



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 5th July 2018

Subject: 18/01883/FU – Raising ridge height, two storey and single storey extensions to front, side and rear with Juliet balcony to rear, dormer windows to front, alterations to boundary treatment at 50 Roper Avenue, Gledhow Leeds LS8 1LG

APPLICANT	DATE VALID	TARGET DATE
Mr & Mrs R & J Pinder	27 th March 2018	22 nd May 2018

Electoral Wards Affected:

Roundhay

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. Development carried out in accordance with approved plans
3. Materials to match
4. Trees/ Hedges shown to be retained to be protected
5. Submission of Arboriculture Method Statement
6. No new windows in the side elevations of the extensions.
7. Implementation of a Landscape Scheme
8. Tree protection
9. Permitted development rights for extensions and out buildings removed
10. Details of the front boundary treatment to be submitted
11. The garage within the site will be demolished prior to works being completed on site
12. Details of any new walls and fences to be submitted

1.0 INTRODUCTION

1.1 The alterations proposed will convert this bungalow into a two storey dwelling. This application has been brought to Plans Panel at the request of Cllr J Goddard. The following concerns have been raised;

- The proposal is too large for the plot and will be overbearing, over dominant and out of context in the street.
- There are a number of trees in close proximity of the site, which are protected due to their location within the Conservation Area. Residents were advised that such a substantially bigger building would require deeper and bigger foundations which would undoubtedly affect the roots of these trees and cause them damage.
- There are concerns that parking is increasingly a problem on Roper Avenue as the street is narrow. This is particularly acute at the cul-de-sac end of the street as there is no turning circle and residents are not convinced that there is room to park three cars in the way that it is shown on the plans.

1.2 The request sets out material planning considerations that give rise to concerns affecting more than neighbouring properties and therefore it is appropriate to report the application to Panel for determination.

2.0 PROPOSAL

2.1 The application proposes to alter the existing bungalow to form a two storey dwelling. The submitted block plan shows that parts of the original building will be retained as part of the scheme. The resulting extensions will increase both the height and the width of the bungalow. Following the alterations, the footprint of the dwelling would measure approximately 10.6 by 13.2m. Whilst the measurement of the footprint of the existing bungalow is around 8m by 9m. The proposed dwelling will measure 8.3m in height, making it around 2.1m taller than the existing building. The proposal will feature two dormers to the front and will have a pitched roof.

2.2 The driveway and access is also shown to be modified, no details of this has been given; but as the works appear minor and do not raise any material planning concerns these details can be secured via conditions.

3.0 SITE AND SURROUNDINGS

3.1 The application site is located on Roper Avenue, Leeds, LS8 1LG and falls just outside the boundary of the Roundhay Conservation Area, which is located to the west. The application site is located at the end of a residential cul-de-sac, where the immediate dwellings are generally two storey semi-detached dwellings of similar design but the materials of the dwellings vary. There are however some dwellings within the street that have a much more of a bespoke design with pitched roofs. The style and form of the dwellings on the street become much more varied the street further away from the site.

3.2 The application property features a reasonably size garden which is enclosed by trees and shrubs. The trees along the eastern boundary are located within the Conservation Area boundary and therefore benefit from protection. These trees and shrubs, screen the site from the Conservation Area and therefore currently the application site results in a limited impact upon the character of the Conservation Area. Dwellings adjoin the garden of the application site on all sides. There is a level

difference between application site and the adjacent dwelling No. 48, with the adjacent dwelling being set 0.5 lower than the host dwelling.

4.0 RELEVANT PLANNING HISTORY:

4.1 None.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Following comments made by the Landscape Officer that the proposal may have an adverse impact upon the trees and shrubs within the site, the applicant was advised to carry out an impact assessment and a tree survey. These documents have been submitted.

5.2 Concerns were also raised by Officer's that the first floor windows in the rear elevation would overlook the dwelling beyond the rear boundary. After discussions with the applicant the depth of the first floor area was reduced so that and gap of 7.5m is retained from the rear boundary of the site.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was originally advertised by Neighbour Notification Letters that were sent 27.03.2018. Following revised plans being submitted the scheme was re-advertised on 09.04.2018 and on 21.05.2018.

