



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4th November 2010

Subject: APPLICATION 10/02643/FU - Two storey side extension and detached garage to rear at 1 Spen Gardens, West Park, Leeds, LS16 5AQ

APPLICANT

Miss. S. Akhtar

DATE VALID

9TH June 2010

TARGET DATE

9th September 2010

Electoral Wards Affected:

Weetwood

Y

Ward Members consulted
Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT planning permission subject to conditions to cover the following:

1. Time limit on full permission
2. Plans to be approved
3. Limit to obscure glazing only
4. Materials to match the existing
5. Garage use incidental to the enjoyment of the dwelling
6. No insertion of windows to the rear and side of 2-storey extension
7. Dwelling to remain as C3 dwelling house
8. Reason for approval
9. Permitted development informative for single storey rear extension

1.0 INTRODUCTION

The application is brought before Plans Panel due to the high level of community involvement including representations from two elected ward members (Councillor Sue Bentley & Councillor Judith Chapman). This application was deferred from Plans Panel on 9th September 2010, Members of Plans Panel accepted that the form of the

extensions were acceptable but officers were requested to go back to the applicant to clarify the future occupancy of the extended dwelling.

2.0 PROPOSAL

The application is for a two storey side extension and detached garage to the rear of a semi-detached house. The extension would form a bathroom and a second lounge to the ground floor and two bedrooms to the first floor with one having an en-suite bathroom. The extension measures 4m wide by 7.4m long with eaves and ridge heights to its hip roof of 5.2m and 7.8m respectively. The detached garage is sited within the rear garden and measures 3m wide by 6m long with heights to its pitch roof of 2.3m and 3.2m and would replace an existing flat roof sectional garage. The floor plans show that 3 original bedrooms exist to the dwelling which would be increased to 5 with the side extension. Included within the submitted plans but determined as Permitted Development is a single storey rear extension to enlarge the kitchen and dining room.

3.0 SITE AND SURROUNDINGS:

Located within the West Park area which is residential in character, the application relates to a 1920's style red brick and white render semi-detached house with grey concrete tiles to its hip roof. To the front of the house are half round bay windows capped with a gable roof, and a canopy porch over the entrance. To the rear is a decaying timber and glass porch with a lean-to roof along with a flat roof pre-cast concrete garage. The irregular shaped plot is fairly flat and even in level and produces a good size continuous garden to the front, side and rear of the house which is enclosed by brick walling, timber fencing and shrubbery planting.

The townscape of Spen Gardens and Spen Drive is defined by semi-detached houses to similar designs, sizes, appearances and periods of construction and shows one other dwelling to have been extended to the side, with space between the dwellings, trees and other greenery as strong characteristics also.

4.0 RELEVANT PLANNING HISTORY:

26/410/04/FU - Two storey side extension - Refused - 11.08.04

10/00329/FU - Two storey side extension and detached garage to rear
(Single storey rear extension and dormer to rear are Permitted Development) -
Refused - 08.04.2010

5.0 HISTORY OF NEGOTIATIONS:

During a meeting on 30.06.2010, the applicant/agent were informed that the initial plans of the re-submission did not go far enough in addressing the issues of the refused application and that formal clarification as to the intended use of the property and justification for the need to enlarge it as proposed would be needed. Subsequent plans were received 18.07.2010 but these were not considered acceptable.

Further revised plans showing the extension to now be suitably subservient with a flat front elevation were received and accepted 05.08.2010

The applicant has submitted further information regarding the future occupancy of the dwelling.

- i) The applicant has confirmed that the house is no longer on the rental market.

- ii) The applicant would agree to the removal of permitted development rights from the dwelling
- iii) The house will not be used by students as a House in Multiple Occupation (HMO) and will always be used as a single dwelling
- iv) The applicant will move into the extended dwelling with her large family once the extension works have been completed.
- v) The applicant may wish to rent the property out in the future but only to a single family and not as a HMO.

6.0 PUBLIC/LOCAL RESPONSE:

The application was advertised by notification letters to neighbouring properties dated 15 June 2010. 29 letters of representation have been received, covering the following points:-

- Student occupancy
- Extension too large
- Car parking
- Out of keeping
- Loss of daylight
- Over-development
- Over-dominance
- Over-looking
- Reduced amenity garden space

7.0 CONSULTATIONS RESPONSES:

North West Area Management Team - Community Planner: Concern expressed whether the proposal has overcome the previous reasons for refusal.

