



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st March 2013

Subject: APPLICATION 12/04456/FU – Two storey side, front and rear extension including dormer window with Juliet balcony to the side and dormer to rear; raised terrace with balustrading above to front and new bay window to other side at Dene Cottage, Linton Lane, Linton, Wetherby, LS22 4HL

APPLICANT

Mr Mike Jamieson

DATE VALID

24th October 2012

TARGET DATE

19th December 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. Landscape/management plan for trees.

Reason for approval:

The proposal is considered to be an appropriately designed and scaled extension which, on balance, does not cause harm to the character and appearance of the conservation area and would not unreasonably impact upon neighbours. As such the development is considered to comply with policies GP5, BD6, N19 and LD1 of the Unitary Development Plan Review (2006) and HDG1 and HDG2 of the Householder Design Guide SPD.

1.0 INTRODUCTION

- 1.1 The application was discussed at Plans Panel in December of 2012 and Members resolved:

That determination of the application be deferred to enable further negotiations regarding the projection of the extension with a view to making this more subservient to the host dwelling and to reduce the impact on the neighbouring dwelling and that a further report be presented to Panel in due course, for determination of the application.

The main area of concern related to the rear (northern) extension with the other elements of the scheme found to be generally acceptable.

- 1.2 As a result of Member concerns the previously proposed rear gable which was situated close to the boundary with Willow Cottage has been amended to a hip and a dormer inserted. The revised plans have been publicised and this report addresses the revised proposal.

2.0 PROPOSAL

- 2.1 Retrospective permission is sought to construct a two storey extension to the front, side and rear. The extension includes a dormer window with Juliet balcony to the front portion (southern end) facing east into the front garden of the host property. This balcony faces away from the nearest property 'The Willows'. The garden is also be regraded with an enlarged terraced area and steps to the lower portion.
- 2.2 The extension is essentially a transverse wing which has been appended to the west side of the dwelling. It is 6.4m in width and extends forward of the front (southern) wall of the dwelling by approximately 7.3m and 4.0m to the rear (northern). It has a gabled roof form to the south and a hip with a dormer to the north. A new gable end is also added to the dwelling to create a continual span of ridge line from the main house and across the extension running in line east-west parallel to the boundary with the footpath. Much of the proposed extension has its back to the property to the west ('The Willows') however, a 4m portion projecting northward lies forward of the 'Willows' front elevation.
- 2.3 The raised terrace area extends the previous patio so that the bulk of the garden area which lies close to the dwelling is now a patio area, with steps leading to a lower grassed area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a detached, single storey cottage which is sited just north of Linton village core and within the conservation area. The property is largely rendered with a stone plinth and has a gabled, tiled roof which is augmented by dormers to the front and rear. The dwelling is typical of the Linton vernacular, displaying a self consciously quaint character and is assumed to reflect the influence of Alban-Jones within the village. This exaggerated Arts and Crafts influence is reflected in the proportions and scale of the dwelling as well as details such as the mock-leaded windows, mock-Tudor detailing and the peaked roof of the entrance hall. The property is assumed to have been a simple two bay dwelling with the hall being a central entrance point. The dwelling has subsequently been extended to the side and rear. Other additions include the glazed entrance porch to the front of the hall and the detached garage.

- 3.2 The property is sited within a generous plot and is set back from Linton Lane and is orientated side-on to the highway with its principal elevation facing toward its main amenity space which is to the front of the property. The house lies close to its western boundary and thus is close to 'The Willows', a newer build dwelling which lies behind a substantial evergreen hedge. This property fronts onto Muddy Lane. Muddy lane fades into a public footpath at this point. The "Willows" forms the last property fronting onto Muddy Lane. Views of the application site from this dwelling are possible over this tall hedge and also from the footpath which lies to the rear of the site that beyond the hedge. The Conservation Area Appraisal and Management Plan notes that the view from the footpath across the application site is an important key view.
- 3.3 The plot and wider area are very verdant and this is an important part of the semi-rural character of the area. The bank of trees and vegetation to the north of the site are visible from Linton Lane and form an important backdrop to this section of the village.