6.2 12 objection letters have been received. The following concerns have been raised:

- The hedges along the boundaries of the site should not be altered
- The proposal will raise overlooking issues.
- The remaining garden space would not be adequate for this family home
- Trees will be damaged, pruned and removed would harm the character of the area
- Overdevelopment of the site
- No references made with regards to the trees within the site
- Drainage issues
- The proposal will harm the character of the area
- Overshadowing / dominance/ loss of light
- The plans are inaccurate
- The lack of information on the plans makes it difficult for the application to be properly judged.
- The proposal will overshadow and over-dominate neighbouring dwellings.
- The proposal is contrary to national and local planning policy guidance
- PD rights is not a fallback position
- The parking spaces are substandard and would raise highway safety issues.
- The amended plans do not overcome the issues raised by neighbours
- The elevations plans does not correspond to the reduction in the depth of the scheme that was made under the revised plan
- The level differences between the site and the neighboring sites have not been accurately shown on the plans

6.3 Cllr Goddard has raised the following concerns with the scheme;

- The proposal is too large for the plot and will be overbearing, over dominant and out of context in the street.
- Impact of the scheme on existing trees.
- On street parking.

7.0 CONSULTATIONS RESPONSES:

7.1 Landscape Team - The proposed house footprint in relation to the site is certainly 'tight for comfort' spatially. It is questionable that there are sufficient grounds for objection on tree grounds alone in terms of increased risk arising from the proposal. If the overall planning balance supported the proposal, it should be possible with an appropriate Arboricultural Method Statement for the leafy boundary of the adjacent Conservation Area to the east to be maintained - albeit with some moderate pruning, conscientious developer commitment and with arboriculturist supervision and input. See paragraphs 10.10 to 10.13 below.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.

Development Plan

8.3 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 development plan.

The application site has no specific allocations or proposals other than being adjacent to the Conservation Area.

Adopted Core Strategy

8.4 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered most relevant:

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

Policy P11: Seeks to ensure developments that affect designated and undesignated heritage assets conserve and enhance local character

Policy T2: Accessibility requirements and new development

Saved UDP policies:

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

Policy LD1: Seeks to ensure that development is adequately landscaped

Policy N23: Refers to open space and the retention of existing features which make a positive visual contribution.

Policy N25: Refers to boundaries around sites

Policy N19: Developments within or adjacent to conservation areas.

Relevant Supplementary Planning Guidance includes:

- 8.6 Supplementary Planning Guidance “Householder Design Guide” – that includes guidance that the design and layout of new extensions and that they should have regard to the character of the local area the impact on their 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.

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.

- 8.7 Roundhay Conservation Area Appraisal – tree planting is identified as a key element of the conservation area in general and the area west of Roundhay Park.

- 8.8 Roundhay Ward Neighbourhood Design Statement (adopted as supplementary guidance) – Character Area 7 Gledhow – “The sweep of beeches and leafy verges give Gledhow its principal appeal.”

National Planning Policy (NPPF)

- 8.8 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 and promotes sustainable (economic, social and environmental) development. NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

- 8.9 In relation to heritage assets The NPPF states that the Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary

expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para's 132 and 138 of the NPPF with regards to Heritage Assets states that,

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

8.10 Guidance on conditions is provided within the Planning Policy Guidance (NPPG).

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Design and Character
- 3) Impact on the Conservation Area
- 4) Impact on trees
- 5) Residential amenity
- 6) Garden Space
- 7) Parking
- 8) Public Representations

10.0 APPRAISAL

Principle of Development

10.1 The bungalow is located within a street where the majority of the dwellings are two storey structures and that there is a variation in the design of dwellings along the street. Moreover the application bungalow is arguably a structure that is itself out of keeping with its immediate vicinity, as it is the only bungalow. There is therefore no material planning reason why the change of the character of the plot through the conversion from a bungalow to a two storey dwelling is not acceptable in principle.

