



## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 30<sup>th</sup> September 2010

**Subject: APPLICATION 10/03112/FU: Part two storey, part single storey side and rear extension at 4 Farm Hill Way, Leeds, LS7 2SQ**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Mrs W Liu	06.07.2010	31.08.2010

<p><b>Electoral Wards Affected:</b></p> <p>Chapel Allerton</p> <p><input checked="" type="checkbox"/> Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**RECOMMENDATION:**  
**GRANT PERMISSION subject to the following conditions:**

1. Time Limit for implementation of works
2. Development to be carried out in accordance with approved plans
3. Matching materials
4. Obscure glass
5. No insertion of windows

**Reasons for approval:** The extension is considered to be a proportionate addition and appropriately designed, it is not considered to have a detrimental impact on neighbouring residents or to produce any problems of highway safety. This application complies with policies BD6 and GP5 of the Leeds Unitary Development Plan Review 2006, having regard to all other material considerations, as such the application is considered acceptable.

## 1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel at the request of Councillor Jane Dowson and Councillor Mohammed Rafique. The development has not been built in

accordance with the previously approved plans (ref: 07/01212/FU and 09/01212/FU) and as such is subject to an enforcement notice. The application was deferred at Plans Panel on September 2<sup>nd</sup> 2010 to allow Members to undertake a site visit.

## **2.0 PROPOSAL**

2.1 The application relates to a part two storey part single storey side and rear extension. The applicant has been granted permission for a part single storey and part two storey extension to the side of their premises (ref: 09/01212/FU) and a planning application (ref: 07/04221/FU) for a part single storey and part two storey rear extension and replacement garage to rear, was approved in August 2007. The works carried out have not been built in accordance with the approved plans and as such is subject to an enforcement case (ref: 09/01563/NCP3). An enforcement notice has been served requiring the works to be demolished and rebuilt in accordance with the approved scheme. An appeal has been made by the applicant against the enforcement notice. The applicant has increased the length of the side extension by a further 1m from that which was originally approved, hence reducing the level of set back at first floor level to 1.2m. Additionally, the side elevation wall has been raised and has been built in line with the existing roof line; as a result a further level of accommodation has been added in the roof. The resulting roof pitch is at odds with the original dwelling and appears awkward. Furthermore, two new windows were inserted at first floor level and one at second floor level. However, these windows have since been bricked up. The projection of the rear extension has been increased by a further 0.5m to 3.5m from the original proposal of 3m. Following consultation with the Local Planning Authority the application (ref: 10/01997/FU) for a part two storey part single storey side and rear extension has been withdrawn and a revised scheme submitted. The applicant proposes to revert back to the original approved scheme (ref: 09/01212/FU and 07/04221/FU), with the following exceptions:-

- The projection of the rear extension has been increased to 3.5m which is 0.5m greater than the original proposal (07/04221/FU).
- The roof of the two storey rear extension has been set 1m down from the existing roof ridge, which is 0.5m more than the original approval (07/04221/FU).
- The patio doors within the rear elevation have been replaced by windows and the window proposed within the single storey rear extension has been eliminated. A new window housing an en-suite has been inserted to the rear at first floor level of the original building. The window within the side elevation of the store has been eliminated.

2.3 The proposed side extension would be set forward from the front of the host dwelling at ground floor level by 0.3m, and set back at first floor level by 2.4m, with a corresponding lowering of the roofline by 0.5m, reverting back to the original approval (09/01212/FU).

## **3.0 SITE AND SURROUNDINGS:**

3.1 The application site is a red brick built semi detached property which has been extended to the front/side and rear with a pitched roof. The property is located in a corner position, with medium sized gardens to the front and rear, and a paved area to

the rear. The site is bordered to the north east and south east by the rear gardens of properties fronting Farm Hill Way. The rear garden slopes up towards the rear boundary and is bordered by a mix of fencing and vegetation to the North West (side) and north east (rear) boundaries. At the side is a wide driveway which is bordered by 1.m high fencing situated on neighbouring rear boundaries.

- 3.2 The property is situated on a modern estate which consists of similar residential properties in terms of scale, form and design.

