



**Leeds**  
CITY COUNCIL

Originator: Carol  
Cunningham  
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**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date: 13<sup>th</sup> October 2011**

**Subject: Application Number 11/03503/FU – Amendment to approved application for 4 bedroom detached dwelling house with integral garage (siting) on land adjacent to Emmott House, Town Street, Rawdon.**

**APPLICANT**

Mr Chen

**DATE VALID**

24 August 2011

**TARGET DATE**

19 October 2011

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**Electoral Wards Affected:**

**Horsforth**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION**

**APPROVAL SUBJECT TO SPECIFIED CONDITIONS**

**PROPOSED CONDITIONS**

1. Time limit for full permission
2. Development in line with the approved plans
3. Removal of permitted development for extensions, alterations to roof, porches, building within the curtilage
4. Planning permission required for windows on south and east elevations
5. No conversion of garages and car ports
6. Areas to be used by vehicles to be drained, surfaced and sealed
7. All hedges to be retained and protected
8. Existing tree screen along the southern side to be retained and not lowered without consent
9. All trees to be protected during the development
10. Boundary treatment on boundary to Emmott House to be retained and not lowered
11. The two windows on the southern elevation shall be reduced down to 2 panes

12. The bedroom window facing Emmott House shall be fitted with obscure glazing within one month of this approval and thereafter retained.

## **1.0 INTRODUCTION:**

1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel because of the retrospective nature of the application.

## **2.0 PROPOSAL**

2.1 Planning permission was granted in 2008 for a 4 bedroom detached house with integral garage and there was an extension of time application approved in December 2009. This application is a variation on this approval. The house is almost complete but not occupied. This application is to secure approval for the amended siting and design of the house that has been constructed. The size of the house in terms of floor area has remained the same as the approval. The original approved plans from 2008 had the hedge separating the garden of Emmott House and the car park of the nursing home to the western boundary of the site at a further distance away from Emmott House than exists on site. The house has been built at similar distances away from this hedge than the approved plans but as the hedge was closer to Emmott House than shown on the approved plans this has resulted in the house being shifted along the frontage so that it is two metres nearer to the house next door (Emmott House).

2.2 As well as this repositioning there have been elevation changes some of which have been approved under non material amendments and some which form part of this application. The changes approved by the first non material amendment include:

- The height of the two storey projection on the front elevation has been raised from 5.1 metres to 5.4 metres (300mm)
- Smaller rooflight to front elevation
- New front door on front elevation on ground floor
- Removal of door and window on side elevation facing Emmott House
- Internal alterations on second floor with ensuite, bathroom and landing moving
- Internal alterations on first floor with downstairs toilet and utility room
- Windows changing to sliding doors on rear elevation
- Larger landing window to rear

2.3 The second non material amendment approved:

- The second floor element on the front elevation that has no windows has been raised from 2 metres to 2.2 metres (200mm)
- The eaves of the property have been raised by 1.4 metres.
- The overall height of the property on the 3 storey side has been reduced from 10.6 metres to 9.6 metres and the height of the property on the 2 storey side from the garden level has remained the same at 8 metres.

The design of the windows has changed and the windows that have been used are shown on the submitted plans.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is within the former garden to an existing house Emmott House. Emmott House is a split property which has three storeys on the road side and single storey on the garden side. There is an existing access road down to Emmott House and this access is shared with the car park for the adjacent nursing home Sunningdale. The car park is located before the site. The garden is at a higher level than the access road. The approved house which is constructed is two stories on the garden

side and three storey on the road side. The car park to the nursing home and the application site has a laurel hedge on the boundary. There is an area of land which has been removed between this laurel hedge and the new house which is to be used for the parking a car off the highway. This has retaining walls on two sides and the application house on the third side. On the boundary between the application site and Emmott House there is a recently planted laurel hedge. To the rear is a hedge with a nursing home beyond. There are residential properties that surround the site.

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

- 4.1 11/9/00044/MOD – Non material amendment granted 4<sup>th</sup> May 2011  
This adjusted the roof pitches to 22.5 degrees, raised the eaves by 600mm and the ridge height by 300mm.  
10/04834/FU – Amendment to reserved matters 08/01628/RM granted 30<sup>th</sup> December 2010  
- altered parking layout at the side, erected retaining wall and insertion of new window to garage on ground floor. Plans also increased the gap between the first floor roof and eaves increased and pitch of roof decreased.  
10/9/00149/MOD – Non material amendment granted 24<sup>th</sup> August 2010.  
This covered the following changes;  
- Smaller rooflight to front elevation  
- New front door on front elevation on ground floor  
- Raising height of single storey element to the front by 1 metre  
- Removal of door and window on side elevation facing Emmott House  
- Internal alterations on second floor with ensuite, bathroom and landing moving  
- Internal alterations on first floor with downstairs toilet and utility room  
- Windows changing to sliding doors on rear elevation  
- Larger landing window to rear  
09/04435/EXT - extension of time to erect 4 bedroom detached dwelling house  
Approved 21/09/2009  
08/01628/RM - reserve matters application for one 4 bedroom detached dwelling house approved 3/7/2008  
27/268/05/OT – outline planning permission for one detached dwelling approved 20<sup>th</sup> November 2006

