



## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 22<sup>nd</sup> October 2009

**Subject: APPLICATION 08/03375/FU – Retrospective application for 1.58m high raised decking to front with 1.09m high handrail above and bin store below at 55 St. Aidans Road, Great Preston, Leeds, LS26 8AY**

**APPLICANT**  
Mr. Liversidge

**DATE VALID**  
03.08.2009

**TARGET DATE**  
28.09.2009

**Electoral Wards Affected:**  
Garforth and Swillington

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**  
**REFUSE for the following reasons:**

### Reason for Refusal:

The Local Planning Authority considers that the proposed decking and handrail above, by reason of its height, positioning to the front of the host property, and prominence within the street, represents an incongruous addition within the wider streetscene which significantly harms the visual amenity and character of the street. As such it is considered that the proposal is contrary to the aims of Planning Policy Statement 1: Sustainable Development and Leeds Unitary Development Plan (Review) 2006 policies GP5, N25, and BD6.

### 1.0 INTRODUCTION:

1.1 This application has been brought to Plans Panel at the request of Councillor Mark Dobson. Councillor Dobson has stated his support for the scheme. He has stated that the financial circumstances of the applicant mean that he and his family, like many other residents of his ward, are unable to move home in order to acquire a larger property. Therefore the applicant should be allowed to extend his current home in order to meet his family's needs.

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks retrospective planning permission for a 1.58m high raised decking area with a 1.09m handrail above and bin store below. The decking area is situated to the front of the host property and has a floor area of 1.32m by 3.37m. The handrail is situated to the front and both sides of the decking area. A storage area for wheelie bins is situated below the decking.
- 2.2 The proposal aims to serve three purposes. The first is to provide an area for off-street bin storage. The second is to prevent the applicant's young children from becoming injured by falling off an existing coal store which is set back from the front boundary by approximately 3m and is void of a guard rail. The third is to provide a display area for planting.
- 2.3 The applicant has also stated that it is his intention to add doors to the front of the wheelie bin storage space and climbing plants to the sides of the decking area in the future. This does not form part of the application.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to a detached property (previously two semi-detached properties which have been converted into one) situated on St. Aidans Road in Great Preston. The host property is situated in a row of dwellings of similar sizes, scales, and designs. The host site slopes from west to east with the front garden of the host property being situated over two ground levels. An existing retaining wall covers the majority of the site frontage which is built of stone and measures approximately 1.5m in height. This wall retains an area of garden which is set above street level. To the north of this wall are steps leading up to the front door of the host property with the decking area situated to the north of this, above an area of hardstanding which is at the same ground level as the public footpath.
- 3.2 There are no similar examples of decking within the immediate streetscene with the majority of properties on St. Aidans Road containing modest sized walls to the front. Although there are a number of front boundary treatments on the street which are above the 1m height allowed under permitted development none of these boundary treatments appear to have been granted planning permission.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 09/00799/UHD3 - Enforcement Enquiry (Ongoing)

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The application is the result of an enforcement enquiry from a member of the public received on the 2<sup>nd</sup> July 2009. An enforcement case was opened at which time the applicant was given the option to return the site to its previous use or submit a planning application in an attempt to gain planning permission for the development.
- 5.2 The planning application was received on the 26<sup>th</sup> August 2009 and discussions were held with the applicant until the 18<sup>th</sup> September 2009. No acceptable solution to amend the scheme to gain a planning approval was found in this time. During the aforementioned discussions the following suggestions were put to the applicant in order to gain a planning approval at the site:

- Amendments to the scheme incorporating the removal of the decking and handrail parts of the proposal in order to accommodate a bin store of suitable design at the site;
- An new guard rail above the existing coal bunker to protect the safety of the applicants' children which would be of a suitable height, and set back from the site frontage, in order to overcome streetscene concerns; and,
- An extension of the existing stone boundary wall at the site and a raising of the ground level of the front garden in the north east corner of the site to the level of the rest of the front garden.

The possibility of constructing fences and railings under permitted development rights were also discussed. These are alternatives which could provide solutions to the safety concerns at the site.

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

- 6.1 Great and Little Preston Parish Council have offered comments in relation to the application. They state that they support the applicants intention to construct gates to the front of the bin store and climbing plants to hide the decking and railings. They have however stated they have concerns with regards to the opinion of neighbours, the potential fire hazard created from the bin store, and the degree of planting which will provide screening.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 None.

## **8.0 PLANNING POLICIES:**

- 8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. As the RSS is a strategic document, it is considered that there are no specific policies which are relevant to this application.

- 8.2 National - Planning Policy Statement One: Sustainable Development  
 "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".

- 8.3 Local – Leeds Unitary Development Plan (Review 2006) Policies:  
 The following policies are relevant:  
 GP5: "Development proposals should resolve detailed planning considerations (including access, drainage, contamination, stability, landscaping and design). Proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life, and highway congestion, to maximise highway safety, and to promote energy conservation and the prevention of crime".

BD6: "All alterations and extensions should respect the scale, form, detailing and materials of the original building".

