



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 9th JULY 2015

Subject: 15/02081/FU – Single storey rear extension, first floor side extension and retrospective consent for fence to rear garden at 2 Ibbetson Rise, Churwell, Morley.

APPLICANT

Mrs J Dawson

DATE VALID

17th April 2015

TARGET DATE

16th July 2014

Electoral Wards Affected:

Morley North

No

Ward Members consulted

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. Development carried out in accordance with approved plans;
3. Materials to match.

1.0 INTRODUCTION

- 1.1 This application seeks permission to construct a single storey rear extension, first floor side extension and retrospective consent for fence to rear garden.
- 1.2 This application is reported to Plans Panel in accordance with the delegated agreement as the applicant is an Elected Ward Member.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a detached dwelling with attached garage to the side which is located within a cul-de-sac of dwellings of similar size and scales which differ in terms of their design. The property is set back from the building line of no 4

Ibbetson Rise by 2m on similar building line to no 87 Ibbetson Oval which occupies a corner plot fronting Ibbetson Rise. The properties have south facing frontages and north facing rear gardens and are staggered in height due to the natural gradient of the land which descends from west to east. No 87 has conservatory to the rear and No 4 Has extended single storey at the rear.

- 2.2 The property is constructed of brick with a semi hipped pitched tiled roof and features a detached garage to the west side which sits adjacent to the attached garage of no 4 Ibbetson Rise, separated by footpaths which provide access to the rear.
- 2.3 The property has been previously extended at the rear with a single storey extension. The host's rear garden is bordered by a newly constructed panel fence which is set off the shared boundary with no 87 by 1m beyond which is a paved footpath which serves the application site. This fence requires retrospective consent and is being considered under this application. On the shared boundary with no 87 is a brick wall with pillars and fence approximately 1.8m in height from their ground floor level.
- 2.4 The site consists of a spacious open plan garden to the front, (south) and smaller garden at the rear. The site frontage is mostly hard surface to facilitate off street parking.
- 2.5 The area is predominantly residential in character. A number of properties within the immediate area have been altered by various types of extensions.

3.0 PROPOSAL

- 3.1 The proposed works consist of the following:
- 3.2 The single storey extension proposes to link into an existing extension at the rear widening it by approx. 5.3m to cover the full width of the property at the rear. The extension would have a dual pitched roof which looks to replicate the form and height of the existing roof. The extension would provide a dining area which is to be served by glazed doors and window on the rear elevation only
- 3.3 The first floor side extension is proposed over the existing garage, set back marginally from the property frontage. The extension would be 2.8m wide by 4m deep with semi hipped roof over. The roof would match the eaves height of the existing property and the ridge would be set down approximately 1.4m below the main ridge of the dwelling. Windows are proposed at the front and rear and would serve a bedroom.
- 3.4 Materials are proposed to match existing.
- 3.5 Retrospective consent is also sought for the panel fence which borders the rear garden. The fence is set off from the shared boundary with no 87 by 1m and screens rear garden of the host site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 23/514/02/FU: Single storey rear extension – Approved: 27/01/2003

- 4.2 H23/523/90: 17 dwelling houses, comprising 10, four bedroom detached houses, 7 each with attached double garages – Approved: 16.04.1991
- 4.3 Permitted development rights removed for garages or enlargement to the dwelling house, garage carport not to be converted, boundary treatment & walls & fences not to be altered.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the determination of the application and in response to concerns raised regarding the rear fence it was found that the fence erected at the rear requires planning permission as it exceeds 2m in height. The application has therefore been revised to include the fence as part of this application.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by neighbour notification letters sent on 20.04.2015 and 05.06.2015 following the inclusion of the fence as part of the application.
- 6.2 The publicity period for the application expired on 19 June 2015.
- 6.3 Three letters of representation have been received in response to the proposal (One letter of objection, one letter of support and general comments).
- 6.4 Objections have been received from neighbouring site of no 87 Ibbetson Oval in relation to the fence on the grounds of loss of light, its height and the potential deterrent posed to future buyers.
- 6.5 Concerns raised by no 4 Ibbetson Rise were in regard to the side extension from loss of sunlight; privacy; oppressive impact and construction issues relating to scaffolding, rubbish and building materials.
- 6.6 Morley Town Council commented on the single storey rear and first floor side extension, supporting the scheme.