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

10/03112/FU – Part two storey part single storey side and rear extension.

Decision: Withdrawn

09/01212/FU – Part two storey part single storey side extension

Decision: Approved

07/04221/FU - Part single storey and part two storey rear extension and replacement garage to rear.

Decision: Approved

#### **Enforcement Cases**

09/00970/NCP3 – Enforcement notice.

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

- 5.1 Following consultation with the Local Planning Authority the application (ref: 10/01997/FU) for a part two storey part single storey side and rear extension has been withdrawn and the current revised application submitted. The applicant submitted the original application which sought to regularize the breaches of planning control. However, what has been built is not acceptable in planning terms and further revisions were requested.

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

- 6.1 2 letters of objection have been received from nearby neighbours and a letter of objection from Councillor Jane Dowson and Councillor Mohammed Rafique has also been received. A further letter has been received from all three Ward members immediately prior to the 2<sup>nd</sup> September panel reiterating objections previously made and expressing concern about the disregard for the planning process shown by the applicants.
- 6.2 The following points of objection have been raised by nearby residents :
- The application is inappropriate in size, scale and design and out of character
  - An increase in noise from the development. This includes the rearrangement of the accommodation within the house including a new staircase adjacent to the neighbours' bedroom.
  - Loss of light to garden and house.
  - Overdevelopment.
  - Overlooking from first floor window adjacent to boundary and doors to store.
  - There are some inaccuracies on the plans in terms of window and door positions.

- Impact in respect of on-street parking levels.
- Land ownership dispute (including issues concerning a party wall)
- House may be used for multiple occupancy
- Higher roof elevation
- Parking provision is inadequate (2 spaces are not enough)
- Is the drainage system capable of dealing with the additional bathrooms?
- Building works carried out at unsociable times.

6.3 Ward Members have objected to the scheme on the grounds of overdevelopment, size, scale and occupancy of the property and have also raised concerns about the complete disregard the applicant has paid to the planning process.

6.4 A further letter of objection was also submitted to Members immediately prior to the 2<sup>nd</sup> September panel by a nearby resident raising concerns about the accuracy of the report and reiterating objections regarding the size, scale and occupancy of the property. It also questioned the ownership of land claimed by the applicant in relation to the provision of car parking for the development.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 No internal or external consultations were performed during the application process.

## **8.0 PLANNING POLICIES:**

8.1 The statutory plan is the Leeds Unitary Development Plan (Review) 2006 and the following policies are relevant:

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

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

Policy T2: Refers to the need for an appropriate level of off street parking provision.

SPG 13 – ‘Neighbourhoods for Living’: Supplementary planning guidance related to residential design in Leeds.

8.2 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 requires new development to be of a high standard of design.

## **9.0 MAIN ISSUES**

Townscape/Design and Character  
 Privacy  
 Overshadowing/Dominance  
 Parking Provision/ Highway Safety  
 Private Garden Space  
 Representations

## 10.0 APPRAISAL

### Townscape / design and character

- 10.1 The application has been submitted as a result of an enforcement notice (ref09/00970/NCP3), as the works carried out have not been built in accordance with the previously approved plans.
- 10.2 An enforcement notice has been served requiring the works to be demolished and rebuilt in accordance with the approved scheme. An appeal has been made by the applicant against the enforcement notice.
- 10.3 Following consultation with the Local Planning Authority the application (ref: 10/01997/FU) for a part two storey part single storey side and rear extension has been withdrawn and the current revised application submitted. The existing roof of the side extension has been built higher and further forward than approved providing a further level of accommodation in the roof space, resulting in a roof pitch which is at odds with the original dwelling and appears out of character within the street scene. The revised scheme involves a set back at first floor level by 2.3m, with a corresponding lowering of the roofline by 0.5m. This set back and set down ensures that the extension is subordinate to the original house and street scene. The projection of the rear extensions has been increased by a further 0.5m and the roof of the two storey extension has been set down from the roof ridge by 1m, which is 0.5m greater than the original approval (ref: 07/04221/FU). It is considered that the revised design is more sympathetic to host property and the overall street scene, creating a greater symmetry for the property when viewed from the front or side. The proposal is acceptable in terms of scale, form, design and spatial setting and would be in keeping with the character of the existing property and the surrounding street scene. The external materials and roofing will relate sympathetically to the host property.