10.2 The issue has been raised by objectors regarding the policy relating to the usual requirement for extensions to be subservient and to respect original property. Clearly in this case the scheme, if allowed will totally transform the character of the property leaving little if anything behind of that original character. This is the limitation of such a policy and its application where the character of the application site is to be retained such as the erection of a two-storey side/rear extension to an existing dwelling. Where all other material considerations are met the change in character of the dwelling, so long as it affords a coherent design to the street and is otherwise not out of keeping with its location, is considered an acceptable approach. Had the applicants been seeking to simply extend the bungalow but retain its character as a bungalow, then the policy of keeping the extensions subservient would be given more weight.

Design and Character

- 10.3 The main concern with this scheme is whether the transformation, from a bungalow to a two storey dwelling, would otherwise adversely impact on the street scene generally. Given that the street features some dwellings that are of a varied design and that the existing building on the site is unlike any other dwelling in close proximity to the site, there is some flexibility that can be afforded to the design of the dwelling on this plot. It is considered that the dwelling proposed is of a good design and will be of a simple traditional form with a pitched roof and will be built using traditional materials and fenestration. Similar to the majority of the dwellings on the street, the proposed structure will have a two storey scale and will follow the established building line of the dwelling. Therefore, it is not considered that the proposed design and scale of the dwelling will harm the character of the area.
- 10.4 The dormers proposed are of a reasonable scale that appear subordinate to the main building and whilst also taking into account the location at the end of the cul-de-sac and not particularly prominent from public view, it is considered that the front dormers will not harm the character of the area.
- 10.5 The dwelling proposed will be taller than the adjacent dwelling because of a difference in ground levels. Due to the varied character of the dwellings on the street and the site not occupying a prominent position on the street, and in particular because of its location at the end of a cul-de-sac, it is considered that the difference in the heights between the proposal and the adjacent dwelling will not harm the character of the area.
- 10.6 Gaps between dwellings on the street is an important character of the area, and it is considered that the 1.2m gap the first floor area of the proposed dwelling will retain from the adjacent common boundary with No.48 and the 7.4m gap from the side elevation of the No.48 itself, is considered adequate to ensure that the proposal will uphold the spatial character of the area and the proposal will not appear as an over-development of the site. It is noted that very little gap to the common boundary will be left at ground level and that the neighbouring dwelling have obtained permission for a single storey side extension which will result in the gap at ground level being substantially closed. As the developments that occur at ground level generally do not appear prominent from the street, the impact from such developments upon the overall character of the streetscene would be minimal and certainly not harmful.
- 10.7 A new driveway is proposed as well as modification to the front boundary. The modifications proposed to the front are minor, and should not harm the character of the area. Details of the works to the boundary can be conditioned, so as to ensure that these works are carried out sensitively without any harm being caused to the character of the area.
- 10.8 On the whole, it is considered that the proposal is of a good design and will not harm the character of the area. Therefore, the proposal will comply with Policy P10 of the Core Strategy, which seeks to ensure that new development is well designed and respect its context, and with saved Policies GP5 and BD6 which seeks to ensure buildings are designed with consideration given to both their own amenity and the amenity of their surroundings.

Impact on Character of Conservation Area

- 10.9 There will be limited views of the dwelling available from the adjacent Conservation Area with much of the dwelling being screened by the mature landscaping that will be largely retained (see 10.10 to 10.13 below). The Conservation Area Appraisal

and Neighbourhood Design Statement identify mature planting as a key characteristic of the area. Therefore, it is not considered that the proposal will harm the character of the adjacent Conservation Area and that the proposal will comply with policy P11, Saved Policy N19 and with the Roundhay Conservation Area Appraisal, which advises that new developments should protect and, or, enhance the character of the Conservation Area.

