



**Report of the Chief Planning Officer -**

***SOUTH AND WEST PLANS PANEL***

**Date: 20<sup>th</sup> September**

**Subject: Application number 18/03233/FU – 7 Bankfield Grove, Burley, Leeds, LS4 2SS  
- Retrospective application for rear dormer window**

**APPLICANT**  
Mr Azrar

**DATE VALID**  
25<sup>th</sup> May 2018

**TARGET DATE**  
17<sup>th</sup> July 2018

**Electoral Wards Affected:**  
Kirkstall

Yes Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Application recommended for refusal on the following grounds**

1. The Local Planning Authority considers the existing rear dormer creates significant issues of overlooking due to the limited distance retained to the rear boundary, compounded by the elevated position of the existing window, change in levels between the host and the neighbor to the rear and thus adversely affects neighboring privacy contrary policy P10 of the Core Strategy, GP5 of the retained UDP along with HDG2 of the House Holder Design Guide.
2. The Local Planning Authority considers the existing rear dormer creates significant issues of over dominance in relation to the neighboring dwellings due to its size, scale, close proximity to the rear boundary, compounded by its elevated position and thus adversely affects neighbouring amenity contrary policy P10 of the Core Strategy, GP5 and BD6 of the retained UDP along with HDG1 and HDG2 of the House Holder Design Guide.

## **1.0 INTRODUCTION**

- 1.1 The application is brought before Plans Panel at the request of Cllrs Illingworth, Venner and Bithell as they considered the as built rear dormer acceptable and in line with policy requirements in that the rear dormer could have been erected under permitted development prior to the existing side and rear additions. They also consider the existing dormer does not adversely affect neighbouring amenity through overlooking or over dominance.

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks retrospective consent for a rear dormer to the host property
- 2.2 The existing dormer measures 3.5m in width by 2.2m in height, projecting 3.6m from the ridge and is finished in hung tiles with a rear window serving the bedroom area. As part of the alterations two roof lights have been installed to the front roof plane.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to a large semi-detached dwelling which has been extensively extended with a two storey side, single storey wrap-around extension along with the rear dormer, which is subject to the current retrospective application.
- 3.2 The existing two storey side extension incorporates an integral garage to the ground floor with a 1st floor bedroom set back from the front which features a dual pitched roof, as part of alterations carried out forming a gable in place of the original hipped roof form.
- 3.3 The area is wholly residential and features semi-detached dwellings of a similar design and character.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Ref: 17/01469/FU  
Address: 7 Bankfield Grove  
Description: Retrospective application for two storey and single storey side/rear extension and gable extension and roof lights to front.  
Decision: Approved
- 4.2 Ref: 16/07605/FU  
Address: 7 Bankfield Grove  
Description: Amendments to previous approval 13/01550/EXT for alterations to roof including gable extension and dormer window to rear; alterations to windows and doors  
Decision: Refused
- 4.3 Ref: 13/01753/FU  
Address: 5 Bankfield Grove  
Description: Two storey side extension, single storey extension and dormer window to rear  
Decision: Refused  
Date: 12.06.2013

- 4.4 Ref: 13/01550/EXT  
Address: 7 Bankfield Grove  
Description: Extension of time of application 10/01470/FU for part two storey, part single storey side and rear extensions  
Decision: Approved  
Date: 06.06.2013
- 4.5 Ref: 13/00066/FU  
Address: 5 Bankfield Grove  
Description: Part two storey, part single storey side, rear and front extension; dormer window to rear  
Decision: Refused  
Date: 26.02.2013
- 4.6 Ref: 10/01470/FU  
Address: 7 Bankfield Grove  
Description: Part two storey part single storey side and rear extensions  
Decision: Approved  
Date: 10.06.2010

