



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 7th November 2019

Subject: 19/02173/FU– Retrospective consent for one new dwelling

Applicant: Mr K Malik

Electoral Wards Affected:

Kirkstall

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:

Conditions

- 1. Development to be carried out in accordance with the approved plans**
- 2. Details of walling and roofing materials to be submitted and approved by the Local Planning Authority including a timetable for replacement of any existing extensions in unauthorized materials.**
- 3. Details of proposed windows, including profiles, reveals and materials to be submitted and approved by the Local Planning Authority within 3 months of decision.**
- 4. Development shall not be occupied until all areas shown on the approved plans and fully laid out, surfaced and drained.**
- 5. Full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority within 3 months of decision.**
- 6. Electric vehicle charging points should be provided in accordance with guidance, prior to occupation.**

7. **Prior to the occupation of the dwelling level and step free access shall be provided to one entrance in accordance with Housing Access Standards and Policy H10. Details to be submitted within 3 months of decision.**
8. **Details to be provided of re-instatement of redundant access and formation of new vehicle access within 3 months of decision.**
9. **Details of existing and proposed finished floor levels and details of any retaining walls or structures to be submitted within 3 months of decision.**
10. **Details of boundary wall/fences or other to be provided within 3 months of decision.**
11. **Details of hard and soft landscaping to be provided within 3 months of decision.**
12. **Reporting of any unexpected contamination along with relevant remediation and verification statements if required.**

1.0 INTRODUCTION:

- 1.1 The application is brought to Plans Panel at the request of Cllr Fiona Venner and Cllr Hannah Bithell for reasons that the application gives rise to more than an immediate impact on neighbours as a local historic feature is affected by the on-going works with concerns regarding the impacts upon visual amenity. The history to this application is quite complex so a timeline of events is provided below for clarity. The site was originally a lodge house that sat within grounds associated with St Anne's Villa (which is now divided into flats with new development in-between). This lodge site was then split to provide for a new dwelling adjacent (known as 378a). All applications noted below have been made by the same applicant.
- 1.2 This former lodge building has been lost almost in its entirety due to the removal of a substantial number of walls and the roof, coupled with previous loss of chimneys. This was formerly an attractive and characterful building although badly in need of upkeep and repair. The loss is regrettable however a previous application to demolish the lodge was approved in December 2014. As the lodge was not listed or protected then demolition was permitted development which required prior approval of the method of demolition and proposed restoration only, as set out in the General Permitted Development (England) Order 2015, Schedule 2, Part 11, Class B.

Timeline

- 08/12/04 – Approval granted for 3 bed detached house adjacent to 378 Burley Road (ref 24/505/04/FU) – this would become 378a Burley Road.
- 19/12/07 – Approval granted for 3 bed detached house adjacent to 378 Burley Road (ref 07/06384/FU).
- 05/12/14 – Application 14/06642/DEM – determination for demolition of dwelling. Approved. This approved the total demolition of the property at 378, removal of all material, levelling of surface and covering with hardcore. Under the terms of the GPDO the development must be carried out within a period of 5 years from the date on which approval was given (approval expires on 06/12/19). This is therefore currently extant and constitutes a fallback position that needs to be taken into consideration.
- 11/04/16 – Application for listing to English Heritage turned down.
- 06/04/17 – Application 17/00274/FU – alterations to bungalow to form house including raised roof. Withdrawn