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

- 5.1 The applicant first began discussions with the Local Planning Authority in the summer of 2010 when he purchased the piece of land off the owner of Emmott House. The applicant submitted a non material amendment for alterations he wished to make to the approved plans for a dwelling. Some of his proposals were removed as they were considered not to be a non material amendment and the first non material amendment was approved for the changes detailed in 4.1. The alterations that could not be considered to be a non material amendment were submitted as part of a planning application which was approved in December 2010. Further requests were made by the applicant and a second non material amendment was approved in May 2011. At this time the authority was made aware that further alterations had been carried out which had no approval. Officers requested a planning application for these alterations and these are the ones in front of you for a decision today.

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

- 6.1 One letter of objection has been received from the owner of Emmott House which raises the following issues:
- Original approval was granted after significant negotiations with officers and the height was to be no higher than 8.19 metres from the lawn area to the ridge
  - A non material amendment was granted in June 2010 to raise the concrete base for garages by 1000mm. This approval was against National Policy and Leeds City Council own rules.
  - The applicant then submitted a full planning application and as immediate neighbour I was not consulted regarding this planning application.
  - The applicant should also have notified me of this planning application as there is a clause in the sale documents and he did not.
  - The applicant then didn't need to excavate as much as the original approval suggested saving money
  - Doesn't understand how the mistake was made regarding the house being constructed closer to Emmott House when the distance was clearly marked on the approved plans
  - The applicant was required to dig up part of the drive adjacent to the new build to taper from the drive down into the excavated 700mm of the garage block. A more convenient and simple solution was to move the house 2000mm closer to Emmott House the drive was more or less level.
  - The applicant assure me that the house would be lower than the approved 8.19 metres in height.
  - The second non material amendment raised the height of the house by another 900mm.
  - The house is closer to mine by 2 metres which exceeds the guidance on non material amendments which only allow differences of 1 metre.
  - I had consent for an extension on the side facing the new house and this will be directly affected by the 'Overbearing and close structure of the new build.' in discussions with others it was felt that for 'aesthetic' reasons abandon finishing the project at considerable cost to myself.
  - I urge refusal of this application and require the applicant to return its original approval and further more to remove 2000mm from the side of the house adjacent to Emmott House as per original planning approval.
  - The plans submitted as part of this application are incorrect drawings, they show a gap between the laurel hedge and the retaining wall for the parking space where the approved plan show this retaining wall at the roots of the laurel hedge.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 None

## **8.0 PLANNING POLICIES:**

National policy guidance in PPS1 and PPS3 are relevant

The following policies in the adopted UDP Review (2006) are relevant;

GP5: Resolution of detailed planning considerations.

GP7: Planning obligation.

N12: Urban design principles.

N13: Building design

N23: Design of incidental open space around built development.  
T2: Access for new development.  
T24: Parking guidelines  
BD5: Amenity considerations in the design of new buildings  
LD1: Protection of existing vegetation including trees and hedges

Supplementary Planning Guidance 'Neighbourhoods for Living'

## **9.0 MAIN ISSUES**

1. Principle of development
2. Design
3. Residential amenity
4. Representations

## **10 APPRAISAL**

### 1. Principle of development

- 10.1 There is an existing permission for a residential property on the site which is still valid so the principle of development on the site is considered acceptable.

### 2. Design

- 10.2 The non material amendments have changed the design of the property. The upper floor on the front elevation which has no windows has been extended in height. The eaves have also been raised and the roof pitch has been reduced. The overall height of the property has been reduced by 0.8m from the road side and from the garden level it remains the same height as the approved scheme. The alterations on this front elevation have changed the proportions of the house with the roof pitch on the front seeming small compared the overall height of the house. The rear elevation that can be seen from the conservation area on Town Street is two storey and the reduced roof height does not appear as out of scale with the height of the house. These alterations have been approved under non material amendments.

- 10.3 The window design has been altered from the approved plans and the non material amendments. However, they are still modern in design, are used throughout the property and blend in with the building and are considered acceptable.

