



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 7<sup>th</sup> June 2018

Subject: 18/01519/FU – Two storey rear extension at, 43 New Sturton Lane, Garforth, LS25 2NW

**APPLICANT**  
Mr G Driver

**DATE VALID**  
6<sup>th</sup> March 2018

**TARGET DATE**  
1<sup>st</sup> May 2018

#### Electoral Wards Affected:

**CROSSGATES AND WHINMOOR**

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. Time limit on full permission;
2. To be built in accordance with the submitted plans
3. Materials to Match
4. No insertion of side facing windows
5. Side windows to be obscure glazed

## 1.0 INTRODUCTION

- 1.1 This application seeks planning permission for the construction of a two storey rear extension. The application has been brought to Plans Panel at the request of Ward Councillor Dobson due to concerns regarding the impact upon the character of the area. Concerns about the impact on the neighbours are also raised. A senior officer review has also been carried out in light of the representations made by Councillor Dobson which has concluded the development complies with the council's adopted planning policies and guidance and that planning permission should be granted.
- 1.2 As will be outlined below it is considered that the proposal accords with the relevant policies and guidance and thus is recommended for approval.

## **2.0 PROPOSAL:**

- 2.1 As noted above the application seeks permission for a rear extension. This will involve the removal of the existing conservatory and the construction of a two storey rear extension. This builds partly over the existing single storey rear extension and will stretch the full width of the rear elevation, be approx. 3.4m in depth and a hipped roof is proposed. One new ground floor rear window is proposed and two new first floor windows. It would be set 1m away from the common boundary with no. 6 Braemar Drive.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to a two storey, detached dwelling located just off New Sturton Lane in Garforth. The dwelling is constructed from brick and has tiled, gabled roof. The house is located just off New Sturton Lane and accessed via a small drive serving three dwellings, with the housing to the north accessed via a private drive coming from Braemar Drive to the north. The house is set back from the highway behind a small front drive with parking to the side. A domestic garden is located to the rear and enclosed by a mixture of fencing and vegetation.
- 3.2 The wider area is primarily residential and broadly characterised by detached and semi-detached gabled dwellings. The houses in the immediate vicinity have a staggered siting and many of the properties in the locality have been extended in some form.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 33/135/99/FU Single storey rear extension and porch to side  
Approved

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 At the request of officers the roof of the extension has been hipped to lessen the massing of the extension.

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

- 6.1 The application was advertised by neighbour notification letter on 16<sup>th</sup> March. Multiple representations have been made by the neighbour from 6 Braemar Drive who lie to the north raising concerns about overshadowing and loss of light to a side porch, and garden, their comments are maintained despite the revision to the scheme.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 None

## **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. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds

Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), The Aire Valley Area Action Plan and any made Neighbourhood Development Plan.

### Local Planning Policy

8.2 The following Core Strategy policy is relevant to the proposal:

P10 Seeks to ensure that new development is well designed and respect its context.

The following saved UDPR policies are also relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6: Seeks to ensure that development proposals respect the scale, form and detail of the original building.

BD5: Seeks to ensure new development protects amenity.

8.3 The following SPD's/SPG's are also relevant:

Householder Design Guide – policies HDG1 and HDG2. The HDG sets out that as a general rule of thumb two storey rear extensions when sited on a common boundary should not project more than one metre beyond the rear of the neighbouring property. It also sets out this extent of projection may be increased where the extension is set away from the common boundary. This explanatory text informs the interpretation of the relevant policies set out in the HDG and UDP.

### National Planning Policy

8.3 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.4 The introduction of the NPPF 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. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF. Draft revisions to the NPPF are currently being consulted upon; at the present time these carry little weight.

8.5 The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that all pre-commencement conditions are agreed in advance with applicants.

## 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 improving the character and quality of an area and the way it functions, should not be accepted”. Policy P10 of the Core Strategy seek to ensure that new development is of high quality and is appropriate to its context and this is also reflected in saved UDP policies GP5 and BD6 and policy HDG1 of the Householder Design.