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 The host property has been the subject of various planning applications. Originally a scheme was approved in June 2010 (Ref: 10/01470/FU) which granted consent for a part two storey side and rear extension, prior to the adoption of the Core Strategy and current policy. This consent allowed a two storey side extension which featured a matching hipped roof, set down from the host property along with a single storey wrap-around addition.
- 5.2 The original consent was not immediately implemented and a subsequent application was submitted (Ref: 13/00066/FU) which sought consent for a larger two storey side, two storey rear and rear dormer extension. This application was refused.
- 5.3 An extension of time application was granted in June 2006 (Ref: 13/01550/EXT) for the originally approved scheme, allowing a further 3 years to implement the consent.
- 5.4 A separate application was submitted for the adjoining dwelling, No.5 Bankfield Grove (Ref: 13/01753/FU) which sought consent for a two storey side extension and rear dormer. This application was refused on design grounds and due to its excessive size.
- 5.5 A site visit was carried out on 26<sup>th</sup> May 2016 by enforcement after complaints were received regarding unauthorised works to the host property.
- 5.6 An application was submitted (Ref: 16/07605/FU) which sought consent for amendments to the originally approved consent to regularise un-authorised works carried out. These works consisted of a hip-to-gable extension erected to the original dwelling along with a large rear dormer. The scheme was refused on over-development and issues of overlooking in relation to the properties to the rear.
- 5.7 A second retrospective application was submitted by the applicant (Ref: 17/01469/FU) seeking to regularise the works. Through negotiations this scheme

was approved as the applicant agreed to remove the rear dormer to address officer concerns in relation to overlooking. It was agreed, as a compromise, the applicant could retain the as built side gable subject to the removal of the dormer. A condition was attached to the consent which required the existing dormer to be removed within a period of 6 months from the decision date.

- 5.8 The current application reverts back to the previous position of retaining the as built extensions, including two storey side (with gable roof) and rear dormer, in their entirety with the condition allowing a 6 month period to remove the rear dormer now expired.

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

- 6.1 Cllrs Illingworth, Venner and Bithell support the scheme siting following,
- The existing dormer could have been erected under permitted development
  - The rear dormer is similar to others erected and thus does not create issues of overlooking, similar to that of the existing 1<sup>st</sup> floor rear bedroom window
- 6.2 Neighbour notification letters were sent on 01.06.2018. Two letters of objection were received raising concerns with the following,
- Overlooking and adverse impact upon privacy
- 6.3 Five letters of support have been received highlighting the following,
- Design does not adversely impact visual amenity

## **7.0 CONSULTATION RESPONSES:**

- 7.1 None

## **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), 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.

### National Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected these to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in on the consideration of this application.

- Requiring good design

### Adopted Core Strategy

- 8.2 The following core strategy policies are considered most relevant

P10 Seeks to ensure high quality design  
T2 Transport infrastructure

Saved Policies - Leeds UDP (2006)

- 8.3 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 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.

- 8.4 Supplementary Planning Guidance/Documents

Neighbourhoods for Living: A Guide for Residential Design in Leeds (SPG13)

Householder Design Guide Supplementary Planning Document

The guide gives advice on how to achieve high quality design for extensions and additions to existing properties, in a sympathetic manner that respects the spatial context. The following policies are relevant to this application.

HDG1: all alterations and extensions to respect the scale, form, proportions and the 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
- v. materials

HDG2: all development proposals to protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.

## **9.0 MAIN ISSUES**

1. Impact on amenity
2. Highway safety

## **10.0 APPRAISAL**

### Impact on Amenity

- 10.1 The host property has been the subject of extensive alterations and extensions via numerous previous applications. The original consent (Ref: 10/01470/FU) allowed the erection of a two storey side addition and single storey wrap-around extension. This scheme was approved, on balance, prior to the adoption of the current Core Strategy as the proposals were considered not to create harm upon neighbouring amenity.
- 10.2 The applicant has deviated from the previous approval erecting a large rear dormer along with creating a new side gable in place of the approved hipped roof. Consent was granted for the existing two storey side extension, retaining the side gable, with the proviso of removing the rear dormer in order to address concerns of overlooking in relation to the properties at the rear of the host, located in close proximity.

