



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 16th August 2018

Subject: 18/04396/FU – First floor side extension, 56 Shire Road, Morley, Leeds LS27 0BF.

APPLICANT
Mr M Dixon

DATE VALID
9 July 2018

TARGET DATE
3 September 2018

Electoral Wards Affected:
Morley South

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Refuse permission for the following reasons:

- 1. The Local Planning Authority considers that the proposed first floor side extension, by reason of its lack of set back and set down from the existing property will fail to create a subordinate proposal to the detriment of the character and appearance of the present streetscene. The proposal is therefore contrary to Policy P10 of the Core Strategy and to saved policies GP5 and BD6 of the Leeds Unitary Development Plan (Review) 2006 and advice contained within Policy HDG1 of the Householder Design Guide.**
- 2. The Local Planning Authority considers that the proposed first floor side extension is unacceptable due to the length and location of the structure in close proximity to the neighbouring boundary of No's. 26 and 27 Harrop Terrace and results in an overdominant and overbearing feature to the detriment of the residential amenity of the occupants at those properties. As such it is contrary to Policy GP5 of the Unitary Development Plan (Review 2006), policy P10 of the Core Strategy and Policy HDG2 of the Leeds Householder Design Guide (April 2012)**

3. **The Local Planning Authority considers that the location and length of the first floor side extension, combined with the orientation of the property in relation to the neighbouring properties at No's 26 and 27 Harrop Terrace would cause significant harm to the residential amenity of those properties by way of overshadowing of their amenity space. As such it is contrary to Policy GP5 of the Unitary Development Plan Review 2006), policy P10 of the Core Strategy and Policy HDG2 of the Leeds Householder Design Guide (April 2012).**

1.0 INTRODUCTION

- 1.1 This is a full application for a first floor side extension to an end of terrace property.
- 1.2 This application is brought to the Plans Panel at the request of Morley South Ward member Councillor Neil Dawson who supports the application and does not believe that the application will cause significant issues of harm, contrary to officer opinion, and that therefore Panel should reach their own decision.

2.0 PROPOSAL

- 2.1 The application is for a first floor side extension above a previously approved single storey side extension. It will be flush to the front of the property and level with the existing ridge.
- 2.2 It is proposed to be built using matching materials, and is of a similar design to the existing property.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to a red brick built end terraced two storey property with a concrete tiled roof. The property occupies an end of cul-de-sac location situated amongst dwellings of similar size, scale and age on the same side of the street. Opposite the property is an area of open space.
- 3.2 The property has a small front garden that is wholly given over to off-street parking and fencing down the side with a small side garden where it is proposed to site the side extension.
- 3.3 A previously approved single storey side extension sits to the side of the main property. The surrounding area is predominantly residential.

4.0 RELEVANT PLANNING HISTORY

- 4.1 15/03300/FU – Single storey side extension – Approved 24th August 2015 (and implemented).
- 4.2 18/02178/FU – First floor side extension. No objections received to application. Refused 29th May 2018 for reasons of:
- Poor design.
 - Overbearing and over-dominant.
 - Overshadowing.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The applicant was advised at the time of the previous refusal that the proposal was unacceptable and that in light of this, the best course of action was to appeal the refusal. The application has been re-submitted without further consultation with the planning department and the previous refusal has not been appealed (the refused application can be appealed up until 12 weeks after the date of refusal).

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 Neighbour notification letters were sent out on 17th July 2018.
- 6.2 One letter of support from Cllr Dawson received who does not perceive there to be any harmful impact as a result of the development. No other comments received.

7.0 CONSULTATION RESPONSES

- 7.1 Morley Town Council: No reply received

8.0 PLANNING POLICIES

Development Plan

- 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 Comprises the adopted Core Strategy (November 2014) (CS), saved policies within the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.
- 8.2 The following Core Strategy policies are considered most relevant
- P10 Seeks to ensure high quality design

8.3 Saved Policies - Leeds UDP (2006)

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

- Policy GP5 - Development Proposals should resolve detailed planning
- Policy BD6 – Refers to the scale, form, materials and detailing of an extensions design in respect of the original building.

