



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 23rd March 2017

Subject: Application 16/07825/FU – Amendment of application 16/00869/FU for a single storey side extension (change a flat roof to a pitched roof) at 11 Church Crescent, Horsforth, LS18 5LF.

APPLICANT

Mrs Fengqin Chen

DATE VALID

3rd January 2017

TARGET DATE

28th February 2017

Electoral Wards Affected:

Horsforth

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 specified conditions:

1. Standard time limit of 3 years to implement
2. Plans to be approved
3. Materials to match existing

1.0 INTRODUCTION

- 1.1 This application is reported to Plans Panel, due to a request from Councillor Cleasby who is concerned that the extension is not in compliance with the Neighbourhood Design Guide. This being a matter that gives rise to concerns in respect of impact on the streetscene and is an issue affecting more than neighbouring properties and it is therefore considered appropriate for referral to Plans Panel for determination.

2.0 PROPOSAL

- 2.1 This application follows on from an application approved, under delegated powers, in April 2016 for a single storey side extension to the property. The approved extension was authorized with a flat roof but it is now requested that consideration be given to adding a pitched roof to this. Work on the extension has commenced and the proposed pitched roof timbers are in place but are awaiting tiles.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site contains a link-detached dwelling located in an established residential area. It is one of 7 originally identical properties stepping down the hill from north to south. The property is modern with a pitched roof and single storey attached element to the side incorporating a garage and entrance hall. Materials are beige bricks with hanging tile detail to the gable ends. The property can be accessed to both the front and rear - there is both pedestrian and vehicular highway access to the rear but only pedestrian access to the front. There are small front and rear gardens.

4.0 RELEVANT PLANNING HISTORY

- 4.1 16/00869/FU – single storey side extension – approved 1 April 2016.
- 4.2 16/9/00297/MOD – non-material amendment to replace flat roof with pitched roof – refused 19 December 2016 on the grounds that “the proposed amendment represents a material change to the planning permission granted and would require formal publication through the planning application process to allow interested parties to comment given it attaches to a neighbouring property. It therefore cannot be accepted through the non-material amendment process and instead requires the submission of a formal planning application.”
- 4.3 16/01184/UHD3 – A compliance check was made on the property following a complaint received on 30 November 2016 regarding the roof and height of the extension.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application as originally submitted showed a roof with a lower ridge height than constructed on site. A revised plan to show the situation as built has therefore been submitted.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The initial application was advertised by neighbour notification letters sent on the 5th of January 2017 with the publicity period expiring on the 30th of January 2017. In response to this publicity 2 letters were received from local residents (summarised below) and Horsforth Town Council commented that they neither support nor object to the application.

- A letter from the occupiers of 9 Church Crescent objects to the pitched roof on the grounds it is not in keeping with the original design of the property.
- A letter was received on behalf of the owners of 15 Church Crescent who contacted Councillor Cleasby about the proposal, asking the following questions /

making the following comments:

- What is the effect on our wall by the change in the roof?
- What will be the effect on our roof; will it lead to damp?
- The drawings are not accurate and show a roof lower than constructed.
- How will the floor of the proposed construction be supported?
- The changes have been made with no party wall agreement, no planning amendment and no agreement from us.

6.2 Upon the receipt of the revised plan to show the as-built situation, the neighbour at number 15 Church Crescent was re-notified. In response to this they have raised the following objections/issues:

- The properties will no longer look like a linked detached.
- Terracing is contrary to the Householder design Guide.
- All other link extensions have flat roofs.
- Sets a precedent.
- The bricks used do not match those existing and should be replaced.
- There is no updated party wall agreement in place.
- How will it affect number 15? E.g. will it result in damp issues, how will it affect the roof and walls, are there load bearing issues?

This neighbour has also submitted a further letter advising that they have had legal advice. They set out the history of what has happened (e.g. application for a flat roof, original resubmission plans inaccurate) and make a number of other comments which are summarised as follows:

- The approach of amending the application as work has and is progressing in line with differences to that initially conceived, has not allowed us or other the neighbours to properly consider or make representation on our concerns with the work that was proposed and is now taking or has taken place.
- Undue weight should not be given to any hardship caused to the applicant in having to remedy work carried out without planning permission.
- Previously set out concerns about visual amenity (terracing, no regard to local vernacular, non-matching materials).
- We are making separate enquires regarding the structural consequences of the work undertaken and proposed.