- 13/09/17 – Application **17/04555/FU** – single storey side and single storey rear extension. **Approved.** This involved the addition of a porch to the side and a new kitchen area at the rear. Technically still extant but as the extensions have not been built in accordance with the plans (due to the demolition of additional elements) then the permission can no longer be implemented.
- 04/12/17 – Application 17/06766/FU – first floor extension to existing garage at 378a Burley Road. Refused due to overdominance and overlooking.
- 25/05/18 – Application 18/01510/FU – first floor extension to existing garage at 378a Burley Road. Refused due to overdominance.
- 06/07/18 - 18/01542/FU – Single storey side and single storey rear extension, new roof and alterations to boundary. Refused due to scale and design failing to respect character of original.
- 31/10/18 – Complaint received regarding works at the site and non-compliance with condition 3 of 17/04555/FU which required materials to match the original. A site visit from an Enforcement Officer in November 2018 showed that part of the building had been demolished, and that new construction had commenced. The materials used on the extension were not considered to be in accordance with the condition. Enforcement case **18/01194/NCP3** – noncompliance with approved plans 17/04555/FU opened.
- 09/11/18 – Applicant asked to stop all works on site.
- 23/11/18 – Temporary Stop Notice served which became effective on 24/11/18. This expired 22/12/18 but as works had stopped and then applications submitted no further action has been taken to date.
- 07/01/19 – Application 18/07717/FU – single storey side and rear extension (alterations to previous approval 17/04555/FU). Pending consideration. The plans submitted for this application suggest removal of all existing, external walls with the exception of part of the front wall. Removal of part of existing at rear and removal of part of frontage. Addition of porch to side and kitchen to rear.
- 17/05/19 – Application 19/02173/FU – Retrospective consent for one new dwelling, original drawings submitted for this reflect those submitted for 18/07717/FU.
 - 23/08/19 – Revised plans submitted.
 - 25/10/19 – Revised plans submitted increasing number of bedrooms to three by inserting a loft space. This plan is currently being queried with the applicant and Panel Members will be updated at the Panel on which floor plans are being considered.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a stone built bungalow which fronts Burley Road and lies in close proximity to the junction with Talbot View. The area is predominately residential and features semi-detached brick built dwellings along with a development of flats opposite and a number of self-storage units within a former factory/mill building to the western side of Burley Road.
- 2.2 The application site lies beside a modern three bedroom, stone built, detached property, erected around 2005 with a garage to the rear within the original garden area of the lodge house.

- 2.3 The host property is accessed via the front from Burley Road with a triangular shaped garden area and driveway to the eastern side, set below the neighbouring residential garden of 374 Burley Road and separated by a stone retaining wall.
- 2.4 The application site comprises a lodge house formerly associated with St Anne's Hill Villa away to the North West. The intervening land has now been developed so the former connection is no longer apparent. The property itself was built before 1846 and was constructed of ashlar in a Tudor revival style with mullioned window, hood moulds and a Tudor-arched doorway. Around 1900 the property was extended to the rear and in the mid C20th the building was re-roofed, extending this to form a narrow veranda supported on timber posts on the West and North sides. This probably brought about the loss of all chimneys except one. A partly exposed basement existed and was rendered externally, possibly due to an adjustment in ground levels at some point. When assessing the proposal for possible listing English Heritage considered the building to be a modest example of a mid-nineteenth century lodge house where later alterations have diminished the integrity of the building, and the relationship between the lodge and house has been lost. On these grounds the listing application was turned down, however the property may today form what is known as a Non-Designated Heritage Asset – a classification that was not around when the demolition application was considered.

3.0 PROPOSAL

- 3.1 The proposals create a new dwelling in place of the original lodge house, the total demolition of which was approved in 2014. Substantial works have taken place both internally and externally prior to approval which have altered the layout of the dwelling. These works include the removal of the side and rear walls, removal of previous flat-roofed rear extension, and the building of partial new walls to front, sides and rear. As only partial demolition has taken place and new build has commenced without permission this application has been submitted to regularise the works. It is due to the extent of wall removal that the application has been submitted as a new dwelling, rather than as extensions to the existing dwelling.
- 3.2 The current proposals seek to create a dwelling with a similar footprint to that of the previously approved scheme (17/04555/FU) for extensions which measure 8.6m in width, 10.3m in depth and 5.6m in height. These provide a kitchen which will be at the rear and a porch to the side of the property. The roof of the existing dwelling is to be replaced with a new hipped roof to the front, matching the existing roof form, with a gable feature to the rear. Works have continued on site with a blockwork wall erected up to the existing ridge height. The roof is proposed to be finished in natural slate.
- 3.3 Alterations are proposed to the front windows of the property, re-positioned at a lower level with the retention of the original timber shutters, although the front wall is re-built further back away from the back edge of the footpath. This also includes the removal of the semi-basement window that was previously served by a shallow light well set into the footpath. The existing verandah area is proposed to be retained with its overhang and columns. It appears that ground levels within the building will be lowered which is presumably enabled by the loss of the basement area, clarification on this will be provided at Plans Panel. Very little of the original property would remain other than some internal walling and the front corner of the property.

- 3.6 A single car parking space is shown on the plans adjacent to the porch with access taken directly off Burley Road. Garden area is laid out to the side which can be accessed only via the porch, with a very small area retained to the rear which can only be accessed down the side of the building or via the rear door. Bin storage is shown down the side of the property, however this is unlikely to be achievable given the position of the timber columns. It is more likely that bins would be stored within the side garden area or in front of the porch. The final remaining chimney on the building would be removed.
- 3.7 The current property has a height of 5m above ground level with a roof height of 2m. The new property will have a height of 5.7, with a roof height of 2m.