8.0 PLANNING POLICIES:

Since the Panel meeting on 9 September 2010, national legislation has changed in relation to HMO's. On the 1st October 2010 the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 amended the 1995 Order meaning that from this date a change of use from C3 (dwelling house) to C4 (House in Multiple Occupation) is permitted development.

This change in legislation would allow the applicants to let the extended dwelling as a HMO without the need for a change of use planning application.

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. These seek to avoid imposing architectural styles to stifle innovation, originality or initiative through requirements to conform to development forms or styles. They should instead concentrate on guiding scale, density, massing, height, landscape, layout and access in relation to adjacent buildings and the locality. It is however proper to promote or reinforce local distinctiveness where supported by clear

plan policies or supplementary planning documents on design.

UDP: General Policies: All development – Policy GP5 refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion, and to maximise highway safety. Should have regard for guidance contained in any framework or planning brief for the site or area.

UDP: Building Design: Alterations and Extensions – Policy BD6 refers to the scale, form, materials and detailing of an extensions design in respect of the original building.

UDP (Review 2006): Housing: Area of Housing Mix – Policy H15 refers to student housing restraint area and control of student housing and extensions to student housing. Within the area of housing mix planning permission will be granted for housing intended for occupation by students or for the alteration, extension or redevelopment of accommodation currently so occupied where:

- i. The stock of housing accommodation, including that available for family occupation, would not be unacceptably reduced in terms of quantity and variety;
- ii. There would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation;
- iii. The scale and character of the proposal would be compatible with the surrounding area;
- iv. Satisfactory provision would be made for car parking; and
- v. The proposal would improve the quality or variety of the stock of student housing.

Relevant Supplementary Planning Guidance Documents:

SPG13 -Neighbourhoods for Living: A guide for residential design in Leeds (2003)

Supplementary Planning Document (Draft) - Street Design Guide

9.0 MAIN ISSUES

- Design & character of extension & impact on the setting
- Overlooking
- Area of Housing Mix/ Future Occupancy
- Representations

10.0 APPRAISAL

10.1 Design and character of extension & impact on the street scene

The proposed two storey side extension is considered to be of a design and scale that would represent a sympathetic form of development in relation to the original dwelling and wider street scene.

The hip design of the roof is in keeping with the original and is set-down from its ridge by 0.5m. The front of the extension is set-back from the front of the house by 1.15m, whilst its rear is set-in from the back of the house by 0.5m. The amendment to the scheme removed the half round bay windows to the front in exchange for a simple flat elevation. It is therefore considered that the extension would be set well within the frame of the dwelling so as to appear suitably subordinate to its host.

The appearance and vertical emphasis of the 4 panel windows to the lounge and bedroom are duly appropriate to the existing 6 and 2 panel windows of the front elevation. Similarly the mix of window sizes to the side and rear elevations are carried

through along with the element of blank walling.

The design, scale, form, materials and detail of the extension would not undermine the character of the dwelling or unreasonably unbalance the symmetry of the semi-detached pair. The only other two storey extension within the street scene is to the rear of the adjacent dwelling 3 Spen Gardens which is similarly subordinate.

The proposed garage is to the same location as the existing flat roof outbuilding and in having a pitch roof it is more in-keeping with the dwelling and would constitute a visual improvement. The driveway measures some 14M in length and as such it is reasonable to assess that 4 cars could be accommodated within the site without need for any additional hard standing.

Both the extension and garage are to be constructed with red brickwork, white painted render, concrete roof tiles and brown upvc windows to match the existing dwelling. As such, the proposal is considered to satisfy Planning Policy Statement 1 which states that 'design which is appropriate in its context and takes the opportunity available for improving the character and quality of an area and the way it functions, should be accepted', and Leeds Unitary Development Plan policies GP5 and BD6 which aim to protect the visual amenity and character of the wider street scene.

10.2 Overlooking

The rear window of the ground floor bathroom, new rear window to the existing bathroom and side window to the en-suite bathroom would be obscure glazed and as such could not offer any intrusive views. The front windows to the lounge and bedroom above would look-out onto the front garden area and not affect any neighbouring property.

The 3 panel rear bedroom window measures 8.4m from the rear boundary and is a high level letter-box type with a sill height of 1.7m from floor level, would not offer any views into the adjacent bathroom window to 3 Spen Gardens or its private garden area, it also satisfies the 7.5m minimum requirement of the Council's guidance to safeguard against harmful overlooking. The secondary side window to the bedroom would overlook the side garden area and highway.