10.2 As noted above the application dwelling is a two storey, detached property which is located within a residential area, largely characterised by two storey, gabled properties. It is noted that Councillor Dobson has raised concerns regarding the impact upon the character of the area. However, the extension is located to the rear of the dwelling, within the domestic garden, and is a modest addition which wholly reflects the simple, gabled vernacular of the application property. The materials to be used, the window proportions and the general form are all in keeping with the existing house. The proposal will not adversely affect the house’s spatial setting in that a reasonable degree of separation is maintained to the neighbouring dwellings and a generous rear garden remains. It is also noted that many houses in the area, have been extended and so the original form and layout of the wider area has evolved over the years. As such it is considered that development is in keeping with the character of the dwelling and the wider area and will not cause harm to the visual amenity of the area. For these reasons it is considered that the proposal complies with policies BD6 and HDG1.

### Residential Amenity

10.3 Policies GP5 and BD5 (UDPR) note 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 overdominance, overshadowing or overlooking will be strongly resisted”.

10.4 Concern has been raised by the neighbour whose property lies to the north-east that the proposed extension will cause harm through the loss of light to the rear garden and a side porch area which is well used as a seating area. The neighbour states that the side window and glass door/porch to the kitchen/diner will be overshadowed causing a significant loss of light to that room. However, these are a secondary source of light and outlook from this room with the primary window facing over the rear garden. At two stories in height the extension does add a reasonable degree of additional mass in proximity to both immediate neighbouring gardens. However, this said, the application property is set forward of both neighbours, and thus the proposed rear extension barely projects (1m beyond the rear of the main body of no.6) beyond the neighbouring rear elevations, and when the distance retained to the boundaries is taken into consideration, it is not

considered that the two storey extension can be said to unreasonably overdominate neighbouring rear windows nor the rear garden area. Despite being located to the south west of 6 Braemar Drive, the existing staggered relationship means that the impact through direct overshadowing is also very limited and is not considered to cause unreasonable harm.

- 10.5 The extension will result in some loss of direct sunlight to the kitchen/diner and the rear garden during the afternoon, and this will have some impact upon the amenity of the occupiers of 6 Braemar Drive. However, whilst this impact is noted, it must also be acknowledged that for permission to be refused the impact must be unreasonably harmful. The loss of some sunlight for a small portion of the day is not considered to represent so harmful an impact that refusal would be warranted. When coming to this conclusion regard has been had to the fact that the resultant relationship between the houses is very similar to that which exists across the city and accords with the guidance set out in the HDG.
- 10.6 The application does include new first floor rear facing bedroom windows which will allow oblique views across neighbouring gardens, however such views are common within residential contexts and cannot be said to cause unreasonable harm. The distances retained to the dwelling to the rear is sufficient to prevent harmful levels of overlooking. The introduction of first floor side facing windows could be harmful, however, it serves a bathroom and a condition will be added for it to be obscure glazed to prevent any overlooking issues.
- 10.7 As such the application is acceptable in this regard it is considered that the proposal complies with policies that seek to protect residential amenity, GP5, BD5 and HDG2.

