



**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 19<sup>th</sup> April 2012**

**Subject: 11/05251/FU – Double garage to side with room over and single storey link extension to main house; first floor extension with portico to front; two dormer windows to front; enlarged area of hardstanding to front at ‘Pine Lodge’, 18 Bracken Park, Scarcroft, LS14 3HZ**

**APPLICANT**

Mr E And Mrs M Saccoccio

**DATE VALID**

31<sup>st</sup> January 2012

**TARGET DATE**

27<sup>th</sup> March 2012

**Electoral Wards Affected:**

**Harewood**

Yes

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. Time limit on full permission
2. Approved plans
3. Matching materials
4. No further insertion of windows to the side
5. Restriction of garage and hardstanding
6. Method statement for construction
7. Retention of hedge
8. Reasons for approval

**1.0 INTRODUCTION**

- 1.1 The application is brought to Plans Panel at the request of Councillor Rachael Procter due to concerns regarding the impact upon the character of the area and the level of neighbour opposition.

**2.0 PROPOSAL**

- 2.1 Permission is sought to construct a link detached garage to the side with an enlarged area of hardstanding to the front, and a two storey extension and two dormers to the front.
- 2.2 The link detached garage is a double garage which measures 7.8m in length and 6.2m in width, with a gabled roof which runs transverse to the dwelling to a height of 3.3m and 6.8m to eaves and ridge respectively, as measured from the highest point of the adjacent ground level. This is linked to the dwelling by a single storey, pitched roof element which is set back from the front wall of the garage by 2.0m; its eaves align with the garage and its ridge will be 5.5m in height.
- 2.3 The two storey front extension is set to the centre of the principal elevation and projects approximately 2.5m from the front wall and will be 4.0m in width and incorporates an open portico to the ground floor. Its transverse gabled roof will align with the eaves of the dwelling and its ridge will be 7.8m in height. A pitched roof dormer is then set to each side of the extension and these measure approximately 1.7m in width, 2.5m to their highest point and will project approximately 1.3m. Matching materials are proposed.
- 2.4 The plans also show that an existing detached garage to the north-west of the site is to be altered to facilitate the provision of ancillary accommodation.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to a detached, stone built dwelling with a gabled, slate roof. It is set within Bracken Park, an estate of reasonably substantial detached dwellings with no consistent style or character. The houses are set back from the highway edge and within generous plots and the estate is low density with an open feel. The application site is located on a corner plot and is angled toward the junction, thus meaning its front elevation as well as both side elevations are visible from public points of view. There is a gradient within the street with the land falling away to the south and west. The neighbour to the west (49 Bracken Park) is therefore set a little lower than the application site.
- 3.2 The dwelling has been previously extended to the side and rear and the full history of applications is detailed below. Consent has also been refused for additional development to the existing garage.
- 3.3 The main amenity space is set to the rear where a domestic garden is largely enclosed by vegetation.

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

- |     |              |  |
|-----|--------------|--|
| 4.1 | 33/218/99/FU | Single storey side extension<br><b>Approved</b>  |
|     | 33/121/00/FU | First floor side extension and conservatory to rear<br><b>Approved</b>                   |
|     | 33/163/02/FU | Single storey rear extension<br><b>Approved</b>  |
|     | 33/170/04/FU | Detached double garage to side and alterations to integral garage to form habitable room |

## **Approved**

33/482/05/FU First floor extension to front with portico to front entrance and replace existing rear conservatory with orangery  
**Approved**

06/01436/FU Single storey extension to rear and dormer window to side to existing detached studio to side of dwelling house  
**Refused**  
**See para 10.12 for further information**

06/07559/FU Single storey extension with room in roofspace to rear of detached studio  
**Refused**  
**See para 10.12 for further information**

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Pre-application advice was sought in October 2011 which sought to establish officer's initial impressions regarding a front extension to the dwelling and a link-detached garage to the side. Following a site visit officers were broadly supportive of the scheme and this application was therefore submitted.

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

6.1 The application has been advertised by neighbour notification letter. Eight letters of objection have been received. Four from residents immediately adjacent to the site and four from the wider estate.