It is therefore considered that the proposed extension would not result in any loss of amenity by overlooking.

10.3 Policy H15 - Area of Housing Mix / Future Occupancy

This part of the H15 area is primarily populated by families and whilst 1 or 2 of the houses may indeed be rental properties (although there is no clear evidence of this beyond comments received), there does not appear to be even a modest volume of student houses in the area. The proposed two storey side extension would create an additional lounge, ground floor bathroom and 2 new bedrooms above, 1 with an en-suite bathroom. The level of accommodation to the dwelling would rise from 3 bedrooms to 5. The arrangement of the extended rear kitchen and dining room does not lend itself to the likelihood of them being utilised as auxiliary bedrooms. However, it is possible if not necessarily probable, that either the proposed or existing lounge could be used for this purpose.

Written justification for the additional accommodation was provided by the applicant on submission of the planning application. The house is to be occupied by 10 members of the applicant/owners family with an elderly member having need of the downstairs toilet facility.

As such, it is considered that the proposal would not lead to any significant unbalancing of the student/local resident mix or have any unreasonable impact upon the amenity of other local residents.

Since last Plans Panel the applicant has supplied additional information in support of her application, which is detailed above in para. 5.0. In essence the applicant wishes to occupy the dwelling with her family but also be able to rent the house out to another family if she wishes. This matter has been complicated by the recent change in legislation which would allow the change of use of the house to a HMO without the need for planning permission. Officers are of the opinion that this site is not a suitable location for a HMO due to the impact that general activities together with the comings and goings of non-related occupants would have on the living conditions of local residents. Therefore it is suggested that an additional condition is added to any approval which states the following:

Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order, with or without modification) the dwelling house shall not be used for any other purposes than as a C3 (dwelling house).

Reason - In the interests of the residential amenity of the occupants of nearby properties.

10.5 Representations

29 representations were received with most of the objections and comments being repeated.

Student occupancy: The site is within the H15 Area of Housing Mix and whilst it has openly been a rental property for some 4 years, the tenants have been single family units as opposed to students and young professionals. Considering the proposed addition of 2 bedrooms to the dwelling in order to provide 5 bedrooms in total and accommodate a single family unit of 10 people, the scheme does not appear disproportionate with an excessive level of accommodation for a family dwelling. Although the rear garden area would indeed be reduced by the proposal it is open to public views and lacks any significant degree of privacy. The good size area of garden to the front and side of the house is soft landscaped and would be largely retained after the extension. It is therefore considered that whilst the private amenity space is indeed limited, the garden land to the dwelling would be characteristic of a family dwelling and not too dissimilar to the adjacent property 3 Spen Gardens. Given that the applicant has been fully informed of the H15 policy implications, is aware of the local concern regards HMO's and has subsequently submitted a justification statement to outline the family's need to increase the level of accommodation from 3 bedrooms to 5 bedrooms, the objections on this point are not agreed with.

Extension too large: The previous applications were refused partly due to the size of the extension. The revised proposal has indeed taken heed of design guidance and now is suitably subordinate to the host and as such the objections on this point are not agreed with.

Car parking: The 14M length of driveway and detached garage provide the property with parking provision for 4 cars. In that provision of 2 parking spaces is acceptable for a household of 6, the level of accommodation being increased from 3 bedrooms to 5 with 4 parking spaces available is deemed to be acceptable.

Out of keeping: Given that the only other two storey extension to the street scene is of a similar scale and design, it is not agreed that the proposed extension would be uncharacteristic of the setting.

Loss of daylight: The good distance that the extension is set away from the rear boundary and adjacent property, combined with the degree of shade that would be cast towards them from the sun's orientation, would prohibit any unreasonable overshadowing.

Over-development: The two storey extension would occupy less than one third of the space to the side of the house whilst the garage would fill about one quarter of the rear garden area and as such the proposal does not constitute over-development of the site.

Over-dominance: The 8.4m mean average that the extension would be set-away from the rear boundary ensures that it does not impose an overbearing affect upon the adjacent dwelling or otherwise prove to be too close.

Reduced amenity garden space: In-conjunction with the single storey rear extension which is permitted development, the rear garden space would indeed be reduced to a level not normally in-keeping with a family dwelling. However, the present rear garden is open to some public views and a good size area of garden remains to the rest of the plot. It is considered that as the rear garden is not presently totally private and it is therefore not significantly different from the rest of the garden or that to the adjacent property 3 Spen Gardens. It is not considered that the amenity of the future occupiers would be unduly affected.