### Privacy

- 10.2 The proposal is not considered to be harmful to the residential amenity of number 2 Farm Hill Way through an increased capability to overlook as there is a distance of approx 12m from the proposed bedroom, kitchen and WC window within the side elevations at ground floor level to the windows of the neighbouring property at 2 Farm Hill Way, which will also be conditioned to be obscure glazed to prevent any overlooking issues arising in the future. The window proposed at first floor will serve an en-suite and bedroom, the window will retain a distance of 7.5m to the angled rear boundary, therefore poses little threat to neighbouring private amenity. The level of overlooking from the windows proposed at first floor level of the originally dwelling is not considered to significantly greater than that which exists from the existing windows. The window proposed (ref 09/01212/FU) within the side elevation of the store is now proposed to be replaced by a door, which would reduce the level of overlooking over the adjoining property at no. 6 Farm Hill Way.

### Overshadowing / dominance

- 10.3 The two storey side extension would be set away from the neighbouring boundaries by 0.3m and is of a sufficient distance to the rear boundary. The proposal is within guidance and will limit any potential overshadowing that occurs. The front to back direction of the property is North East to South West, with the neighbouring properties being to the South East and North West. The neighbouring sites of (no 2,

No 19) are situated south east of the host site therefore due to the orientation of sun would experience no significant loss of sunlight from the proposed extension.

- 10.4 The projection of the rear extension has been increased by a further 0.5m from the original proposal. Whilst the proposal projects 3.5m to the rear, the single storey element is set 0.8m away from the adjoining boundary, and a distance of 2.3m is retained from the two storey element, with a set down from the roof ridge of 1m. Whilst it is anticipated there will be some increase in overshadowing, this would be for a limited time during the early morning. Although, guidance states that a distance of at least 2.5m should be maintained from the proposed development to the adjoining boundary, the difference is 0.2m, coupled with set down of the roof height is not considered to be detrimental in terms of over dominance and as such does not warrant a refusal.

#### Parking Provision/ Highway Safety

- 10.5 The plans show that there would be provision for two off street car parking spaces. As such there is adequate parking remaining for the property and no highway safety issues from the proposal are foreseen. The original submitted plan showed the parking for the development to be located at the side of the property on a driveway. Representations have pointed out that this area of land is not in the ownership of the applicant and as such a further plan has been submitted that shows two parking spaces on the front garden area that is hard surfaced being provided. It would be necessary to remove the front boundary wall to access this hard surfaced area for the property to provide parking but two spaces could be accommodated.

#### Private Garden Space

- 10.6 There is a small private garden space retained to the rear of the site after the completion of the development.

#### Representations

- 10.7 The majority of the points raised in the objections received, and that are material planning considerations, have been addressed in the paragraphs above. However, it will be noted some concern has been raised that the extended house could be used for multiple occupation. The application which has been submitted is for an extension to a dwelling house and the local authority must assess it on this basis. Change to a house in multiple occupation or flats would require planning consent and the requisite assessments carried out at this point.