- 10.3 Given the applicant has extensively extended the dwelling, combining the as built hip-to-gable with a second gable and rear dormer, the extensions do not meet the requirements of permitted development, as they in affect extend a previous extension. It is acknowledged that if the applicant had erected a hip-to-gable extension and rear dormer to the host property, prior to the large side extension, these elements would fall under permitted development and not require consent.
- 10.4 As the applicant seeks retrospective consent these elements now require permission and are assessed against current adopted policy and supplementary guidance i.e. Core Strategy and House Holder Design Guide, and thus little weight is afforded to the applicants permitted development fallback position.
- 10.5 It is considered the rear dormer creates significant issues of over dominance compared with the original host property due to its size and scale which is compounded given the limited separation between the host property and the dwellings to the rear, creating an over bearing impact.
- 10.6 The existing rear dormer introduces a new bedroom window to the 2nd floor of the host property allowing outlook over the neighbouring dwellings to the rear. Guidance within the House Holder Design Guide outlines distances to be retained from secondary windows, i.e. bedrooms, to the rear boundary. The guidance suggests a minimum distance of 7.5m is retained to protect neighbouring amenity and prevent issues of overlooking. In this instance, due to the limited space to the rear, the dormer retains approximately 7.0m to the rear boundary which fails to meet the minimum requirement. It is acknowledged the shortfall is slight however the guidance states *“Where windows face each other across a neighbouring boundary the minimum distance of each window to the boundary should be added together.”* This equates to a distance of 15 meters. In this instance the rear dormer retains approximately 12.5m from the windows to the rear of No.74 Argie Avenue, again failing to meet the guidance and ephasising the shortfall in distance retained.
- 10.7 The existing elevated position of the dormer window and the change in site levels is considered to create harm, both in terms of overlooking and over dominance. The host property sits at an elevated position in relation to the dwellings at the rear, set approximately 1.5m higher.
- 10.8 The House Holder Design Guide states “Extensions should not unreasonably impact upon the privacy levels of neighbours. Care should be taken to ensure that additional windows do not allow intrusive views through neighbouring windows or toward private garden areas”. Given the change in levels between the dwellings it is considered the existing dormer allows views over the private gardens of the properties to the rear.
- 10.9 It is acknowledged that an existing first floor bedroom window, below the dormer, retains a similar distance to the rear boundary, however this is significantly lower than the rear dormer, forms part of an existing relationship between properties on Bankfield Grove and Argie Avenue and does not introduce the additional bulk and mass created by the dormer.
- 10.10 It is accepted the existing rear dormer to the adjoining dwelling is similar in size and scale to that of the host however this has been erected under permitted development, does not require consent. The existing dormer to the adjoining dwellings has not been assessed against current adopted policy and is not required to meet minimum distances to rear boundaries, highlighted within the House Holder Design Guide or Neighbourhoods for Living. If formal consent was required this dormer would not be supported, given the shortfall in distance.

- 10.11 Ordinarily the LPA would suggest the installation of obscure glazing to prevent a direct outlook, with this option previously explored, however as the dormer only features a single window any outlook for occupants of the property would be prevented and thus creates a bedroom with poor amenity for occupants. In retaining the clear window It is considered the dormer allows overlooking of the dwellings to the rear along with their private rear garden areas and thus adversely affects neighbouring privacy.
- 10.12 It is considered the development as a whole, in particular the rear dormer, creates significant issues of overlooking and thus adversely affects neighbouring privacy contrary policy P10 of the Core Strategy, GP5 of the retained UDP long with HDG2 of the House Holder Design Guide.

