



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 29 October 2009

Subject: APPLICATION 09/02808/FU – CHANGE OF USE AND ALTERATIONS OF PART OF KITCHEN TO 1 BEDROOM FLAT AT 22 SHIRE OAK ROAD, HEADINGLEY

APPLICANT

Leeds Properties – S
Rahman

DATE VALID

16 July 2009

TARGET DATE

10 September 2009

Electoral Wards Affected:

Headingley



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. Standard time limit (3 years)
2. No development shall take place until samples of all materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. No re-pointing shall take place until a sample of re-pointing has been prepared on site for inspection and approved in writing by the Local Planning Authority and the scheme shall be carried out in accordance with the approved details.
4. Full details (including size, location and materials) of flues and any other ventilation systems shall be submitted to and approved in writing prior by the Local Planning

Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

5. Prior to the commencement of development full details of the proposed doors and windows (including a survey relating to the repair/replacement of existing doors and windows, a method statement for any repairs, section drawings, glazing details, joinery details and a materials schedule) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
6. Prior to the commencement of development a full structural survey of the chimney to the east wing shall be carried out and submitted to and approved in writing by the Local Planning Authority along with a schedule of works to repair the chimney. The works of repair shall be carried out prior to the occupation of the east wing or in accordance with a programme which shall have been agreed in writing by the Local Planning Authority.
7. Prior to the commencement of development a full structural survey of the summerhouse shall be carried out and submitted to and approved in writing by the Local Planning Authority along with a schedule of works to repair this building and restore it to its original condition. The restoration works shall be carried out prior to commencement of works on the east wing or in accordance with a programme which shall have been agreed in writing by the Local Planning Authority.
8. Prior to the commencement of development details of a scheme to re-instate the arcaded walling in front of the north side of the house and the existing gateposts shall be submitted to and approved in writing by the Local Planning Authority. The works thereby approved shall be carried out prior to commencement of works on the east wing or in accordance with a programme which shall have been agreed in writing by the Local Planning Authority.
9. Submission of landscape details.
10. Implementation of landscape scheme.
11. Provision for contractors during construction period.
12. The driveway shall be hard surfaced for first 15m in accordance with a scheme that has first been submitted to and approved in writing with the Local Planning Authority. The scheme thereby approved shall be completed prior to the first occupation of the proposed flat.
13. Samples of surfacing materials to be submitted.
14. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development details of the bin storage for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The scheme thereby approved shall be completed prior to the first occupation of the proposed flat.
15. Prior to commencement of development a scheme for ongoing maintenance of the grounds as a whole shall be submitted to and agreed in writing by the Local Planning Authority and the grounds shall thereafter be maintained in accordance with the scheme approved .

Reasons for approval:

The application complies with the aims of PPS1, PPS3 and PPG15, as well as Policies GP5, BD6, BC7, N12, N15, N17 and N19 of the Leeds UDP (Review 2006) and it is considered that:

- The works would be sympathetic to the listed building and ensure its continued use (GP5, BD6, BC7, N12, N15).
- The proposal would provide a satisfactory level of living accommodation for future occupiers and would not significantly or adversely affect neighbouring living conditions (GP5).
- The creation of an additional one-bedroom flat would not be detrimental to highway safety (T2).

If planning permission is to be granted then a number of conditions would be included which would help to further improve the setting of the listed building and enhance the character and appearance of the conservation area (N115, N17, N19).

On balance, it is considered that the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance and would not give rise to any unjustified consequences for the special architectural or historic interest of the listed building.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel following a request from Councillors Hamilton and Monaghan on the grounds of the previous planning breaches on the site, the failure to resolve them and because of concerns of further damage to a listed building and the subsequent effect on the character of the area. They also have concerns that the proposals are to alter a listed building and are insufficiently clear and detailed. A site visit is also requested.

2.0 PROPOSAL:

- 2.1 The application seeks full planning permission for the conversion of the single storey kitchen / east wing of the main building on this site to a 1 bedroom flat. Existing windows would be refurbished and new infill screens with glazing provided across the existing porch.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies within the urban area of Headingley within the Headingley Conservation Area. The application site comprises of a substantial detached building (constructed in the 1890's) together with associated outbuildings. The dwelling is grade 2 listed 1893 villa, and of red brick construction with a stone slate roof. It is 2.5 storeys in height (plus cellar) and of an irregular shape with a steeply pitched roof. On the eastern side of the dwelling lies a single storey wing. It is this wing that it is proposed to convert to a 1 bedroom flat. Access to the building is provided via a long drive leading from Shire Oak Road which provides access to all sides of the building.
- 3.2 The main dwelling has been converted, in part, to flats. There is no planning history relating to the flats but the building was listed in 1986 and at that time the interior

was inspected. The listing description advised that “much of the original detailing survives although the house is divided into flats.” The Design and Access Statement accompanying the current applications advises that the house contains 3 flats, although no details are provided with regard to the number of bedrooms or layout.