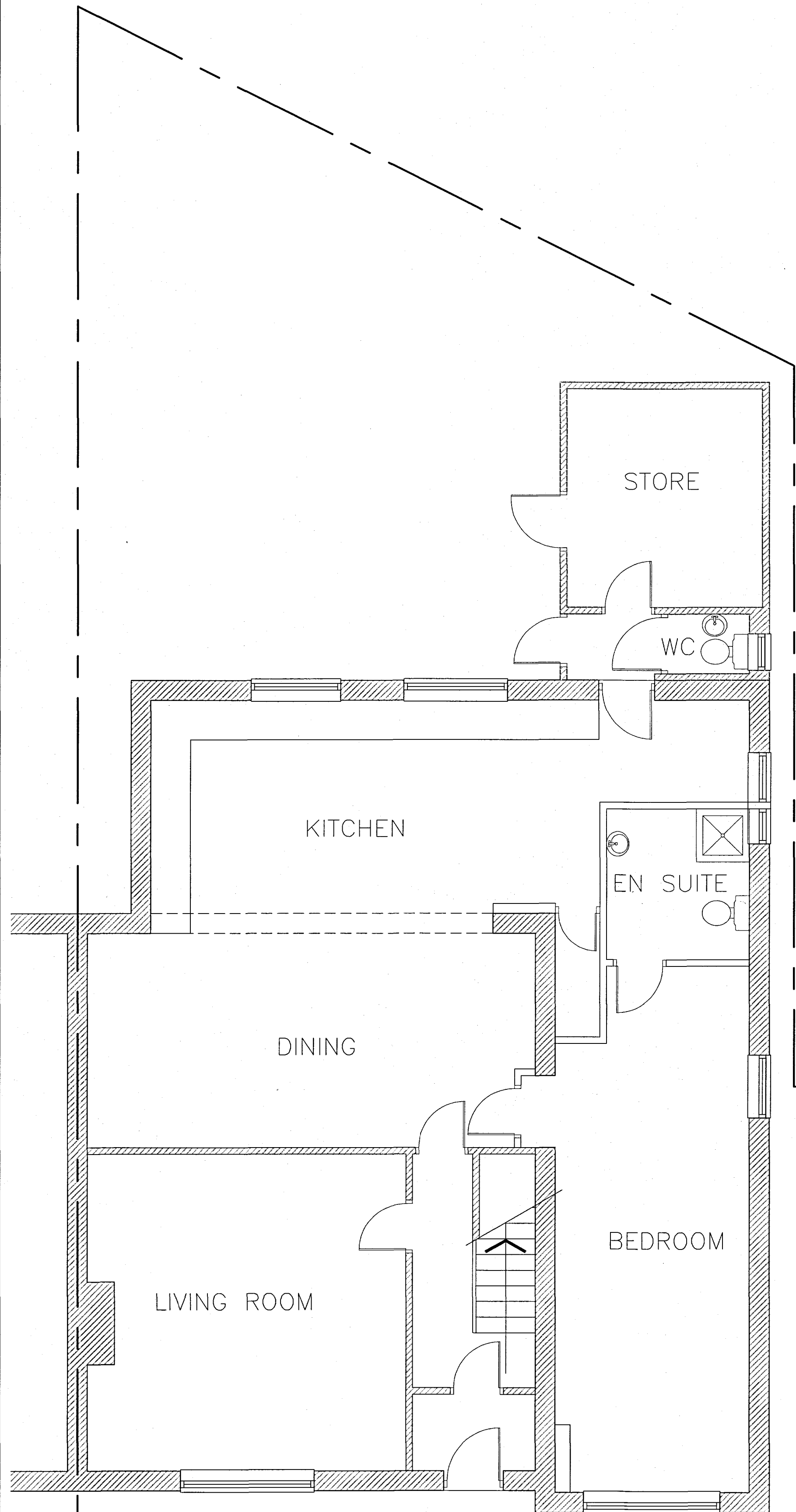
### **11.0 CONCLUSION**

- 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.