6.3 Councillor Brian Cleasby is concerned that the terracing effect is contrary to the Neighbourhood Design Guide.

7.0 CONSULTATIONS RESPONSES

7.1 None carried out due to the nature of the application.

8.0 PLANNING POLICIES

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

8.2 The development plan for Leeds comprises of the adopted Core Strategy (November 2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (January 2013).

8.3 The site is unallocated in the Development Plan.

8.4 The following Core Strategy policies are relevant:

P10 – High quality design

8.5 The following saved UDP policies are relevant:

GP5 – General planning considerations

BD6– Alterations and extensions to respect the original building

Householder Design Guide

8.6 The Householder Design Guide sets out guidance for extensions to dwellings within Leeds. Policies HDG1 and HDG2 are relevant and respectively relate to respecting the character of the main dwelling and the locality and protecting the amenity if neighbours.

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 details;
- iii) architectural features;
- iv) boundary treatments and;
- v) materials.

Extensions or alterations which harm the character and appearance of the main dwelling or the locality will be resisted.

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.

National Planning Policy

8.7 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. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. Part 7 'requiring good design' is applicable to this proposal.

9.0 MAIN ISSUES

- Impact on Visual Amenity
- Impact on Residential Amenity
- Representations

10.0 APPRAISAL

Impact on visual amenity

- 10.1 It is considered that the proposed change from a flat roof to a pitched roof will, given its size, location, design and materials, be in keeping with the host dwelling and existing development in the locality. Its design (e.g. shape and form) is sympathetic to the design of the host dwelling and it is considered that due to its size it will remain subservient to the host property. Although it is readily visible from the public domain it does not appear as an overly dominant feature. The proposed materials will match those existing.
- 10.2 In light of the above it is therefore considered that the proposed works will not cause harm to the character and appearance of the application site or the existing street scene and that the proposal therefore complies with policies P10 of the Core Strategy, BD6 of the UDP and HDG1 of the Householder Design Guide.
- 10.3 It is noted that concerns have been expressed with regard to the pitched roof and how it is considered to be out of keeping with the property/locality. The properties in this row are detached houses which all have pitched roofs but are linked by single storey flat roof elements between them. It is therefore accepted that the addition of a pitched roof to this link element is different from the original character of single storey elements in this row of 7 properties. However, the main dwellings have pitched roofs as do other properties in the area, and pitched roof side extensions are not an uncommon feature in the wider locality. The adjoining property at 15 Church Crescent no longer has its single storey flat roof element to the side as this has been replaced with a large 2 storey, pitched roof side extension. The proposed pitched roof is relatively shallow and, given this pitch and that it slopes away from both the front and rear elevations, it does not form a large or dominant feature. It is also less dominant in the street scene than the existing extension at number 15. Overall, it is therefore considered that its scale and design is in keeping with the existing property / row and would not be harmful to its character.
- 10.4 Concerns have been expressed about the colour of bricks used for the outer walls of the extension as these don't match exactly those used on the original property. It is not known when the property was built but from examination of its design and character it is at least 40 years old, or thereabouts. An exact match for the bricks is therefore unlikely to be possible, as can also be seen in the extension at number 15 which is also constructed of bricks that don't exactly match the original property. In this case it is considered that the bricks used do tone with the original property and given the limited expanse of brickwork visible those used are not detrimental to visual amenity.

Impact on residential amenity

- 10.5 Given the nature of the proposal and its location in relation to neighbouring properties it is considered that it will have no impact on neighbouring living conditions in terms of overlooking, loss of light or dominance. As such the proposal complies with policy GP5 of the UDP and HDG2 of the Householder Design Guide, both of which aim to protect residential amenity.

