



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 18th February 2016

Subject: 15/05883/FU – Retrospective application for external alterations to form self-contained flat to first floor including new first floor window to side – 23 Nora Place, Bramley, LS13 3JE

APPLICANT

Mr Aman Pandit

DATE VALID

7th October 2015

TARGET DATE

2nd December 2015

Electoral Wards Affected:

Bramley & Stanningley

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. Development in accordance with approved plans
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule within 6 months from the date of approval.
3. For the avoidance of doubt and in the interests of proper planning.
4. All new stonework shall be constructed in natural stone to match the existing building in stone type, colour, face dressing, coursing, bed depth and colour and detail of jointing material.

5. No external storage of bins, plant, materials and/or products shall take place on any part of the site.

1.0 INTRODUCTION:

- 1.1 This application seeks retrospective permission for external alterations including a new obscure glazed window to the first floor, infilling an existing side window and the relocation of a ground floor door opening.
- 1.2 This application is reported to Plans Panel at the request of Councillor Ritchie due to the level of local interest generated by the works.

2.0 SITE AND SURROUNDINGS:

- 2.1 Although addressed as Nora Place, the site fronts onto Leeds and Bradford Road. The property is a stone built end terrace with a ground floor shop front, accessed from the footpath, facing Leeds and Bradford Road. The ground floor is currently vacant and was previous utilised as a pharmacy (A1 retail), it is understood the shop is to be used as an off-licence within the same use class as a retail unit and thus does not require formal planning approval. The first floor has been converted internally to form a self-contained flat accessed via the relocated entrance facing Nora Place.
- 2.2 The area is predominantly residential in character with traditional stone terraces to the western side of Nora Place and brick built, semi-detached dwellings to Leeds and Bradford Road.

3.0 PROPOSAL

- 3.1 At the time of the site visit, it was clear that works had been carried out making the application retrospective. The works that fall to be considered as part of this application consist of the following:
- 3.2 The relocation of the existing entrance door, facing Nora Place, which has been moved close to the party wall with No.21 Nora Place. The infilling and blocking up of the existing ground floor window facing Nora Place. As
- 3.3 The infilling and blocking up of the existing ground floor window facing Nora Place. As the works have commenced this side window has been infilled and externally rendered. The applicant has been advised this is considered unacceptable as the external render does not match the existing stone terrace. Revised plans have been submitted which show the render removed and the window blocked up in matching natural stone.
- 3.4 The installation of a new, obscure glazed, first floor window facing Nora Place serving the 1st floor bathroom.
- 3.5 The replacement of the existing window to the shop front facing Leeds and Bradford Road along with a replacement door. No alterations are to be made to the existing shop front itself which is to be retained.

3.6 The relocation of the rainwater downpipe. It was clear from a site visit the existing downpipe had been relocated and moved across the party wall, fixed to the adjoining property No.21 Nora Place. Amended plans have been received which show the new position of the downpipe on the applicants own property.

3.7 Internal alterations have taken place to form a self-contained flat including the relocation of the existing staircase and sub division of the first floor. These works do not require consent and can be carried out under Permitted Development. As stated previously the change of use from pharmacy (use class A1) to off licence (use class A1) does not require formal planning approval.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

5.1 As the application seeks retrospective consent works had commenced on site. After being informed of the works by Cllr Ritchie compliance visited the site and the owner was asked to cease works and submit a retrospective application for consent. Subsequently the case officer visited the property and assessed the works. Further information was then requested. In particular in relation to the location of the proposed downpipe, relocated ground floor entrance and confirmation of the party wall line. In addition amendments were requested to show the ground floor window blocked up in matching natural stone along with the removal of the provision for advertisement/signage. No alterations are to take place to the existing shop front.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by neighbour notification letters sent on 7th October 2015 and site notice posted 30th October 2015.