Over-looking: In measuring a mean of 8.4m away, the rear bedroom window surpasses the minimum distance requirement of 7.5m from the rear boundary. Further to this the high level design of the window sets its sill height at 1.7m above floor level to all but eliminate unreasonably intrusive views across to neighbouring houses.

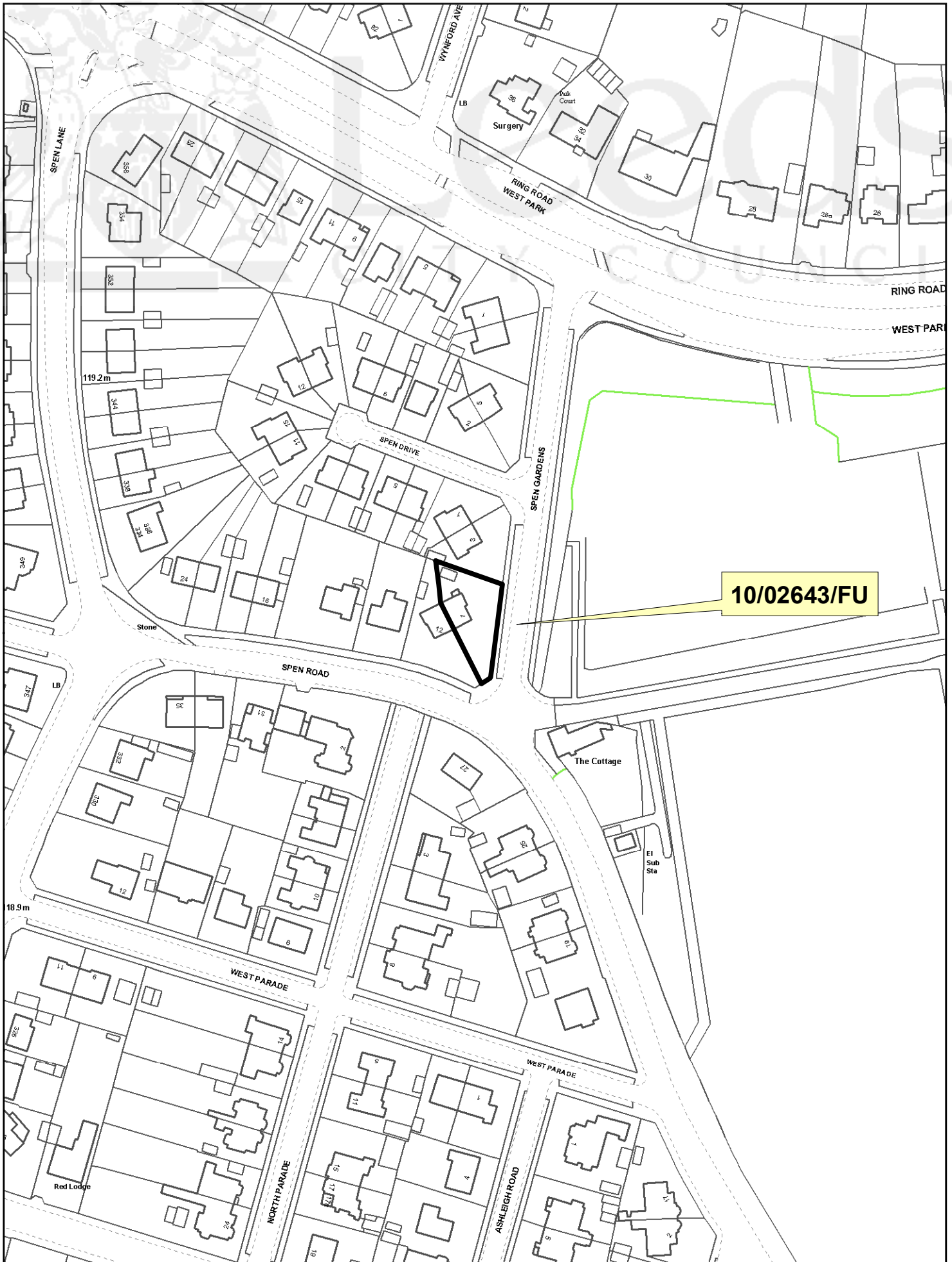
11.0 CONCLUSION

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**.

12.0 BACKGROUND PAPERS

Letters of representations

North West Area Management Team - Community Planner comments



10/02643/FU

WEST PLANS PANEL