4.0 HISTORY OF NEGOTIATIONS AND PLANNING HISTORY

- 4.1 The application site has been the subject of a number of previous applications which have sought to substantially extend the original house along with an application for demolition including the following,

Ref: 14/06642/DEM

Description: Determination for demolition of detached dwelling

Decision: Approved and Extant until 06/12/19.

Date: 05.12.2014

Ref: 17/00274/FU

Description: Alterations to bungalow to form house including raised roof with chimney, new first floor and two storey extension, porch and hard standing to side with new boundary treatments and landscaping

Decision: Withdrawn

Date: 06.04.2017

Ref: 17/04555/FU

Description: Single storey side and single storey rear extension

Decision: Approved

Date: 13.09.2017

Ref: 18/01542/FU

Description: Single storey side and single storey rear extension, new roof and alterations to boundary treatment

Decision: Refused

Date: 06.07.2018

Ref: 18/07717/FU

Description: Single storey side and rear extension

Decision: Pending Consideration

- 4.2 A site visit was carried out by the case officer and enforcement officer in November 2018 as reports were received that works on site had commenced and were not in accordance with approved plans (17/04555/FU). Subsequently a temporary stop notice was served on the applicant on 23.11.2018 when it became clear that the building being undertaken was not using appropriate materials.

4.3 Requests were made by the case officer to the applicant and agent for an amended application to regularise the on-going works with an application submitted 07.01.2019 (Ref: 18/07717/FU). This application sought consent for “Single storey side and rear extensions” but given the extent of works carried out on site it was considered a further application was required for a new dwelling in its entirety.

4.4 The current application (Ref: 19/02173/FU) seeks retrospective consent for a new dwelling. Negotiations have taken place between the case officer and agent to amend the design of the scheme to retain a hipped roof form to the front, reducing the height and bulk of the initial design back in-line with that of previous approval (Ref: 17/04555/FU) along with a request for improved window details including thin profile windows, increased reveals and stone heads/cills. A number of existing features including chimneys have been removed from the dwelling and are not proposed to be replaced.

4.0 PUBLIC/LOCAL RESPONSE:

4.1 A site notice was posted on 12.06.2019 with 5 neighbour notification letters sent to the immediate neighbours posted on 28.05.2019. A total of 8 objections have been received from local residents, including ward members which raise concerns with the following

- Commencement of works without planning approval
- Over dominance and loss of privacy
- Materials are not in keeping with the original
- The development appears to create a new dwelling within the historic property
- Works should preserve a local historic feature
- Highway safety issues and bin storage

5.0 CONSULTATION RESPONSES:

5.1 Highways

No objections subject to conditions

- Driveway/parking areas shall be fully laid out, surfaced and drained, prior to occupation
- Details of cycle/motorcycle parking to be provided
- Electric vehicle charging points should be provided in accordance with guidance
- Details of access way closure/new points required.
- Following the submission of a revised plan showing a third bedroom in the loft highways request that an additional car parking space be provided as required by policy.

Access Officer

- Level and step free access required to one entrance

6.0 RELEVANT PLANNING POLICIES

- 6.1 Section 38 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.

Development Plan

- 6.2 The development plan for Leeds relevant to this application is made up of the a Core Strategy as amended (2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan, the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made neighbourhood plan.

Relevant Policies from the Core Strategy (as amended) 2019 are:

GENERAL POLICY – Presumption in favour of sustainable development

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

P10 – Design, context and amenity consideration

H9 – Minimum Space Standards

H10 – Housing accessibility.

T2 – Accessibility

EN9 – Electric vehicle charging points.

Relevant Saved Policies from the UDP are:

GP5 – General planning considerations

BD5 – General amenity issues.

Supplementary Planning Guidance and Documents

- 6.3 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Street Design Guide SPD
- Parking SPD

- 6.4 National Planning Policy

The revised National Planning Policy Framework (NPPF), published in February 2019, 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.

7.0 MAIN ISSUES

1. Principle of Development
2. Design, Layout and Appearance
3. Amenity Considerations
5. Highways
6. Heritage Matters
7. Conclusion

8.0 APPRAISAL

Principle of Development

- 8.1 The existing property is considered to lie within an established residential area and seeks to retain/extend the existing residential use of the property. The dwelling benefits from good transport links due to its close proximity to the highway with good public transport provision. It is therefore considered the principle of a replacement residential dwelling in this location is acceptable.
- 8.2 A number of objection comments relate to the works being undertaken without permission, whilst this is regrettable the applicant is now seeking to obtain the relevant permissions to regularise the situation. Enforcement action is currently on hold pending the outcome of this application. The fact that work commenced before obtaining permission is not a material planning consideration when determining if this proposal is acceptable.