8.4 The following Supplementary Planning Policy documents are relevant:

- Leeds Householder Design Guide (April 2012)

National Planning Policy Framework (NPPF)

- 8.5 The National Planning Policy Framework (NPPF), published July 2018 (revising the original of 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.

- 8.6 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.
- 8.7 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.
- 8.8 The NPPF establishes in Section 2 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.
- 8.9 Chapter 12 deals with issues of design and encourages the use of tools such as design guides (which the Council has in the Householder Design Guide and SPG13 Neighbourhoods for Living). Decisions should ensure that development is sympathetic to local character, creates attractive and welcoming places to live, and creates places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

9.0 MAIN ISSUES

1. Design and character
2. Residential amenity
3. Highways and Parking
4. Private amenity space.
5. CIL

10 APPRAISAL

Design and character

- 10.1 Policy P10 sets out the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect the NPPF, which also highlights the importance of good design and advice given within the Leeds Householder Design Guide and specifically policy HDG1.
- 10.2 The proposal is unacceptable as the front elevation is flush with the front of the property and the ridge runs through flush with the main roof and fails to provide the necessary set back and set down that is required by advice given in the

Householder Design Guide. The new build will therefore not be subservient to the original building resulting in a bulkier appearance that could unbalance the short terraced block.

- 10.3 Consequently, the proposal does not comply with policy HDG1 in that that the proposal will be harmful to the visual amenity of the streetscene. Amending the proposal would not be practical due to the issues highlighted below.

Residential amenity

- 10.4 The property is located on an end plot of a row of terraced properties, but due to the location of the property it abuts the end of another cul-de-sac that has the rear gardens of the neighbouring properties on the end of Harrop Terrace sitting side on to the application property. The extension will sit alongside the rear boundaries of the properties on Harrop Terrace and these gardens are 11.5 metres long (12 metres recommended in Leeds HDG) and as the proposal is two storey, it will therefore be significantly higher than the 2 metre high fence that separates these gardens. Therefore it is considered that the extension will have a significantly over-dominating impact on the neighbouring properties on Harrop Terrace.
- 10.5 As the gardens of the properties on Harrop Terrace are to the North of the proposal and the proposal is of the same height as the existing property, there will be significant harm from overshadowing due to its location and this harm would be of a significance in the planning balance would lead towards a reason for refusal.
- 10.6 As there are no windows proposed within the side elevation of the extension with only windows to the front and rear, there will be no harm from overlooking and in the event of an approval, a condition could be attached to prevent the insertion of windows within the side elevation.
- 10.7 Nevertheless, the extent of the over-dominance and overshadowing issues mean that the side extension fails to comply with policy HDG2 of the Householder Design Guide and as such is recommended for refusal.

Highways and Parking

- 10.8 The parking arrangements are not altered by this proposal. As two off-street parking spaces are currently provided and there is no proposal to change this, it is considered that the proposal will have no impact on highway safety.

Private amenity space

- 10.9 There is no loss of private amenity space in relation to this proposal as the extension is located above an existing extension and as there is an adequately sized rear garden that provides sufficient private amenity space, it is not considered that there will be any impact on amenity levels with regard to this issue.

Community Infrastructure Levy

- 10.10 The Community Infrastructure Levy (CIL) was adopted on 12th November 2014 with the charges implemented from 6th April 2015 but the proposal is of such a size (less than 100 square metres) that no liability would be incurred.

