



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 17th May 2018

Subject: 17/07967/FU – Single storey rear extension, side extension and access ramp at The Bungalow, Moor Knoll Lane, East Ardsley, WF3 2DT

APPLICANT
Mr D Troops

DATE VALID
4 December 2017

TARGET DATE
18 May 2018

Electoral Wards Affected:
Ardsley and Robin Hood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Application recommended for approval subject to the following conditions:

- 1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.**
- 2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
- 3. The external walling and roofing materials shall match those existing.**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any extensions or alterations are constructed.**

1.0 INTRODUCTION

- 1.1 The application seeks consent for a single storey rear extension to accommodate additional living accommodation (a wheelchair accessible bed sit) for the applicant's brother.
- 1.2 This application is brought to Panel at the request of Councillor Renshaw, on the grounds that the dwelling is located within the Green Belt and the proposed development will result in further encroachment of Green Belt land and harm to the openness of the Green Belt. Councillor Renshaw recognises the property has been significantly extended previously and considers that the necessary adaptations could be made to the property without further development.

2.0 PROPOSAL

- 2.1 The application seeks consent for a single storey rear extension to accommodate additional living accommodation (a bed sit) for the applicant's relative. The extension has been designed to provide some independent living accommodation within the existing dwelling.
- 2.2 The proposed rear extension is 5.8m (w) x 7m and is 2.4m in height to eaves with a pitched roof (3.2m to ridge). A small lobby/kitchen area is also proposed plus an access ramp to the side of the dwelling. The proposed extension to the dwelling would result in an increase in volume of 160m³.
- 2.3 The application has been revised since first submitted. Originally a single storey extension was proposed to the front of the dwelling to accommodate living accommodation, a garage for two parking spaces and a side extension to accommodate a workshop. However to address officers concerns the scheme was revised to omit the front and side extensions and provide a rear extension instead.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a detached dormer bungalow and associated curtilage. The property is constructed from re-constituted stone. The property has a side driveway which leads to the rear curtilage area. The site has a stone wall frontage onto Moor Knoll Lane and the side and rear boundaries are separated from adjacent open land by timber fencing.
- 3.2 The site lies in the Green Belt, north of the main settlement of East Ardsley. The rear curtilage area of the property has no obvious garden, and has been previously (unlawfully) used for the storage of vehicles. There is a lawned garden to the front of the property. The applicant's own the adjacent area of land which is used as stables and the grazing of horses.

4.0 RELEVANT PLANNING HISTORY

- 4.1 H23/371/78 – Cattery comprising 40 kennels (residential and breeding). Approved 10.07.78
- 4.2 H23/496/91 - Alterations and extension to form dining room to front of detached bungalow. Approved 18.12.91

- 4.3 09/04425/FU - Retrospective application for 2.1m high gates to front. Approved 16.12.09.
- 4.4 13/01439/FU – Retrospective application for stable block and ménage. Approved 20.6.13.
- 4.5 14/02308/CLE - Certificate of existing lawfulness for use of dwelling as a residential property including the extensions to the property ,and the use of out buildings as stables and associated operational development. Approved 23.5.14. 15/07312/FU – Change of use of residential rear garden as motor vehicle sales. Refused 17.2.16 for the following reason:

'The proposed development lies within the defined Green Belt, where there is a presumption against inappropriate development. The development would have a significant impact on the openness of this Green Belt location, due to the visual clutter and urbanisation that it creates, contrary to paragraph 89 of the NPPF. The applicant has not demonstrated any Special Circumstances to why this development should be permitted, which would outweigh the harm caused to the openness of the Green Belt. The proposal is inappropriate development within the Green Belt and therefore contrary to saved policy N33 of UDP (Review) 2006 and advice contained within the NPPF (2012) on protection of the Green Belt.'

The above decision was appealed and the Planning Inspector subsequently dismissed the appeal. The unauthorised use was also subject to an enforcement notice. Enforcement officers were satisfied the notice has been complied with and the enforcement case was closed in February 2017.