Representations

- 10.7 It is considered that the planning issues raised by local residents have been addressed in the above appraisal. With regard to other issues raised by the neighbour at number 15 (see public/local response section) the following should be noted.
- 10.8 The case officer has written to the neighbour at number 15 to advise them that Planning Services does not get involved in technical matters of construction and we are therefore unable to answer questions relating to the impact on number 15 (e.g. does it make their wall load bearing, will it lead to damp, floor construction) as this is a matter covered by other legislation.
- 10.9 Whether or not the existing garage construction can support the new pitched roof is a matter to be addressed via Building Regulation Approval. The Council's Building Control section has advised that the Building Regulations Approval for this development is being dealt with by a company based in Newcastle and not the Council. They have also advised that the works being carried out are unlikely to raise any issues of concern for Building Regulations and that many of the issues raised by the neighbour at number 15 will need to be addressed privately under the Party Wall Act. Issues relating to party wall agreements are private matters to be resolved between property owners and not something that the Council can become involved with.

11.0 CONCLUSION

- 11.1 It is considered that, due to its location, size and design, the proposal would not cause harm to visual or residential amenity, is of acceptable design, and complies with the development plan and national and other local planning policy, including the Householder design Guide. There are no other material planning considerations that indicate planning permission should not be granted. Approval of the application is therefore recommended.

Background Papers:

Application files: 16/07825/FU & 16/00869/FU

Certificate of ownership: Notice (Certificate B) has been served on the owners of 15 Church Crescent.

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- Planning Submission

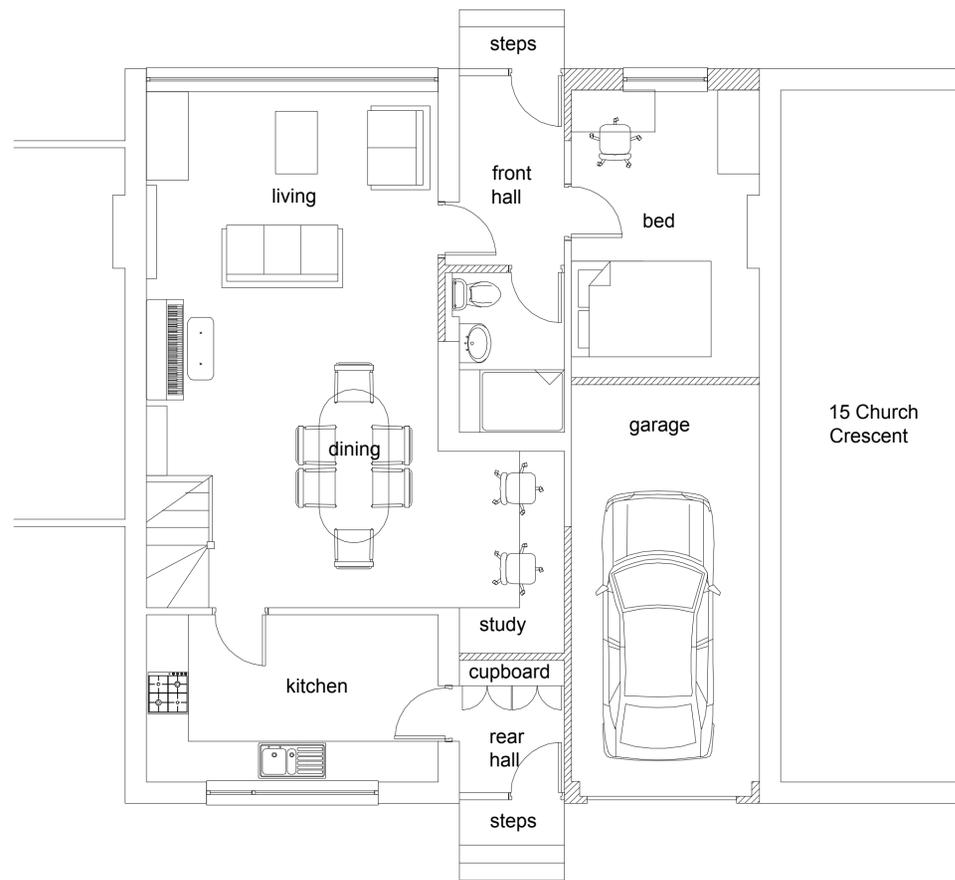
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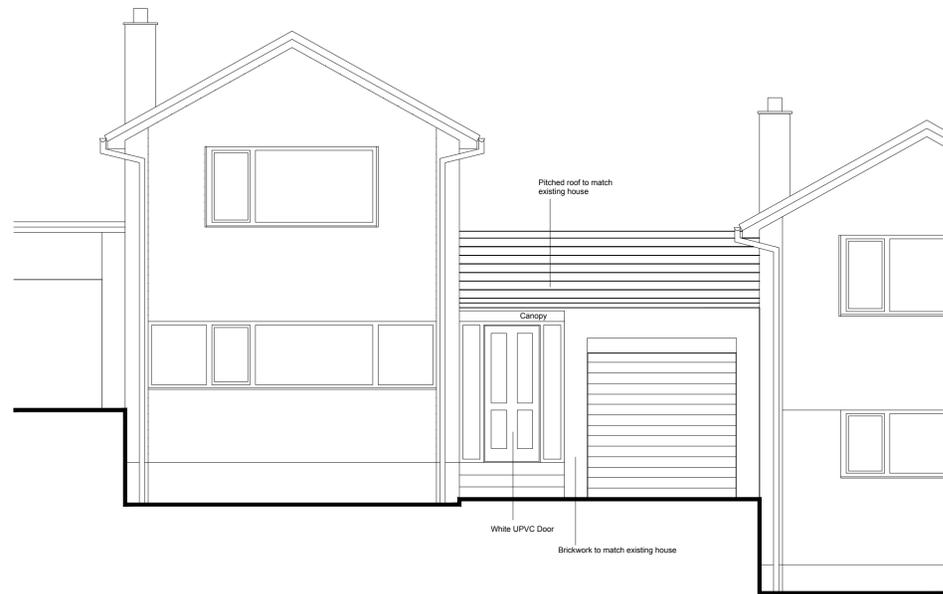
All boundaries to be checked by the contractor prior to work commencing.