4.0 RELEVANT PLANNING HISTORY:

31/2/97/FU	Part two storey and part first floor side extension with new dormer windows Approved
31/148/04/FU	Two storey side extension with balcony to front Refused
31/281/04/FU	Part two storey part single storey side extension with balcony to side of first floor Approved
09/01910/FU	Part single storey and part two storey side, front and rear extension with balcony over part, dormer windows to side and rear of extension, and new raised terrace area to front Approved
12/02122/FU	Two storey extension to front, side and rear with balconies to side, new entrance porch to front, raised terrace to rear and replacement bay window to side Withdrawn

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 An application for a substantially similar development was submitted in May of 2012. This application was withdrawn as officers were minded to refuse the scheme. Concerns were expressed about the impact of the extension upon the character of the house and the area as well as the impact upon the neighbouring dwelling 'The Willows'.
- 5.2 Discussions were held with the case officer and the conservation officer who suggested that:
- the ridge line of the dwelling be extended to the west to create the impression of a larger dwelling;
 - that the front extension be narrowed and its ridge line dropped so that it resembled an extension to the enlarged dwelling;
 - that the rear extension be wholly omitted;

- that the design of the proposal be simplified and its glazing pattern amended.

- 5.3 Further discussions were held with the Head of Planning Services which has resulted in the current submission. This has reduced the projection of the rear extension by approximately 3.0m.
- 5.4 Enforcement officers visited the site on 20th September and verbally advised that works were not authorised, that building should cease and that continuing works would be at the applicant's own risk. Building works did not cease and a letter was sent on 28th November which reiterated the previous verbal advice.
- 5.5 Following the panel meeting in December 2012 the previously proposed rear gable which was situated close to the boundary with Willow Cottage as been amended to a hip and a dormer inserted.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application (original plans) was advertised by neighbour notification letter, site notice and a notice in the paper. Five objections were received to the previous plans and twenty letters of support, the majority from outside the area. These were summarised in the previous panel report with a verbal update provided to Panel.
- 6.1 Following receipt of the revised plans all neighbours and contributors have been reconsulted by letter. To date the following responses have been received.

Concerns have been raised by;

- The Parish council who note that planning permission has not been granted, that the works may not conform with guidance or the Conservation Area.
- The occupants of 'The Willows' who lie immediately to the west of the site who remain concerned in respect of dominance and impact upon the Conservation Area. Attention is drawn to the fact that the footprint of the extension has not been reduced and that the reduced mass of the roof is compromised by the insertion of the dormer. Attention is also drawn to the fact that the extension still fails to comply with the 45 degree code.
- The occupants of 'Beck House' who raise concern regarding the impact upon the streetscene of Muddy Lane, loss of view and the impact upon 'The Willows'.
- The occupants of 'Pinheiros' who raise concern regarding the commencement of works without planning permission, impact upon the footpath, loss of view and the impact upon 'The Willows'.
- The occupants of 'High Pointe' who raise concern regarding the visual impact of the development, impact on the Conservation Area and adverse impact upon neighbours.

A letter of support has been received from:

- 'Stonelea' who consider that the works are in keeping with the area, that the materials are appropriate and who also note that the extensions are screened by vegetation and likely to result in envy.

Five letters of support from outside the immediate area have been received which consider that the application is an in-keeping addition and draw attention to the recommendation of approval in the previous panel report.

Two further letters without addresses consider that the application is an in-keeping addition, is to be constructed of appropriate materials and is partly screened by vegetation.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Public Rights of Way note that the extension does not interfere with the footpath and thus express no objection.
- 7.2 The Conservation Officer raised concerns regarding the original proposal and the projection to the rear (north elevation), the scale of the extensions relative to the original building and concludes that the building fails to preserve or enhance the special character and appearance of the conservation area.
- 7.3 Following receipt of revised plans the Conservation Officer maintains the previous objections and notes that the dormer introduces further visual clutter to the north (rear) elevation.