- 10.4 With regard to the change in the position of the house, it has moved the house 2 metres closer to Emmott House than shown on the approved plans. The reason for this is that the original approval for the property the site plan was wrong and the hedge on the boundary with the nursing home car park was shown further away from Emmott House than actually exists on site. The applicant built the property at the required distances away from this hedge which shifted the house closer to Emmott House than originally approved. These are the only two properties on this access road and in design terms a gap of just over 8 metres between the new dwelling and Emmott House is considered acceptable.

### 3. Residential amenity

- 10.5 The amendments on the previous scheme do not bring the property closer to the houses on Henley Close so there is no additional residential impact on these

houses. The changes have also not brought the property any closer to Sunningdale Nursing Home so there is no additional impact on the occupiers.

- 10.6 The main changes do have an impact on the original house called Emmott House. The main impact is on the fact that the whole of the new house has moved 2 metres closer to Emmott House than the approved scheme. This also has to be assessed with the fact that the eaves of the property has been raised and the roof pitch reduced. The overall height of the house on the elevation facing Emmott House as not changed but as the eaves have been raised this does raise the amount of stonework that Emmott House looks onto from the front of Emmott House.
- 10.7 There is a bedroom window on the new house which looks towards Emmott House (this window was on the approved plans) which at a distance of 8 metres (two metres closer than the approved plans) could cause some privacy concerns on the occupiers of Emmott House. The plans do show these windows to be obscured glazed and a condition could be attached to ensure that these windows retain the obscured glazing and thus prevent any loss of amenity in terms privacy and overlooking.
- 10.8 The second issue relates to the impact in terms of new house in on overdominance, overbearing and overshadowing of Emmott House. The property being closer should not cause anymore overshadowing that the approved scheme. Emmott House on the side facing this new property has a porch, a kitchen window and a secondary lounge window. The orientation of the house means that the garden between the front of the Emmott House and the side of the new property is the front garden. The kitchen does have two windows with one facing over the side garden of Emmott House. There are also four windows within the lounge, two face over the drive, one over the rear garden and one facing the new house. Whilst the new property is closer to Emmott House it is considered that on balance there is no detrimental impact on the occupiers of Emmott House. This is because the new house is viewed from the front garden and the secondary windows to a kitchen and lounge.

#### 4. Representations

- 10.9 The issues raised by the representation have been addressed above. Other are commented on below
- Original approval was granted after significant negotiations with officers and the height was to be no higher than 8.19 metres from the lawn area to the ridge. *The property has been built less than the original approved plans at 8 metres from the lawn area.*
  - A non material amendment was granted in June 2010 to raise the concrete base for garages by 1000mm. This approval was against National Policy and Leeds City Council own rules. *The non material amendment was dealt with by the Department in line with its own policy. It did not raise the concrete base by 1000mm. The amendments approved under this non material amendment are described in section 2.2 and 4.1*
  - The applicant then submitted a full planning application and as immediate neighbour i was not consulted regarding this planning application. *The occupier of Emmott House was not consulted regarding this application. This was a administrative error cause by the fact that the previous applications had been from the owner of Emmott House*