- 4.6 17/05059/FU – Single storey front/side extension to provide garages. Withdrawn.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The applicant has revised the scheme during the course of the application. The proposed extension was originally located to the front of the existing dwelling. A much larger extension was also proposed to accommodate a workshop and garages for vehicle storage. The extension was reduced in footprint to accommodate only the accommodation for the applicant's relative. The proposed extension was also re-sited to the rear of the property. As such the front garden is to remain as existing.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 A Site notice posted on 15 December 2017 and Press Advertisement in Yorkshire Evening Post published on 13 December 2017.
- 6.2 No responses have been received.
- 6.3 Ward Councillors have been notified of the application. Councillor Renshaw has expressed concerns regarding further extensions to the dwelling due to its Green Belt location.

7.0 PLANNING POLICIES

Development Plan

7.1 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. The Development Plan for Leeds Comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.

7.2 The following Core Strategy policies are considered most relevant

SP1 – Location of development in main urban areas on previously developed land.

P10 – High quality design.

P12 – Good landscaping.

T2 – Accessibility.

8.3 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5 - Development Proposals should resolve detailed planning

BD5 – New buildings to be designed with consideration of their own amenity and that of their surroundings

N32 – Designation as Green Belt

N33 – Sets out the restrictions that apply to development within the Green Belt.

8.4 The following Supplementary Planning Policy documents are relevant:

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.

Policy HDG3 restricts extensions within the green belt to 30% of the original house volume. Proposals which exceed 30% or which harm the character, appearance or openness of the green belt are inappropriate

National Planning Policy Framework (NPPF)

8.7 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.8 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.9 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.10 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.11 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.14 Section 9 Protecting Green Belt Land - The NPPF sets out clear principles with regard to what is appropriate development in the green belt, which is effectively restricted to agriculture and essential facilities. Extensions to existing buildings can be acceptable in the green belt provided that they do not result in disproportionate additions over and above the size of the original building.

9.0 MAIN ISSUES

1. Principle of development (impact on Green Belt)
2. Design and character
3. Residential Amenity
4. Highways Safety

10 APPRAISAL

Principle of Development (Impact on the Green Belt)

- 10.1 The application site is located within the Green Belt thus careful consideration needs to be given to the impact the development will have on the openness of the Green Belt and whether the proposed development is inappropriate in the Green Belt.
- 10.2 Paragraph 88 of the NPPF states that '*when considering any planning application, the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other*

harm, is clearly outweighed by other considerations’. Paragraph 89 identifies exceptional circumstances when local authorities could regard the construction of new buildings as appropriate development in the Green Belt including:

‘the extension or alteration of a building provided that does not result in disproportionate additions over and above the size of the original building.’

- 10.3 RUDP Policy 33 states that approval will only be given in the Green Belt in very special circumstances including limited extensions to existing dwellings. The adopted Householder Design Guide Supplementary Planning Document states that *‘in order to be considered as limited development all existing and proposed extensions should not exceed a 30% increase over and above the original house volume. Development proposals which exceed 30% or which harms the character, appearance and openness of the Green Belt are considered to be inappropriate development.’* This policy is considered to define the ‘limited’ extensions as defined in the NPPF.
- 10.4 It is evident that the property has been extended previously. A review of the planning history of this site established that the dwelling was built in the 1970s. Works to extend the dwelling were carried out in 2009/2010. The works never received planning approval due to the uplift in volume exceeding 50% (threshold set by adopted Green Belt policy at this time). Whilst the applicant applied for permission in 2009 (09/04425/FU), the scheme was revised and consent was granted for 2.1m high gates to the front only.
- 10.5 The extensions and alterations carried out in 2009 resulted in an uplift in volume of more than 50% of the original volume. In 2014 the applicant submitted an application for a Lawful Existing Development Certificate to seek confirmation that the works were immune from enforcement action, having been carried out 4 years prior to submission of the application. This evidence, together with the Council’s own records, were considered and the Council accepted that the works were immune from enforcement action. Therefore a certificate was granted on 23 May 2014 (14/02308/CLE).
- 10.6 From photographic records it is clear that the dwelling has been substantially altered and enlarged since 2009. The original dwelling has been extended from its original volume (303m³) to 600m³ (approximately). It is also noted that in 2009 there were outbuildings located to the rear of the dwelling. These outbuildings had a footprint of 84m². It is not clear whether the outbuildings had permission but appear to be lawful by virtue of having been in place for more than 4 years. According to the planning records the outbuildings had been removed by 2014/2015.
- 10.8 The application now proposed will result in a further uplift in volume of 160m³, above the existing dwelling which has already been extended. Therefore the application is contrary to NPPF para 89, RUDP N33 and HDG3 in that it results in a substantial increase in volume over and above the existing dwelling.
- 10.9 The agent has provided a statement on behalf of his client which sets out the details of this application. In summary it states that the extension has been specifically designed to provide the space and amenities needed to enjoy a reasonable lifestyle whilst providing a degree of supervision and independence from the rest of the family. The application has been revised following discussions with the Planning Officer with the extension relocated and the garage omitted. It also states that the extension has been designed to be subordinate to the existing house which sits in a very large site. It states the existing bungalow comprises 10.5% of the original site

