The Councils Compliance team has also recently investigated an allegation of business use at the address. Whilst it was acknowledged that the property was used as an office base for an air conditioning business, it was concluded that the nature and scale of the business did not amount to a material change of use of the dwelling. As such the enforcement case has been closed, as no breach of planning control has occurred.
- (ii) Health and Safety - Issues of health and safety are not considered to be matters for planning consideration as they are dealt with under separate legislation.

## **11.0 CONCLUSION**

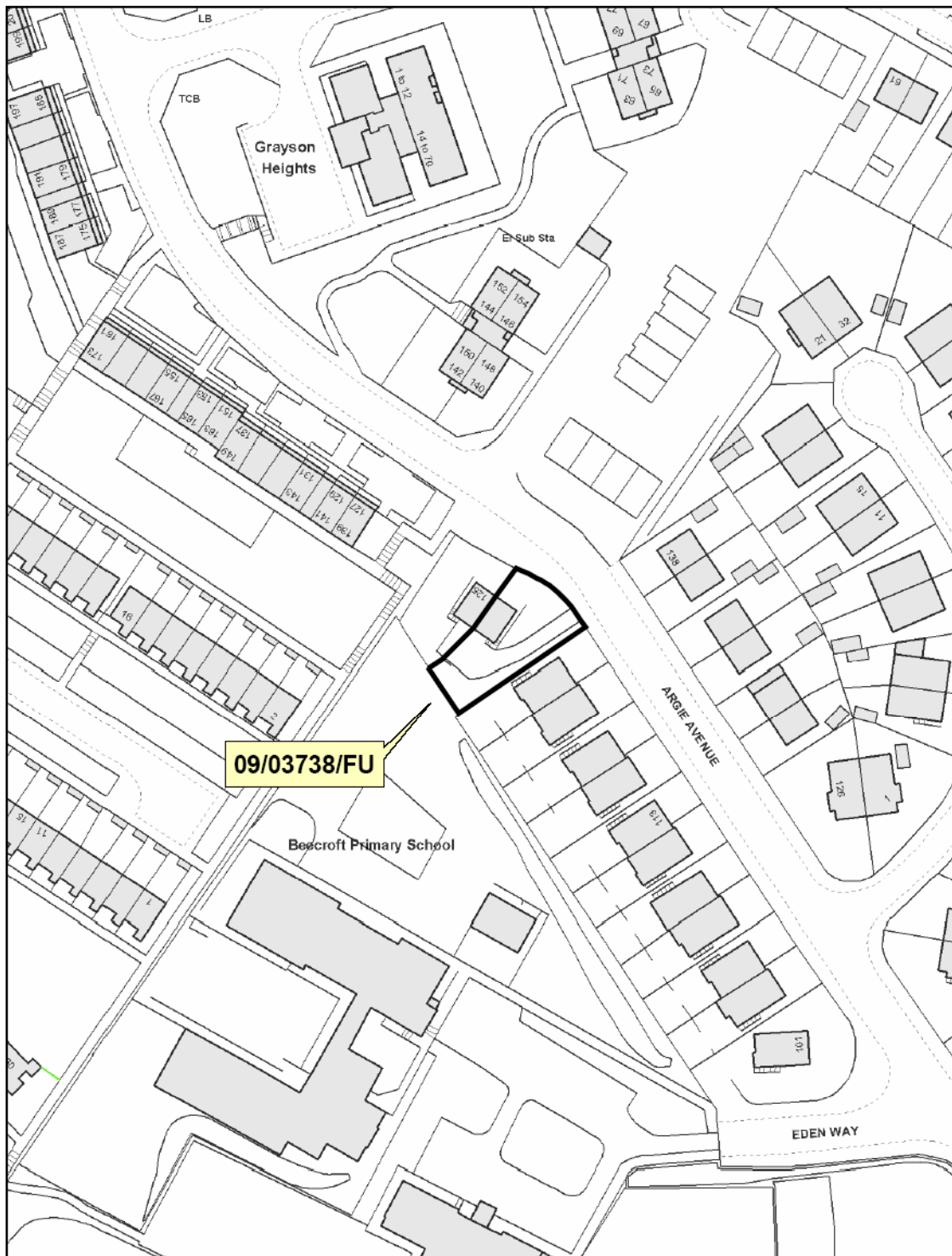
- 11.1 For the reasons outlined in the above report and taking into account all other material considerations it is recommended that planning permission should be **approved** subject to the aforementioned conditions.

### **Background Papers:**

Application files - 08/05805/FU, 08/04434/FU, 08/03999/FU, 06/02964/FU

Inspector's Appeal Letter, decision dated 3<sup>rd</sup> August 2009.

1 letter of objection



# WEST PLANS PANEL



Scale 1/ 1000

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