



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 29th October 2009

Subject: APPLICATION 09/03364/FU

**Change of use of dwelling house to 2 one bedroom flats.
Highfields, Church Lane, Adel, LS16 8DE**

APPLICANT

Mr John Spink

DATE VALID

17th August 2009

TARGET DATE

12th October 2009

Electoral Wards Affected:

Adel & Wharfedale



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:

1. Time limit: 3 years.
2. Personal use condition limiting the approved use to the period during which the applicant's daughter lives in the property after which it should revert to a single dwelling unit.
3. Areas to be used by vehicles to be hard surfaced and drained so that surface water does not drain on to the highway.
4. Secure cycle storage to be provided.
5. Bin storage for each unit to be provided .
6. Parking layout for 2 vehicles.

Direction re need for planning permission for any alterations /extensions to the property

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 GP5 (UDP)
Policy T2 (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:

This application is brought to the Plans Panel as it is recommended for approval contrary to the advice of Highways officers and policy contained in the recently adopted Supplementary Planning Document 'Street Design Guide'.

The proposal has previously been approved by application 26/197/03/FU but that approval has never been implemented and the applicant is now seeking to renew the application.

2.0 PROPOSAL:

This is a full application for a change of use of an existing two bedroom dwelling bungalow form dwelling into 2 one bedroom flats. No external alterations are proposed and internal alterations are minimal but include construction of a small lobby and installation of an upstairs kitchen. Two off street parking spaces are proposed.

3.0 SITE AND SURROUNDINGS:

The site contains a modern detached stone built chalet bungalow. To the front of the site is parking for two vehicles and some planting. Access to the rear garden is via a path to the side of the dwelling.

The site is on an un-adopted road close to Adel Memorial Recreation Ground. The area in this part of Adel is currently the subject of a public consultation regarding its upgrading to Conservation Area status. A number of the properties on the road are marked within the draft Conservation Area Appraisal as making a positive contribution to the proposed Conservation Area.

The road is narrow and was once the private drive to the large property at the end of the cul-de-sac. Properties have a variety of styles with some being constructed quite recently and others dating from the 19th Century. A variety in the scale of properties is also apparent from the large two-storey dwelling at the end of the cul-de-sac to the modern bungalows closer to Church Lane. There is little in the way of walls or fencing

to the fronts of properties and most have large areas of hardstanding at the front to provide parking with landscaping around. The road is hard surfaced for its length.

4.0 Relevant Planning History:

26/197/03/FU Change of use of dwelling house to 2 one bedroom flats.
Approved 23rd May 2003.

26/418/93/OT Outline application to erect detached dwelling. Refused but allowed on appeal 24th May 1994.

26/593/02/OT Outline application for detached dwelling adjacent to Wychwood.
Approved 8th January 2003.

5.0 HISTORY OF NEGOTIATIONS

5.1 The applicant has drawn officers' attention to his daughter's disability and need for care as special circumstances which justify the proposal.

6.0 PUBLIC/LOCAL RESPONSE

6.1 One letter of response has been received stating that the application is a renewal of a previous approval and as such they support the proposal.

7.0 CONSULTATIONS RESPONSES

7.1 Statutory Consultations:

None

7.2 Non Statutory Consultations:

Highways – Objections as the proposal increases the number of dwellings served by an unadopted road beyond the 5 maximum stipulated by the 'Street Design Guide'.

If approved however condition required recommending to secure 3 off-street parking spaces.

8.0 PLANNING POLICIES:

8.1 Local

The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan (UDP) Review (2006) together with the Regional Spatial Strategy. Relevant policies in the Local Development Framework must also be taken into account. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

8.1.1 Relevant UDP Policies:

UDP: General Policies: Policy GP5 refers to detailed planning considerations and any loss of amenity.

UDP: Highways: Policy T2 requires that development should be adequately served by existing highways and that it should not materially add to problems of safety or efficiency on the highway network.

8.2 Supplementary Planning Documents

Street Design Guide August 2009 – *Any existing private street which will serve more than 5 dwellings should be made to adoptable standards and offered for adoption (Page 27)*

Neighbourhoods for Living Dec 2003 – *Developments should be adaptable to the changing needs of occupier (Page 53)*

Adel – St Johns Conservation Area Appraisal and Management Plan (Consultation Draft) – *Resistance to inappropriate forms of infill development (Page 16) and retention of existing positive boundary treatments.*

8.3 National

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

PPS3 Housing – This PPS underpins the delivery of the Government's strategic housing policy objectives with the goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

PPG15 - Planning Policy Guidance 15 provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment. It explains the role played by the planning system in their protection.

9.0 MAIN ISSUES

- 9.1** Principle of the development
- 9.2** Use of the unadopted road
- 9.3** Applicant's special circumstances
- 9.4** Parking requirements
- 9.5** Impact on the proposed Conservation Area

10.0 APPRAISAL

10.1 The proposal will result in the loss of a more traditional family home with surrounding gardens and will create 2 small single person flats. There is no separation of garden areas nor creation of separate private amenity space. The principle of the development has however already been accepted in the previously approved application but the objectives of good design and sustainable development and communities developed in the Council's Neighbourhoods for Living SPD and national guidance in PPS1 and PPS3 and objectives of creation of family homes in the Regional Spatial Strategy all supersede that decision .