area and the proposed extension would comprise 3.48% of the site area. There were previously outbuildings to the rear of the dwelling which have been removed and the footprint of the proposed extension is 56% of the footprint of these outbuildings. It also states that the applicant's relative has given notice on his current property.

- 10.10 The proposed extension will accommodate a wheelchair accessible bed sit for the applicant's relative with bed room, living room, bathroom and kitchenette. The applicant has provided information regarding the relative's medical condition to demonstrate the need for the additional accommodation. Based on the medical evidence provided by the applicant it is considered there are very special circumstances to allow an extension to a dwelling in the Green Belt.
- 10.11 The rear single storey extension would not increase the height of the building, although the footprint of the dwelling building will be enlarged to the rear and to the side by virtue of the access ramp. The extension, given its position to the rear of the dwelling, would not be visible in public views from Moor Knoll Lane. On balance, the proposed development is considered acceptable. The benefits of the scheme (providing additional wheelchair accessible accommodation) are noted and it is not considered the extension would significantly harm the openness of the Green Belt in this location. The medical need is considered to outweigh any harm to the Green Belt. Therefore, due to the very special circumstances in this case (the medical need for the accommodation), it is not considered the proposal conflicts with the aims of the NPPF (para 88) to justify a refusal of the application. To ensure no further extensions to this dwelling can be undertaken without permission a condition is recommended to remove Permitted Development rights.

Design and Character

- 10.12 Consideration has been given to the impact the extension will have on the design and character of the existing building and wider area.
- 10.13 The extension is appropriately designed, using materials which respond positively to the stone dwelling. The ground floor extension is modest in height and located discreetly at the rear of the property.
- 10.14 The proposed ramp will be located to the side of the dwelling and set back from the front building line. This part of the dwelling is largely screened from the street by the high level planting along the front boundary.
- 10.15 The proposed extension is considered to represent high quality design which relates well to the host property in accordance with Core Strategy P10 and RUDP Policy BD6 and HDG1. In light of this no harm will result to the design and character of the property or wider area.

Residential Amenity

- 10.16 Consideration has been given to the impact the extension will have on the privacy of neighbouring properties. The extension is located away from neighbouring properties ensuring that no overlooking or loss of privacy are anticipated.
- 10.17 Consideration has been given to the impact the extension will have in terms of overshadowing and dominance. The extension is located a significant distance from neighbouring properties ensuring that issues of overshadowing or dominance are anticipated. The proposed development complies RUDP GP5 and HDG2.

Highways

10.18 The proposed extension will not have any impact on on-site parking within the site or raise any highways safety concerns.