Design, Layout and Appearance

- 8.3 The existing and proposed works have altered the former property in terms of character and appearance with the commencement of the works which demolished the side and rear elevations along with removing the existing roof.
- 8.4 The new build side and rear elements have been constructed in a new natural stone (and are partially complete) which is considered appropriate given the original property is erected in stone. It is acknowledged the new stone work appears harsh against the historic elements however this is likely to weather with time, darken and appear more sympathetic. Objections regarding the material have been raised, however the colour difference is due to the years of pollution and the original materials would once have been very similar in colour that the new. There are sometimes methods of painting or coating that could be used to discolour new stone or to artificially age it. A condition regarding samples to be explored is recommended to try and achieve the best possible match.
- 8.5 The overall footprint of the property remains similar to that of the original dwelling as extended by previously approved application (17/04555/FU). The proposed side and rear alterations have commenced with the projecting side element up to wall plate level and the rear walls erected in new stonework. It is considered the as built side element does not adversely affect neighbouring visual amenity given its single storey height and set back from the front building line.
- 8.6 The on-going works have taken the property up to wall plate level with some additional works carried out creating a blockwork wall up to the existing ridge height. The proposed plans have been amended to create a hipped roof form to the front of the dwelling, matching the height of the former ridge, in order to create a similar scale of development.
- 8.7 At present the building is hoarded in black UPVC presumably to make the on-going construction weather tight. It is acknowledged concerns have been raised in relation to this however given the scheme seeks to erect a single dwelling and that the

hoarding is a temporary structure whilst works continue it is considered un-reasonable to insist on its removal.

- 8.8 The scheme is considered to be compliant with the aims of the strands of Core Strategy Policy P10 that refers to character and context (the amenity strands of P10 are dealt with below), saved UDP Policy GP5 and the advice contained within the NPPF.

Amenity Considerations

- 8.9 The proposed and as built elements of the scheme create a new two bedroom dwelling. The ground floor consists of a main living room area and bedroom to the front, a porch to the side, kitchen area and bathroom and second bedroom to the rear. These main living areas are served by windows facing the front, side and rear boundaries allowing reasonable levels of natural light to penetrate the property along with an outlook for potential occupants. The outlook from the living area will be restricted as it is onto Burley Road, however the existing situation would not have been any better and occupants could seek to swap rooms about if they require a better outlook or privacy for their main living area.
- 8.10 The internal area equates to 82m² in total whilst the gross internal dimensions of the bedrooms are as follows;
- Bedroom 1 = 14.8m²
 - Bedroom 2 = 12.2m²

The total area and proposed bedroom areas meet with the minimum internal space standards set out in the requirements of Policy H9 of the Core Strategy which requires 61m² for a 2 bedroom, 3 person unit or 70m² for a 2 bedroom, 4 person unit.

- 8.11 The property features a private rear garden area of 24m² with a larger triangular garden to the side of 53m², of which 20m² is shown to be private (behind a fence). This equates to 44m² of private amenity space which is less than would normally be recommended under guidance in Neighbourhoods for Living (55m²). Given the scale of the proposal and the previous situation (the lodge could have been renovated in situ) it is not considered this could substantiate a refusal reason.
- 8.12 It is acknowledged the property sits in close proximity to the front and rear boundaries, particularly the amended rear kitchen area. However this represents a similar relationship to that of the previously approved scheme for a single storey side and rear addition (17/04555/FU) and thus the current application is considered acceptable. In addition the rear boundary features a stone retaining wall approximately 2.0m in height with the neighbouring dwelling (No.374 Burley Road) set substantially higher than the host preventing both views across the neighbouring garden and issues of over dominance.
- 8.13 Given the location of the property the proposed windows to the front do not allow a direct outlook over neighbouring dwellings and face the highway, afforded limited weight in terms of amenity, thus preventing issues of overlooking.

- 8.14 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the advice set out in the NPPF with additional weight attached to the previously approved applications including consent for demolition.