## **11.0 CONCLUSION**

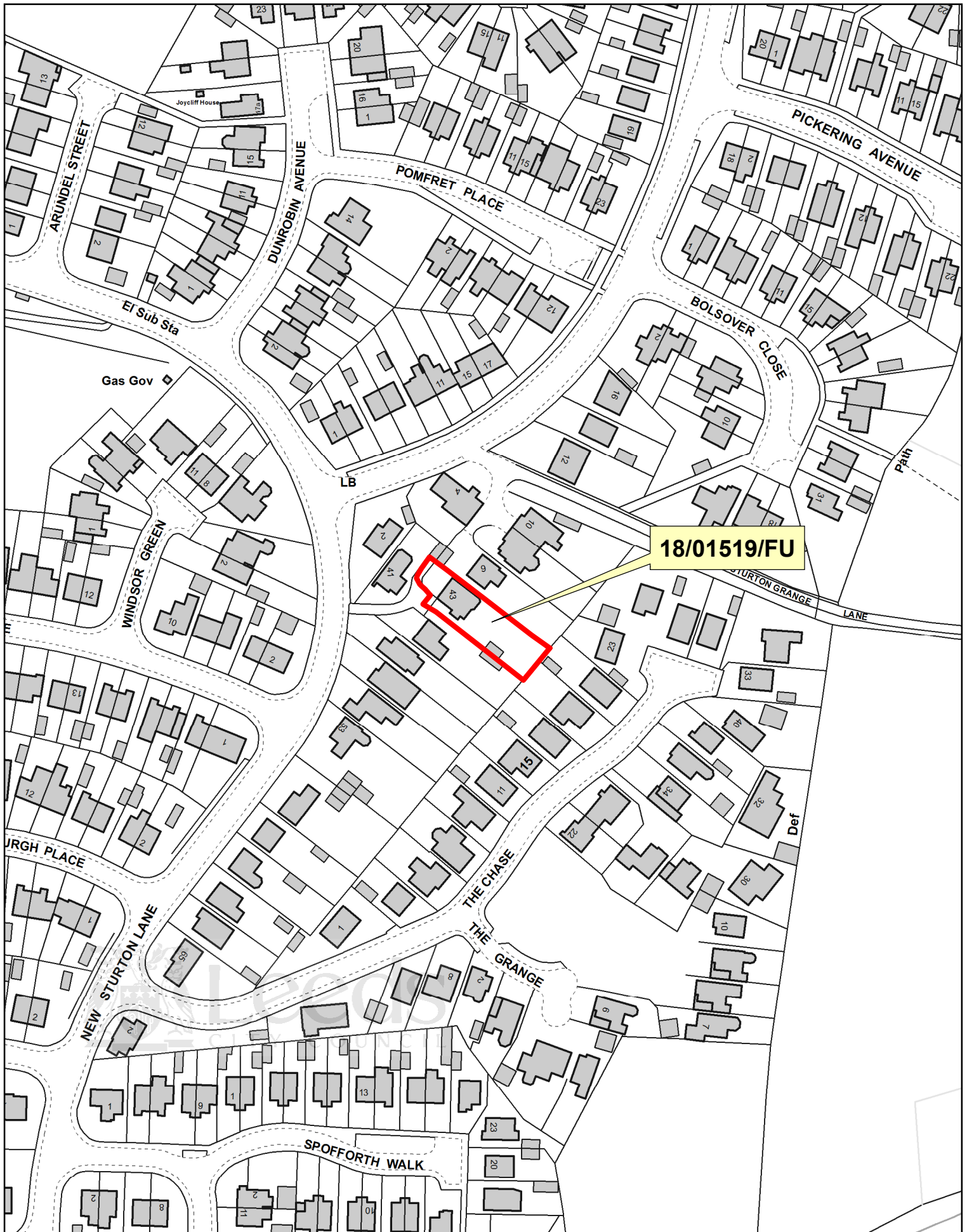
- 11.1 The application is therefore considered to be acceptable. The extension is considered to be an in keeping addition that will not harm the character of the dwelling nor the wider area, and will not have an unreasonably harmful impact upon near neighbours.