N25: "Boundaries of sites should be designed in a positive manner, using walls, hedges, or railings where appropriate to the character of the area".

## **9.0 MAIN ISSUES**

- 9.1 Townscape/ Design and Character
  - Bin Storage
  - Privacy
  - Safety
  - Consideration of public/ local response

## **10.0 APPRAISAL**

### Townscape/ Design and Character

- 10.1 The decking and handrail is considered to be harmful development in two respects. For the purposes of this appraisal the impact of the structure will be assessed both in terms of the nature of the addition, as decking to the front of the property, and in terms of its formation as part of the front boundary treatment of the site.
- 10.2 The nature of the structure, as decking to the front of the host property, is considered to be an inappropriate addition which is uncharacteristic of the street. There are no examples of similar developments within the immediate locality with neighbouring gardens displaying soft and hard landscaping elements which are common features of front gardens. The front garden, like many other properties within the street, is situated over two levels. Although a design has been sought which seeks to fulfil the purposes outlined in paragraph 2.2 above, it is not considered that decking of the height and prominence proposed is the most appropriate design solution at the site. The decking is considered to represent design which is inappropriate for its context (as required by PPS1) and an addition which is out-of-scale and inappropriate in form as an addition to the front garden of the host property (as required by Policy BD6). The prominence of such an addition is also considered to harm the visual appearance of the street which is protected by Policy GP5.
- 10.3 The location of the addition also results in the decking and handrail forming part of the front boundary treatment of the site. The immediate streetscene surrounding the host property is characterised by a range of front boundary treatments which vary in style, design, and construction materials. It is noted that there are a number of examples of inappropriate front boundary treatments on St. Aidans Road which have been built without planning permission. However, the presence of these boundary treatments would not allow the planning policy to be overlooked in this instance as these unauthorised developments are not in the majority and so cannot be said to be forming a fundamental characteristic of the area. It is also noted that in order to compensate for the changing ground levels at many properties front boundary treatments are above the 1m height allowed under permitted development rights in order to act as retaining walls. This is the case at the host site and front boundary treatments serving this purpose are not generally considered to be inappropriate given the circumstances. This being said, the decking and handrail proposed goes beyond the practicalities of serving this purpose and is considerably greater in height, at 2.67m, than other front boundary treatments in the street. The prominent location of the structure means that design must be a key consideration and, in this instance, it is considered the proposal has not been designed in a positive manner which is appropriate to the character of the street (as is required by Policy N25).
- 10.4 One further point which must be considered is the potential for a precedent to be set by the development. If planning permission were to be granted for the application

this would set a harmful precedent for similar developments at neighbouring properties. The combined impact of front decking at a number of properties within the street would significantly impact on the appearance and character of the public realm. If decking were to be allowed at numerous sites on St. Aidans Road this would create a physical barrier between front gardens and the public footpath leading to an undesirable relationship between the two for pedestrians and highway users.

### Bin Storage

- 10.5 The applicant has expressed an intention to add doors or gates to the front of the bin store in order to improve its appearance. It is considered that this area of the site is an appropriate location for the storage of bins and the Local Planning Authority has expressed a willingness to discuss alternative bin store designs in order to gain a planning approval at the site. The applicant has stated that this would not be satisfactory for his needs.

### Privacy

- 10.6 The location of the decking does raise overlooking concerns in relation to the adjacent neighbouring property at 57 St. Aidans Road. However, it is considered that the resulting overlooking impact would not be so significant as to result in a loss of privacy which would warrant a refusal of permission.

### Safety

- 10.7 The safety of children is of paramount importance and design should always look to take this into account as a key planning consideration. It is acknowledged that the decking and handrail constructed has improved upon the previous situation with regards to health and safety and this is a desired outcome from any design solution at the site. However, it is considered that there are other options available to the applicant to protect the safety of his children which would conform with the relevant planning policies and allow the same level of protection. Due to the viability of alternative options it is considered that little weight can be given to the consideration of child safety in relation to the determination of the application.

### Consideration of public/ local response

- 10.8 Councillor Dobson has stated his support for the scheme citing reasons of financial circumstances and the inability of the applicant to move home. It is not considered that these are material planning considerations which are relevant in this instance. The personal financial circumstances of an applicant is not a material planning consideration and cannot be taken into consideration as part of the planning decision. Councillor Dobson has also stated that the inability to extend a property can lead to applicants being effectively 'locked' in their homes. It is noted however that the application put forward is for decking which does not create any additional living space at the host property. It is not considered that the removal of this decking would have a significant impact on the living conditions of the applicant and his family, and as such it is not considered that this is a valid planning concern which can be afforded substantial weight in the above appraisal.
- 10.9 Great and Little Preston Parish Council have commented on the scheme. They have stated that they would be prepared to support the application if the applicant were to add gates to the bin store and climbing plants to lessen its visual impact. Although the addition of gates or doors would improve the appearance of the bin store it is not

considered that this would overcome the Local Planning Authority's concerns in relation to the decking and railings above. It is also considered that screening in the form of planting would not overcome the harmful visual impact of the decking discussed in paragraphs 10.1 to 10.4 above.