11.1 **CONCLUSION**

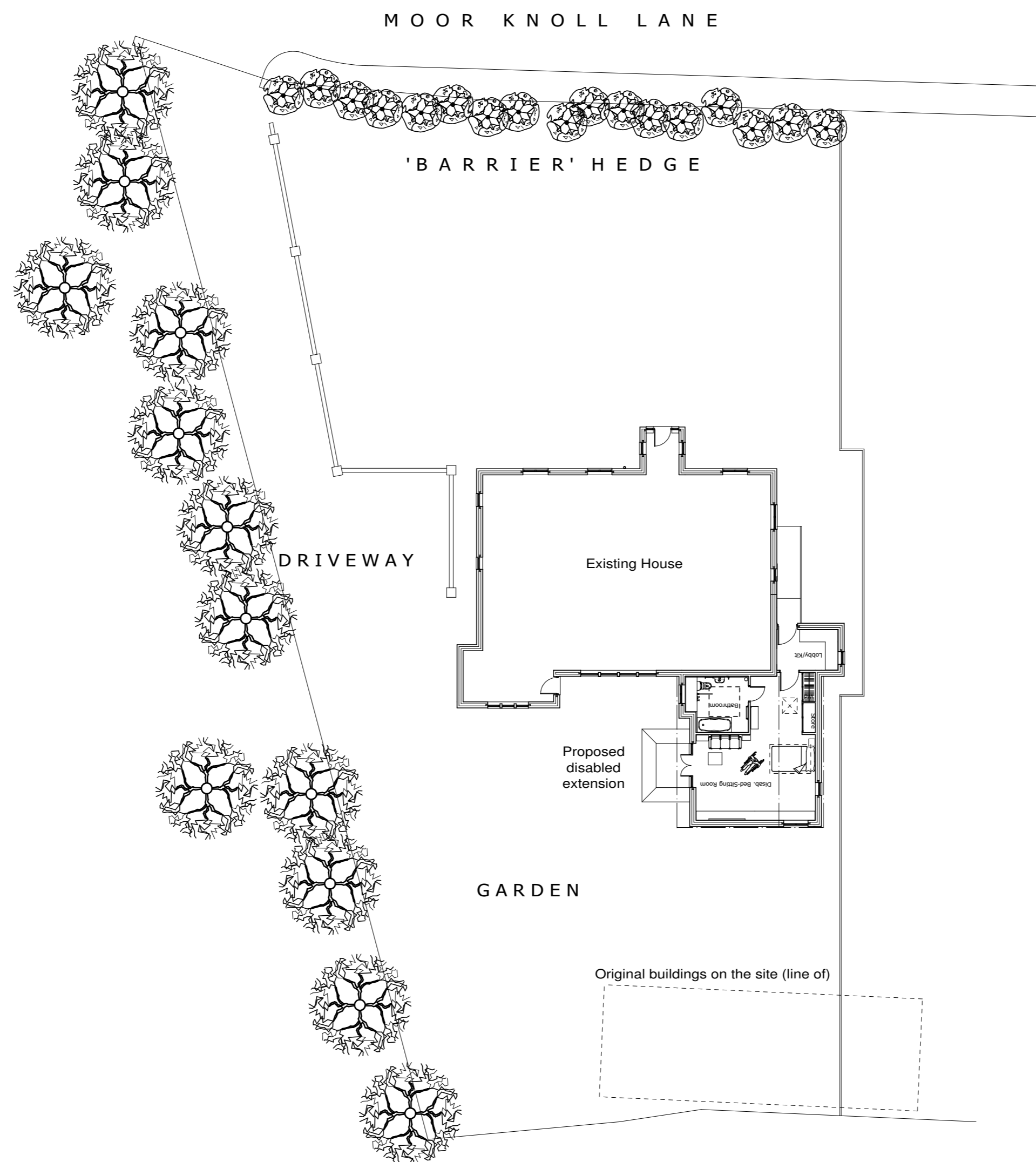
11.1 It is recognised that the dwelling has already been significantly extended and any further extensions would generally be resisted given the property is located within the Green Belt. However the applicant requires the additional accommodation for a relative with medical needs. It is considered there are very special circumstances to allow this property to be extended. This is supported by medical evidence provided by the applicant. The proposed extension is located to the rear and would not be visible from public or private views. On balance it is considered that the application is acceptable and is recommended for approval.

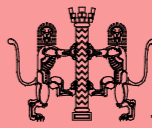
Background Papers:

Planning application file: 17/07967/FU

Certificate of ownership: signed by applicant.