8.0 PLANNING POLICIES:

- 8.1 The development plan is the adopted Leeds Unitary Development Plan (Review 2006).
- 8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.
- 8.3 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.
- 8.4 Within the Publication Draft Core Strategy the following policy is relevant:

Policy P10: Design

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has

evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles:

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality;
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight;
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views;
- (iv) Car parking, cycle, waste and recycling storage are integral to the development;
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion;
- (vi) The development is accessible to all users.

8.5 UDP Policies:

N19

All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area by ensuring that:

- i. The siting and scale of the building is in harmony with the adjoining buildings and the area as a whole;
- ii. Detailed design of the buildings, including the roofscape is such that the proportions of the parts relate to each other and to adjoining buildings;
- iii. The materials used are appropriate to the environment area and sympathetic to adjoining buildings. Where a local materials policy exists, this should be complied with;
- iv. Careful attention is given to the design and quality of boundary and landscape treatment.

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.

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.

8.6 Householder Design Guide SPD:

Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. 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.

45° Code This code is used as a way of assessing the impact that an extension will have upon the amenity of neighbours. The code does not take account of all factors on a site and is used as a guide which informs planning judgements.

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

9.0 MAIN ISSUES

- 1) Conservation Area/Design and Character
- 2) Neighbour Amenity
- 3) Vegetation

10.0 APPRAISAL

Conservation Area/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 N19 notes that extensions within conservation areas should preserve or enhance the character or appearance of the area, and further general guidance in respect of design is given in policies GP5 and BD6 of the UDP and also the Householder Design Guide. Some additional guidance in respect of the Conservation Area is contained within the Linton Conservation Area Appraisal which notes the footpath to the rear of the site is a key pedestrian link within the village and also that the view across the western end of the application site is a key long distance view. It is noted however, that views across this part of the site have for some time been obscured by tall conifer trees predating the 2010 designation of the conservation area.
- 10.2 As outlined above concern was raised by Panel regarding the scale of development proposed and the relationship of the extension to the previous cottage; members requested that the scheme be reduced so that it appears more subservient to Dene Cottage. In response to this request the proposed rear gable has been removed and a hipped roof with a dormer is now proposed. The footprint of the building and its overall length and width have not been reduced. The introduction of the hip has reduced the length of the extension ridge by approximately 3.0m and thus whilst the extension remains the same size as on the previous plans, the overall visual massing of the extension has been reduced.
- 10.3 The loss of the gable and its replacement with a hip and hipped roof dormer does have an impact upon the character of the house. The hipped roof dormer is a new element to the building, with all other dormers being gabled, and the hipped roof is also different to the gables which are present on all other elevations. The Conservation Officer maintains an objection to this element of the scheme, however the loss of the gable has also improved the relationship of the extension to the footpath at the rear and views along Muddy Lane, with the hipped roof resulting in a softer, less visually intrusive development.
- 10.4 As such the amendments are considered, on balance, to be acceptable in this regard.

Neighbour Amenity

- 10.5 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 or overlooking will be strongly resisted”.