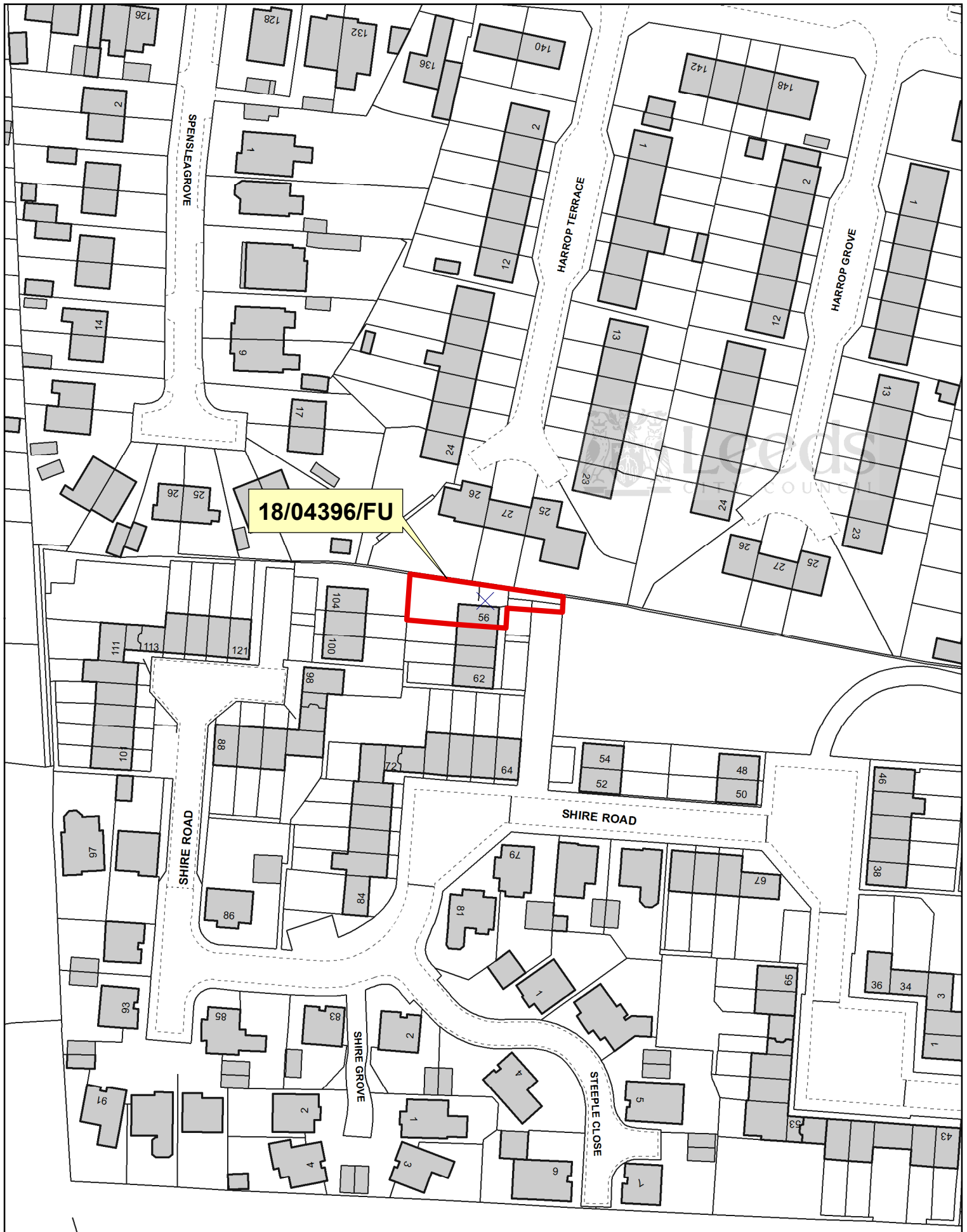
11 CONCLUSION

11.1 This application raises significant and serious concerns with regard to its impact on both visual and residential amenity. It is considered that the proposal is inappropriate with regard to design and would also be highly intrusive to neighbouring properties, having a harmful impact on their living conditions as a result of dominance and overshadowing. For these reasons, the proposal is considered to be contrary to both local and national planning policy, hence the recommendation of refusal.