6.2 Of the four in close proximity:

- the occupants of 49 Bracken Park raise concerns regarding design and character, overlooking, overshadowing, overdominance, the use of the existing garage, consistency of decision making and the impact upon house prices;
- the occupants of 20 Bracken Park raise concerns regarding overlooking, design and character and the use of the existing garage, the potential for future development at the site and subsequent enforcement issues;
- the occupants of 11 Bracken Park raise concerns regarding overlooking and parking provision;
- the occupants of 9 Bracken Park raise concern regarding design and character, parking provision, overlooking, the use of the existing garage, breach of covenants and the publicity of the application.

Of the four from the wider estate:

- the occupants of 47 Bracken Park raise concerns breach of covenants;
- the occupants of 21 Bracken Park raise concerns regarding the use of the existing garage, image, breach of covenants and the publicity of the application;
- the occupants of 41 Bracken Park offer support for the comments of 49 Bracken Park and note specific concerns regarding design and character and the use of the existing garage;
- The occupants of 23 Bracken Park (chairman of the residents association) offer support to the comments of 49, 21 and 49 Bracken Park and note specific concerns regarding parking, the use of the existing garage, precedent.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 None

## **8.0 PLANNING POLICIES:**

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.3 UDP Policies:

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.

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

LD1 Any landscape scheme should normally:

- i. Reflect the scale and form of adjacent development and the character of the area;
- ii. Complement and avoid detracting from views, skylines and landmarks;
- iii. Provide suitable access for people with disabilities;
- iv. Provide visual interest at street level and as seen from surrounding buildings;
- v. Protect existing vegetation, including shrubs, hedges and trees. Sufficient space is to be allowed around buildings to enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings;
- vi. Complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development;

vii. Be protected, until sufficiently established, by fencing of a type appropriate to the prominence of the location, around all those parts of the landscaping susceptible to damage.

8.4 Householder Design Guide SPD: Leeds City Council Householder Design Guide 2011: This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments;
- v) Materials.

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

8.5 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

Specific advice is offered in relation to Green Belts where it notes that there is a general presumption against inappropriate development within the Green Belt. Limited extensions may not be inappropriate development within the Green Belt provided that they do not result in disproportionate additions over and above the size of the original building.

In respect of heritage local planning authorities are encouraged to sustain and enhance the historic environment.

## 9.0 MAIN ISSUES

- 1) Design and Character
- 2) Neighbour Amenity
- 3) Parking Provision
- 4) Ancillary Accommodation
- 5) Protected Species
- 6) Representations

## 10.0 APPRAISAL

### Design and Character

10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the

character and quality of an area and the way it functions, should not be accepted". Leeds Unitary Development Plan Policy GP5 states that "development proposals should seek to resolve detailed planning considerations including design" and should seek to avoid "loss of amenity. Leeds Unitary Development Plan Policy BD6 states that "all alterations and extensions should respect the form and detailing of the original building". It is considered that the proposal complies with the aims and intentions of these policies. This advice is elucidated and expanded within the Householder Design Guide.