Impact on Trees

- 10.10 The proposed dwelling will be located close to the trees present along the eastern boundary. The more significant trees along the boundary of the site are B grade Holly (Tree Survey reference T3, which is part of protected group G3 under TPO 1986/38) and Hawthorn (Tree Survey reference T6). Some pruning is proposed to both and incursion of the root zone of T3; also incursion into root zones of Leylandii T1 and Privet T2.
- 10.11 The Landscape Officer advises that, with an appropriate Arboriculture Method Statement which could be secured by the imposition of a suitably worded condition, it should be possible to adequately address construction phase impacts on these trees and other vegetation in order to ensure the retention of the trees. The main issue therefore, is more about future pressure on the long term survival of the perimeter trees.
- 10.12 While there will be an increase in house height and footprint, and taking into account the tree species and in relation to the proposed house footprint, it is considered that on balance, the pruning proposed to accommodate the construction phase is considered reasonable and it is anticipated that Holly T3 would not be jeopardised in the longer term.
- 10.13 The Landscape officer has sought confirmation on the trees that are proposed to be removed along the rear boundary. However, as these trees are not protected in any way, and are unlikely to be impacted due to their remoteness from the actual development itself, they can be removed at any time and therefore it is considered that it would be unreasonable to seek to control the possible removal of these.

Residential Amenity

- 10.14 The proposal will result in a larger mass of walling being constructed close to the adjacent dwelling No. 48 Roper Avenue, The occupant of which has objected to the scheme on the basis that the proposal will unduly harm living conditions by way of overshadowing and dominance. No.50 is set to the east of No.48.
- 10.15 Much of the additional massing that will be created, will be set close against the side of a detached garage and the side elevation of No.48 which does not feature any prominent windows. There is however a two storey element will project approximately 4.8m (as scaled from the submitted plans) beyond the rear wall of No.48 and will be visible from its rear garden of No. 48. The first 2.3m (as scaled from the submitted plans) of the 1st floor element of this rearward projection is shown to be set off the common side boundary by approximately 1.2m. To address concerns in respect of overshadowing and dominance from the extension, the first floor area of the remainder of this part of the extension is shown to be set approximately 2.6m away from the common side boundary. This separation distance, in combination with the orientation of the dwellings (No.50 is located to the east of No.48), is considered adequate to ensure that the first floor area will not raise significant issues of overshadowing or dominance. As it is located to the east

of No.48 it is likely that any overshadowing will be limited to parts of the morning. The ground floor element of the extension will be set close to the common boundary. As this is a single storey element, it is considered that by itself it will not be overly dominant to No. 48. There may be some overshadowing but this will be over a relatively small area of the side garden of No.48, which is considered less usable and the applicant has considered erecting a single storey extension on this section of the garden. Furthermore, a larger area of the garden will remain unaffected by the development in this regard. The extension will be set 6.9m away from the habitable room windows in the rear elevation of No.48 which is considered sufficient to ensure that the proposal, will not to harm internal area of No.48 by way of loss of outlook or dominance.

- 10.16 The occupant of No.48 has pointed out that the ground level of the application site stands higher than the ground level at No.48 and that No.48 has permission to build a single storey side and rear extension. Some of the plans submitted by the applicant show the approved single storey extension, and this scheme has also been assessed in the event that the approved extension at No.48 is completed. In the event that the extension approved at No.48 is completed it is considered that the proposed scheme would still be acceptable in planning terms and would not be harmful to the amenity of No.48. The approved extension, if erected, would rather ease some of the concerns with the scheme. As any overshadowing that occurs would fall over the extension as opposed to garden area. It is considered the differences in ground levels of approximately 0.5m that exists between the application site and No.48, does not result in the proposed dwelling appearing unduly dominant nor would this level difference cause harm by way of dominance.
- 10.17 In relation to the dwellings of The Drive that are to the east of the site, the proposed dwelling would be set adjacent to the rear gardens of Nos. 57 and 59. These gardens are approximately 32m deep and feature mature trees and shrubs along their boundary. It is considered that the vegetation along the eastern boundary will screen much of the development from the dwelling to the east, and therefore the proposal will not appear dominant nor will it significantly overshadow the neighbours to the east.
- 10.18 The proposed windows in the rear elevation will not offer unacceptable views of the private areas of the neighbouring dwellings. Whilst the dormer windows will offer views to the rear most section of garden areas of the adjacent dwelling to the east, much of the views will be obscured by the vegetation that exists along the boundary and therefore it is not considered that the proposal will unduly harm the privacy of the occupants of these dwelling. It is considered that the views out the ground floor windows in the side elevation and the rear elevation will be obstructed by the mature boundary treatment that encloses the site which includes hedges 1.8m in height and a new fence 1.8m in height.
- 10.19 The first floor windows in the rear elevation will be set approximately 7.7m away from the rear boundary which is sufficient to ensure that the garden area of the dwelling beyond the rear boundary will not be significantly overlooked and the separation distance exceeds the 7.5m separation advocated by the separation distance guidance set out within the Householder Design Guide. A distance of 18m will be kept from the proposed rear bedroom rear elevation windows of the rear elevation window of the dwelling beyond the rear boundary. This complies with the guidance within the Householder Design Guide which states;