### **Background Papers:**

Application files

18/01519/FU

Certificate of ownership: Certificate A signed by the agent



# NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2018 Ordnance Survey 100019567

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

SCALE : 1/1500

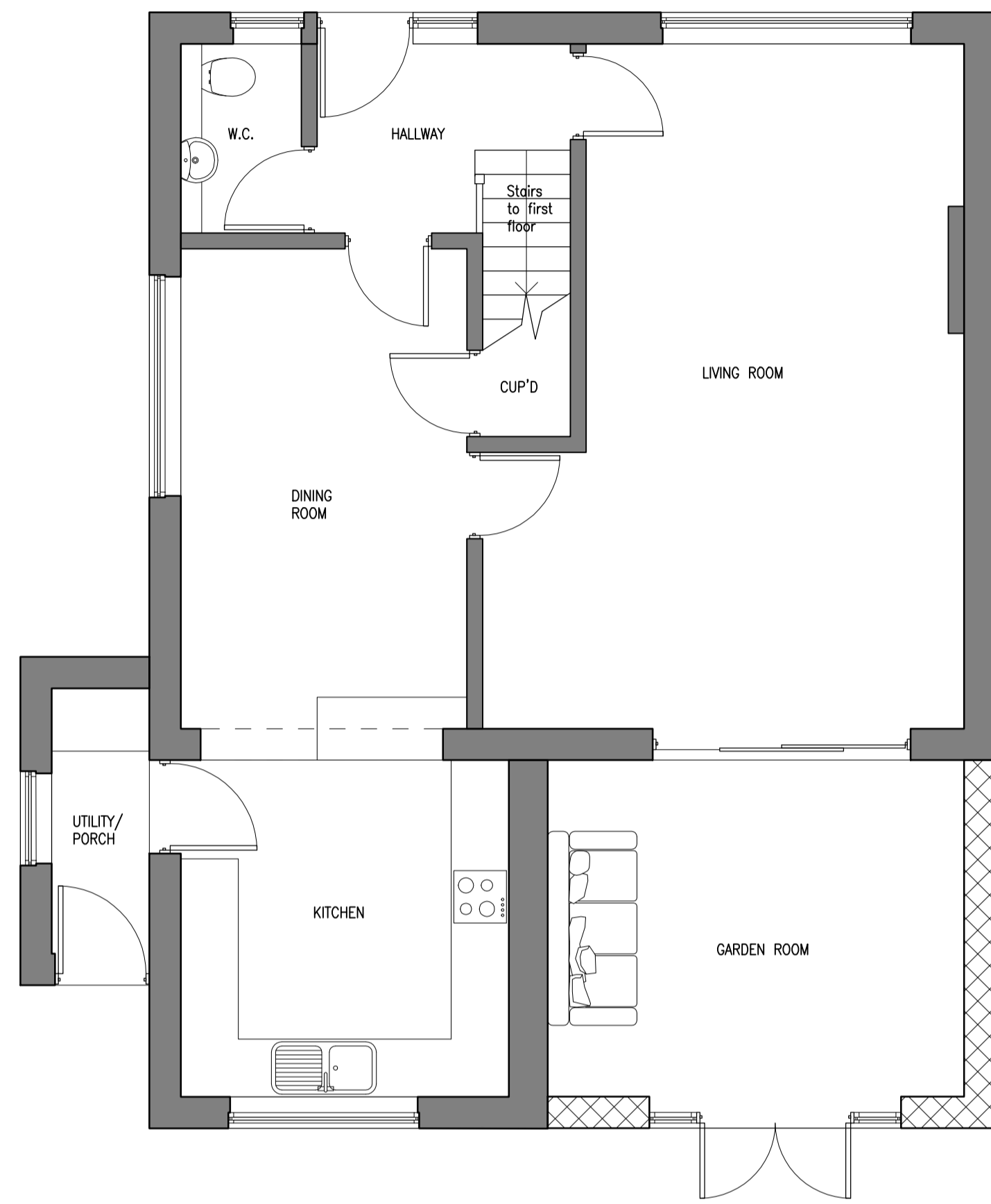


**NOTES**

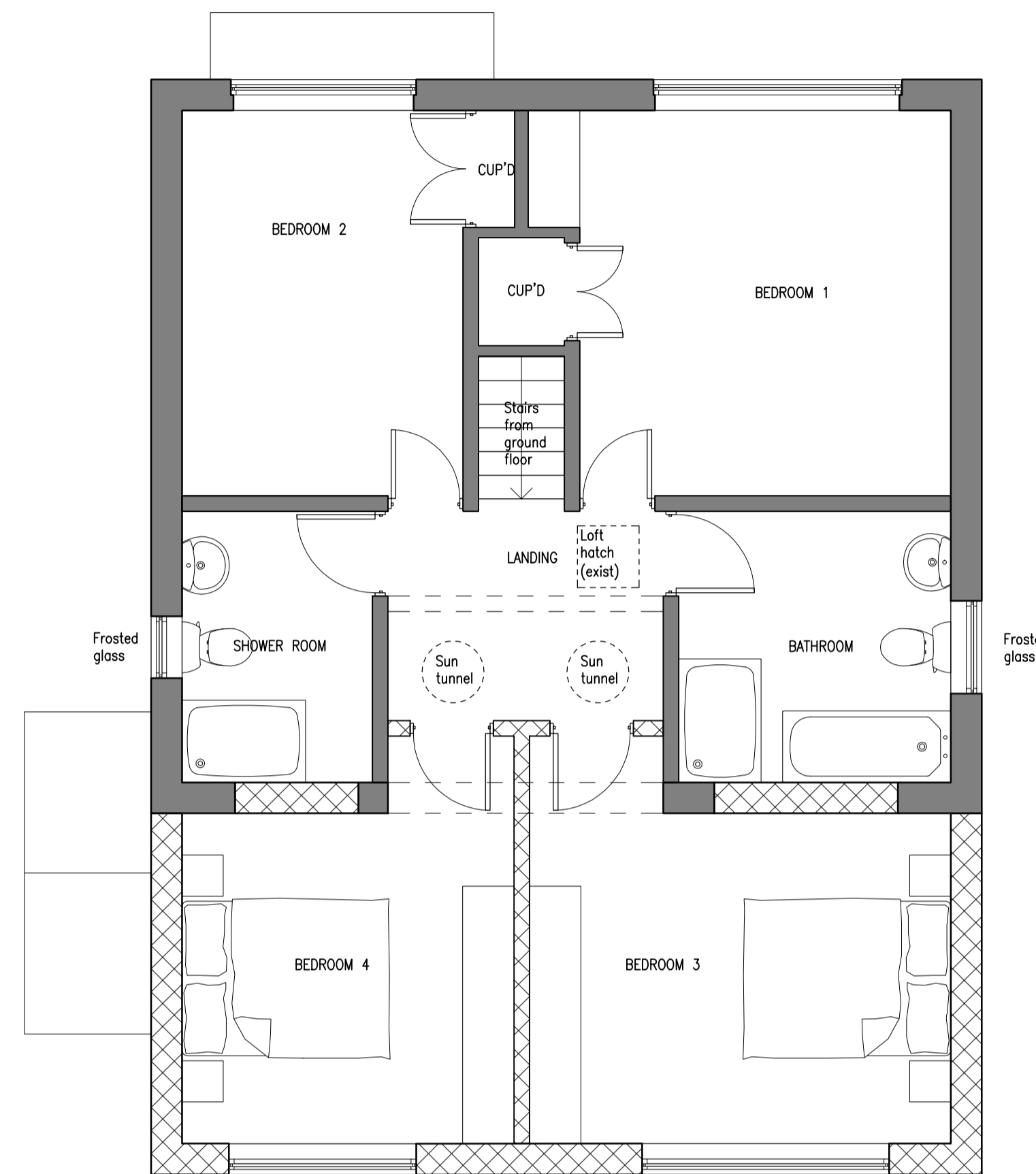
- PLEASE DO NOT SCALE FROM THIS DRAWING
- MAIN CONTRACTOR TO CHECK ALL MEASUREMENTS ON SITE PRIOR TO CONSTRUCTION.
- THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED VIA THE ORDINANCE SURVEY PLAN AND SUBJECT TO A DETAILED SITE SURVEY.
- THE LAYOUT OF THE GARDEN IS AN INDICATION ONLY. ALL MEASUREMENTS (POSITIONS OF WALLS, PATHS, MANHOLES) MUST BE CHECKED ON SITE AND NOT TAKEN FROM THIS DRAWING.
- STRUCTURAL ENGINEER TO PROVIDE ALL STRUCTURAL DETAIL DESIGN AND CALCULATIONS, WHERE REQUIRED.
- MAIN CONTRACTOR TO ENSURE ALL MECHANICAL AND ELECTRICAL SPECIFICATIONS ARE IN LINE WITH APPROVED DOCUMENTS PARTS B, L, F & P AND INSTALLED BY COMPETENT PERSONS.
- ALL NEW LIGHTING TO USE ENERGY EFFICIENT BULBS (WITH APPROPRIATE IP RATINGS FOR BATHROOMS & EXTERNAL USE).