- 10.2 The extensions which are proposed are considered to comply with the aims and intentions of the above policies. As has been noted above the application dwelling is sited within a small residential estate which is characterised by large, detached dwellings of individual design set within spacious plots. Given the unique style of many dwellings and the mixed character of the streetscene the only consistent motifs in respect of character are the near ubiquitous use of stone and the spatial character of the area.
- 10.3 The extensions which are proposed seek to introduce a two storey transverse front gable with a dormer to each side, and a link-detached garage to the side. The works to the front of the dwelling are considered to be acceptable as these are well scaled and proportioned and their design means that the property retains its existing balanced form, and as such there is no substantial harm to its character. It is also noted that a substantially similar front extension was approved in 2005 but never implemented.
- 10.4 The link-detached garage is also considered to be acceptable, although it is noted that this element has generated concern from local residents. These concerns relate to impact upon the character of the estate, in particularly its projection forward of the building line. Some concern has also been raised regarding the consistency of decision making as an attached garage to 9 Bracken Park generated officer concern last year.
- 10.5 As proposed the garage is a link-detached structure with a gabled roof form which runs transverse to the ridge line of the application dwelling. The garage has a simple shape and form which mirrors the gabled form of the dwelling and in and of itself is well proportioned and its design reflects its function. It's overall scale in relation to the dwelling is a little uncomfortable, as the ridge line of the garage sits above the eaves line of the dwelling, however its link-detached nature means that it not read as an integral part of the dwelling, and on balance it does not create a harmful addition. This link-detached nature also helps to ensure that the development does not create an overly large dwelling within its plot, with a degree of visual space retained between the house and the garage and additional space (over 5.0m) retained to the boundary. As such the overall balance of built development relative to the space around the property is considered to be acceptable. Some concern has been raised in relation to the council's approach in relation to the space around dwellings, as 9 Bracken Park to the north of the application site was recently asked to revise their planning application in which the scale of an attached side garage was the main issue. Each planning application must be determined on its own merits, and whilst the main issue in relation to 9 Bracken Park was regarding the space around dwellings, this related to concerns regarding the property filling the plot from side to side, and the quantum built development on site. This dwelling had already extended close to the boundary at the east side of the dwelling and thus there was less potential to extend to the other side, particularly as the new extension was also to be built to the boundary. However, following a small reduction

in ridge height the garage to 9 Bracken Park was approved. As such the examples are not considered to be directly comparable.

- 10.6 In respect of the building line, whilst the garage will be set forward of the front elevation of 49 Bracken Park, this is not considered to be harmful. The character of the area is one in which detached dwellings are set back from the pavement edge often behind open railings or hedges. The garage does not contravene this character. The garage will be set back 4.5m from the highway and this is considered to be an acceptable distance. Furthermore the application dwelling is angled away from both the roads which it adjoins, with its front elevation angled toward the junction. The garage is not set forward of the principle elevation of the dwelling and from the street will read as an appropriate scaled ancillary building set to the side of the property.
- 10.7 It is noted that local residents have drawn attention to the prestigious nature of Bracken Park and have raised concerns regarding the impact of the development upon the image of the estate and also the impact upon house prices. The perceived desirability of an area cannot be considered a material planning consideration, nor can the effect upon house prices. The character of the area and the way in which the application relates acceptably to that, has been outlined above, and as such the proposal is considered acceptable in this regard.

#### Neighbour Amenity

- 10.8 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposal should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking will be strongly resisted”.
- 10.9 The occupants of 49 Bracken Park raise concerns regarding both loss of light and overdominance, noting in particular the presence of side facing windows within their north elevation which face onto the area where the garage is to be located. It is not considered that the application will lead to any significant overshadowing. The garage is to be located to the north of the neighbour and whilst there may be some additional overshadowing during the very early morning as the sun is just rising, this is not expected to lead to a perceptible loss of amenity.
- 10.10 In relation to overdominance it is acknowledged that, for a single storey structure the garage is large, and that the level difference between the application site and 49 Bracken Park will exacerbate its impact. However, planning permission can only be refused where there is clear and demonstrable harm. The impact of the garage has been assessed from the neighbouring site, and whilst some portions of the structure will be visible, the overall massing of the garage is not considered to be unreasonable. There is a substantial evergreen hedge which lies on the common boundary and this then means that from the ground floor side facing windows there will be little impact upon outlook, with sections of the roof (which falls away from the boundary) being visible above the hedge, but with little other perceptible impact. The garage will be more visible from the first floor windows, and with the level changes and the scale of the garage these windows will face toward the roof of the garage, however whilst the introduction of additional built massing may not be welcome, the level of harm which will be created is not unreasonable. Not only is the roof of the garage falling away from the boundary, and thus its highest point is set over 6.5m from the windows, but this roof will be read against the more substantial two storey mass of the existing dwelling. Furthermore, the angled

relationship between 49 Bracken Park and the distances between the two dwellings mean that there will be no significant harmful loss of outlook.