DO NOT SCALE FROM THE DRAWING
ALL DIMENSIONS TO BE CHECKED ON
SITE PRIOR TO ANY CONSTRUCTION OR
FABRICATION AND ANY DISCREPANCIES
IMMEDIATELY REPORTED TO THE ARCHITECT



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PROJECT 'The Bungalow', Low Wood House,
Moor Knoll Lane, East Ardsley: WF3 2DT
Workshop and garage extension:

THESE ARE NOTIFIABLE WORKS UNDER CDM AND ASSOCIATED
HEALTH AND SAFETY LEGISLATION THE TERMS OF WHICH MUST
BE FULLY COMPLIED WITH AT ALL TIMES

CLIENT David and Tracy Troops, 'The Bungalow',
Low Wood House, Moor Knoll Lane, East Ardsley:

ORIGINAL DATE July 2016

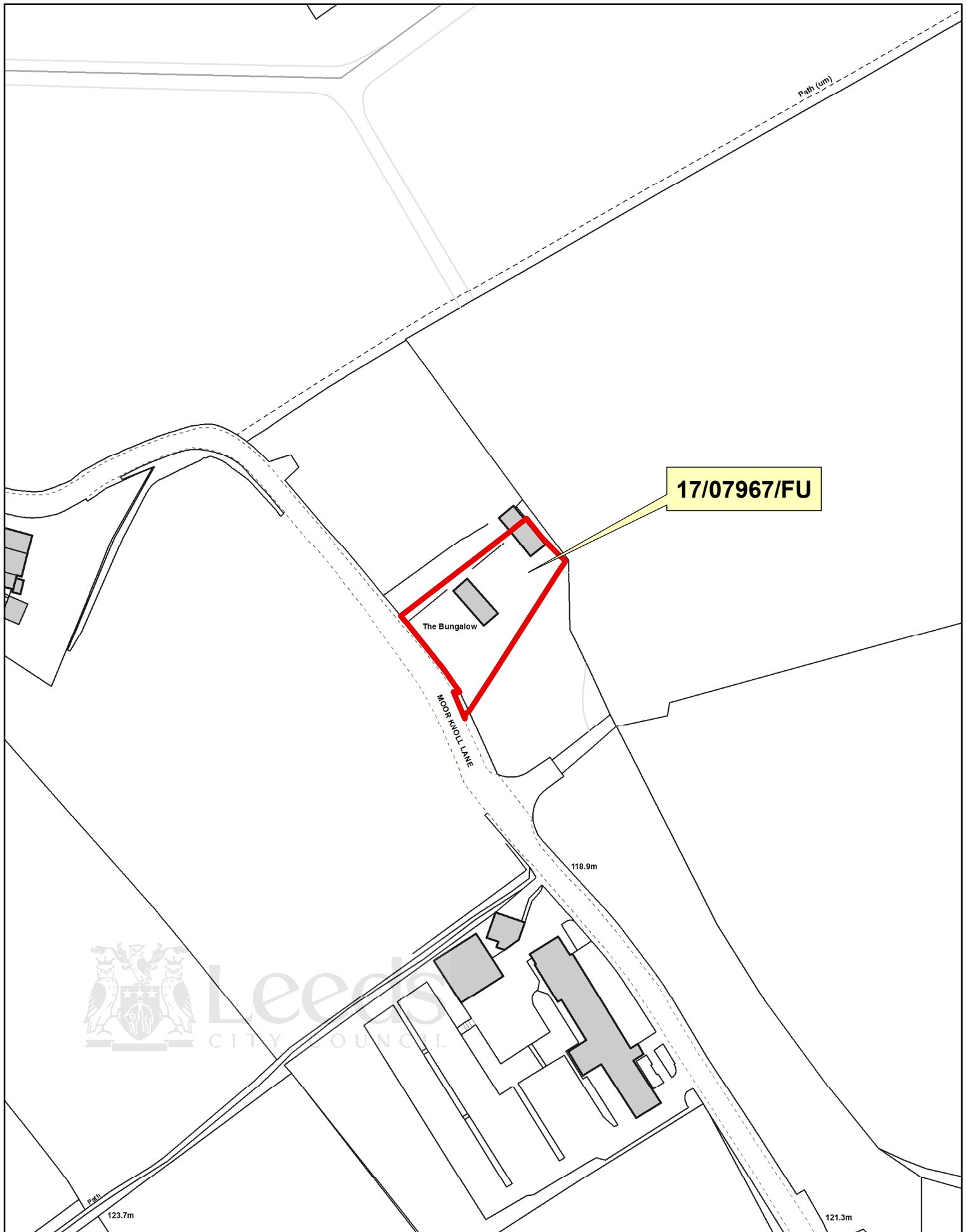
DRAWING Proposed site plan:

DATE Feb 2018

SCALE 1:200

NUMBER 17/9/8

REV.



SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500