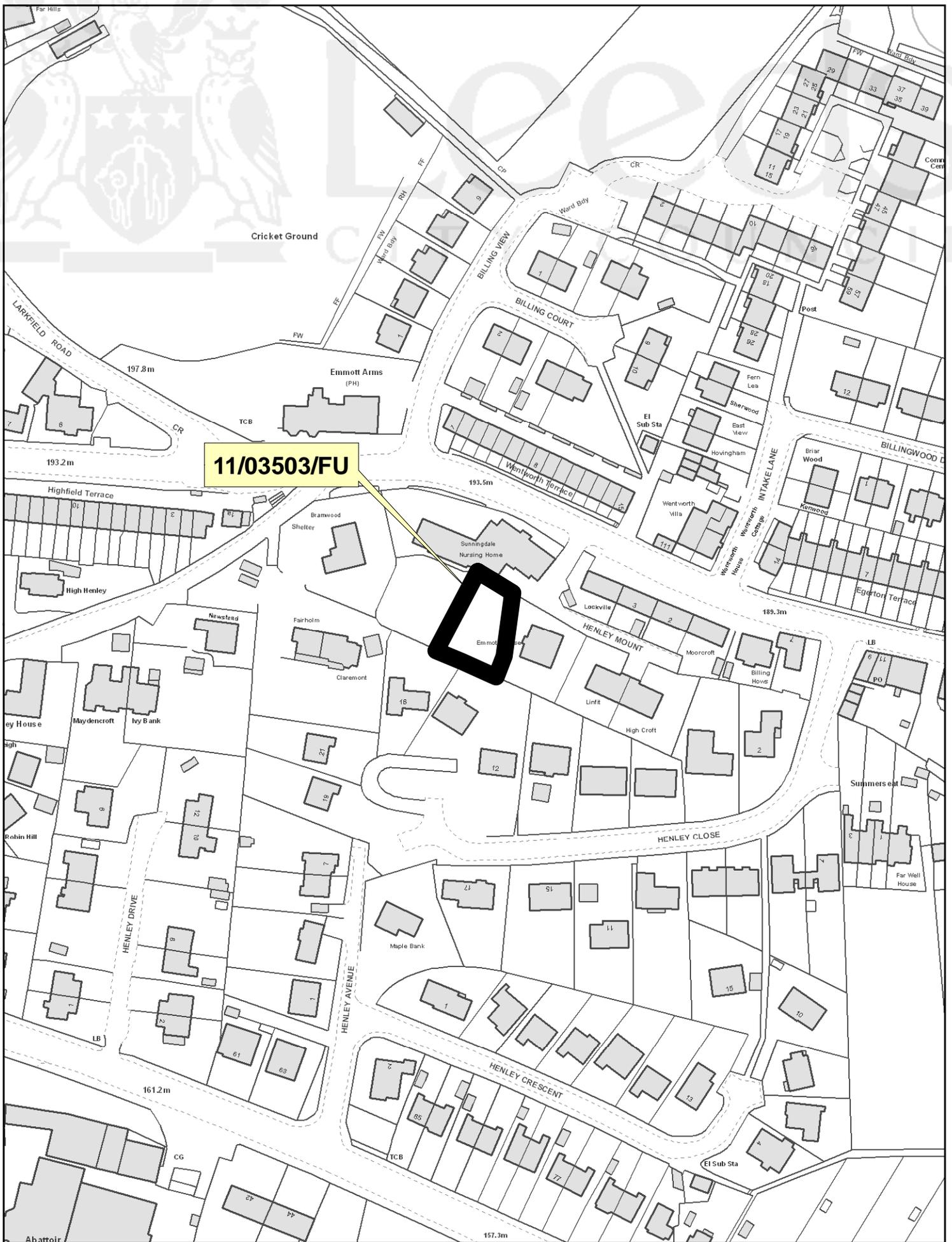
- The applicant should also have notified me of this planning application as there is a clause in the sale documents and he did not. *This is a legal matter being the two parties and not a planning consideration*
- The applicant then didn't need to excavate as much as the original approval saving money. *The applicant didn't excavate as much as the approved plans but the overall height of the house is less than the approved plans*
- Does't understand how the mistake was made regarding the house being constructed closer to Emmott House when the distance was clearly marked on the approved plans. *The has been addressed in para 2.1*
- The applicant was required to dig up part of the drive adjacent to the new build to taper from the drive down into the excavated 700mm of the garage block. A more convenient and simple solution was to move the house 2000mm closer to Emmott House the drive was more or less level. *This was not the reason for the dwelling moving position as explained in para 2.1*
- The applicant assure me that the house would be lower than the approved 8.19 metres in height. *Which it is as the house is 8 metres from the garden level*
- The second non material amendment raised the height of the house by another 900mm. *It raised the height of the eaves not the overall height*
- The house is closer to mine by 2 metres which exceeds the guidance on non material amendments which only allow differences of 1 metre. *The moving of the property by two metres has not been dealt with by a non material amendment as it covered by this planning application*
- I had consent for an extension on the side facing the new house and this will be directly affected by the 'Overbearing and close structure of the new build. ' in discussions with others it was felt that for 'aesthetic' reasons I should abandon finishing the project at considerable cost to myself. *This has been addressed in the appraisal*
- I urge refusal of this application and require the applicant to return its height to the approved scheme and further more to remove 2000mm from the side of the house adjacent to Emmott House as per original planning approval. *As stated in the appraisal officers considered the application to be acceptable*
- The plans submitted as part of this application are incorrect drawings, they show a gap between the laurel hedge and the retaining wall for the parking space where the approved plan show this retaining wall at the roots of the laurel hedge. *The laurel hedge was not plotted in the right position on the original plans.*

## 11. CONCLUSION:

- 11.1 The application is to approve the house in its new position closer to Emmott House by 2 metres. The application is also to approve the change in window design. The new position may have an impact on the residential amenity of Emmott House but as its impact is on the front garden and the rooms it impacts on have other windows on other elevations it is considered that on balance the new position is considered acceptable as any impact would be minimal. The new window designs are also considered acceptable.

### Background Papers:

Application file: 11/03503/fu



**11/03503/FU**

# WEST PLANS PANEL