- 10.11 The occupants of 49 Bracken Park have raised concerns in relation to overlooking, as have numbers 20 and 9 Bracken Park. In relation to 49 Bracken Park the presence of two side facing windows within the garage and a side facing roof light are acknowledged. The ground floor windows of the garage are adequately screened by the boundary hedge and the retention of this will be conditioned, and thus these raise no issues in respect of amenity. The rooflight to the front is also considered to be acceptable. Whilst this will overlook a section of the hardstanding to the front of the neighbouring house, this is not considered to be a sensitive area, and indeed can already be overlooked from the road. Following the concerns of 49 in relation to overlooking a second rooflight toward the rear of the roof plane has been removed.
- 10.12 The occupants of 20 Bracken Park raise concerns regarding the potential of the dormers to allow overlooking into existing windows and also to the front garden area of the neighbour's dwelling. Similar concerns are raised by 9 Bracken Park. These dwellings lie to the south-east and north of the application site, and the angled relationships of these two properties to the new dormers means that any form of direct overlooking would be distinctly difficult. The new dormers may lead to some perception of increased surveillance, however these windows are set back from the existing first floor front facing windows and will have little additional impact. As such the proposal is considered acceptable in this regard.

#### Parking Provision

- 10.13 In order to be considered acceptable in respect of parking provision development proposals must not prevent two cars being parked within the curtilage of the site. In areas where public transport links are poor it may be necessary to provide an additional space. Residents have raised concerns regarding the parking provision at the site, noting that an existing garage has been converted into ancillary accommodation (see below for more details) and that cars are frequently parked on the highway.
- 10.14 The proposed garage will allow two cars to be parked securely, with the proposed hardstanding to the frontage providing additional spaces, and this provision is considered to be sufficient for a dwelling of this size and in this location. A condition will be imposed which prevents the garage and the hardstanding being converted in such a way so as to prevent their use for the storage of motor vehicles. It is acknowledged that there are concerns regarding current on-street parking in relation to the application dwelling, however the ability of the LPA to control the behaviour of individuals is limited, and the council can only ensure that reasonable and adequate provision is provided on site; it cannot insist that it is utilised. As such, whilst the concerns of residents are understood, the application as proposed does provide a sufficient degree of off-street parking and thus the proposal is considered acceptable in this regard.

#### Ancillary Accommodation

- 10.15 Significant concern has been raised by local residents as to the use of the current detached garage to the north side of the dwelling. This structure was granted permission in 2004 with no conditions restricting its use. Subsequent planning applications to extend it to the rear have been refused due to the impact upon protected trees and were also dismissed at appeal for this reason. This structure is



currently being used as ancillary accommodation, the scale of which the council was aware of in 2006 when the applications to enlarge the structure were received and subsequently refused due to the impact upon protected trees.

- 10.16 This application makes no changes to the use of the structure. The plans show that the garage door is to be removed and replaced with walling and a window, however this does not require planning permission and therefore cannot form part of the assessment in relation to this proposal. The concerns of local residents in respect of the creation of a second dwelling are noted, however as no conditions were imposed upon the original garage consent in 2004 and this application does not alter the use of the structure, it is not considered that any material change of use has occurred and nor has a breach of planning control.
- 10.17 It is noted that concern has been raised by local residents regarding the possibility of the link-detached garage being later converted to a dwelling. As has been discussed above (parking) a restrictive condition will be imposed upon the garage to retain its use as a parking area, and thus any alterations to this will require planning permission. Furthermore the creation of a second dwelling would require planning permission in its own right, and should a material change of use be applied for, this would be assessed against the relevant policy guidance and material considerations at the time. The possibility of later applications which may or may not be considered acceptable cannot be considered material to the determination of this application.