SCALE



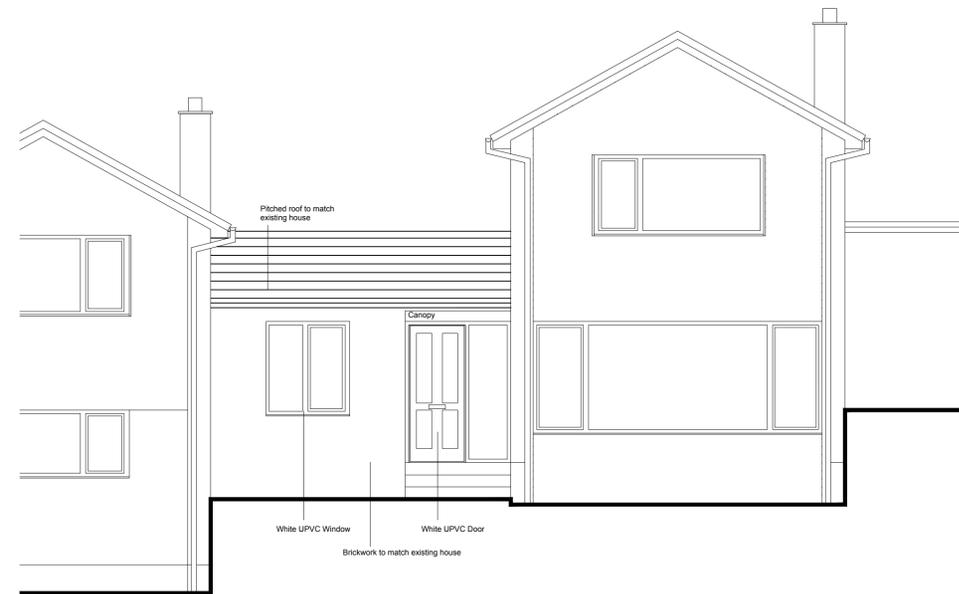
**PROPOSED
GROUND FLOOR PLAN**



11 Church Crescent

15 Church Crescent

FRONT ELEVATION



15 Church Crescent

11 Church Crescent

REAR ELEVATION

Revisions	Date	Technician
A - RIDGE LINE AMENDED TO UNDERSIDE OF GUTTER LINE	22-01-17	M.V.E.

