



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 16th June 2011

Subject: Application 11/01241/FU – Change of use of part basement of existing ground floor shop to form 1 one bedroom studio flat at 482 Roundhay Road, Leeds, LS8 2HU

APPLICANT

Reversionary Assets 2 Ltd –
C Hattersley

DATE VALID

25th March 2011

TARGET DATE

20th May 2011

Electoral Wards Affected: Roundhay

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE for the following reasons

The proposed flat would fail to provide an appropriate level of accommodation and amenity for future occupiers in terms of outlook and natural light, contrary to policy GP5 of the Leeds Unitary Development Plan Review 2006 and the guidance in Supplementary Planning Guidance 6: Development of Self-Contained Flats and Supplementary Planning Guidance 13: Neighbourhoods for Living.

1.0 INTRODUCTION:

1.1 This application is reported to Plans Panel at the request of Councillor Ghulam Hussain on the basis that he believes the applicant has addressed the concerns raised by the Council and the appeal Inspector with regard to the proposals, and that the changing living arrangements of people in the area mean that there is a need for this type of accommodation. A proposal for a basement conversion has previously been tested at appeal at this site. In this instance the Inspector recognised that the standard to living would not be good enough for future

occupants. It is therefore a matter of judgment for Members, and thus a Panel site visit has been arranged.

- 1.2 Permission was refused in July 2010 for the change of use of part of the basement of a commercial property at 482 Roundhay Road, Oakwood, into a one bedroom studio flat, on the grounds that the proposed flat would fail to provide an appropriate level of outlook and amenity for future occupiers. A subsequent appeal against the refusal was dismissed in October 2010. The current application seeks permission for the same use, but incorporates a number of revisions to the proposed flat and external areas which seek to address the previous reasons for refusal and the concerns raised by the appeal Inspector. Works to the building have already been carried out, making the application retrospective. The previous application and appeal were also considered on this basis.

2.0 PROPOSAL:

- 2.1 Permission is sought for the change of use of the rear part of the basement to an existing commercial unit at 482 Roundhay Road into a 1 bedroom flat. The front part of the basement would be retained as a storage area for the ground floor commercial unit above. The proposed flat would have an open plan lounge and kitchen area with a separate bathroom and bedroom. Access to the site is via an external staircase to the rear of the building, which leads into a small lightwell onto which the lounge, kitchen and side bedroom windows would face. The bedroom would have a second window situated at a high level in the rear elevation of the basement, facing onto an area of hardstanding to the rear of the building, where a parking space for the flat is proposed.

- 2.2 The following changes have been made to the proposals since the dismissal of the appeal against the previous refusal, which seek to overcome the concerns raised previously regarding natural light and outlook for future occupiers of the proposed flat:
- Reducing the height of the boundary/retaining wall adjacent to the external staircase and replacing it with railings with the aim of improving the outlook from the kitchen window.
 - Excavation works to the rear of the building to enlarge the lightwell and move the external staircase further away.
 - Addition of a second window in the side elevation of the proposed bedroom in addition to the high level window in the rear elevation.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the rear section of the basement area to a commercial property on Roundhay Road in Oakwood. The ground floor of the unit has recently been refurbished and is currently in use as a café/deli. The rear part of the basement is accessed by an external staircase to the rear. The front part of the basement, which is to remain in use as storage for the ground floor unit, is accessed by a separate internal staircase. Works have taken place within the application site, including the installation of kitchen units and a sink. There is a small area of hardstanding to the rear, accessed from Back Oakwood Avenue.
- 3.2 The site is within Oakwood district centre and is surrounded by commercial properties on either side, with residential dwellings to the rear. The site is also within Roundhay conservation area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 An application for the change of use of this basement area to a one bedroom flat was refused in July 2010 (application 10/02148/FU) for the following reason:

The proposed flat would fail to provide an appropriate level of accommodation and amenity for future occupiers in terms of outlook and natural light, contrary to policy GP5 of the Leeds Unitary Development Plan Review 2006 and the guidance in Supplementary Planning Guidance 6: Development of Self-Contained Flats and Supplementary Planning Guidance 13: Neighbourhoods for Living.

- 4.2 This was the subject of an appeal dealt with by the written representations procedure which was dismissed by the Inspector on 18 October 2010.
- 4.3 A Certificate of Lawful Existing Use for the ground floor unit as a hot food take away was granted in September 2010 (application 10/02127/CLE).
- 4.4 All other planning history relating to the site refers to alterations and signage to the ground floor commercial unit dating from the 1970s and 1980s.

5.0 PUBLIC/LOCAL RESPONSE:

Ward Members

- 5.1 Councillor Hussain has advised that he believes that the applicant has addressed the Council's and the Inspector's previous concerns, and that with the changing living arrangements of his constituents there is a great need for this style of apartments within the area.