#### Protected Species

- 10.18 The application site is located within an area which has a high likelihood of bat activity and there are also protected trees on site. As such the LPA must be satisfied that the works to the property will not harm either the bats and their roosts or the long term health and vitality of the trees.
- 10.19 In respect of the impact upon bats, a full survey has been undertaken which has found no evidence of bat activity and concludes that the property has a low potential to support roosts. As a precautionary measure a direction will be applied to the decision notice which reminds the applicants of their responsibilities in relation to bats should evidence of habitation be found during the works.
- 10.20 A large larch tree lies along the common boundary with 49 Bracken Park and just to the rear of the area to which the garage is to be sited. The tree survey which has been submitted suggests that the works to construct the garage will affect the Root Protection Area (RPA) and therefore could harm the long term health of the tree through damage to its trunks and branches or by compaction of its roots. However, a detailed methodology has also been submitted which includes details of protective fencing to be erection as well as ground protection measures, and these are considered sufficient to protect the tree against harm. As such, provided a condition is imposed which ensures the methodology is adhered to, the proposal is considered acceptable in this respect.

#### Neighbour Representations

- 10.21 All material considerations raised through representations have been discussed above. It is noted that many residents have raised concerns regarding covenants, however this is a civil matter which must be resolved between the relevant parties outside the planning process. Concern has also be raised regarding the was in which the application was advertised. The Council's adopted SCI sets out the way in which planning applications will be advertised, and in respect of householder