- 3.3 The larger of the 2 outbuildings in the grounds is a 2 storey mock Tudor ‘coach house’ which has a flat at first floor level. Planning and listed building applications to convert the coach house to 2 flats were submitted at the same time as this application to convert the east wing / kitchen. However, the proposals involved removal of the existing staircase which was considered to be unacceptable and the applications were withdrawn.
- 3.4 To the west of the main house lies walls, steps and a summer house dating from 1893. These are listed in their own right. Unfortunately the summer house is now in a derelict state and the walling in front of the north side of the house, which was arcaded, has been demolished in recent times.
- 3.5 The building stands in extensive grounds and contains a mixture of mature trees, some of which are protected. The property is well set back from Shire Oak Road and is separated from the highway by a stone wall. Shire Oak Road is an attractive tree lined residential area and contains several large Victorian houses as well as relatively modern apartments and other typically suburban dwelling houses.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 09/02893/LI - listed building application to carry out alterations, including external staircase, of coach house with flat above to form two 2 bedroom dwelling houses - withdrawn September 2009.

09/02892/FU - change of use and alterations, including external staircase, of coach house with flat above to form two 2 bedroom dwelling houses - withdrawn September 2009.

- 4.2 07/00886/LI - listed building application for change of use involving alterations of the east wing to form a 1 bedroom flat, change of use involving the ground floor of coach house to 1 two bedroom flat, widening of the vehicular access, alterations to pillars and new 2.3m high gates and retrospective application for 3 dormers and 12 roof lights on both flanks of the main building – refused May 2007.

07/00885/FU - change of use involving alterations of east wing to form one 1 bedroom flat, change of use involving alterations of ground floor of coach house to one 2 bedroom flat, widening of vehicular access, alterations to pillars and new 2.3m high gates and retrospective application for 3 dormer windows - refused May 2007.

- 4.3 06/ 06283 LI – listed building application for alterations and single storey extension, to convert east wing to flat, conversion of ground floor of coach house to flat and 3 storey block of flats – withdrawn January 2007.

06/06284/FU - alterations and single storey extension, to convert east wing to flat, conversion of ground floor of coach house to flat and 3 storey block of flats – withdrawn January 2007.

- 4.4 26/653/03/LI – alterations and conversion of listed building and new apartment block in grounds - refused September 2005.

26/652/03/FU – change of use of coach house to 2 flats, conversion of east wing to 1 flat, detached block of flats and roof lights to existing - refused September 2005.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A number of unauthorised works have previously taken place at this site (e.g. insertion of rooflights, construction of dormer windows, removal of wall) and these have yet to be either formalised or satisfactorily rectified. Then, earlier this year the owner / applicant started works to the coach house which involved removal of an external staircase and viewing platform. A stop notice was served by the Council and work on site ceased and further notices are being prepared to remedy the unauthorised works . An update on the enforcement position will be provided for Members at the meeting
- 5.2 The owner / applicant met with officers of Planning Services earlier in the year to discuss his intentions for the site. Officers were advised that the reasons for carrying out the works to the coach house related to the requirements of Housing Regulations Services. The owner / applicant advised that they would ideally like to convert the coach house to 2 flats, the east wing to 1 flat and then maybe propose a further development within the grounds.
- 5.3 Applications for the conversion of the coach house to 2 flats and the reinstatement of the external staircase were also submitted following this meeting but have subsequently been withdrawn due to concerns about the removal of the internal staircase. A further revised scheme has now been submitted to Planning Services for pre-application advice prior to any formal resubmission.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notices posted on 23 July 2009. The consultation period expired on 13 August 2009. 3 letters of representation have been received from local residents who are concerned about the proposals and raise the following issues.
- The grounds of the property are not looked after. To increase the number of residents will only further the problem. Bins are left at the main gateway with rubbish spilling out onto the pavement. The garden is overgrown and the stone gateway pillars removed.
 - There is no reference to removing illegally installed rooflights and French window.
 - The existing car park only exists because decorative trees were wantonly destroyed.
 - The gazebo has been deliberately neglected.
 - It is not proposed to rebuild the demolished wall.
 - The outer wall of the building to be converted is very damp.
- 6.2 Headingley Renaissance Group state that the application appears designed to destroy a perfectly good listed building and its grounds within the conservation area

for no reason than to create intensified housing in an area already suffering from a totally unstable and unsustainable population mix.