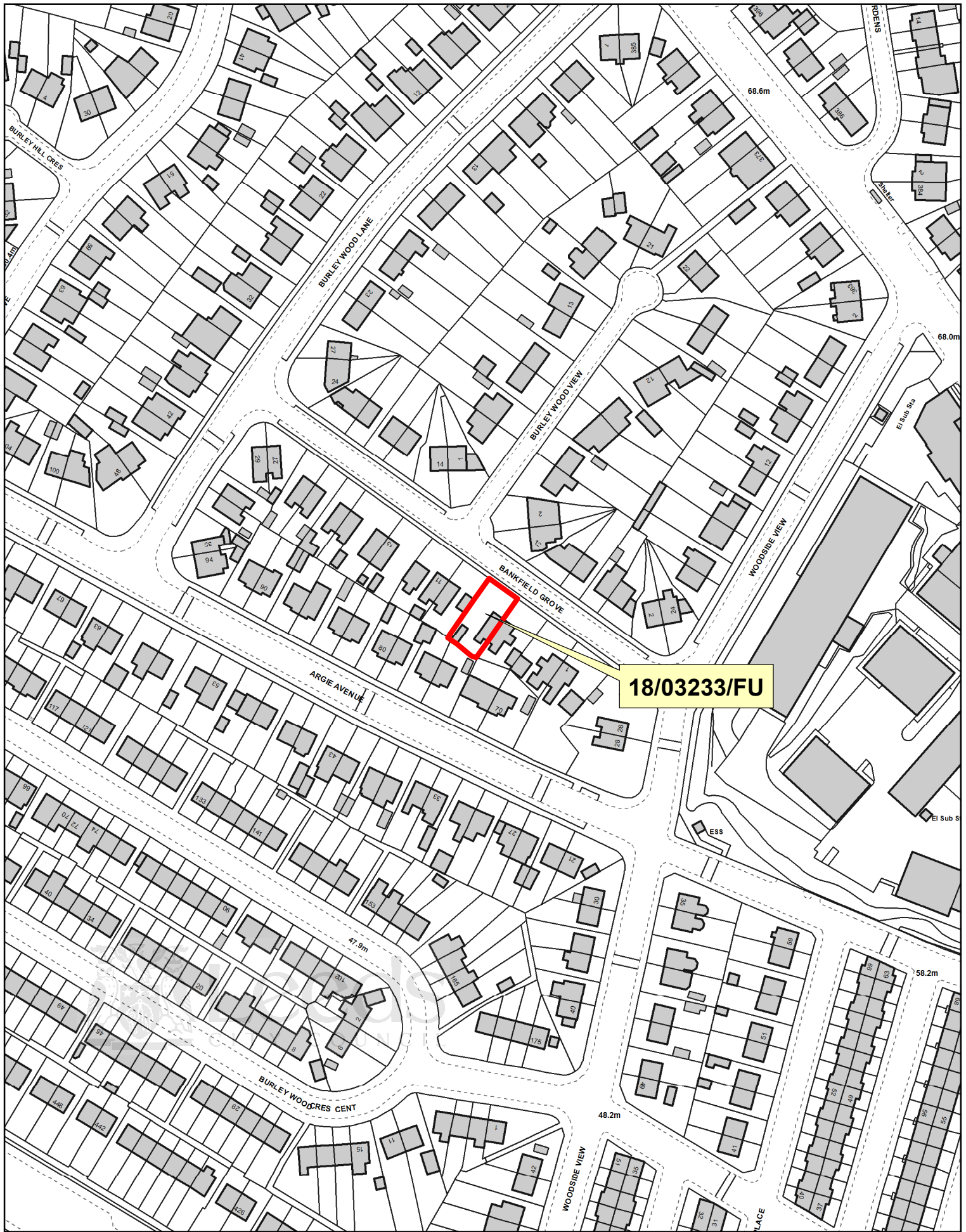
## **11.0 CONCLUSION**

- 11.1 In light of the above, it is considered the development as a whole, in particular the rear dormer, creates significant issues of overlooking and over dominance thus adversely affecting neighbouring privacy contrary policy P10 of the Core Strategy, GP5 of the retained UDP long with HDG2 of the House Holder Design Guide.

### **Background Papers:**

Certificate of ownership: signed by applicant.