- 10.10 The Parish Council have also expressed concerns that neighbours may object to the proposal, that there may be a potential fire risk created by the bin store due to the possibility of arson attempts from neighbours, and they have questioned whether the addition of climbing plants could be enforced against if this did not come to fruition. Although there are no neighbour objections to the planning application it is noted that only the immediate surrounding neighbours have been consulted as part of the planning process and therefore wider opinion has not been gauged. It is not considered that it would be necessary to do this for the purposes of determining the application. It is not considered that the potential risk to the bin store in terms of arson attempts by neighbours is a material planning consideration which can be given considerable weight. Finally, it is not considered that the addition of climbing plants to the front and sides of the proposal would overcome the concerns expressed in paragraphs 10.1 to 10.4 above.

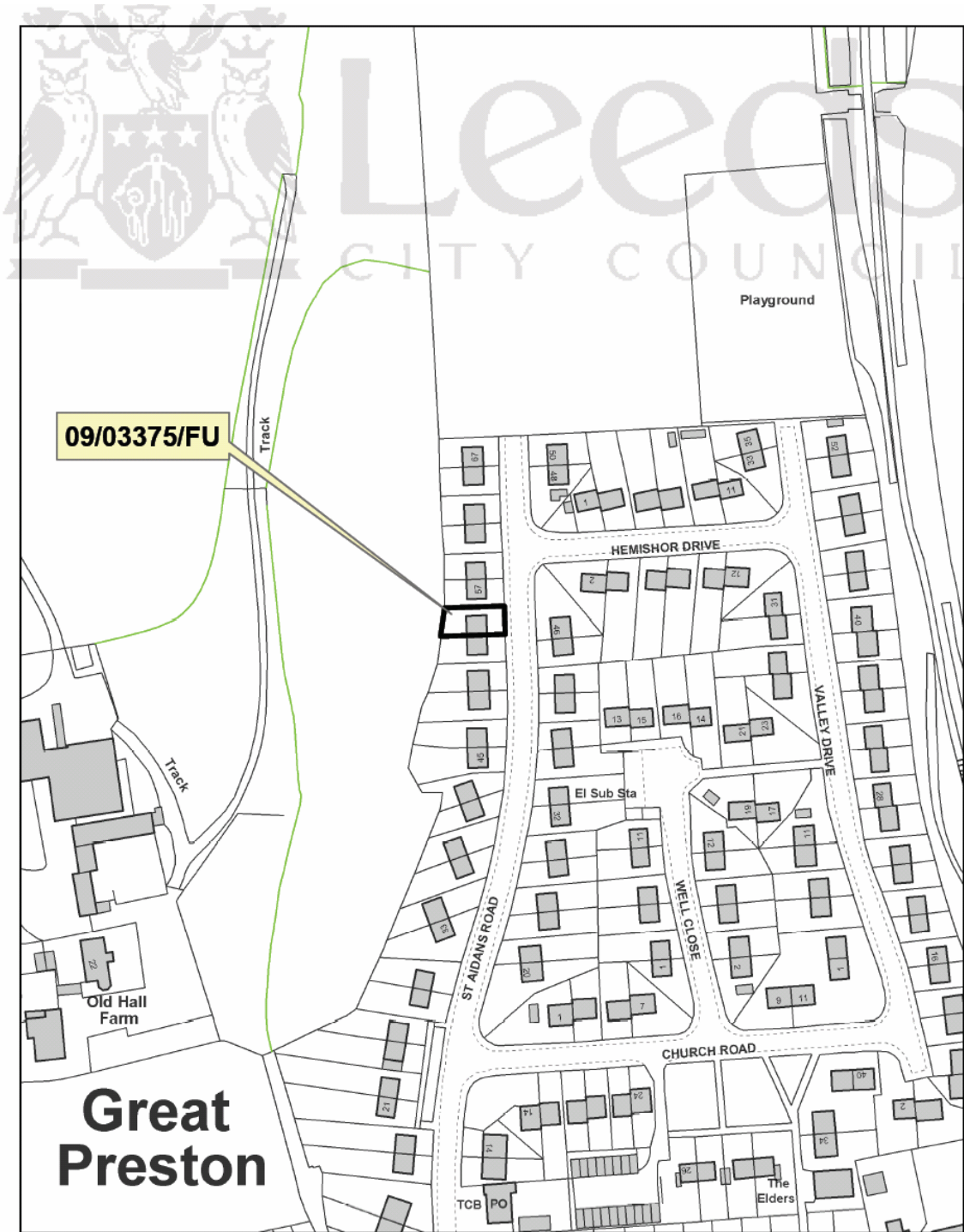
## **11.0 CONCLUSION**

- 11.1 The proposal is considered to represent inappropriate design which significantly harms the character of the streetscene and, if planning permission were to be granted, this could set a precedent for similar developments in the locality which could cause further harm. Therefore the application is recommended for refusal.

## **12.0 Background Papers:**

Application and history files.

Certificate of Ownership signed by applicant.



09/03375/FU

Great  
Preston

# EAST PLANS PANEL

Scale 1/1500

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