Other response

- 5.2 The application has been advertised by site notice and neighbour notification letter. Former Ward Member Valerie Kendall had raised concerns regarding the overdevelopment of the site and car parking, and advised that she did not feel there was a need for further rentable accommodation in the area. No other representations have been received.

6.0 CONSULTATIONS RESPONSES:

Statutory

- 6.1 None.

Non-statutory

Highways

- 6.2 The proposed flat would have a single parking space to the rear. Although Back Oakwood Avenue is narrow, the proposed parking space would be around 5m wide, which would provide sufficient space for a single vehicle to access this area. The site is also within Oakwood local centre and is well served by public transport.

Neighbourhoods and Housing

- 6.3 No objections, subject to conditions.

7.0 PLANNING POLICIES:

Development Plan

- 7.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). 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. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application.
- 7.2 The site is within a secondary frontage within Oakwood district centre and within Roundhay conservation area. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations
S2 – Town centres
SF2 – Secondary shopping frontages
H4 – New housing
N19 – Conservation areas
BD6 – Alterations to existing buildings
T2 – Highway safety
T24 - Parking

Relevant supplementary guidance

- 7.3 The following Supplementary Planning Guidance (SPGs) and Supplementary Planning Documents (SPDs) are relevant to the consideration of the application:

SPG6 – Development of Self-Contained Flats
SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
SPD – Street Design Guide
Roundhay Conservation Area Appraisal

Government Planning Policy Guidance/Statements

- 7.4 The following national Planning Policy Statements (PPSs) are relevant to the consideration of the application:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment

8.0 MAIN ISSUES

1. Principle of development
2. Residential amenity
3. Visual amenity and impact on the conservation area
4. Highways
5. Housing supply
6. Other issues

9.0 APPRAISAL

Principle of development

- 9.1 The proposed change of use relates to the basement of an existing commercial property. The proposals would not affect the ground floor commercial unit and it is not considered that they would impact on the vitality or viability of the existing town centre.

Residential amenity

- 9.2 SPG6 provides guidance on the consideration of applications for the creation of self-contained flats within existing buildings. Amongst other factors, SPG6 advises that flats should provide satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. SPG13: Neighbourhoods for Living, provides further guidance in terms of residential design, including recommended separation and outlook distances for new residential units.
- 9.3 In terms of the lounge window in the south eastern elevation of the flat, the appeal Inspector acknowledged that that the position of this window in relation to ground levels resulted in an outlook which was better than simply the distance to the external staircase, but considered that the 'outlook is restricted by external walls and the stairs up to the ground floor flat which results in an oppressive level of enclosure such that I do not considered it to be adequate to serve this main living room.' Further excavations have now taken place to the rear of the building to enlarge the stairwell area and to increase the distance between the living room window and the staircase to 4.4m rather than the 2.4m which was previously proposed.
- 9.4 Neighbourhoods for Living recommends a minimum outlook distance of 10.5m from main aspect windows. Whilst the proposals have been revised to extend the stairwell area by a further 2m and lower the adjacent boundary wall, with the stated aim of improving the outlook and increasing natural light levels to this area, it is considered that the level of outlook from this lounge window would still be constrained as a result. Whilst it is proposed to lower the side boundary wall adjacent to the stairwell, it is considered that the sense of enclosure to this area would remain due to the height and proximity of the two storey projection to the rear of the neighbouring property, less than a metre away from the side boundary wall to the south west of the stairwell, and over 8m higher than the ground level within the stairwell area, since this projection would still appear as a dominant presence when viewed from the living room, kitchen and bedroom windows facing onto the stairwell and restrict the levels of light reaching this area due to its height and orientation to the south/south west.
- 9.5 In terms of the proposed kitchen window in the south western elevation of the flat, the appeal Inspector noted that this faces the external stairwell wall – which is also the site boundary wall – some 2.3m distant. The Inspector noted that this did not accord with the 2.5m recommended in Neighbourhoods for Living, and that whilst it provides for some daylight, it was restricted and did not allow for any significant degree of outlook. Whilst it is proposed to lower the height of the south western boundary wall and replace it with railings, the substandard separation distance would remain and, as discussed above, the outlook and natural light levels to this window would still be severely compromised by the two storey projection to the rear of the neighbouring property to the south west, which would be only 3.3m from the kitchen window to the proposed basement flat. Whilst in excess of the recommended separation distance in Neighbourhoods for Living, it is noted that the guidance in the SPG advises that the suggested distances should not simply be applied without consideration of the character of the site, and that they should be regarded as the normal minimum requirement for flat sites with conventional windows, and that for unconventional sites additional allowance is required. In view of the position of the proposed flat at a lower level in relation to surrounding land and buildings, this is not considered to be a conventional site, and it is considered appropriate to have regard to this guidance in this instance. It is not considered that the proposal to lower the boundary wall and replace it with railings would be

sufficient to overcome previous concerns regarding the outlook from this area in view of the height and proximity of this neighbouring building.