6.2 The publicity period for the application expired on 20th November 2015.

6.3 Six letters of representation have been received in response to the proposal. These raise concerns with the following,

- The retrospective nature of the works. The works were commenced prior to the submission of an application. Subsequently a retrospective application was submitted and this is not an offence.
- Anti-social behaviour including noise and disturbance generated by the works. The majority of the works have been carried out under permitted development with associated noise and disturbance created as a result.
- Internal alterations which re-locate the existing staircase close to the party wall which will further exacerbate noise and disturbance. The applicant has submitted a Building Regulations application which covers the internal alterations and transference of noise.
- No hand washing facilities within the retail unit. This is not a material planning consideration.
- Highway safety concerns and the parking of vehicles
- The relocation of the existing entrance facing Nora Place close to the party wall and the associated noise/disturbance created.

- The position of the downpipe to the front of the neighbouring dwelling along with drainage issues. This has been resolved with amendments to the original submission. However the position of the downpipe is considered a civil matter.
- Poor quality workmanship
- Means of escape from the first floor flat. This is covered as part of the Building Regulations application.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways – No objections

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 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:

- P10 – Good Design.
- 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.

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.

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. Impact on amenity
2. Highway safety

10.0 APPRAISAL

Impact on Amenity

- 10.1 The application seeks retrospective consent for external alterations. The existing central entrance door to Nora Place has been relocated to the southern side of the elevation, close to the party wall with No.21 Nora Place. The relocation of the entrance door is not considered to adversely affect neighbouring residential amenity as the existing door and stone lintel have been re-used which are considered sympathetic to the host. Concerns have been raised by the adjoining property and local residents regarding the transference of noise due to the location of the doorway and the internal staircase. The applicant has submitted a Building Regulations application and the internal alterations have been inspected throughout and are considered to meet with current regulations. The internal alterations do not require planning consent and has been carried out under permitted development with no change of use proposed to the existing retail unit.
- 10.2 A new first floor window has been installed facing Nora Place, serving the first floor bathroom. The new side window is relatively small and faces the adjacent footpath and highway which are afforded limited weight in terms of amenity and thus limited impact is created. The side window is obscured due to the rooms use as a bathroom and does not offer a direct outlook for potential occupants over neighbouring properties. For these reasons the side window is considered acceptable.
- 10.3 The existing ground floor window facing Nora Place has been infilled and finished in an external cement render. The case officer has advised the applicant this is unacceptable as the cement render appears incongruous in relation to the traditional stone walling and is considered to adversely affect visual amenity. Amendments have been made to the scheme to infill the window opening in matching natural stone to reflect the traditional character of the terrace. These changes are considered to address the adverse impact upon visual amenity. Furthermore the side window is not to be used as space for advertisement/signage to preserve the residential character of Nora Place.
- 10.4 The existing downpipe has been relocated to the front façade of the neighbouring property. Concerns have been raised with the applicant that no permission has been granted to attach the downpipe to the neighbouring property. Amendments have been made to the scheme to ensure the downpipe remains on the applicant's property and thus it is to be relocated as shown on the approved plans which is considered to address the concerns raised.
- 10.5 The existing shop front, facing Leeds and Bradford Road, is to remain unchanged with a new window and door installed within the existing openings. No changes are proposed to the shop frontage or façade.

- 10.6 Internal alterations have been carried out to create a self-contained flat which include the repositioning of a staircase. These works are considered as part of this application as they have been carried out under permitted development with no change of use proposed.
- 10.7 Concerns have been raised in relation to the installation of roller shutters to the shop front. The current unit features internal shutters and the proposals do not include new roller shutters.
- 10.8 Concerns regarding the means of escape, installation of the boiler and workmanship have been raised. These are not material planning considerations and are covered under separate legislation including Building Regulations.

Highway Safety

- 11 The highway consultation response raised no objection to the proposals as no change of use is proposed. The existing retail unit is to remain within A1 use. Concerns have been raised by local residents in relation to waste/bin storage. The amended plans include an internal area for waste storage and a condition is attached to prevent any external storage to preserve highway safety and visual amenity due to the prominent, corner plot, location of the property.
- 11.1 No new roller shutters are to be installed to the shop unit overhanging the highway with the proposals for signage also removed.