Highways

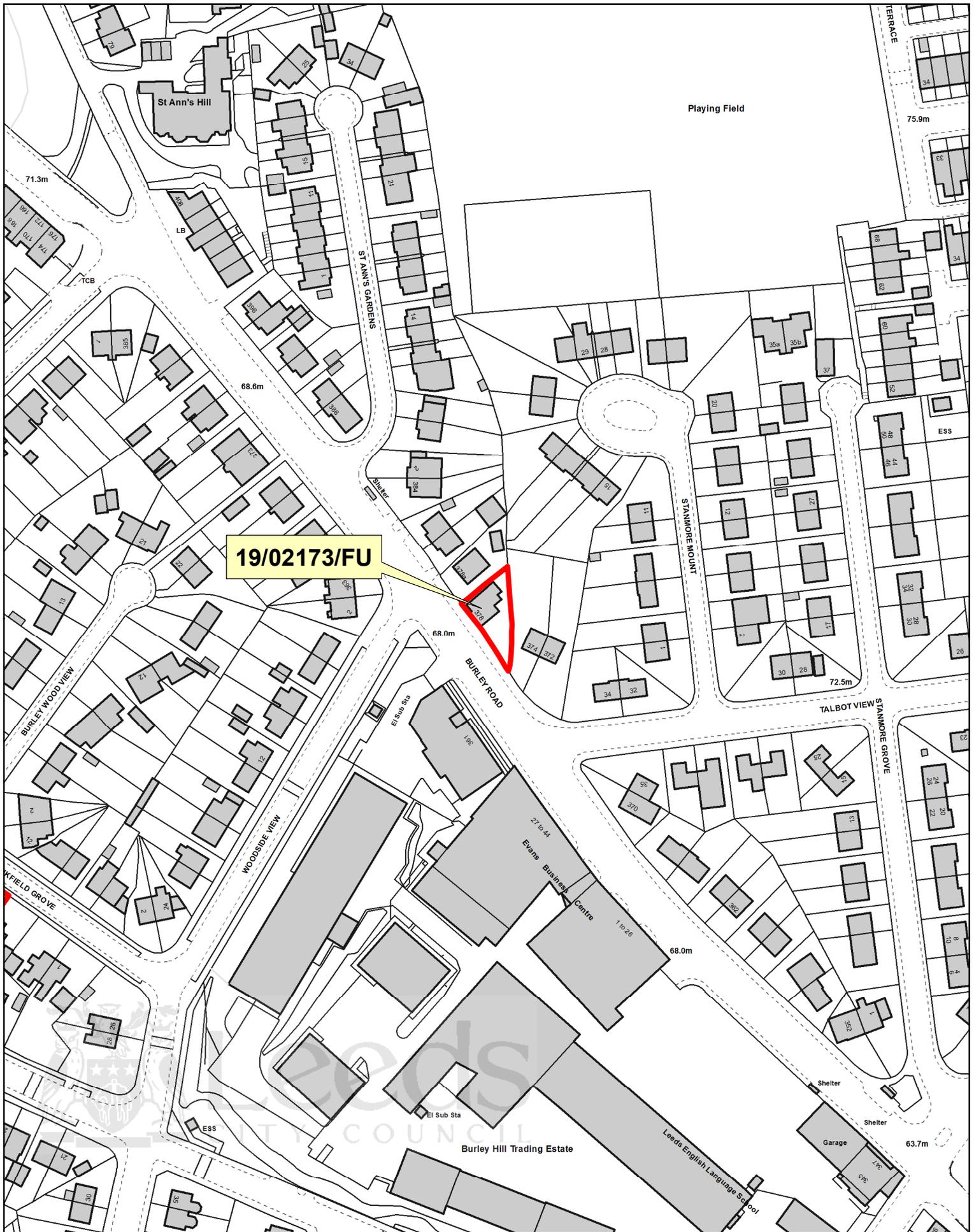
- 8.15 The proposals incorporate a parking/driveway area to the side of the dwelling within a similar position to that of the existing. It is considered the alterations to the dwelling do not create an additional, significant, parking demand compared to that of the original dwelling and thus adequate off street parking space is provided. An additional space would be required if revised plans showing a 3rd bedroom are proceeded with and Members will be updated at Plans Panel on this matter.
- 8.16 Conditions are advised to be attached to the scheme to ensure the proposed parking area is laid out, drained and surfaced along with cycle storage and an electric vehicle charging point.
- 8.17 It is considered that the proposals are acceptable in highways terms. The scheme is compliant with Core Strategy Policy T2, saved UDP Policy GP5 and with the advice set out in the NPPF.