Planning application file. 18/03233/FU



# SOUTH AND WEST PLANS PANEL

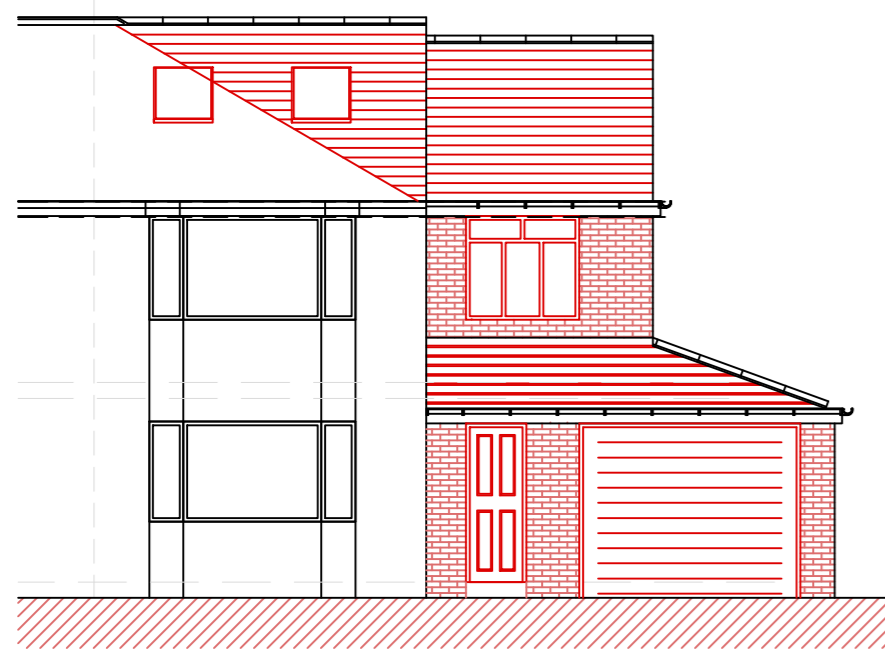
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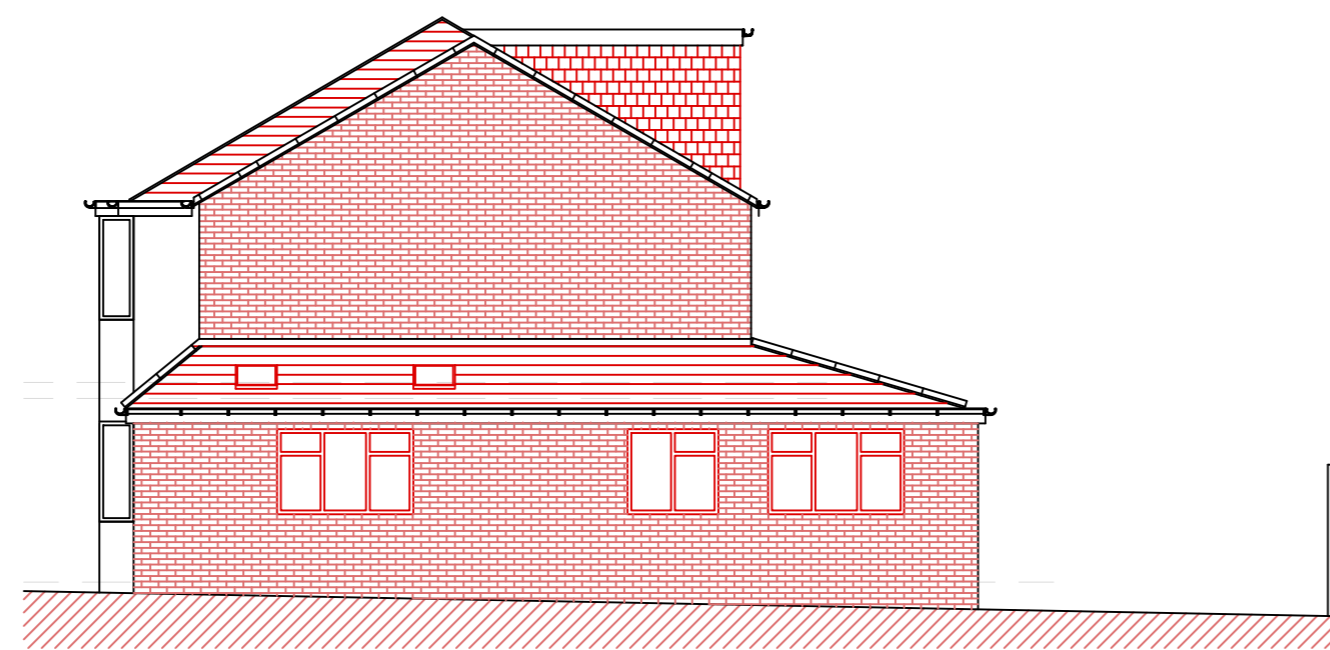
SCALE : 1/1500