- 6.3 Leeds Civic Trust consider that the application to convert the kitchen to a one-bedroom flat is acceptable. They comment that Arncliffe, 22 Shire Oak, is an important house of 1893 in the Arts and Crafts style by Francis Bedford (of the firm of Bedford and Kitson) for his brother James Bedford, chemical manufacturer and subsequent Lord Mayor. The significance of the house and its associated coach house, garden wall and summerhouse is recognised by their listing at Grade II. However, the complex is currently on both the Leeds Civic Trust's and the Leeds City Council's Heritage and Buildings at Risk Registers respectively due to the sad state of the honeycomb wall and summerhouse. There is a current history of unresolved enforcement issues involving repairs to these structures and a demolished pier.

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 Highways state that the proposals cannot be supported as submitted due to the following:
- The internal access road is made of gravel (i.e. loose material) within 15m of the highway boundary. This is unacceptable.
 - The internal access road width is below 4.8m width for the first 10m from Shire Oak Road.
 - Proposed new gates are too close to the adopted highway which will mean cars will straddle the carriageway before opening the gates. This is unacceptable.
- The proposals will be supported if the applicant can address these concerns.

- 7.2 Mains Drainage has no objections.

Non-statutory

- 7.3 The Victorian Society has no objection in principle to the conversion of this disused part of the premises into a single dwelling on the simple lines proposed. However, detailed approval should be required for the proposed new windows and doors, to ensure the standard of design conforms to their proximity to the main listed house. They also make the following comments.
- Upkeep of the garden appears effectively to have ceased. The drive and vehicle areas are in a condition entirely out of keeping with the listed house and buildings. Proposals to widen the entrance gate and drive, if demonstrated to be unavoidable for emergency access, should be carefully designed to ensure that the existing piers and boundary wall are rebuilt carefully, and surfaces properly made up to a serviceable and robust standard.
 - The separately listed summerhouse is now in an advanced state of decay, and must be considered seriously at risk, for the want of proper repair and maintenance. Its repair to an appropriate standard should be required.
 - We understand that there are other issues relating to the property, for which enforcement action may be necessary. We would strongly support the Council in taking such steps as are needed.
 - This interesting house and its outbuildings and garden should be the subject of a properly prepared Conservation Plan, to show what condition the premises are in, what repairs and arrears of maintenance are needed to conserve the historic

external and internal fabric, and how it may need to be altered to conform to proper historic building standards.

8.0 PLANNING POLICIES:

- 8.1 GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
BD6 – requires alterations and extensions to respect the scale, from detailing and materials of the original building.
BC7 – requires development in conservation areas to be in traditional local materials.
N12 - seeks to achieve appropriate urban design.
N15 – supports the change of use of listed buildings providing the new and adapted use does not diminish the special architectural or historic value of the building and its setting.
N17 – requires, where possible, existing detailing and features to be preserved, repaired or if missing replaced.
N19 - requires development to preserve or enhance conservation areas.
N20 – seeks to resist the demolition or removal of features which contribute to the character of the conservation area, such as trees and boundary walls.
H15 – relates to the area of housing mix.
T2 - development proposals should not create new, or exacerbate existing, highway problems.

8.2 Supplementary Planning Guidance - Neighbourhoods for Living.

8.3 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 and emphasises the need for greater consideration to be given to urban design.

Planning Policy Statement 3 (PPS3) Housing sets out the Government's policy on housing. A key objective of this guidance is to encourage the *'effective use of land by re-using land that has been previously developed'* (paragraph 40).

Planning Policy Guidance 15 (PPG15) Planning and the Historic Environment sets out the Government's policy on planning in relation to the historic environment, including listed buildings and conservation areas.

9.0 MAIN ISSUES

The key issues in determining this application are:-

- Design Issues - impact on Listed Building / Conservation Area
- Impact upon amenity
- Highways

10.0 APPRAISAL

Design Issues - impact on Listed Building / Conservation Area

10.1 PPG15 'Planning and the Historic Environment' confirms (paragraphs 2.16 & 4.1) the requirement (under Sections 16, 66 and 69 of the Planning and Listed Buildings Act) for special attention to be paid to the desirability of preserving listed buildings and their setting and to preserving or enhancing the character or appearance of

conservation areas. Conservation areas are areas of “special architectural or historic interest, the character of which it is desirable to preserve or enhance”.