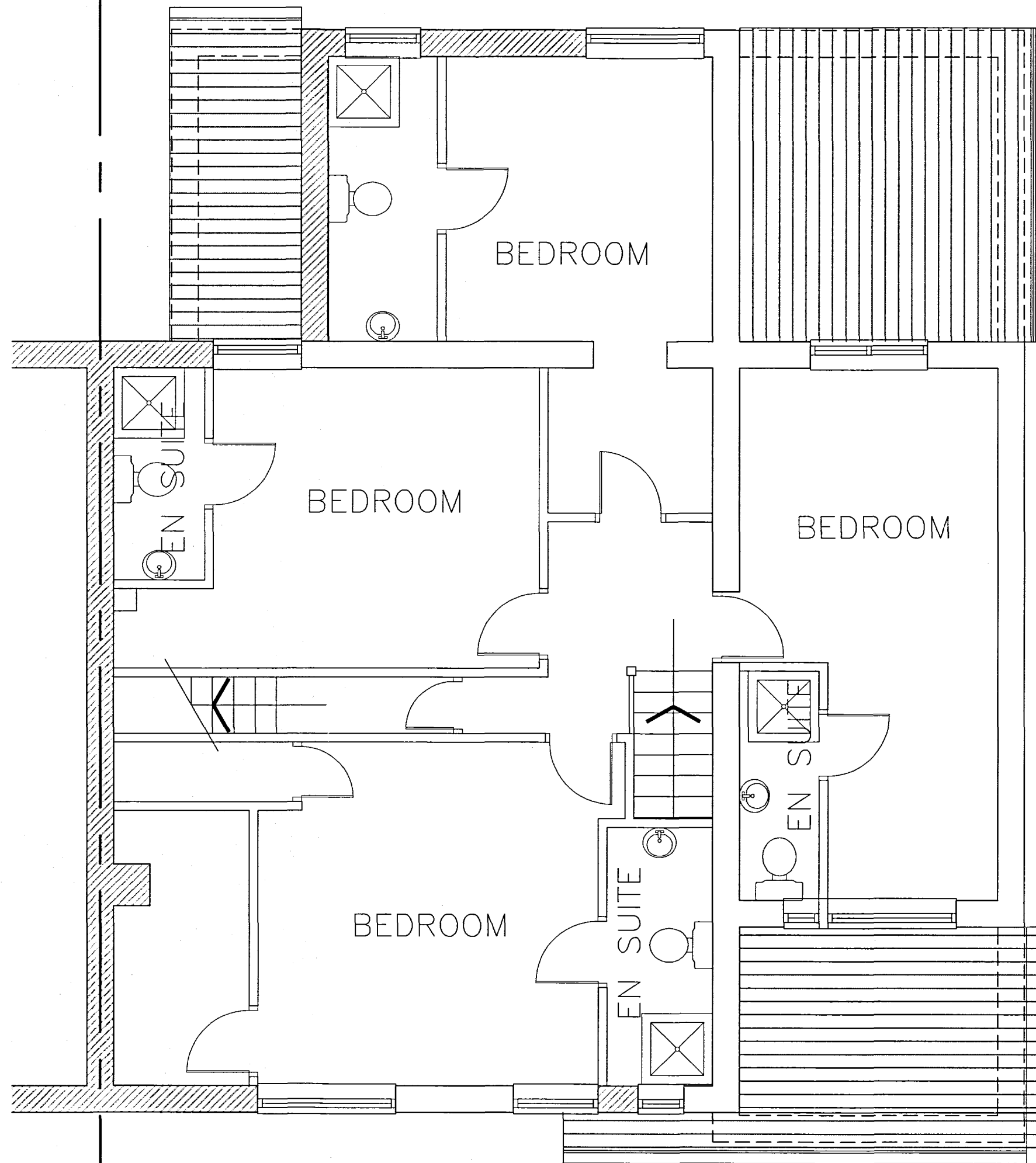
#### **Background Papers:**

Application file 10/03112/FU

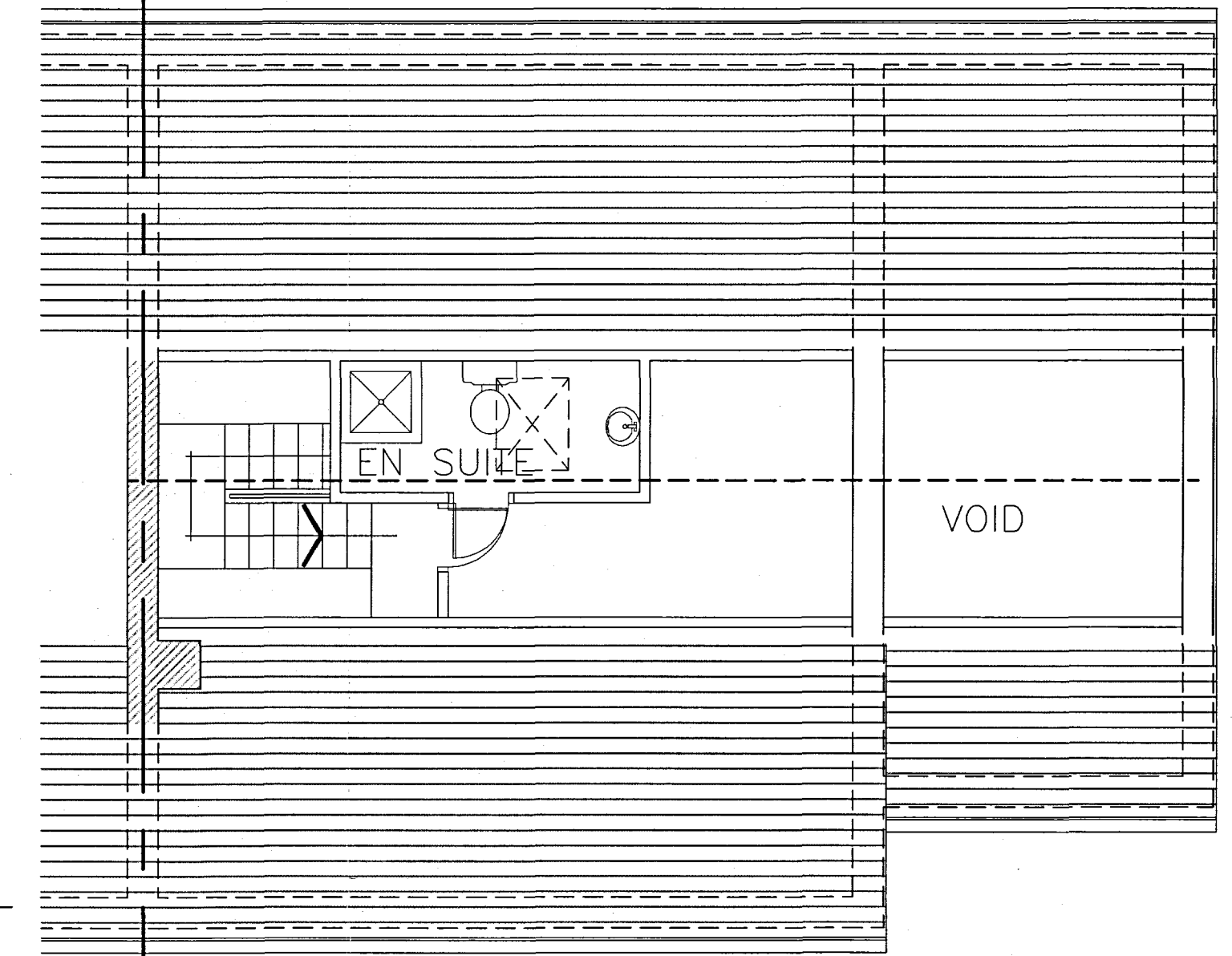
Ownership certificate by applicant



PROPOSED GROUND FLOOR