DO NOT SCALE OFF THIS DRAWING

Address

**11 CHURCH CRESCENT
HORSFORTH
LEEDS
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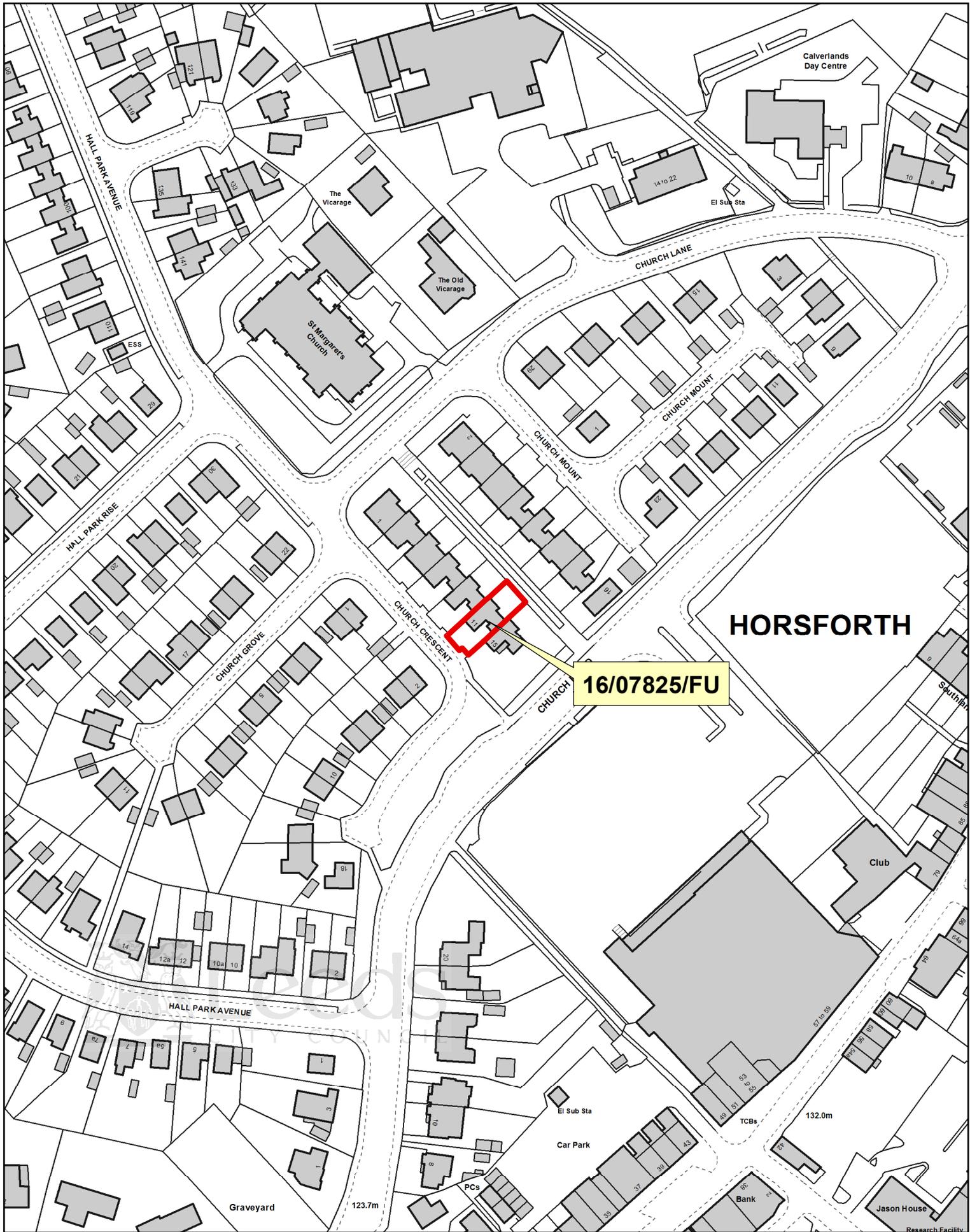
PROPOSED PLAN & ELEVATIONS



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SCALE A1 @ 1:50
DATE DECEMBER 2016
DRAWN BY M.EVANS

DRAWING NO 1055 - 03A



SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