- 10.6 As outlined above concern was raised by panel regarding the impact of the development upon the amenity of neighbours members requested that the scheme be amended to reduce its impact upon the nearest affected neighbour. In response to this request the proposed rear gable has been removed and a hipped roof with a dormer is now proposed.
- 10.7 This neighbouring property in question is 'The Willows' which lies to the immediate west of the application site and, as previously noted the extension introduces 18.5m of two storey built development within 1.5-2.0m of the boundary. The main area of concern related to the projection to the rear of the application dwelling (north) which relates to the front of the neighbouring property. Previously two storey development with a gabled roof was proposed which projected approximately 4.0m forward of the front wall of the neighbour. As now proposed the development is still two storey and still projects 4.0m forward, however the bulk and massing of the roof has been reduced through the loss of the gable and the introduction of a hip. This then introduces a greater sense of space and reduces the visual dominance of the extension. Thus although the extension still does not conform with the 45 degree code as set out in the Householder Design Guide, the impact of this development must be weighed against the presence of 5.0 - 6.0m high hedging to the front section of the boundary which does currently help to soften the impact of the proposal and already restricts light to the neighbour's window. In addition beyond the hedge there was previously a double garage which had its particularly tall gable facing the boundary which would have already affected outlook from these windows. As such the impact upon the neighbour is considered to have been lessened to a reasonable degree.
- 10.8 As has been previously noted the application raises no significant concerns in respect of overlooking. Additional windows are proposed to all elevations of the scheme. Those to the north overlook the footpath and allow views toward Muddy Lane but will not have a significant impact upon neighbouring dwellings. Those to the east (which include the Juliet balcony) face into the applicant's front garden and toward Linton Lane and again will not have an impact upon neighbour amenity.
- 10.9 The windows which are proposed within the south elevation do face toward the common boundary with Hillfoot Cottage and serve a bedroom at first floor and a playroom at ground floor and thus would be considered secondary windows. These windows retain approximately 8.0m to the common boundary with guidance suggesting that a minimum of 7.5m is required. The site does slope to the south meaning that the impact of the windows will be heightened by the level changes, however the occupants of Hillfoot Cottage have previously commented on the scheme and have offered their support.
- 10.10 Windows are also included in the west facing elevation that look toward The Willows. These include high level windows to an open plan kitchen-dining area and standard glazing to a study room. The high level windows to the kitchen-dining area will not allow views of the neighbour's site and both these windows and those to the study are largely screened by the applicant's hedge and the neighbour's fence. It is acknowledged that the presence of windows along this side elevation could lead to the perception of increased surveillance and that the upper portions of the high level windows are visible over the fence line, however as there is unlikely to be any demonstrable overlooking, this perception of overlooking can only be given very limited weight. As the fence which screens these windows is within the control of the neighbour it is not considered necessary to impose its retention through a condition.

Vegetation

- 10.11 Policy LD1 notes that “sufficient space [should] be allowed around buildings to enable existing trees to be retained in a healthy condition”. As has been discussed above the presence of vegetation along the boundary with the footpath helps to mitigate the impact of the extension on view toward Muddy Lane, and the boundary hedge between the application site and The Willows helps to mitigate the impact upon neighbour amenity. The appropriateness of a condition to retain the hedges along the boundary with the ‘Willows’ has been considered however, officers mindful of the fact that a High Hedges challenge could result in this hedge being reduced to a significantly lower height of approximately 1.8-2.0m as opposed to the 5.0 - 6.0m which currently exists, and therefore consider it is not appropriate for this section in this case.
- 10.12 The hedging which provides mitigation along the footpath can be protected by a standard condition which will also ensure replanting for a period of 5 years should the hedge die back. The tree along the footpath is trickier to retain as it does not have a sufficient amenity value in the wider area to warrant protection, however a special condition which requires the submission of a management plan and, in the event of its loss, replacement specimens to be provided, can be imposed. These conditions should ensure that the vegetation is maintained reasonably long term.