Background Papers:

Planning application file: 18/04396/FU

Certificate of ownership: signed by agent on behalf of applicant



SOUTH AND WEST PLANS PANEL

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SCALE : 1/1000



S R BUILDING DESIGN

BUILDING DESIGN CONSULTANCY



SITE PLAN 56 SHIRE ROAD MORLEY

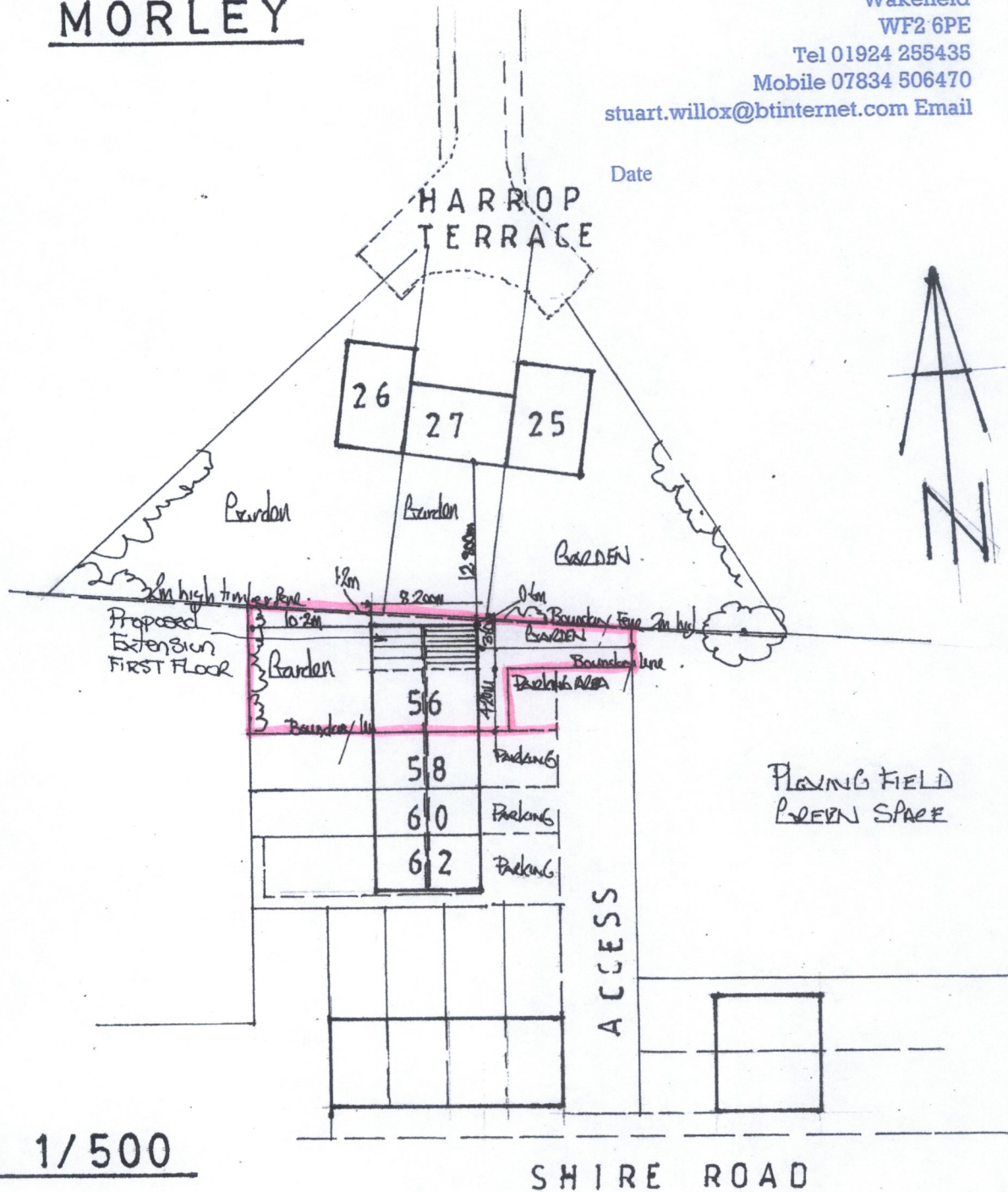
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