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**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 6<sup>th</sup> March 2014**

**Subject: APPLICATION 13/05106/FU – retrospective application for a detached double garage with storage area above to the rear of 74 Weetwood Lane, Leeds LS16 5NR**

**APPLICANT**  
Mr T Hussain

**DATE VALID**  
1 November 2013

**TARGET DATE**  
18<sup>th</sup> April 2014

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**Electoral Wards Affected:**

Weetwood

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**GRANT PERMISSION subject to the following conditions.**

1. Development to be carried out in accordance with the approved plans.
2. The garage shall not be used other than for the storage of private motor vehicles and as ancillary domestic storage and shall not be used as living accommodation and/or business accommodation.

**1 INTRODUCTION**

- 1.1 This application was brought to the Panel on January 31<sup>st</sup> 2014 with an officer recommendation for approval. Panel was concerned about the proposed end use of the building and that the building had been erected without the benefit of planning permission. Officers were requested to seek revisions and return the application to Panel for determination. The previous report is appended below for reference.

## **2 APPRAISAL**

- 2.1 Revised plans have been received from the applicant. These show a reduced ridge height of 4.7m compared with 5.2m on the previous submission, a reduction of 500mm. This will reduce the potential of the upper floor of the garage being utilized as living accommodation whilst retaining its usability for storage.
- 2.2 Reductions in the number of windows are also shown. The number of roof lights has reduced from 3 to 2 and there is now only 1 window on the side elevation facing across the garden.
- 2.3 The previous scheme showed only a single garage door despite it being a double garage in size. This has now been amended to show a double garage door measuring 4.3m in width and ensures the building retains the appearance of a garage.

## **3 CONCLUSION**

- 3.1 The applicant has sought to resolve all the issues raised by the Panel at the January 31<sup>st</sup> meeting and has provided revised plans. These help to ensure that the building retains the appearance, and is suitable for use, as a domestic garage. As such the proposal is considered to comply with policies GP5, BD6 and T2 of the Leeds UDPR and policies HDG1 and HDG2 of the Householder Design Guide. As such, approval is recommended subject to the planning conditions on the appended report.

## APPENDIX – REPORT TO PLANS PANEL OF 30<sup>TH</sup> January 2014

Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 30<sup>th</sup> January 2014

Subject: APPLICATIONS 13/05106/FU – retrospective application for a detached double garage with storage area above to the rear of 74 Weetwood Lane, Leeds LS16 5NR

**APPLICANT**

Mr T Hussain

**DATE VALID**

1 November 2013

**TARGET DATE**

14 February 2014

<p><b>Electoral Wards Affected:</b></p> <p>Weetwood</p> <p><input type="checkbox"/> Yes    Ward Members consulted</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity    <input type="checkbox"/></p> <p>Community Cohesion    <input type="checkbox"/></p> <p>Narrowing the Gap    <input type="checkbox"/></p>
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**RECOMMENDATION:**

**GRANT PERMISSION** subject to the following conditions.

- 1 Development to be carried out in accordance with the approved plans.
- 2 The garage shall not be used other than for the storage of private motor vehicles and as ancillary domestic storage and shall not be used as living accommodation.

**1.0 INTRODUCTION:**

- 1.1 This application is brought to panel at the request of Ward Member Councillor Sue Bentley who has concerns that the garage has been substantially constructed without planning permission, and also considers that nearby neighbours should have the opportunity for the application to be considered by Plans Panel.

**2.0 PROPOSAL:**

- 2.1 The application is retrospective and is for a double garage with garden storage to the rear and additional storage above accessed via an internal staircase.
- 2.2 The garage is 9.4m long and 7.5m wide. The garage has a pitched roof and is 5.2m to the ridge and 2.8m to the eaves. It is sited 2.5m from the rear boundary.

The materials are render on the walls and slate for the roof.

- 2.3 The proposed garage replaces a previous garage which measured 6.5m long and 5m wide and was sited 1m from the rear boundary.

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

- 3.1 The application property comprises a substantial detached dwelling recently extended and divided into two houses set in a fairly spacious garden. The property is single storey to the Weetwood Lane frontage and two storey to the rear. External materials are principally render with a tiled roof. The property occupies a corner plot at the junction of Weetwood Lane with Weetwood Avenue and is located in a tree-lined mature residential street of mainly larger properties in substantial gardens. The properties have two vehicular entrances: from Weetwood Lane and at the corner junction on Weetwood Avenue. The boundary of the property comprises an attractive coursed stone wall topped with a low railing.