7.0 CONSULTATIONS RESPONSES:

- 7.1 None required.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The Development Plan comprises of the Core Strategy, saved policies of the UDP (2006) and the Natural Resources and Waste Local Plan. The relevant policies are:

- T2 - Highways safety requires new development to be located in accessible locations that are adequately served by existing or programmed highways, by

public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

- GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- P10 – Good Design.
- BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.
- P12 - Landscape

8.2 **Supplementary Planning Guidance/Documents**

Neighbourhoods for Living: A Guide for Residential Design in Leeds (SPG13)

Householder Design Guide Supplementary Planning Document

The guide gives advice on how to achieve high quality design for extensions and additions to existing properties, in a sympathetic manner that respects the spatial context. The following policies are relevant to this application.

HDG1: all alterations and extensions to respect the scale, form, proportions and the 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 details,
- iii. architectural features,
- iv. boundary treatments
- v. materials

HDG2: all development proposals to protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.

Street Design Guide guidance on access and parking layout

8.3 **National Policy**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in on the consideration of this application.

- Requiring good design

9.0 **MAIN ISSUES**

- 1) Design and Character
- 2) Neighbour Amenity
- 3) 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. 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”. These policies are expanded in more detail within the Householder Design Guide.
- 10.2 In assessing the harm to spatial character it is acknowledged that the side extension would erode the gap between the properties currently created above the garage. The HHDG guide advises that within a uniformed streetscene (e.g. rows of semi-detached properties separated by driveways) two storey side extensions should be set off the shared boundary by 1m and set back from the front by 2m to prevent terracing. This sense of space is often considered important to the character of an area and should be retained.
- 10.3 The first floor extension is proposed directly over the existing garage, set back from the front elevation by 200mm and set away from the side boundary by 1m, thus would fail to comply with guidance. That said the spatial character of the area is not uniform. The street comprises of detached properties which are staggered in terms of their height and positions. In addition the properties are mixed in terms of their design. The staggered height and stepped relationship of the dwellings (set back 2m from the front of no 4) combined with the modest proportions of the extension (set down 1.4m from the main roof) are considered to provide sufficient mitigation in this regard.
- 10.4 In light of the above it is considered that the first floor extension would not pose a significant threat to the spatial character of the area.
- 10.5 With regard to the overall scale and design, the first floor extension would be 2.8m in width representing an increase of 33% of the width of the original house. This increase is significantly less than the 2/3rd guidance allowance recommended in the HHDG for these types of extensions. The extension is also set back 200mm from the front elevation and 4m from the rear elevation of the property and features a roof form which matches sympathetically with the existing roof, set down from the main ridge by 1.4m.
- 10.6 The rear extension and fence being located at the rear would have no or very little impact on the streetscene. The style and design of the rear extension is considered to be in keeping with that of the existing property and the roofing will relate sympathetically to the host property.
- 10.7 Subject to the materials matching existing it is therefore considered that the size and scale of both extensions would appear subordinate additions to the main dwelling whilst also relating sympathetically to its built form and character as well as the pattern of surrounding development for the reasons discussed above. As such, no significant harm is anticipated to the dwelling or the streetscene.

Neighbour Amenity

- 10.8 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice is expanded further in policy HDG2 which notes that “all development proposals

should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking would be strongly resisted”.