‘The minimum distance between a main window and a secondary window should therefore normally be 18.0m (10.5m + 7.5m).’ (Page 12)

- 10.20 It is noted that the extension will not meet the Householder Design Guide advice that states that the main ground floor windows to main ground floor windows should maintain a distance of 21m. However, the dwelling proposed will be set on a similar footprint to the existing dwelling, and the line or the proposed rear elevation will be similar to rear elevation of the existing conservatory on the site. Furthermore, the 21m guidance is discussed in the section of overlooking and as there are mature trees and hedge (over 1.8m in height) that are present along the rear boundary of the site, it is not considered that the proposal ground floor elevation windows will raise issues of overlooking. On the whole, it is considered that this separation distance the proposal will maintain from the dwellings beyond the rear boundary is adequate to ensure the proposal will not significant overlook the internal or the external private areas of the dwelling beyond the rear boundary.

Garden space

- 10.21 The Householder Design Guide states that sufficient usable private garden space for the enjoyment of residents should be provided and advices that normally no more than half the existing garden space should be covered by extensions. It is considered that the proposal will leave more than half the garden area undeveloped for the use of the residence. Therefore it is considered that the garden space that will be available to the occupant of dwelling would be sufficient to meet their needs. Permitted development rights would be removed (condition 9) to ensure that no further encroachment is made over the garden area of the dwelling.

Parking

- 10.22 The scheme proposes to move the vehicle access point of the site closer to access point of No.48, it is considered that this alteration would not normally require planning permission and therefore this aspect of the scheme is not objected to and will not raise highway safety issues. Moreover, the plans show that the driveway measuring 7.3m and with a 6.7m width (at its widest point) will be provide. It is considered that size of the drive is sufficient to park two vehicles, which meets the requirements of the council's parking standards. Therefore, it is considered that the proposal will not raise on street parking issues.

Public Representation

- 10.23 Most of the material planning issues highlighted by the objectors have been addressed within the report, therefore this section of the report will cover the non-material issues and some specific concerns that may not have been covered in the report.
- 10.24 The concern raised with regards to the impact of the development on the trees and hedges, has been assessed by the council's Landscape Officer. It is considered that the important trees within the site can be protected through appropriate conditions. The hedges around the site are also proposed to be retained.
- 10.25 The comments made that the plans do not show the level differences between the site and the neighbouring sites is not accurate as the street view plans and the section plans submitted both show the differences in levels.
- 10.26 The comments made with regards to the drainage issues, are noted. As the proposal relates to a domestic extension this issue will be dealt under the Building

Regulations.

- 10.27 Comments have been made that the plans are not accurate and lack sufficient information. It is however considered that the plans are sufficiently detailed to allow an assessment of the scheme.
- 10.28 One of the objections received highlight that PD rights are not a fallback position. It is however considered that PD rights are a material consideration and the Local Planning Authority decides what weight to put to them. Notwithstanding any PD rights, in this instance, the proposal has been assessed on its merits and found to be acceptable and policy compliant.
- 10.29 The comment made that the elevations plans does not correspond to the reduction in the depth of the scheme that was made under the revised plan, is noted. However this had been addressed through the request by officers for accurate drawings to reflect this.

