



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st March 2013

Subject: 13/00160/FU – New first floor to existing bungalow to form house; two storey side/rear extension with terrace to rear and steps to side; canopy to front; widened vehicular access and enlarged area of hardstanding to front at ‘The Bungalow’, Main Street, Linton, LS22 4HT

APPLICANT

Mr and Mrs A Audsley

DATE VALID

22nd January 2013

TARGET DATE

19th 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. Stone sample panel;
3. Slate to the roof;
4. Widening of access carried out prior to commencement of extension;
5. Details of conditions for contractors prior to commencement of any works;
6. Garage and hardstanding retained;
7. Boundary treatment installed/retained;
8. No insertion of windows to side gables.

Reasons for approval: It is considered that the proposed extensions are an acceptable form of development as they will not harm the character of the application dwelling, the wider conservation area nor harmfully impact upon the amenity of neighbours. As such the development is considered to comply with policies GP5, BD6 and N19 of the Unitary Development Plan Review (2006) and HDG1 and HDG2 of the Householder Design Guide SPD.

1.0 INTRODUCTION

- 1.1 This application is brought to Panel at the request of Councillor Rachael Procter due to the objections of local residents and the fact that the previous application was determined by Panel.

2.0 PROPOSAL

- 2.1 The applicant seeks permission to create a new first floor to an existing bungalow and construct a two storey side extension. Permission was granted in 2010 for the demolition of the existing bungalow and its replacement with a five bedroomed house. This current application is essentially an amendment to that permission which seeks to extend the bungalow rather than demolish; the overall footprint, height and massing of the extended dwelling are similar to the replacement house.
- 2.2 The new first floor is created by increasing the ridge height of the dwelling by approximately 2.1m and adding a large wall dormer to the rear. The side extension is located to the south-western elevation of the cottage and lies beyond the existing extension. This new extension will be set back from the front wall of the dwelling by approximately 1.25m and extends 9.5m back into the site. It will be 5.5m in width and its gabled roof will be 4.3m and 7.3m to eaves and ridge. This creates a garage and store to the ground floor and additional living accommodation to the upper floor. An oriel window is proposed to the front with feature glazing to the rear. The land level changes within the site are such that to the rear this first floor accommodation allows level access to the garden. A canopy is also proposed to the front and new steps at the side to give access to the rear garden.
- 2.3 Works are also proposed to the driveway to widen the existing access point and provide additional turning and parking areas to the front of the dwelling.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a detached, single storey cottage which is set just off Main Street, close to the historic core and within Linton Conservation Area. The property is constructed from locally quarried magnesian limestone and is partly rendered. The gabled roof is constructed from red pantiles.
- 3.2 The property is set up from Main Street and is accessed by a steeply sloping driveway. This severe gradient, in which the land is rising from the level of the Wharfe, continues throughout the site with the land rising to the north-west and the garden areas of the property being set above the finished floor levels of the dwelling. The main garden areas are set to the rear and are bounded by vegetation of varying densities. A detached shed is situated on the common boundary with Old Rose Cottage which lies to the south.
- 3.3 The surrounding area is largely residential and is part of the historic core of the village which extends along Main Street to the north and incorporates part of Northgate Lane. The majority of houses around the application site are two storey and constructed of stone. Those opposite the application site being pavement fronting and those to the same side of Main Street often set back from the highway and within more spacious grounds. A stone retaining wall fronts the highway and this, coupled with the houses opposite creates a sense of enclosure and restricts visibility along Main Street.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/07530/FU Detached 4 bedroom dwelling with integral double garage
Refused
Appeal Dismissed
- 07/07531/CA Conservation area application for demolition of bungalow
Refused
Appeal Dismissed
- 09/01815/FU Detached 4 bedroom dwelling with integral double garage
Refused
Appeal Dismissed
- 09/01814/CA Conservation area application for demolition of bungalow
Refused
Appeal Dismissed
- 10/03171/FU Detached 5 bedroom dwelling with integral double garage
Approved (Panel)
- 10/03172/CA Conservation area application for demolition of bungalow
Approved (Panel)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application advice was sought with officers of the opinion that as the proposed extensions were of a similar size and scale to those previously approved an application would be viewed favourably, subject to the outcome of consultations.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by neighbour notification letter, site notice and newspaper advert. Objection letters have been received from:

The Parish Council who raise concerns regarding the access and highway safety and impact upon drains.

The occupants of Rose Cottage who raise concerns regarding loss of view, the proposed new access steps, potential damage to property, loss of vegetation, drainage, highway safety, loss of the front boundary wall and disruption during construction.

The occupants of Linton Old Farm who raise concerns regarding damage to property from water run-off and disruption during construction.