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

- 4.1 12/02975/FU – Change of use of house to two houses involving 1<sup>st</sup> and 2<sup>nd</sup> floor extensions, including raising the height of the roof – approved 9 July 2012. A condition of this permission requires that any further extensions or outbuildings will require planning permission.

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

- 5.1 None

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

- 6.1 6 objections have been received, including from Ward Members Councillor Sue Bentley and Councillor Judith Chapman and the Weetwood Residents Association.

- 6.2 The ward councillors raise the following issues:

- Objections to the retrospective nature of the application – the applicant knew an application should be submitted
- It is very large and out of keeping with other garages locally
- Concerns that the upstairs could be used as living accommodation
- The 2012 application was for extensions to the existing building; a new building has been built instead
- Permitted development rights were removed by the 2012 application

- 6.3 The residents' association and a local resident have raised the following issues:

- The development has taken a long time to complete
- Harm has been caused to pavements, verges and hedges during construction
- Waste has been burnt on the site during construction
- The applicant is attempting to bypass planning controls
- The garage is large and out of keeping with other garages in the area
- It is bigger than the demolished structure
- It has windows in the roof and could be used as living accommodation
- Only a single garage door is provided and so the garage will only be accessible to a single vehicle

### **7.0 CONSULTATIONS RESPONSES:**

### Statutory Consultations

7.1 None due to the nature of the application.

### Non-Statutory Consultations:

7.2 Highway Authority – No objections

## **8.0 PLANNING POLICIES:**

### Local Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise

### *Leeds Unitary Development Plan (Review) 2006*

This is the Statutory Development Plan for the Leeds District. Relevant policies are considered to be:

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6 - requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.

T2 - states that development proposals should not create new, or exacerbate existing, highway problems.

### *Supplementary Planning Documents*

#### *Householder Design Guide*

Policy HDG1 of the Householder Design Guide requires all alterations and extensions to respect the scale, form, proportions and the character and appearance of the main dwelling and the locality with particular attention to be paid to the roof form and roof line, window details, architectural features, boundary treatments and materials.

Policy HDG2 of the Householder Design Guide requires development proposals to protect the amenity of neighbours and states that proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.

#### *Core Strategy*

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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination commenced in October 2013.

As the Council has submitted the Publication Draft Core Strategy for 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.

### National Policy

- 8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.
- 8.2 In respect of design it states that "good design is indivisible from good planning" and Local 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".

## **9.0 MAIN ISSUES**

1. Principle of development
2. Character and design
3. Amenity
4. Highways issues
5. Other issues

## **10.0 APPRAISAL**

- 10.1 The application is a retrospective application for a detached garage built to the rear of the house on the site of a former garage now demolished.
- 10.2 Subject mainly to design, amenity and highway safety considerations the erection of ancillary domestic buildings within the curtilage of established dwellings such as garages should normally be acceptable.
- 10.3 The garage is fairly substantial being a generously proportioned double garage internally with storage space above reached by a staircase to the rear and being lit internally by roof lights. The garage is larger than the demolished one but the site is sufficiently large to accommodate this and retain an appropriate area of external amenity space for residents. It is also not highly visible in the street scene. As a result of the narrow drive, set back from the highway and significant hedge boundary treatment, the bulk of the garage is not apparent from Weetwood Lane or Weetwood Avenue. The design is considered to be appropriate to the locality and the character of the dwelling and materials are also appropriate being render to match the dwelling.
- 10.4 The garage is sited further from the property to the rear (No.1a Weetwood Avenue) than was the previous demolished garage which was sited here. Although it is larger than the previous garage, the boundary treatment is approximately 4.0m high and gives significant screening of the garage from the neighbouring property. The same is true to the side where the garage is screened from No.78 Weetwood Lane by a 4.0m high hedge boundary treatment. The garage has 3 roof lights and windows to the south elevation facing across the garden and the east elevation facing No.1a Weetwood Avenue. The roof lights and windows facing across the garden do not result in any overlooking to neighbouring properties. The boundary treatment to the rear ensures the windows in the eastern elevation do not overlook No.1a Weetwood Avenue. It is concluded that there is no adverse impact on adjoining neighbours through overlooking or over dominance/overshadowing.
- 10.5 The garage provides parking for 2 vehicles. There is also parking to the side and front of the property and this is considered sufficient to ensure there is no increase in on-street parking as a result of the scheme.

10.6 Concern has been raised by objectors that the garage could be used as living accommodation. The applicant has confirmed that the building will be used for garaging and garden storage downstairs with general storage above. Windows are provided to allow natural light to the interior. A condition has been recommended to ensure that the garage continues only to be used for general storage and vehicle parking. Any proposal to use the garage as living accommodation would require planning permission.