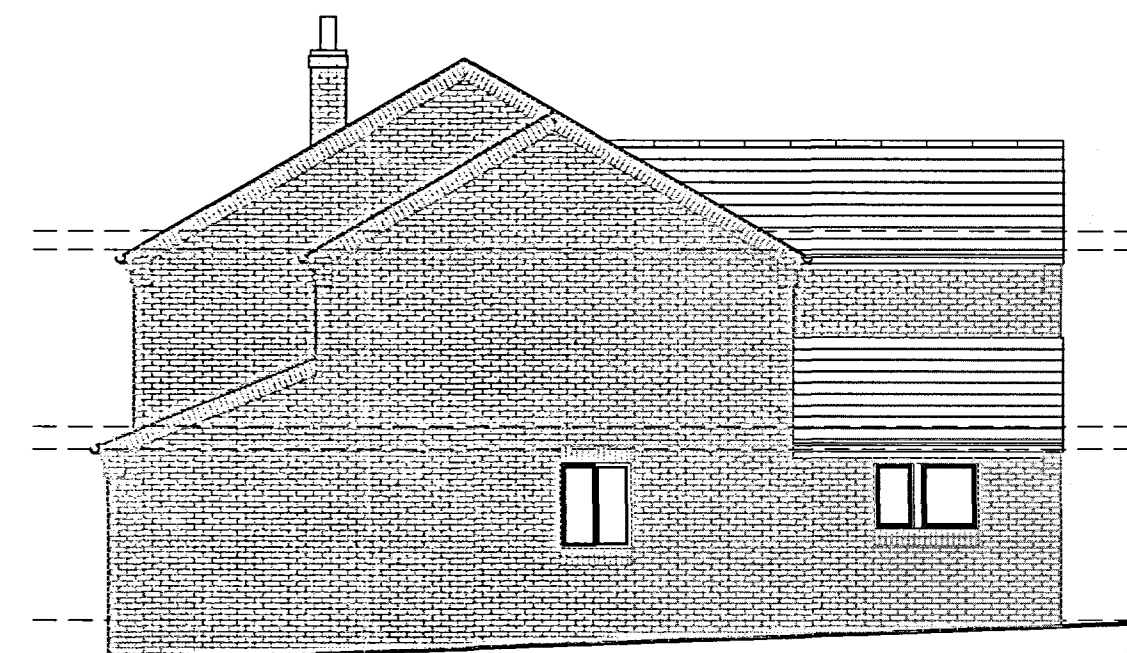
FIRST FLOOR  
PROPOSED PLANS 1:50



SECOND FLOOR



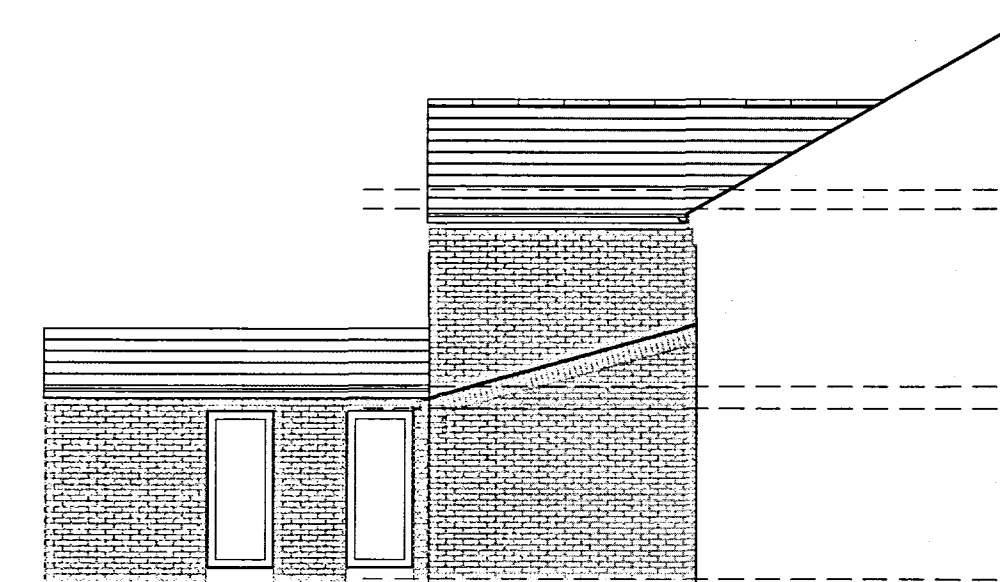
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



PART SIDE ELEVATION

PROPOSED ELEVATIONS 1:100

LEEDS CITY COUNCIL  
Please refer to Decision Notice  
12 AUG 2010  
**REVISED**

B DRAWING TITLES CORRECTED AUG 2010	
REVISIONS	DATE

NOTE:  
The contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before works commence.