The occupants of Wharfe View who raise concerns regarding window materials, works to the front boundary wall, highway safety and disruption during construction.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways raised initial concerns regarding the proposal noting that there was insufficient hardstanding within the site to allow vehicles to enter and exit in a forward gear. Revised plans have been received which provide additional hardstanding and also widen the existing access. Highways now express no objection to the proposal provided conditions are imposed which:

Retain the garages;
Ensure provision for contractors during construction;
Ensure the access is widened prior to the start of construction.

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 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.

N19 New development should preserve or enhance the character and appearance of the Conservation Area.

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.

8.5 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.

8.6 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 relation to heritage, local planning authorities are encouraged to sustain and enhance the historic environment.

9.0 **MAIN ISSUES**

- 1) Design and Character/Conservation Area
- 2) Highway Safety
- 3) Neighbour Amenity
- 4) Representations

10.0 **APPRAISAL**

Design and Character/Conservation Area

- 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”, whilst policy N19 seeks to persevere or enhance the character, or appearance of the area. This advice is elucidated and expanded within the Householder Design Guide.
- 10.2 As has been outlined above the existing dwelling is a vernacular cottage built of traditional materials. It is a neutral building within the conservation area and as such demolition or substantial alteration could be acceptable. The history of appeals on the site have established that the visual impact of development on the site is a significant consideration and both appeals were dismissed as they were considered to harm the character of the conservation area; views across the site were of particular concern. Following the two dismissed appeals consent was granted for the demolition of the existing dwelling and replacement with a five bedroomed house. This permission allowed a long, one and a half storey gabled dwelling which stretched across the width of the site with a strong transverse gabled feature to its south-western end. An additional peaked gable provided some articulation to the frontage whilst dual peaked gables were included to the rear. This was considered acceptable as its design reflected the gabled vernacular of the village and its one and a half-storey height reflected the scale of other dwellings within the village and retained views through the site.
- 10.3 The proposal under consideration has a very similar design. The roof of the existing cottage is raised to a similar height as the approved scheme and although marginally higher (300mm) this increase is not considered to have a significantly different material impact upon views. The existing cottage is retained as a long building stretching across the width of the site and a strong, transverse gable is added to its south-western elevation. The existing front gable is retained and to the rear a wall dormer is also included. The design is therefore very similar to the approved scheme and is considered to adequately reflect the vernacular style of Linton Village. The overall footprint, siting, size, scale, height and massing are also similar to the approved scheme. The materials which are proposed are also considered to be appropriate. The walling materials will match the existing and will be stone with painted render with the existing out of character concrete tiles are to be replaced with slate. A sample panel condition will be imposed to ensure that the new stonework harmonises with the existing.
- 10.4 Concern has been raised by neighbours with regarding to the proposed use of uPVC windows; wooden windows were imposed by condition on the previous approval. Although the use of uPVC windows within a conservation area is regrettable and does lead to a general diminution of character, because the current application is for an extension to an existing dwelling and not a new build property the policy tests are slightly different. Where existing houses are being extended the materials must usually match the existing and the authority is not able to impose conditions which do not reasonably relate to the development. The existing windows to the property are uPVC and the plans shows that many are to be retained in situ and the authority cannot reasonably impose a condition which would require the applicant to replace all the existing windows. As such imposing a condition which sought to achieve wood windows for the new areas of glazing would

lead to an unfortunate mix of window materials. As such whilst the use of uPVC is not encouraged, in this instance it is not considered appropriate to insist upon timber windows.

- 10.5 Concern has also been expressed regarding the loss of part of the front boundary wall through the widening of the access. The existing boundary wall forms a part of the street-scene of the conservation area, and as noted above (site and surroundings) this section of Main Street has a sense of enclosure and the boundary wall and gradient of the application site contribute to this character. The wall itself is not particularly historic and although the wholesale loss of the boundary wall is unlikely to be considered acceptable, the loss of a small section to facilitate a safer access point raises no significant concern. It is also noted that the authority has limited powers to control partial demolition within a conservation area, and thus the loss of a small section of the wall cannot easily be controlled.
- 10.6 As such the proposal is considered acceptable in this regard.