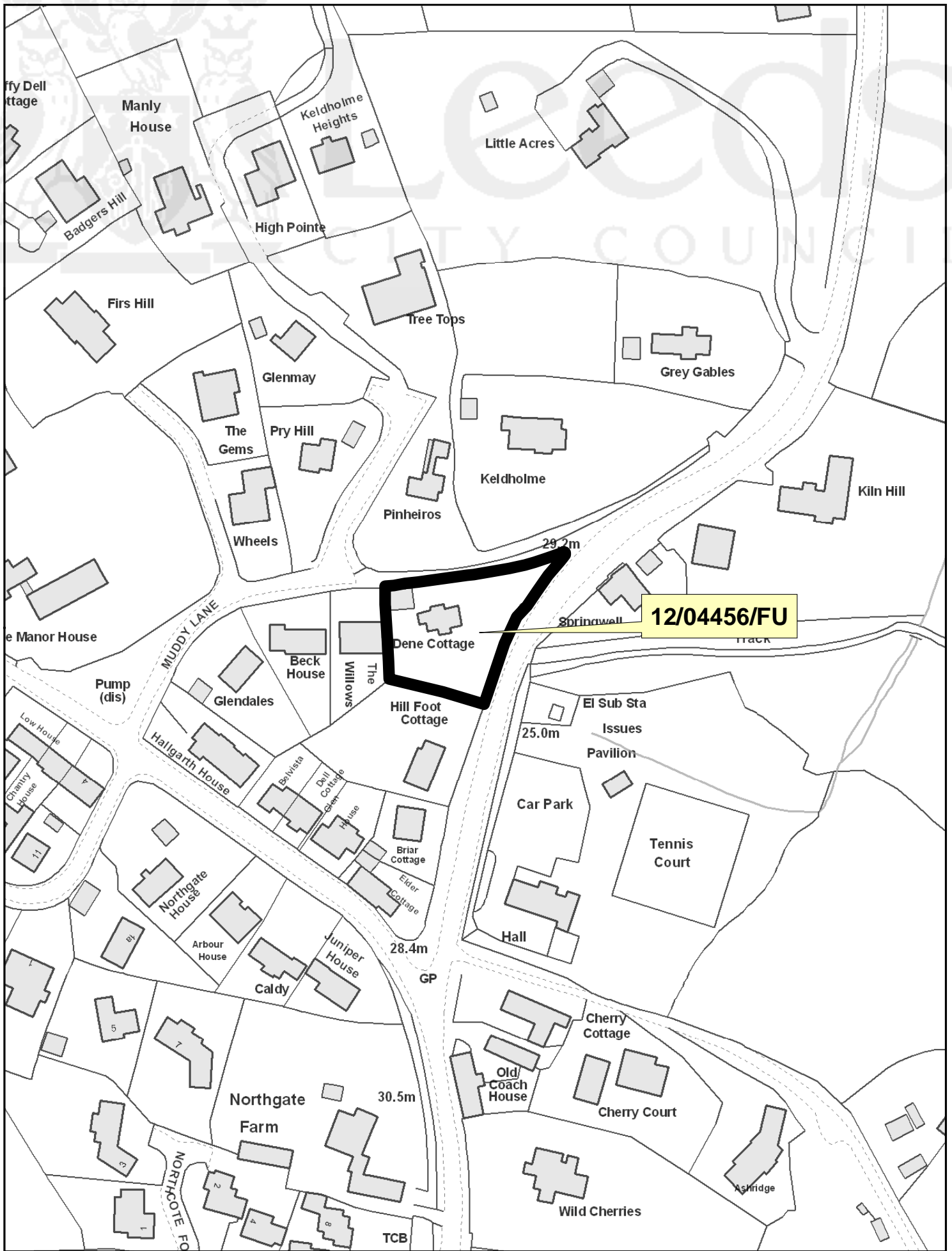
11.0 CONCLUSION

- 11.1 The planning application is, on balance, considered to be acceptable. It is not considered that the changes to the character of the dwelling and the new hipped roof with dormer harm the character and appearance of the conservation area. It is considered that the design of the extension sits comfortably with the remodelled dwelling and with the established character of the area. Having regard to the specific circumstances of this site it is considered that the impact upon the amenity of neighbours in respect of overlooking and overdominance is acceptable and thus the application is recommended for approval.