- 9.6 As well as the concerns discussed above relating to the outlook from the proposed flat windows, it is also considered in view of the layout of the proposed flat and the constrained outlook from the living room and kitchen windows, that the level of natural light reaching the majority of the internal part of the flat would be limited to such an extent that it would necessitate reliance on artificial lighting to these areas for the majority of the day.
- 9.7 With regard to the bedroom window in the rear elevation of the proposed flat, the Inspector noted that this high level window would give some daylight as long as the area outside the window were not blocked by a parked car or other items in the yard. The size of the external area is such that any vehicle parked within this proposed parking space would be less than a metre from the window. Whilst the Inspector noted that the site is in a sustainable location and that future occupiers may choose not to have a car, she considered that in the event that they did have a car it was likely they would park it in this space given the limited availability of parking in the locality, and therefore it was likely that the view from the bedroom window would be curtailed by a parked car. She also considered that, in any event, given the size and height of this window, it would again result in a 'rather oppressive sense of enclosure in this room.' Details submitted with the application suggest that future occupiers would have the option of using a nearby car park if they did not wish to park outside the rear of the property. However, whilst the car park in question may not be subject to any restrictions at present, its function is to provide parking for the shops and services within Oakwood local centre, and it should not be relied upon to provide parking for residential properties. In addition, it is considered in view of the distance to this public car park and the security concerns that are likely to arise from the fact that vehicles parked there would not be visible from the property, that it is much more likely that future residents who did choose to have a car would park in the space to the rear of the property. It is therefore considered that little weight can be given to this possibility.
- 9.8 Following the dismissal of the appeal, the plans for the flat have now been revised and a second window has been inserted in the side elevation of the proposed bedroom to provide an additional source of light and outlook. However, the position of this window is such that it looks directly onto the side of the relocated external staircase only 1.3m away, and the boundary wall beyond only 2.4m away, and would therefore again fall considerably short of the suggested separation/outlook distances in Neighbourhoods for Living, which recommends 7.5m between a bedroom window and a boundary. Furthermore, this second bedroom window is also located directly beneath the landing area of external staircase on the floor above, which projects out by around a metre above the window and thus further restricts the level of natural light reaching this area. As such, whilst it is noted that the addition of a second window to the proposed bedroom area may provide some additional light, any such improvement is likely to be marginal due to the position of the landing above and the restricted outlook from this window, and it is not considered that this would satisfactorily address previous concerns regarding the substandard levels of amenity in this bedroom area.
- 9.9 In conclusion, it is considered that notwithstanding the changes which have been made to the proposed flat and external areas, and the changes proposed to the side boundary wall, the proposals would not satisfactorily address the concerns raised previously and the development would still not provide for an acceptable outlook or

adequate natural daylight. As such, the proposals would be contrary to policy GP5 of the UDP and the guidance in SPG6 and SPG13.

- 9.10 In view of the distances between the proposed flat and other neighbouring residential properties it is not anticipated that any significant increase in overlooking of neighbouring dwellings would occur as a result of the development.

Visual amenity and impact on the conservation area

- 9.11 The changes to the basement and external areas of the building are relatively small scale in their nature and it is not considered that they would detract from the character and appearance of the conservation area.

Highways

- 9.12 In view of the fact that the proposed development would provide sufficient room for one parking space to the rear of the building, and that the site is within Oakwood local centre and well served by public transport, the highways officer has advised that they have no objection to the proposals. On this basis it is not considered that the proposed development would be detrimental to highway safety.

Housing supply

- 9.13 In their supporting statement, the applicant makes reference to a number of recent appeal decisions regarding housing supply in Leeds and states that Leeds is understood to have an underprovision of housing, and that the proposed flat would therefore contribute to meeting the housing demand. Whilst this is a material planning consideration, the contribution that a single dwelling such as this would make to the overall supply of new housing in Leeds is marginal, and on balance it is considered that this is not sufficient to outweigh the significant concerns regarding the poor standards of outlook and amenity for future occupiers of the proposed dwelling.