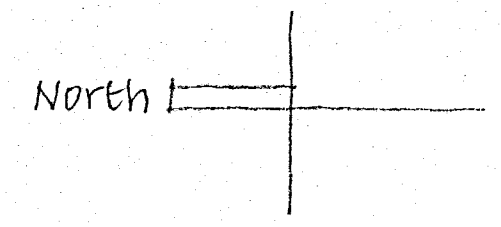
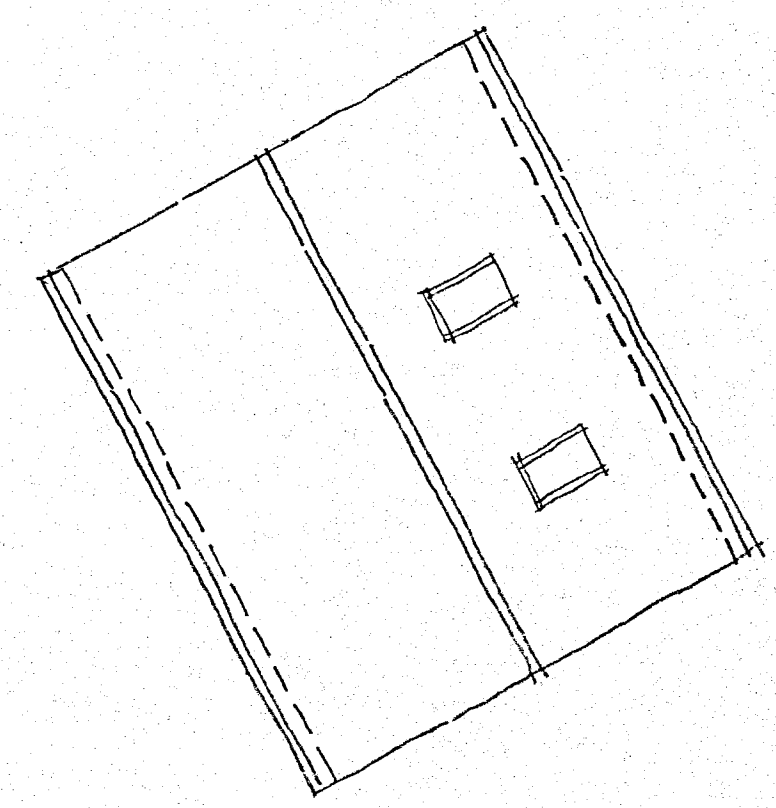
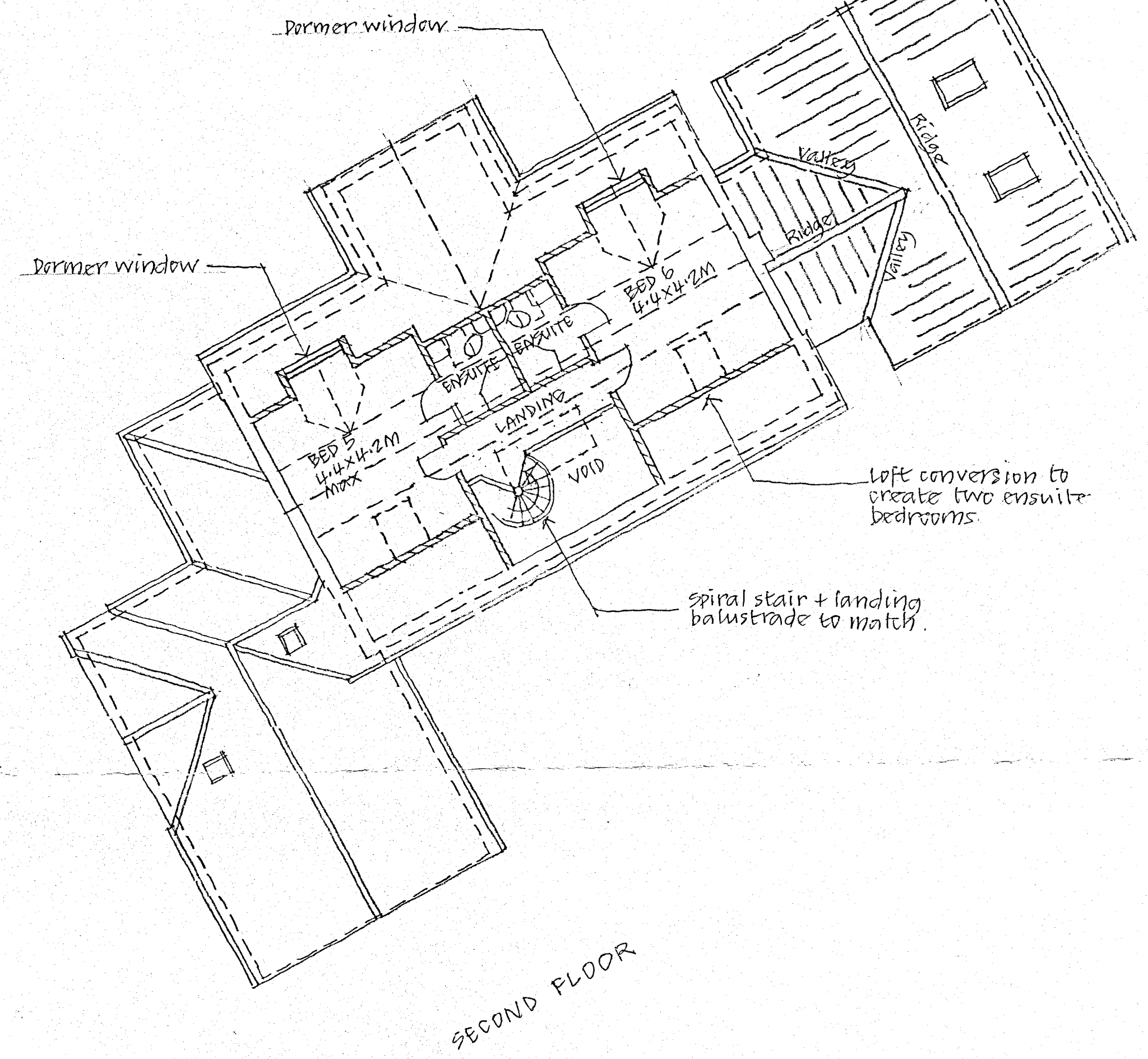
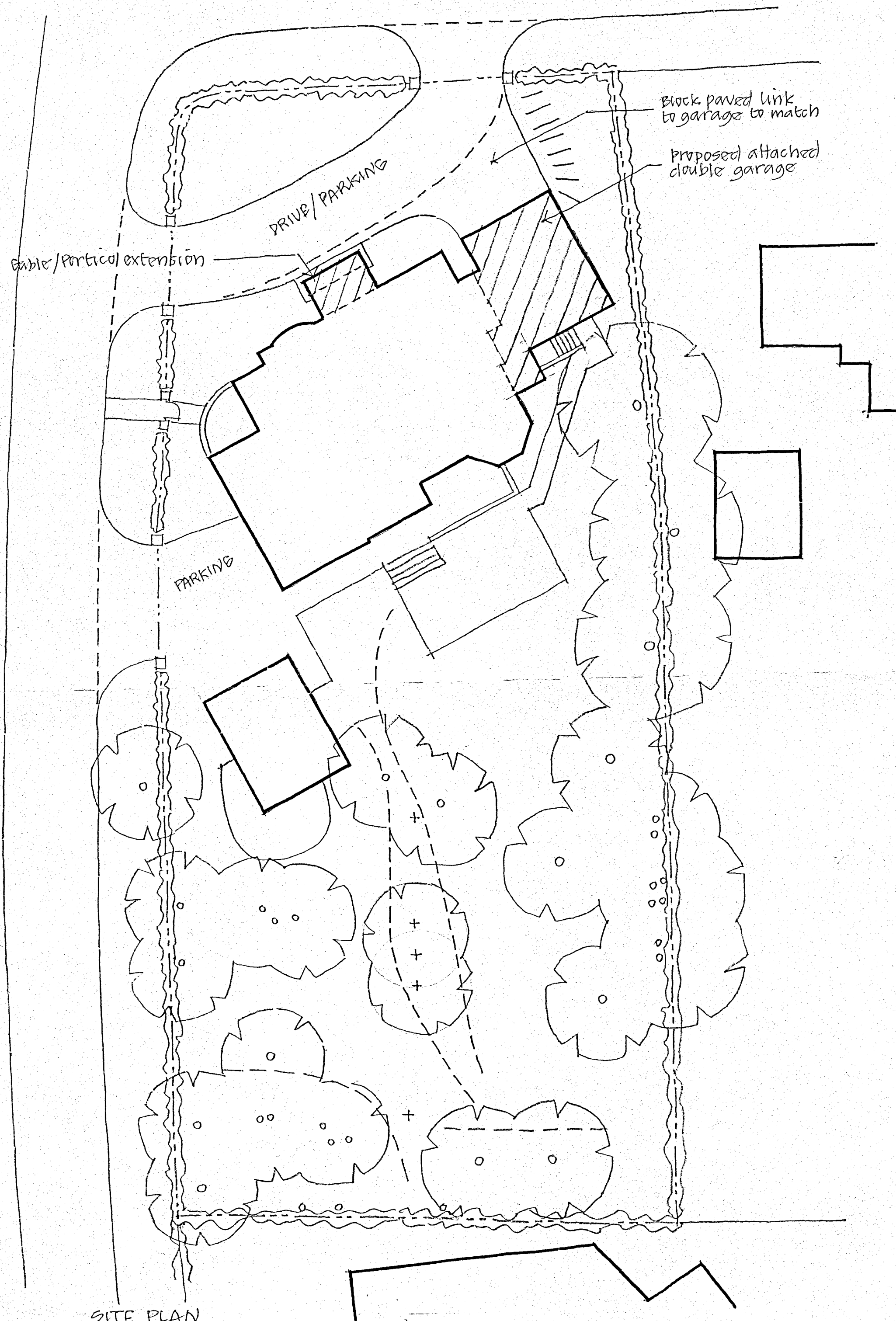
application these are publicised by writing to all adjoining neighbours. In respect of this application these letters were neighbour notification letters which were sent to all adjoining properties on 1<sup>st</sup> February 2012 and from the objection letters sent to the council in response it reasonable to assume that these were received. As such the application is considered to have been correctly and adequately advertised. The request of the secretary of the residents association to be notified of all subsequent application is noted, however this cannot be undertaken. Should individuals wish to monitor planning applications submitted within an area this can be achieved through the Public Access system.