FRONT ELEVATION



SIDE ELEVATION

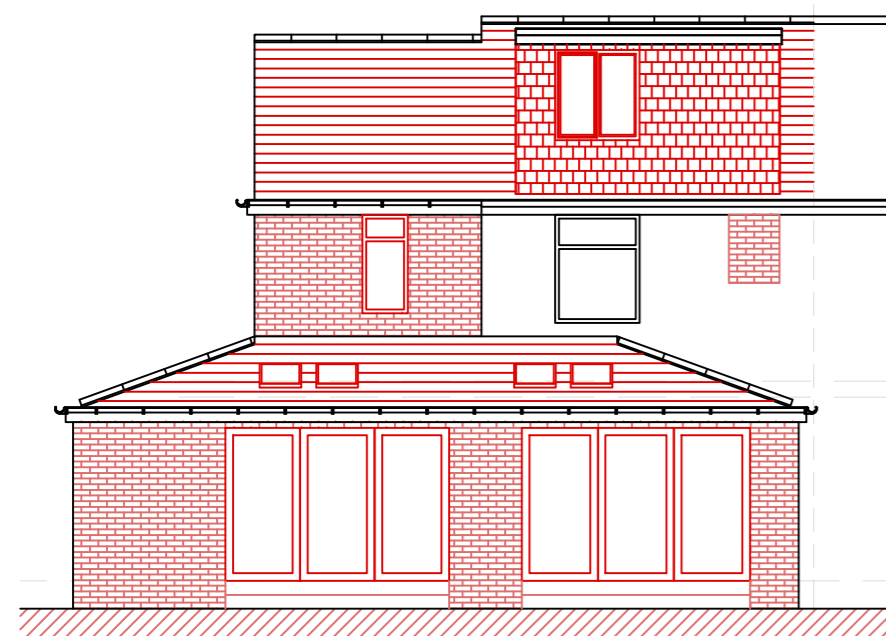


LOCATION PLAN 1:1250

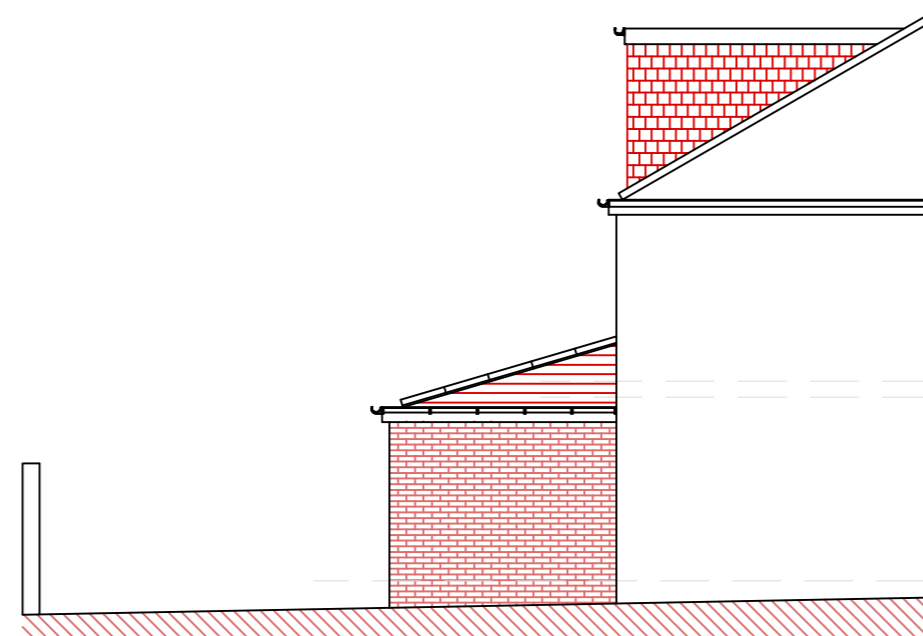
**Please note these drawings are for Planning and Building Regulation purposes only.**

**NOTE:**  
The contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before works commence.

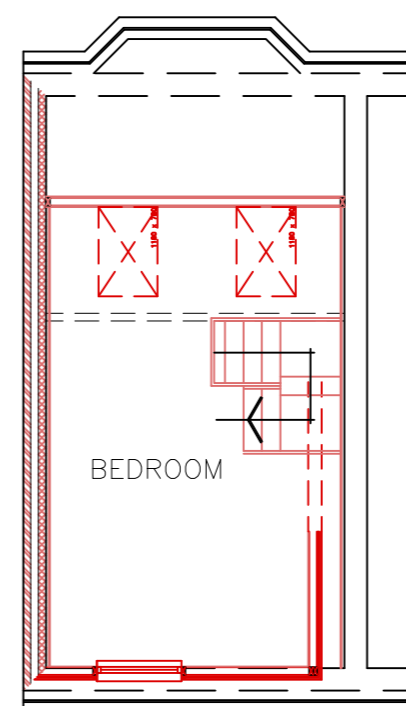
All drawings must be read with and checked against any structural or other specialist drawings provided. All works to comply with British Standards, Codes of Practice, current Building Regulations and carried out to the satisfaction of Building Inspector. All materials to comply with the relevant British Standards



REAR ELEVATION



SIDE ELEVATION



SECOND FLOOR

**AS BUILT ELEVATIONS**  
SCALE 1:100

**AS BUILT PLAN**  
SCALE 1:100

REVISIONS	DATE

**RIYAT ASSOCIATES LTD**

Architectural Designers and Planning Consultants

Benson House, 14 Benson Street, Leeds LS7 1BL  
Telephone: 0113 2455492 Fax: 0113 2443800 E-Mail: info@psriyat.com

Client:  
Mr Azrar

Project  
Proposed Alterations At  
7 BANKFIELD GROVE LEEDS, LS4 2SS

Drawing:  
Location Plan, As Built Floor  
Plans & Elevations

Scale: As Shown @ A2	Drawing No. 2393/10
Date: MAY 2018	