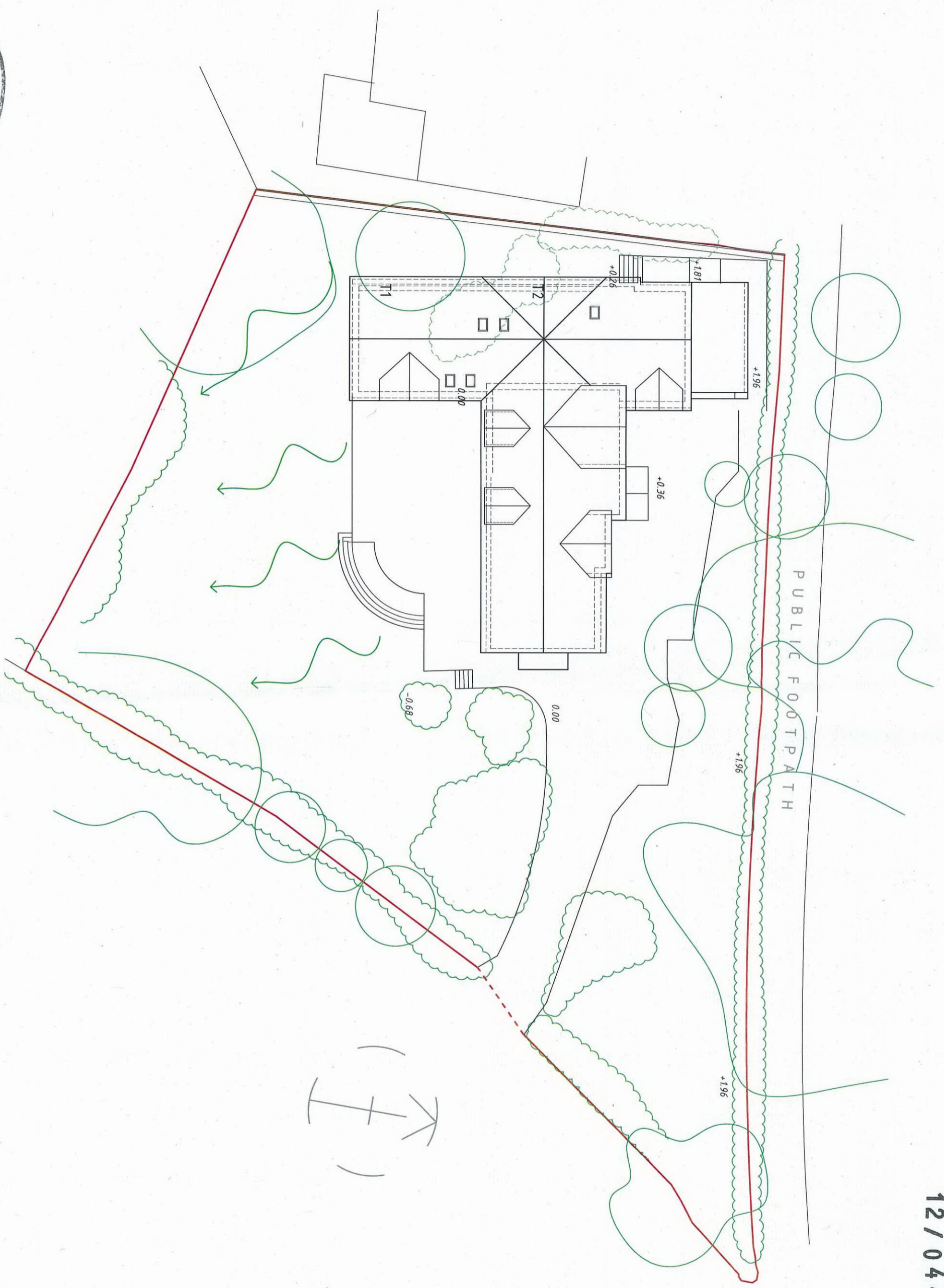
Background Papers:

Application files 12/04456/FU

Certificate of ownership: Certificate A signed by agent



NORTH AND EAST PLANS PANEL



PLOTTED USING OVERHEAD IMAGERY.

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Survey site plan.

project Two storey side extension with internal alterations.
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