Heritage Matters

- 8.19 As previously noted the lodge building and its grounds are not listed, nor are they located within a Conservation Area. An application to list the property was turned down by English Heritage as it was not considered to be of enough merit to warrant such protection. The history and appearance of the building however is considered to be sufficient for it to be classified as a Non-Designated Heritage Asset. Paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. A balanced judgement is required to have regard to the scale of any harm or loss and the significance of the heritage asset. "Significance" is defined as the value of a heritage asset to this and future generations because of its heritage interest, the significance derives not only from the physical presence but also its setting.
- 8.20 In this case the lodge building can only be assessed as having local significance as it has been divorced from its original setting due to development of the original gardens, and it is a relatively modest example of such buildings of the time. Whilst it has character and appearance that is relevant to its day it has undergone change through its history, and it has no particular features that are distinguished in their own right. Consequently the proposal to extend was not considered to impact harmfully on the original character and appearance. The latest application aims to retain the form of the frontage by ensuring a hipped roof is retained, retaining the verandah, and keeping the window proportions. Consequently it is not considered that the harm caused to the heritage asset through the loss and alterations to the front, rear and side should outweigh the benefits of retaining a practical residential dwelling on the site.

9.0 CONCLUSION:

- 9.1 Whilst the proposal raises a number of concerns such as the poor outlook from the living room, the loss of the original building, the poor amenity space, this decision is finely balanced between the harm these issues raise and the benefits of trying to retain a piece of local heritage with a viable and practical use going forwards. There is also a fall-back position of total demolition until December which needs to be weighed in the balance.
- 9.2 The proposal before Members is considered to comply with both national and local planning policy and provides a balance between reflecting on what was there previously whilst providing a home that is more appropriate to today's living standards. Given the previously approved applications, including approval for demolition, it is considered the current scheme creates a limited impact upon visual or residential amenity and is acceptable in highway safety terms. It is therefore recommended that this retrospective application is approved, subject to the suggested conditions set out at the head of this report.



19/02173/FU

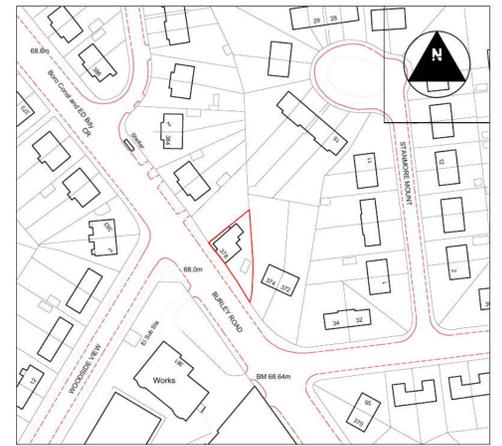
SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500





Site Location Plan - 1:1250



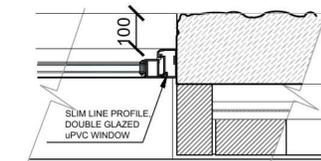
As approved Site / Ground Floor Plan - Scale 1:100



Proposed Site / Ground Floor Plan - Scale 1:100



Proposed Slim Profile, Double Glazed uPVC Window



Proposed Slim Profile uPVC Window -1:10

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

| A ANNOTATION AND WINDOW DETAIL | | DATE |
|--------------------------------|--|------|
| REVISIONS | | |
| | | |

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Client:
MR KHALID MALIK

Project
Proposed Alterations At
378 Burley Road Leeds LS4 2SN

Drawing:
Existing & Proposed Plans & Elevations

| | |
|----------------------|---------------------|
| Scale: As Shown @ A1 | Drawing No. 1008/21 |
| Date: June 2017 | |

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Approved Front Elevation - Scale 1:100



Approved Side Elevation - Scale 1:100



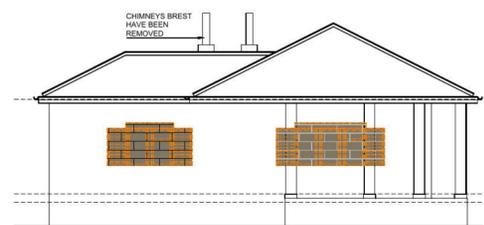
Proposed Front Elevation - Scale 1:100



Proposed Side Elevation - Scale 1:100



Approved Rear Elevation - Scale 1:100



Approved Side Elevation - Scale 1:100



Proposed Rear Elevation - Scale 1:100



Proposed Side Elevation - Scale 1:100