- 10.9 The proposed extensions raise no significant concerns in respect of the impact upon neighbours. The rear extension is isolated from the neighbouring residential site of no 87 by the existing extension to the east. With regard to no 4 the rear extension would sit adjacent to their single storey extension at the rear and retains a distance of 3.7m to the shared boundary. As such it is considered unlikely that extension would impose undue harm to their amenity from overdominance or overshadowing. With regard to privacy, windows are proposed to the rear elevation only of the rear extension. These windows afford direct views of the host’s rear garden retaining a distance of 5.5m to the rear boundary which is bordered by the 2.0m high fence and dense vegetation behind, thus the proposal is considered to pose little threat to neighbouring private amenity.
- 10.10 The first floor side extension would be situated between the built forms of no 2 and no 4 therefore poses little threat to neighbouring amenity of no 87 from appearing overly oppressive or overshadowing. With regard to no 4 the extension would sit alongside their attached garage and the blank side elevation (albeit for a very small tertiary window at first floor) of their property. As such it is considered unlikely that the side extension would pose significant harm to residential amenity from appearing overly oppressive. Furthermore, any additional overshadowing over and above that already experienced from the existing properties and boundary treatments (due to the north facing gardens) would be minimal and restricted to short period of time when the sun moves from east to south, between the properties. This harm is unlikely to pose a significant threat to their amenity.
- 10.11 With regard to impact on neighbouring amenity from overlooking. Windows proposed to the rear would afford direct views of the host site. The proposed rear window will be nearer the shared boundary of no 4 however would only allow oblique views toward the neighbouring garden; such views are not uncommon within residential contexts and are similar to the views currently afforded from the existing dwelling.
- 10.12 Turning to the fence, this is approx. 2.3m at its greatest height from ground floor level of the application site and is constructed of horizontal wooden panels. The fence travels the east side of the site separated from the shared boundary with no 87 by a paved lit footpath which provides external access to the rear. This footpath steps up towards the rear boundary and is bordered by a small retaining wall which borders the neighbouring site of no 87. The rear garden of no 87 is also stepped in height with patio area alongside their conservatory and raised decking area to the North West corner of the site which wraps around the north east corner of the application site.
- 10.13 Of note is that both properties have north facing gardens thus the parts of their gardens directly behind their properties are overshadowed when the sun is in the south during the day. The residents at No 87 have a decked area at the rear to take advantage of the midday sun.
- 10.14 With regard to privacy at the rear 2.0m high fences are normally an acceptable height to protect outdoor privacy within rear gardens and do not require planning permission. The host site is bordered by vegetation and fencing to the west and north boundaries which is up to 2m in height. Mindful of this and the need to protect privacy it is not considered unreasonable for the applicant to want to protect their

privacy at the rear through screening. Whilst it is acknowledged that the fence exceeds the height normally deemed reasonable, in turn the fence is distanced away from the shared boundary by 1m and as such provides a degree of mitigation. Furthermore, when considering other forms of screening which is available to the applicant and which would not require planning permission such as soft landscaping e.g. hedging/conifer trees etc. it is considered unreasonable to look to refuse the development on harm to amenity imposed from the additional height of the fence. Also when taking into account the orientation of the gardens the fence only creates additional overshadowing during late afternoon when the sun is setting in the west and its set off position would likely create no more harm than that of a 2m high fence on the boundary.

- 10.15 In terms of its appearance when viewed from no 87 as discussed above it is recognised that the fence in association with the extension results in a built form of development which travels the whole depth of their garden at the rear and being situated at a lower level this has a greater impact. That said and whilst it is recognised that soft landscaping opposed to a fence may be preferable from a visual amenity point of view, boundary treatments at the rear to protect privacy are common features of most residential gardens. Furthermore no 87 has extended at the rear alongside the hosts rear extension, therefore the fence is approx. 4m in length forward of their conservatory. When assessing this impact a further consideration is the size of the plot which serves no 87. Their rear garden is 12m deep and whilst triangular in shape it does benefit from a more open and spacious plot being positioned on the corner. Mindful of this the impact of the fence occupying the north west corner of the site off set from the boundary by 1m is not considered to impose undue harm over and above that normally deemed acceptable. The appearance of the fence could be further mitigated by the introduction of soft landscape features on the neighbouring site.
- 10.16 In light of the above it is considered unlikely that the development would pose a threat to neighbouring residential amenity by appearing overly oppressive or overshadowing.
- 10.17 It is therefore not anticipated that the proposal would have a harmful impact on neighbouring private amenity.