Highway Safety

- 10.7 Significant concern has been raised by local residents in respect of highway safety who note that the existing access is substandard and ask that a second access point to the north-east of the existing be considered. Whilst highway safety is an important material consideration it should be noted that neither of the two dismissed appeals considered highway safety a significant concern in relation to this site, and the approved five bedroomed dwelling did not seek to amend, alter or improve the access. As noted by the previous case officer, because the access is existing and the use of the site is not being intensified it is difficult to demonstrate that there is any increase in harm. Introducing a second access would require significant works to alter the gradient to an acceptable standard and this would significantly affect the landscape character of this section of the conservation area.
- 10.8 However, this said, the applicants have sought to improve the existing situation, by widening the existing access to increase visibility and also increasing the hardstanding to allow vehicles to turn within the site. The number of parking spaces has also been increased with the site having provision for three cars to be parked without impinging upon the turning area. Highways officers, initially uncomfortable with the proposal, now considered the revised scheme acceptable, subject to conditions. It is noted that one representation suggests a condition be imposed which prevents vehicles turning right out of the site. This condition cannot be imposed as it does not pass the tests of circular 11/95, being neither reasonable or enforceable.
- 10.9 Concern has also been raised regarding the impact of construction traffic upon highway safety. Although it is not usual to impose any restrictions upon building works relating to house extensions, in this instance the imposition of a condition is considered to be justified. There is no space within the immediate vicinity for the road to accommodate the on-street parking which often occurs during construction. The disruption which would occur would affect all traffic passing through the village and could narrow the carriageway to a point where busses and other large vehicles were unable to pass. As such a condition requiring the upgrade works to the access prior to the commencement of construction and another requiring details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles to be provided prior to construction will be imposed.

- 10.10 As such, subject to the conditions requested by highways, the proposal is considered to be acceptable in this regard.

Neighbour Amenity

- 10.11 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 overdominance, overshadowing or overlooking will be strongly resisted”. These will each be discussed in turn.
- 10.12 The extensions which are proposed do significantly increase the mass of the dwelling, with the works projecting close to the common boundary with Rose Cottage who raise concerns regarding the loss of view from a portion of their side garden. Although the new two storey extension is situated very close to this area of garden and will partially restrict views, the impact will be no greater than the approved five bedroomed house which proposed a similar increase in massing to this area. As such although there will be some loss of view from a portion of the garden, the right to a view is not protected in planning legislation, with the main concern of the authority being to protect against unreasonable overdominance and to allow existing windows to retain sufficient outlook. Although close to a portion of the garden the impact of the extension is mitigated by the change in land levels and the fact that the roof form falls away from the common boundary. The distances from the windows of Rose Cottage to the new extension are sufficient to allow reasonable outlook.
- 10.13 The occupants of Rose Cottage have also raised concerns regarding the new steps which are to be constructed close to the common boundary. Increased activity levels close to neighbouring boundaries can also be intrusive and lead to a sense of dominance through unreasonable proximity. Although the new steps may well increase levels of activity close to the boundary such a relationship to neighbouring gardens is not uncommon. Furthermore the use of the steps is transitory and will not lead to a prolonged or unreasonable awareness of activity. It is also noted that in and of themselves the creation of steps or small terraces within a sloping rear garden would not normally require planning permission. Their inclusion on the plans is for the sake of completeness rather than consent. As such the proposal is considered acceptable in respect of overdominance.
- 10.14 The proposal is also considered acceptable in respect of overshadowing as the orientation of the property means that the majority of the impact will affect the applicant’s own north-west facing garden. Some additional overshadowing may occur to a portion of the garden of Low Gap, however this will affect a small portion of the garden and is unlikely to have a significant impact upon the enjoyment of the garden. A sufficient distance is maintained to the dwelling of Low Gap to prevent harm to the main windows of the property. As such the proposal is acceptable in this regard.
- 10.15 The proposal is also considered acceptable in respect of overlooking. Additional ground and first floor glazing is proposed to the front and rear as well as the north-east side elevation of the new two storey extension. A terrace area is also proposed to the rear of this extension. The windows to the front do not raise a significant concern as these are not set forward of the existing and thus retain a similar relationship to the existing windows of neighbours. Those to the rear are also acceptable as whilst they will allow oblique views towards neighbouring gardens such views are not unexpected within a residential context and cannot be

considered significantly harmful. The gradient of the land also helps to mitigate against harm.

- 10.16 The side facing windows and the new first floor terrace raise greater concern as these can allow direct views towards neighbouring gardens. This said, the windows are set 16.0m from the common boundary, a distance which is considered sufficient to prevent harm and which complies with the minimum distances outlined within the Householder Design Guide. Were windows to be inserted into the side gables of the enlarged dwelling this could raise concern and thus a restrictive condition will be imposed. In respect of the new terrace area it is noted that due to the gradient of the site, although set to the first floor of the dwelling it is flush with the garden level. As such a condition which seeks to impose a solid form of boundary treatment would prevent harm.
- 10.17 As such the proposal is considered acceptable in this regard.