- 10.2 PPS1 and PPS3 both place a duty upon Local Planning Authorities to improve the quality of design and enhance. At paragraphs 34 and 13 respectively it is stated that ‘design which is inappropriate in context, or which fails to take the opportunities available for improving the character of an area and the way it functions should not be supported.’
- 10.3 As set out in the planning history section above, there have been previous applications for development on the site which have been either refused or withdrawn. A number of these included proposals for the conversion of the kitchen / east wing. The last of these applications (07/00885/FU and 07/00886/LI) was refused due to concerns about the widening of the access and the unsympathetic insertion of rooflights and dormer windows. With regard to the conversion of the east wing it was considered that this could deliver some positive benefits, but this, in itself, was not sufficient to compensate for the other works which would have caused planning harm.
- 10.4 This current application is for conversion of the kitchen / east wing only, although the submitted plans do show a widening of the access. The widening of the access is not considered appropriate in terms of the impact it would have on the setting of the listed building, existing trees and the character of the conservation area. A revised plan omitting this and showing the driveway retained in its current position has been requested and is currently awaited.
- 10.5 The kitchen / east wing measures 12.2m long by 3.3m wide and is single storey and consists of a redundant pantry, storage areas and a porch. Currently all of this part of the building is unused. In order to convert it to residential accommodation existing internal walls would be removed and new stud partitions erected to separate the bedroom from the main living space and to provide an en-suite shower room. Timber infill screens and glazing would be installed in the porch openings.
- 10.6 It is considered, on balance, that the works to create the proposed flat are appropriate to the character and appearance of the listed building and would preserve or enhance the character of the conservation area. It would help ensure its upkeep – this element is currently boarded up and unused. However, it does result in the loss of its original plan form. In this instance this is considered to be acceptable given it is a subservient element of the main building, the works to the openings are sympathetic and the applicant is prepared to carry out a number of works relating to the upkeep of the grounds and the repair / restoration of existing features and outbuildings.
These include the repair of the chimney to the original kitchen, repair of the summerhouse, the reinstatement of the boundary wall and gateposts, the maintenance and upkeep of the grounds and the hard surfacing of the first 15m of the driveway. It is also proposed to condition a landscaping scheme to ensure a pedestrian footpath is provided and tree planting to compensate for previous unauthorised tree removal.
- 10.7 There are concerns about the proposed bin store identified on the submitted plans. It is located at the edge of the driveway, directly under an off site tree. Some excavation would be required and this is likely to adversely affect the tree. There are a number of possible solutions for bin storage, including a sympathetically designed building close to the road. A condition requiring this matter to be addressed prior to the commencement of any development is recommended.

Impact upon amenity

- 10.8 Policy GP5 of the UDP sets out the general principles of development including the need to avoid environmental intrusion and loss of amenity.
- 10.9 The application would provide a one-bedroom flat which would be suitably laid out and would have relatively large areas of glazing. It is therefore considered that the proposals would provide a satisfactory level of accommodation for future occupiers in terms of outlook and light. The property is situated within a plot of significant size and as such there is plenty of external amenity space available for use by future occupiers. Unfortunately this is obviously not regularly maintained. Therefore, in the interests of the amenity of the existing and any future occupiers, a condition requiring a maintenance plan for the upkeep of the grounds is recommended.
- 10.10 It is considered that the creation of an additional one-bedroom flat on the site is unlikely to have any additional or adverse impact on the living conditions of neighbouring properties through an increase in comings and goings or general noise and disturbance.

Highways

- 10.11 As originally submitted the proposals included plans to widen the existing access to 3.75m. This is considered to be unacceptable in terms of the impact it would have on the setting of the listed building and the character and appearance of the conservation area and a revised plan has been requested. It has been noted that Highways have requested that the driveway be widened to 4.8m for the first 10m. This raises serious planning concerns as it would not only impinge upon the formal garden area but would also encroach significantly further under the canopies of existing mature trees. In this instance it is not considered that 2-way passing is necessary given the proposal is for 1 additional 1-bedroom flat and the location of the site away from road junctions.
- 10.12 Concerns have been expressed about the existing surfacing material to the driveway, which is loose gravel. This spills onto the pavement and is also unacceptable to Highways. The applicant has been advised that this needs surfacing and should ideally be laid out with large size stone setts for the first 15m. An appropriate condition to ensure a more suitable resurfacing is therefore recommended.
- 10.13 As originally submitted the plans also proposed gates across the driveway. Given their location close to the adopted highway this would result in cars straddling the carriageway before opening the gates, which is unacceptable to Highways. A revised plan omitting these is awaited.

11.0 CONCLUSION

- 11.1 After careful consideration of all relevant planning issues it is considered that the proposed works would be sympathetic to the listed building, would preserve the character and appearance of the conservation area, would provide a satisfactory level of living accommodation, would not adversely affect neighbouring living conditions and would not be detrimental to highway safety. If planning permission is to be granted then a number of conditions would be included which would help to further improve the setting of the listed building and to enhance the character and appearance of the conservation area.

Background Papers:

Application and history files.

Certificate of Ownership – signed as applicant.



WEST PLANS PANEL

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Scale 1/1500

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