12.0 CONCLUSION

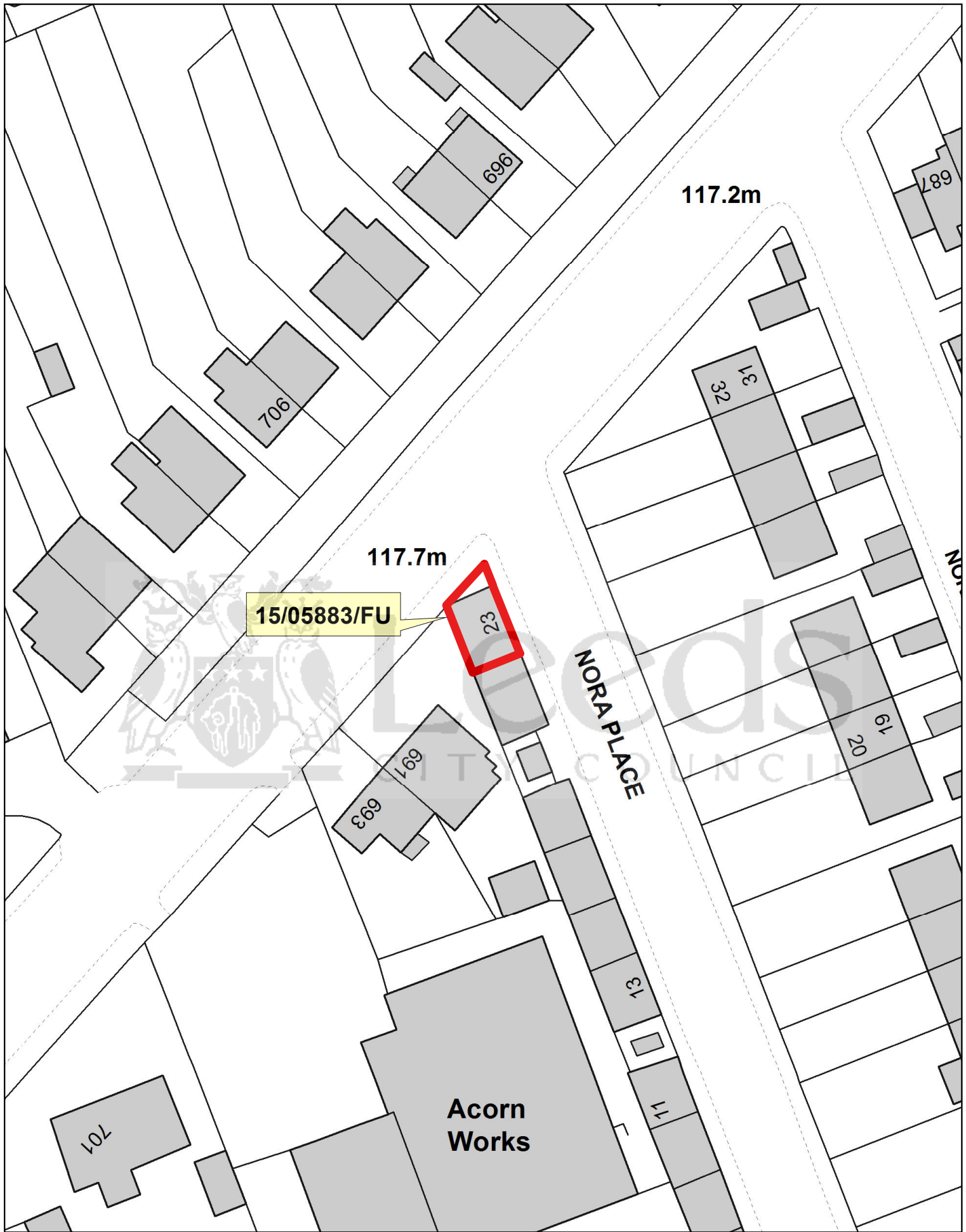
- 12.1 In light of the above, the application is considered to be acceptable. The development is not considered to be harmful to the character and appearance of the area, nor would it have a harmful impact on highway safety and as a result, subject to appropriate conditions detailed above, the application is considered to be compliant with the relevant policies and guidance and approval is recommended.

Background Papers:

None

Certificate of ownership:

Certificate A signed by agent



SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/500