All drawings must be read with and checked against any structural or other specialist drawings provided.  
All works to comply with British Standards, Codes of Practice, current Building Regulations and carried out to the satisfaction of Building Inspector. All materials to comply with the relevant British Standards

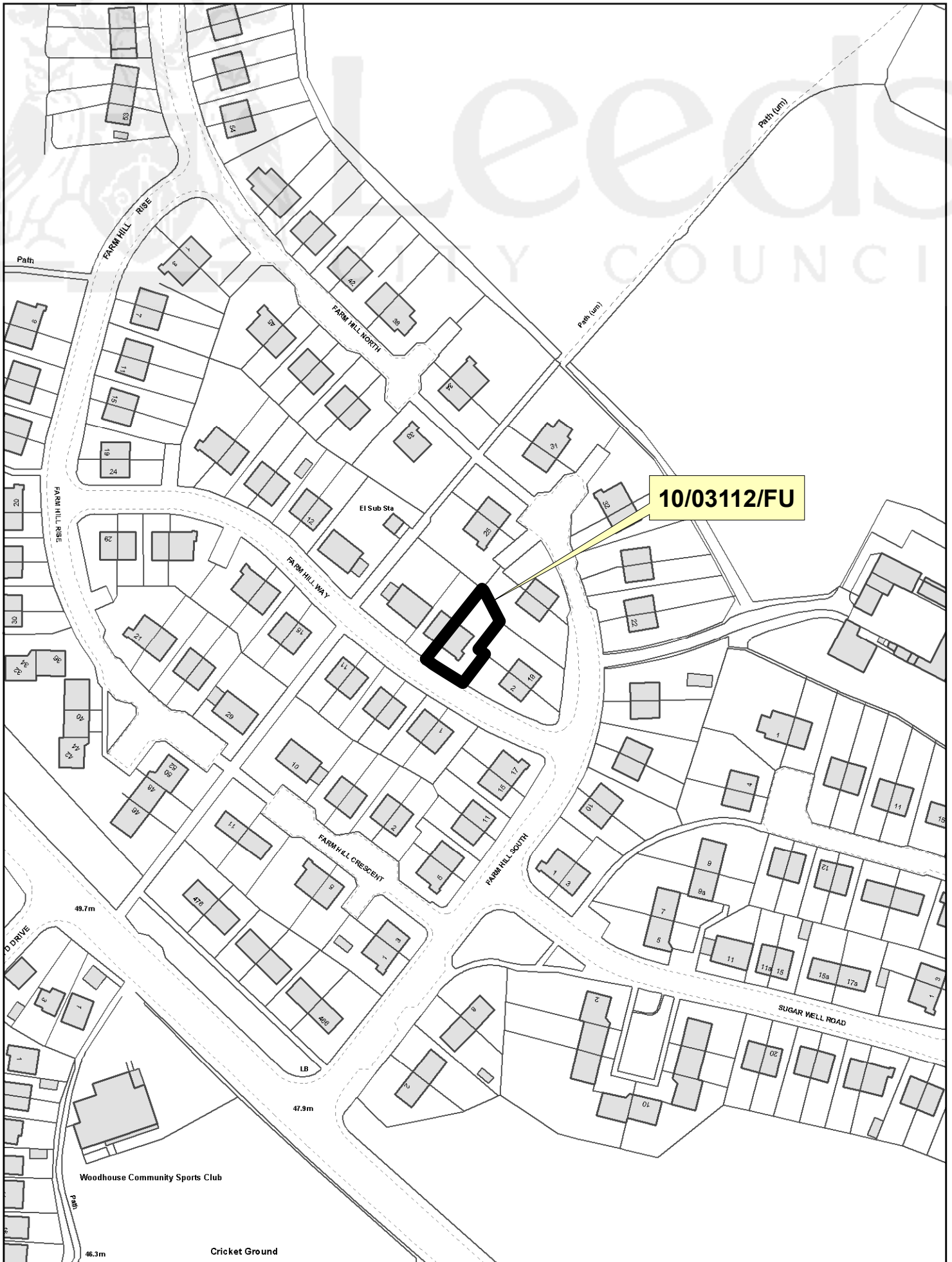
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CLIENT  
MRS W LIU

PROJECT  
PROPOSED ALTERATIONS & EXTENSION TO  
4 FARM HILL WAY LEEDS LS7 2SQ

DRAWING TITLE  
PROPOSED FLOOR PLANS AND ELEVATIONS

SCALE 1:50 / 100	DRAWING No. 1436/11
DATE JUNE 2010	
	A   B



# EAST PLANS PANEL