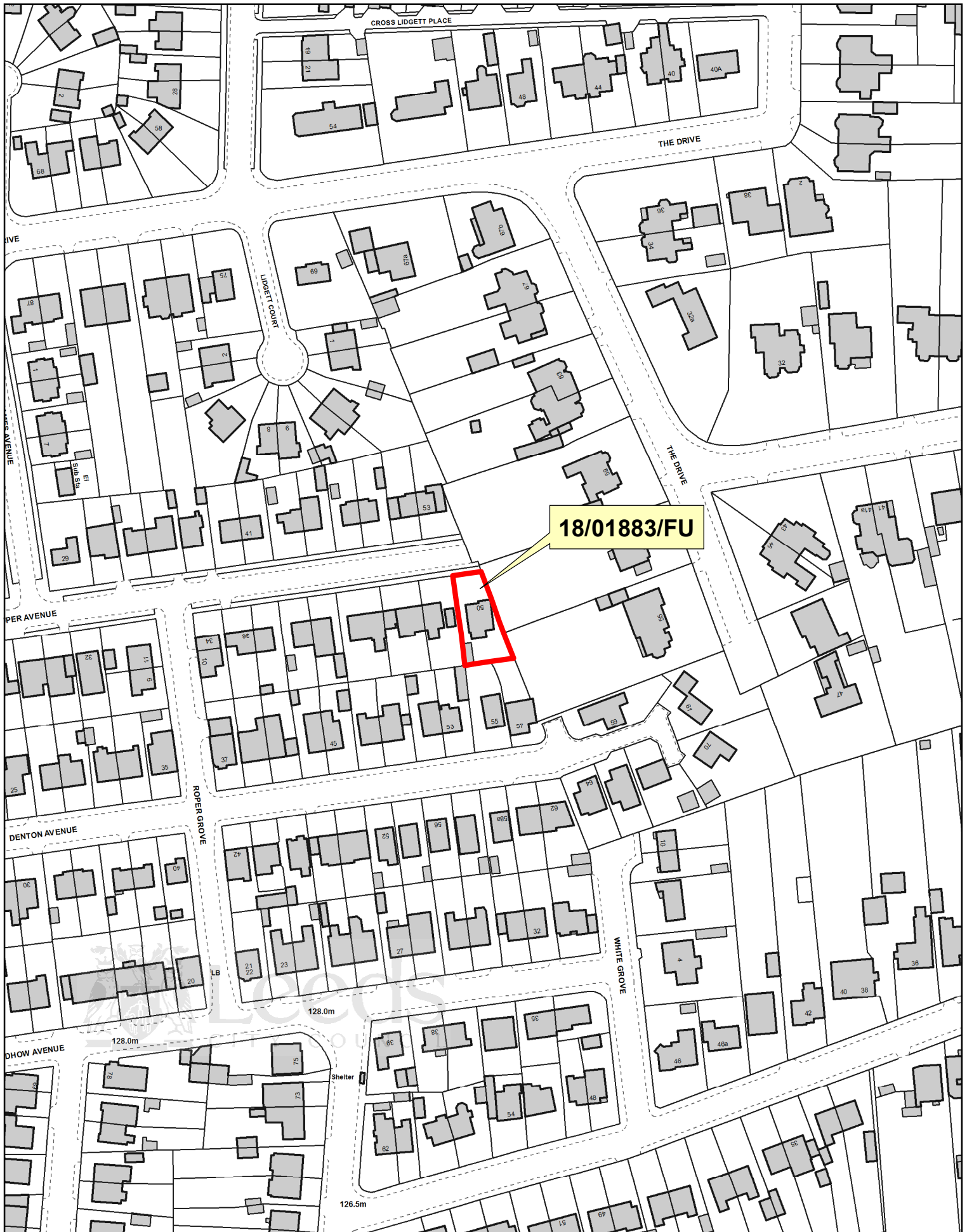
11.0 CONCLUSION

- 11.1 In conclusion, it is considered that the design, scale height and principle of the development are acceptable within the immediate context and will not harm the character or he appearance of the area generally or the adjacent Conservation Area in particular. Furthermore, the Landscape Officer has found that the proposal will not cause significant harm to the protected trees close to the site subject to the imposition of conditions. As such, the proposed scheme is considered compliant with the relevant policies and guidance detailed within this report and subject to the conditions listed at the head of this report approval is recommended.

Background Papers:

Application file: 18/01883/FU

Certificate of ownership: Certificate 'B' signed by the applicant Mr Pinder, with notice served on the owner of the site (Wendy Anne Swift).