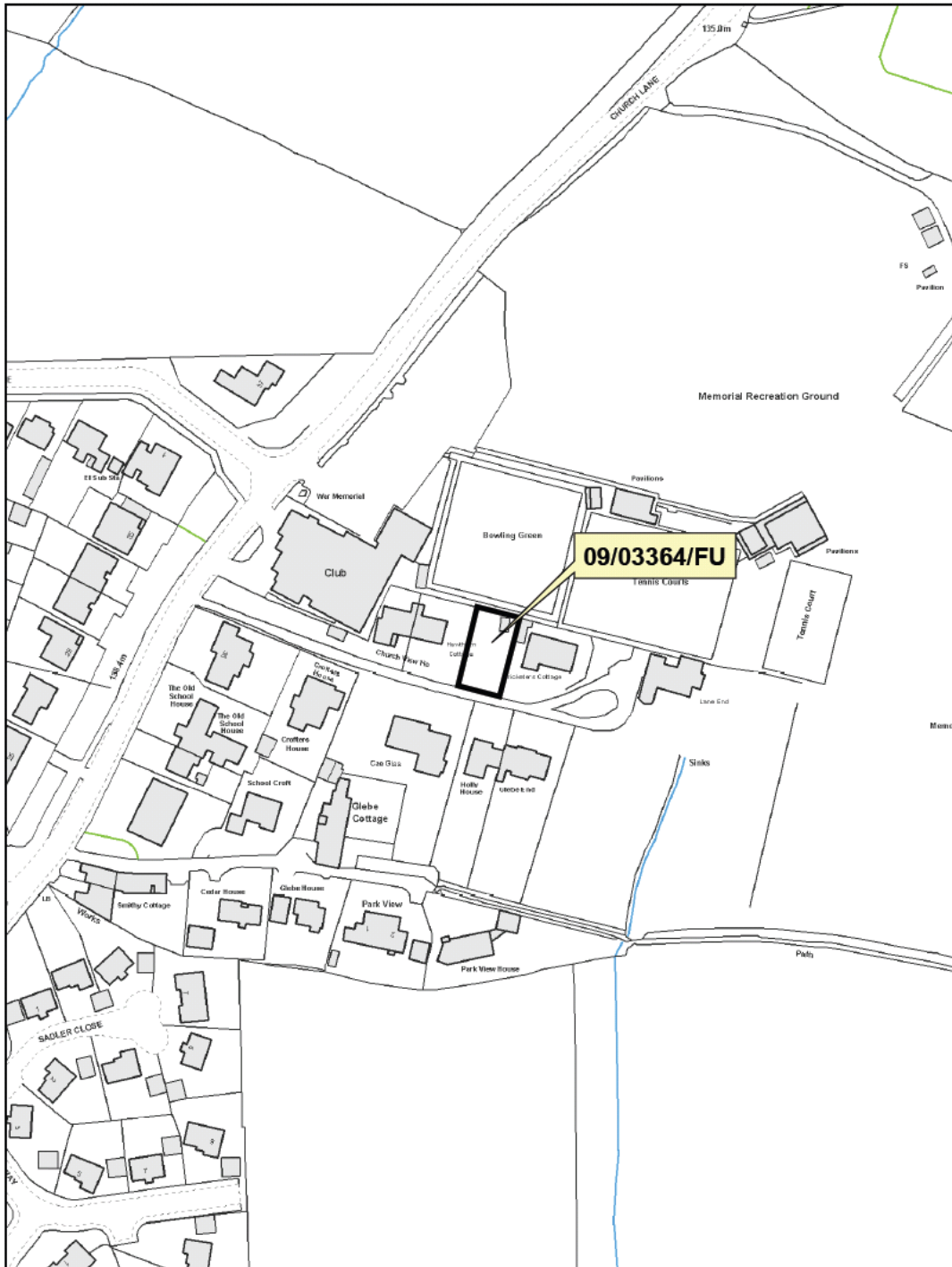
10.2 The proposal is also contrary to policy contained in the recently adopted 'Street Design Guide'. This states that no more than 5 dwellings should be served

from a private road. The application would increase the number of dwellings served by this section of road from 9 currently to 10.

- 10.3** It is understood that the division of the property in to 2 flats is to create an independent living unit for the applicant's daughter, who has cerebral palsy. She would live in the first floor flat while he would continue to occupy the ground floor. This arrangement would allow him to provide care for his daughter as and when necessary whilst also retaining an element of independence for both parties.
- 10.4** Officers consider that although there have been changes to policy and guidance since the previous decision the special circumstances referred to and the fact that the proposal was approved previously can be taken in the balance as special circumstances and thus the application is recommended for approval but subject to a condition restricting the occupation of one of the flats to the applicant's daughter and with the requirement for the building to be re-instated to a single dwelling when she ceases to occupy the premises.
- 10.3.1** It is noted that the addition of a personal use condition secures the long term retention of the property as a family dwelling once the applicant's need for the subdivision of the property is no longer relevant.
- 10.5** Highways have requested 3 off-street parking spaces to be laid out at the site. The previous application required only 2 spaces as per the existing situation at the site. Given the previous approval and the small scale of the flats, it is considered on balance that the proposed 2 spaces are acceptable. Furthermore, the area is soon to become a Conservation Area. Whilst it would be possible to construct 3 independent off-street parking spaces, this would occupy almost the entire frontage of the property and result in the loss of an area of planting and would be detrimental to the character of the area.
- 10.6** No external alterations are proposed to the dwelling. The first floor flat will be served by the existing rooflights and window in the gable. As described above, the site already contains 2 off road parking spaces and therefore no significant alterations are anticipated to the frontage of the property and little impact is anticipated to the character or appearance of the proposed Conservation Area.

11.0 CONCLUSION

The proposed development is contrary to adopted policy in the 'Street Design Guide', however the exceptional circumstances of the applicant provide some justification for approving the application whilst the addition of a personal use condition ensures that the property reverts to a dwelling house once the applicant no longer has need of the separate units. This condition also prevents the setting of any precedent in regards to future proposals to increase the number of dwellings served by un-adopted roads beyond the levels set in the street design guide.



WEST PLANS PANEL

Scale 1/1500

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