**KEY**

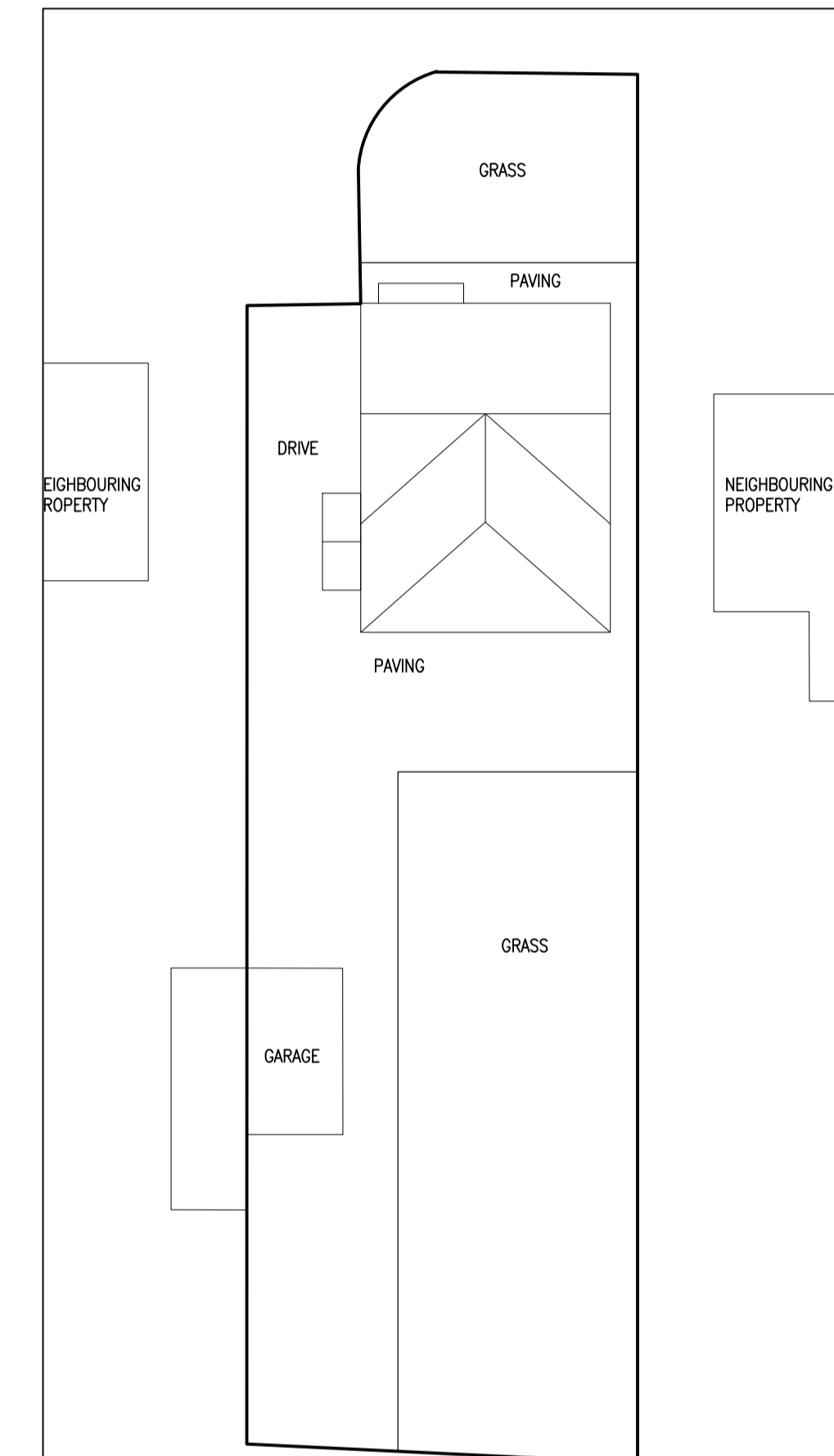
- EXISTING WALLS RETAINED
- EXISTING WALLS REMOVED
- NEW WALLS BUILT