10.7 The majority of the issues raised in the representations relate to non-planning considerations. It is acknowledged that the garage is retrospective and was built without the benefit of planning permission. Whilst this is clearly unsatisfactory an application has now been made and the obligation of the Planning Authority is to determine the application in accordance with the development plan and any other material considerations.

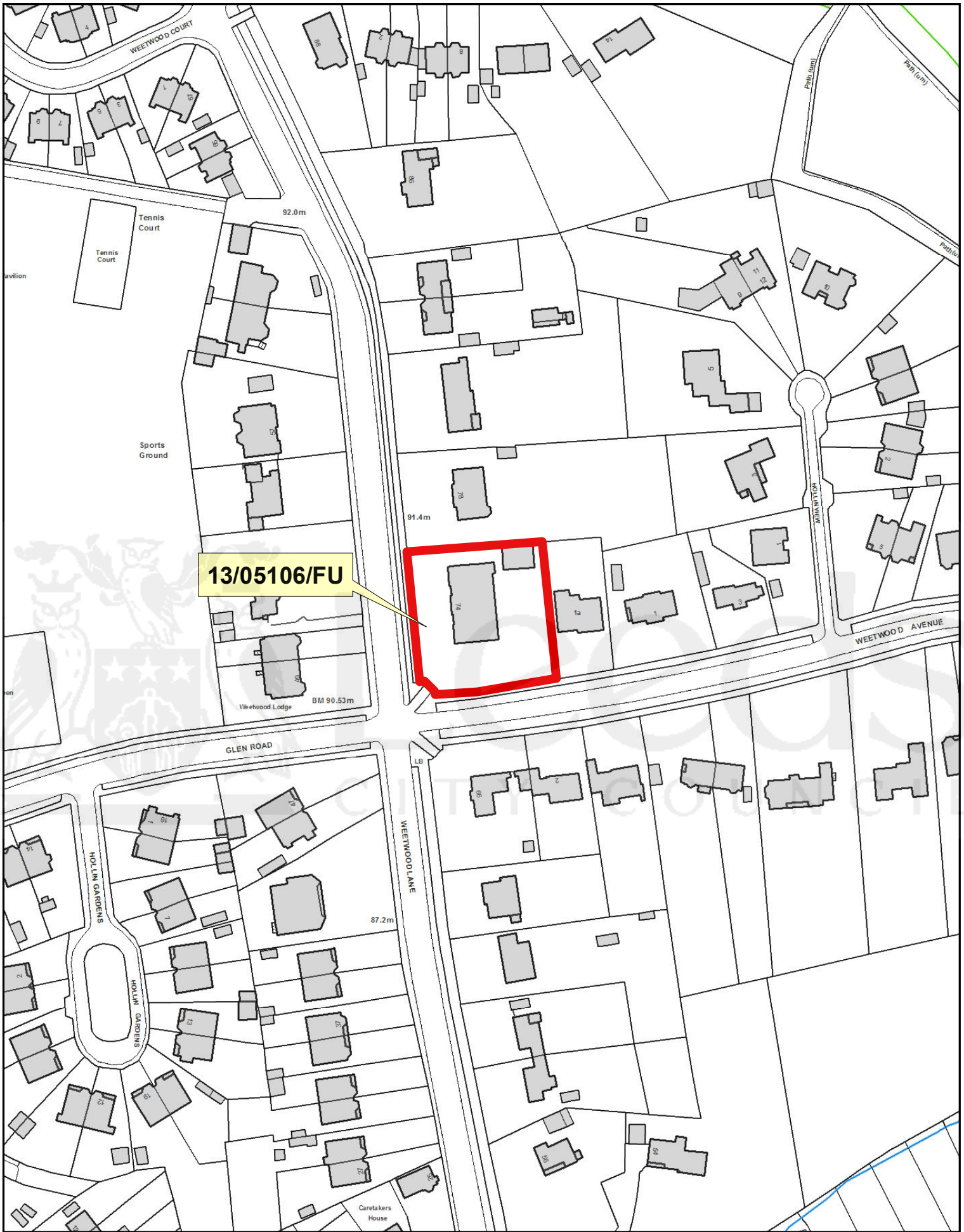
## **11.0 CONCLUSION**

11.1 In conclusion, the proposal is considered to comply with relevant policies GP5, BD6 and T2 of the Leeds UDPR and policies HDG1 and HDG2 of the Householder Design Guide and is thus in accordance with the Development Plan. A restrictive condition is recommended to restrict future conversion to living accommodation.

## **12.0 Background Papers:**

12/02975/FU

13/05106/FU



13/05106/FU

# SOUTH AND WEST PLANS PANEL

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