Neighbour Representations

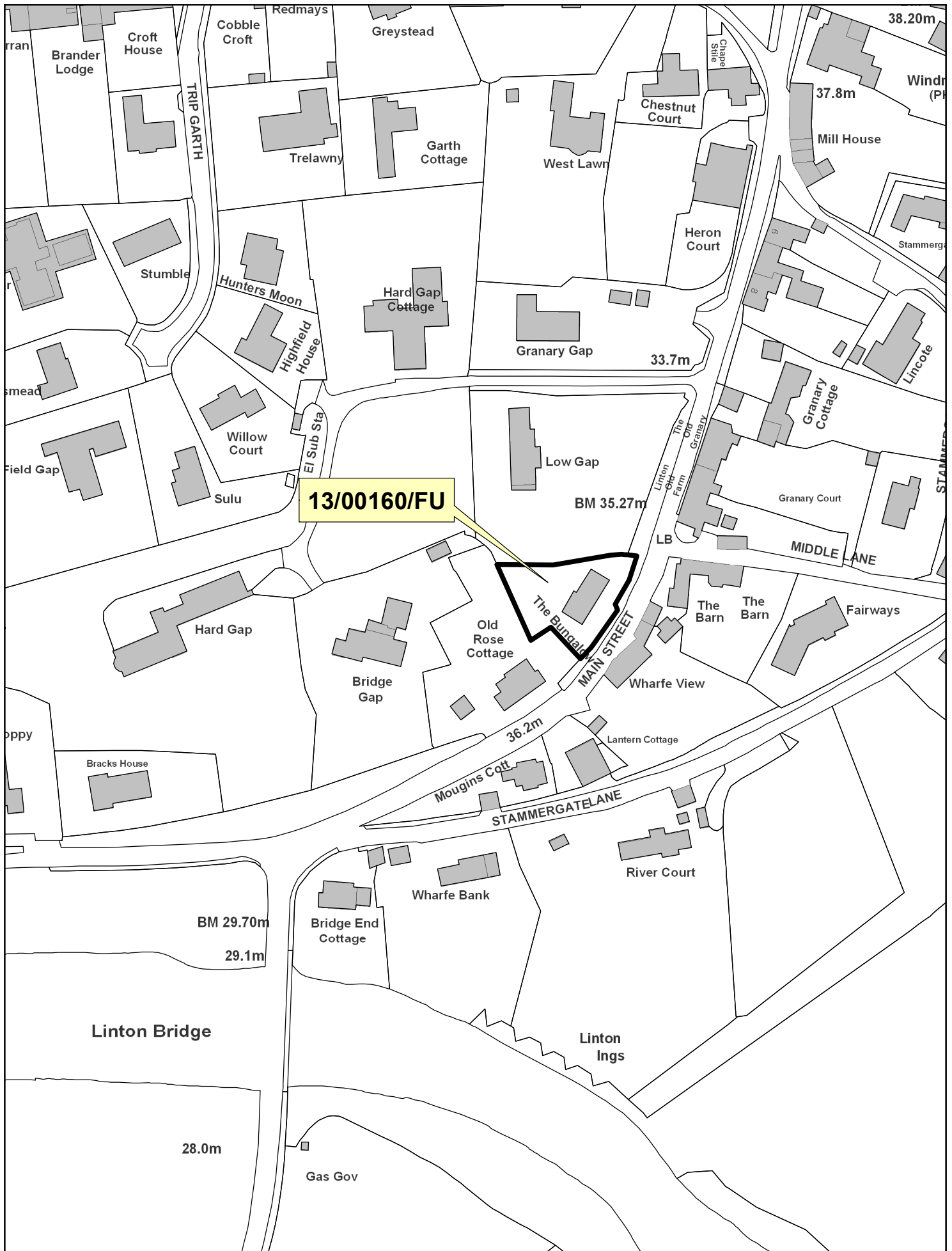
- 10.18 All material considerations which have been raised through representations have been discussed above. The concerns of local residents regarding potential damage to property and/or services are noted, however this is a civil matter which must be resolved outside the planning process. Concerns regarding drainage are also noted, however this is a matter for building control.

11.0 CONCLUSION

- 11.1 The application is therefore considered to be acceptable. The extensions to the property will not negatively affect the character of the application dwelling nor that of the wider conservation area and will not have an unreasonable impact upon neighbours. The works to the access and the creation of additional hardstanding have improved the situation in respect of highway safety, and as such the proposals are compliant with the relevant policies and guidance and approval is recommended.

Background Papers:

Application files 13/00160/FU
Certificate of ownership: Certificate A signed by agent



NORTH AND EAST PLANS PANEL