Representations

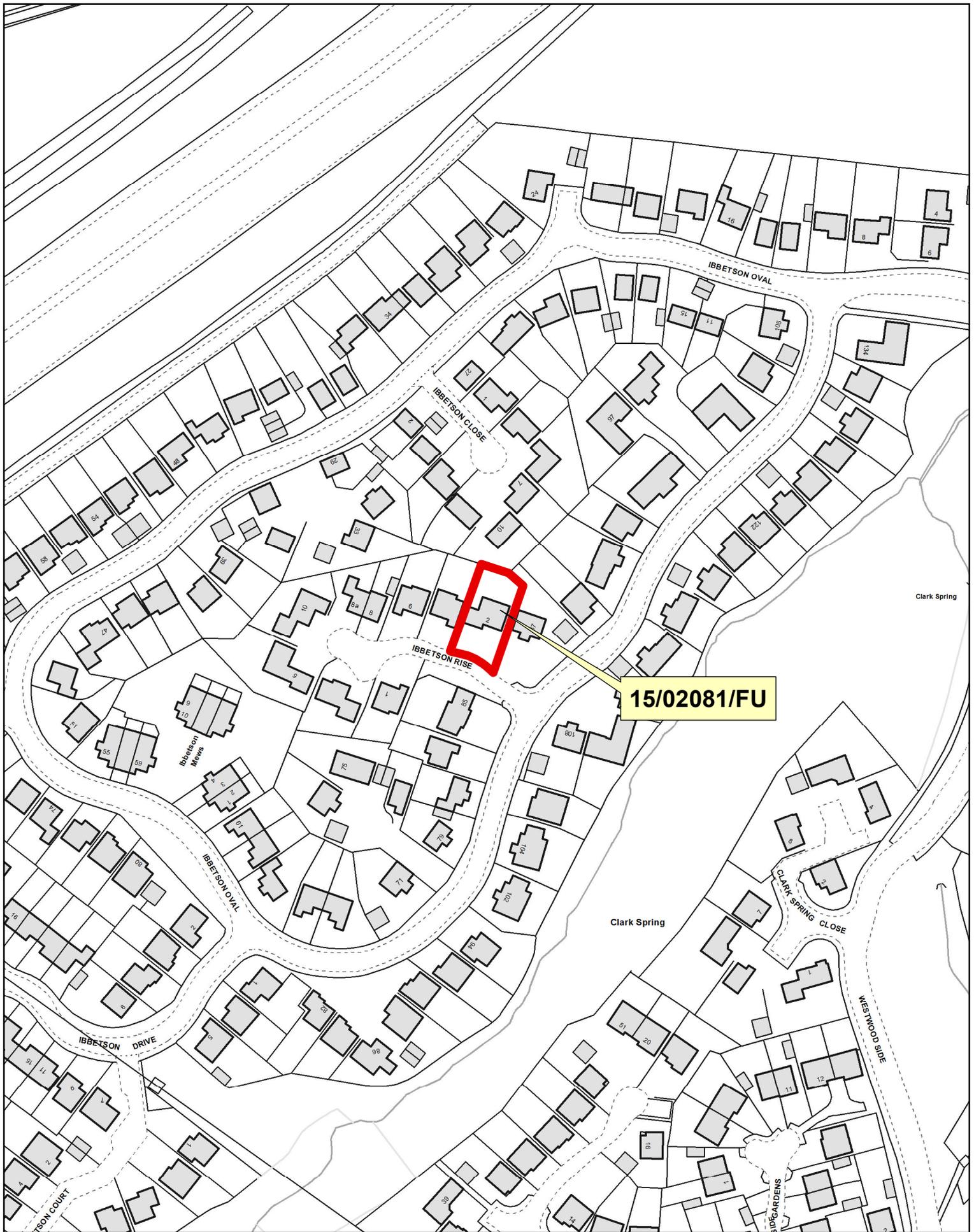
- 10.18 Concerns raised in relation to the fence regarding (overdominance and overshadowing) have been discussed in detail and appraisal section of the report and the impact found to be acceptable.
- 10.19 With regard to concerns raised in relation to the side extension from loss of sunlight; privacy; oppressive impact, again these issues have been discussed in detail in appraisal section of the report and the impact deemed acceptable.
- 10.20 In response to concerns raised in relation to construction issues relating to scaffolding, rubbish and building materials. Planning permission would not grant consent or imply any grant of consent for the applicant to enter onto any adjoining land to either construct or maintain any part of the development. Whilst it is acknowledged that during construction there would be building materials on site and other associated paraphernalia, this would be for a limited time and due to the small scale nature of the development the impact would be minimal and would not necessitate planning control mitigation.

11.0 CONCLUSION

- 11.1 The application is therefore considered to be acceptable. The development is not considered to be harmful to the design and character of the property nor would it have a harmful impact on the spatial character of the area and/or streetscene or neighbouring amenity. Subject to conditions the application is considered to be compliant with the relevant policies and guidance and approval is recommended.

Background Papers:

Application files 15/02081/FU



SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