## **11.0 CONCLUSION**

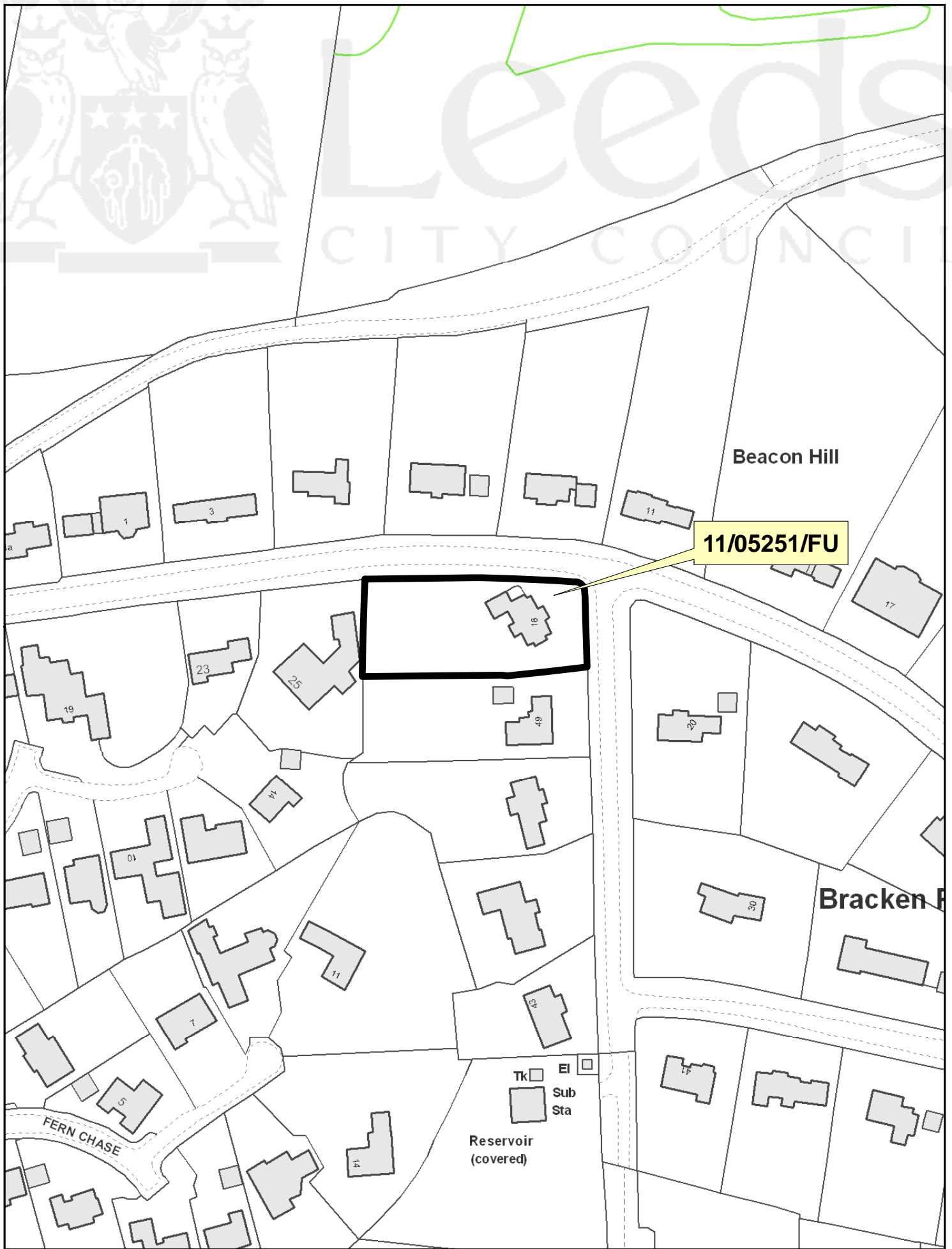
- 11.1 The application is therefore considered to be acceptable. The extensions which are proposed adequately respect the character of the application dwelling and the wider estate, and it is not considered that there will be any significant harm in respect of neighbour amenity, highway safety or protected species. As such the proposals are compliant with the relevant policies and guidance and approval is recommended.

### **Background Papers:**

Application files      11/05251/FU  
Certificate of ownership: Certificate A signed by agent



PROPOSED ALTERATIONS + EXTENSIONS  
PINE LODGE, 18 BRACKEN PARK, SCARCROFT.  
FOR MR + MRS E. SACCOCCIO  
PLANS - AS PROPOSED 2 of 2  
Scale 1:100 1:200  
Drawing 374/06A



# EAST PLANS PANEL