PROPOSED GROUND FLOOR PLAN 1:50



PROPOSED FIRST FLOOR PLAN 1:50



PROPOSED SITE PLAN 1:200

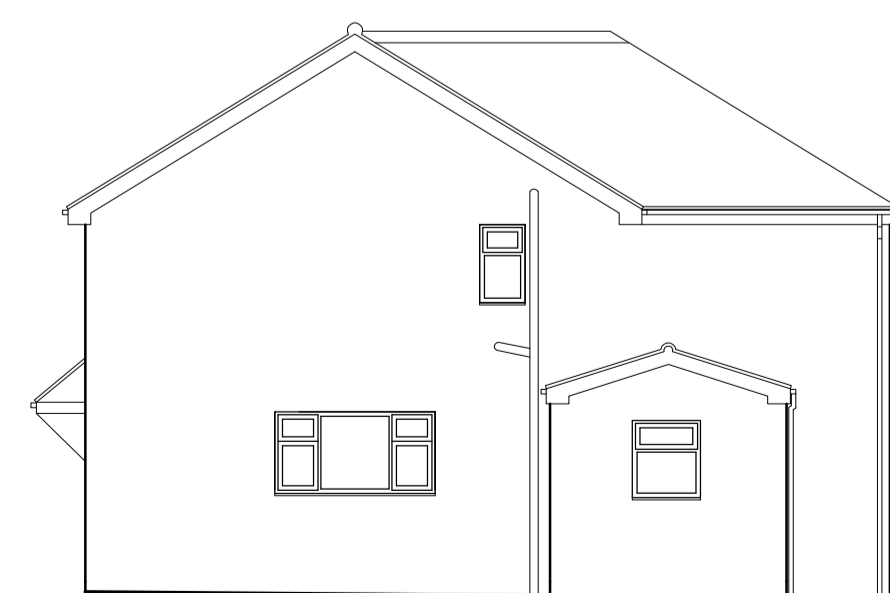
**OUTLINE EXTERNAL MATERIALS**

- WALLS - BRICK
- ROOF - TILES
- WINDOWS - UPVC
- GUTTERING & DOWNPIPES - UPVC

ALL NEW MATERIALS TO MATCH EXISTING WHERE POSSIBLE.



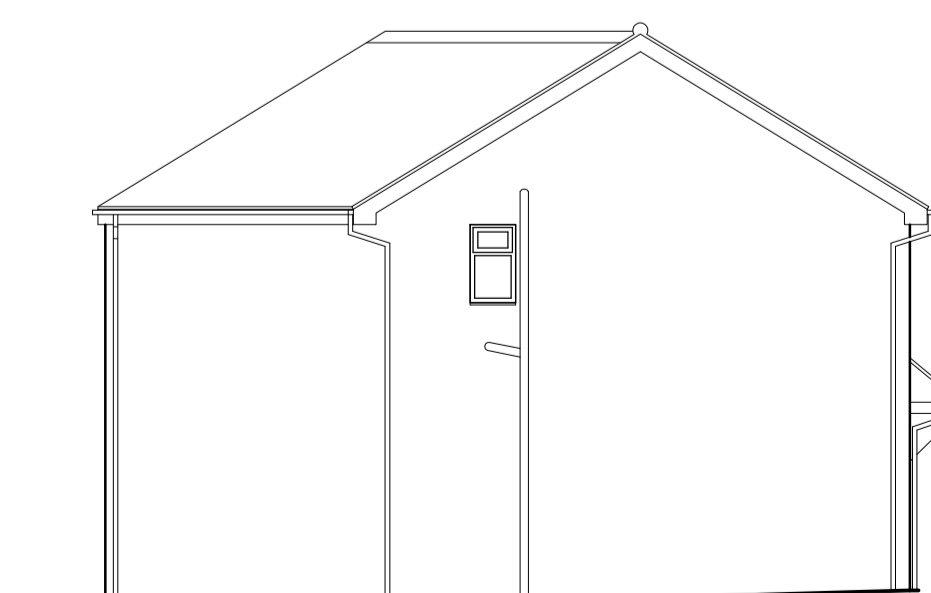
PROPOSED FRONT ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100



PROPOSED REAR ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100

**FOR DESIGN / PLANNING**

- REVISIONS**
- A 01-02-18 REDESIGN TO INCLUDE 2 STOREY EXTENSION FULL WIDTH OF HOUSE
  - B 12-02-18 MINOR AMENDMENTS TO FIRST FLOOR LAYOUT
  - C 28-02-18 WALL BETWEEN BED 3 & 4 AMENDED
  - D 05-03-18 WINDOWS TO BED 3 & 4 AMENDED
  - E ROOF STYLE UPDATED FOLLOWING PLANNING COMMENTS.

**PROJECT**  
43 NEW STURTON LANE, LEEDS

**DRAWING TITLE**  
PROPOSED PLANS AND ELEVATIONS

**DRAWING NO** 371- 002 **SCALE** VARIES@A1

**DRAWN BY** J. BUTTERWORTH **DATE** 08-12-17

Studio J Architects  
Duke Studios  
3 Sheaf Street  
Leeds  
LS10 1HD  
Tel: 0113 2449905  
www.studio-j.co.uk

**Studio J**  
Architects