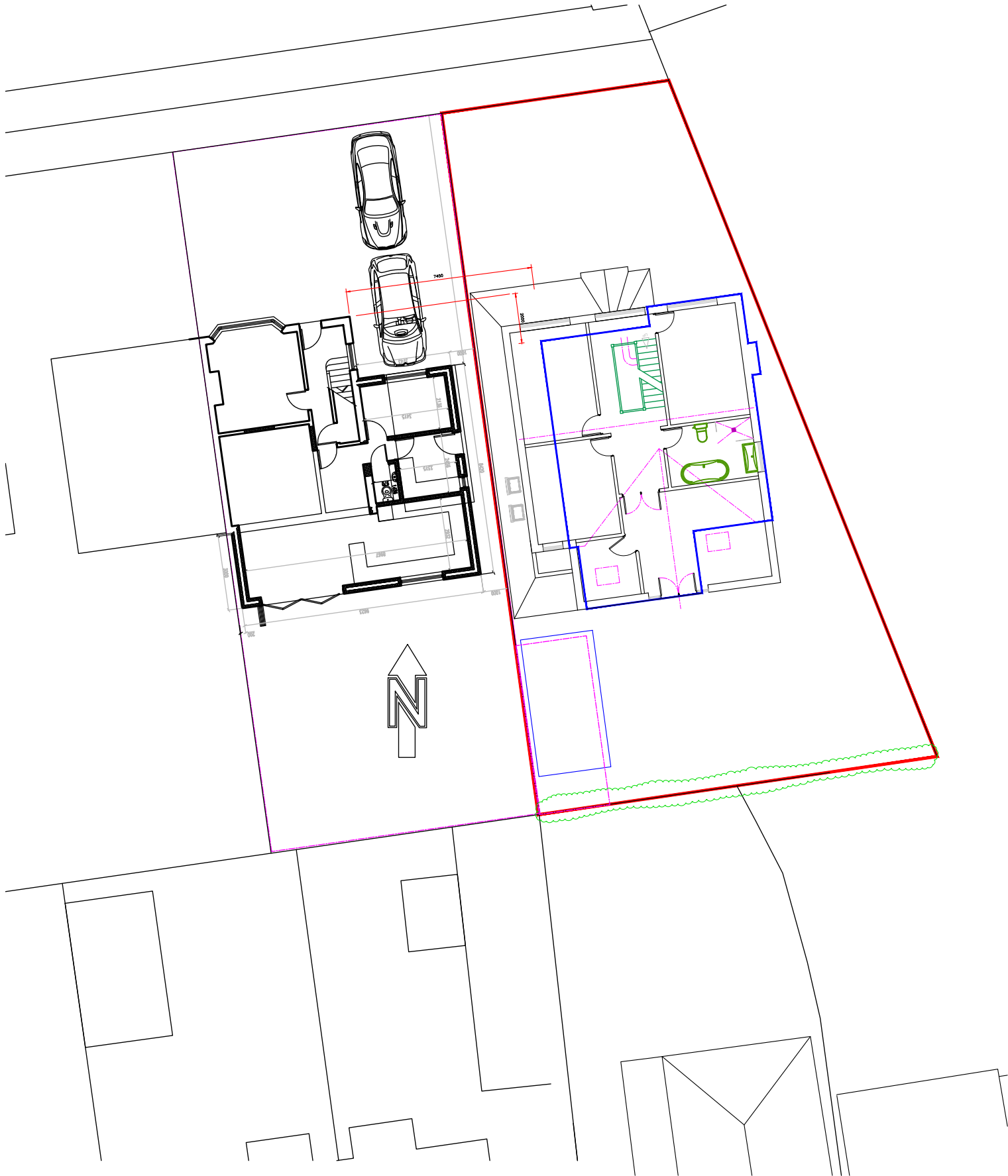
NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2018 Ordnance Survey 100019567

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

SCALE : 1/1500





CLIENT
 ROB & JENNY PINDER
PROJECT
 50 ROPER AVE. ROUNDHAY
 LEEDS LS8 1LG
TITLE
 BLOCK PLAN

SCALE 1:200	DATE 20/02/2018
DRAWN PMS	CHECKED TBA
2907	05 C