Other issues

- 9.14 As part of their supporting information, the applicant has advised that they carried out marketing of the property for a month in September 2010, and had 5 offers to rent the property, three of which were at the asking price, one which was £10 a month below the asking price and one which was £20 a month lower. However, in addition to the fact that the marketing related to an unlawful dwelling which did not have the benefit of planning permission, no details have been provided as to how much the property was marketed for and whether this was comparable to other similarly-sized properties in the area, nor is any information provided regarding the local housing market, demand for housing in the area and how this level of interest compares with other similar properties. However, no weight can be given to this matter in the determination of the application as it is not a material planning consideration, and in any event it is not considered that this is sufficient to outweigh the concerns regarding the substandard level of accommodation proposed or to justify the setting aside of development plan policy and adopted planning guidance in this instance.
- 9.15 An email has been received from the applicant responding to the concerns raised by former Ward Councillor Valerie Kendall, and raising concern regarding the weight to be attached to these comments given that she is no longer a Ward Member. The matters raised relate to concerns regarding the overdevelopment of the site, the status of the parking in the public car park at Oakwood Clock and whether this is time-limited, the existence of an allocated parking space outside the property, and whether there is a demand for housing of this nature in the area. All of these matters are material planning considerations which would need to be considered as part of

any application for development of this nature, and all have been discussed in the foregoing appraisal.

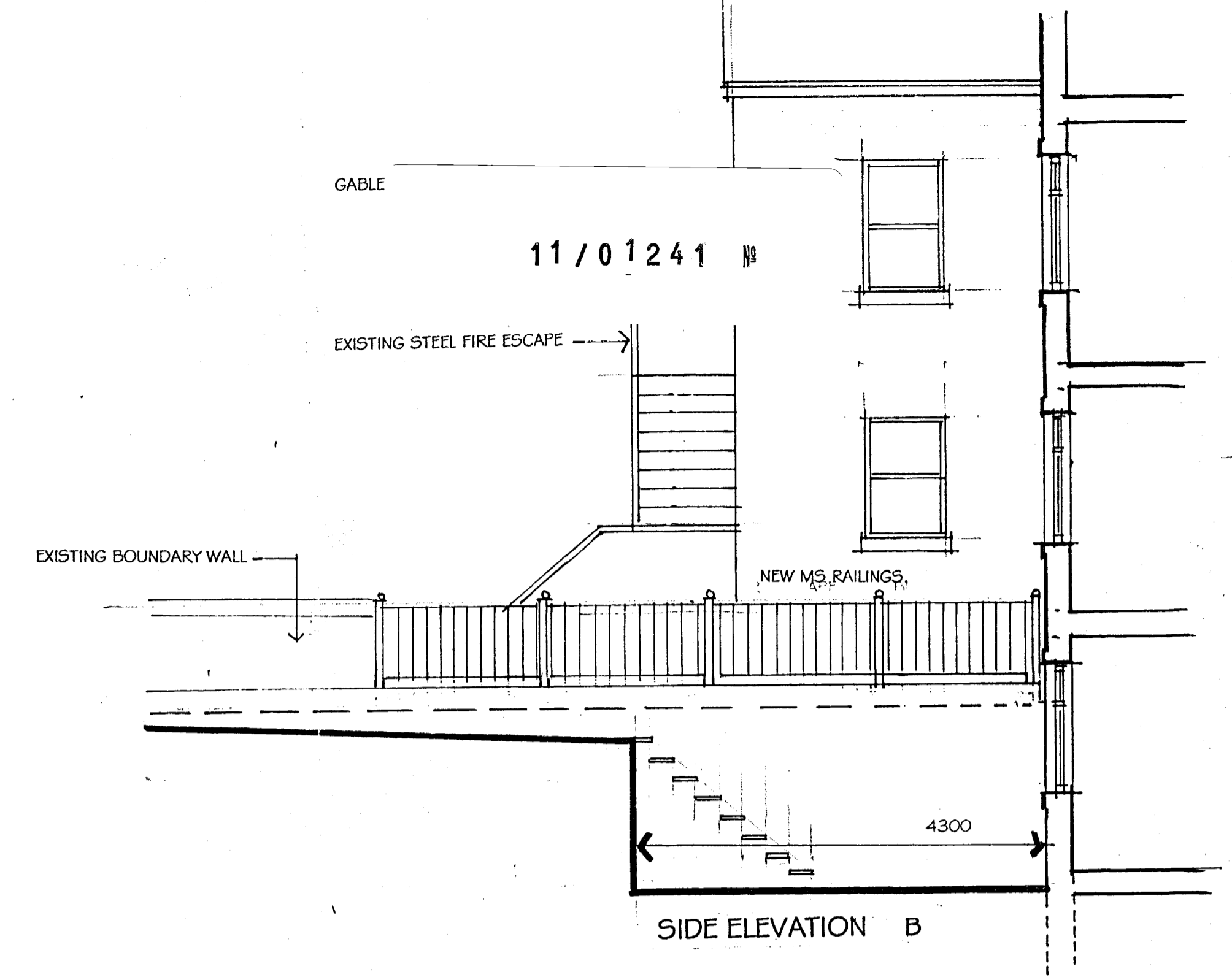
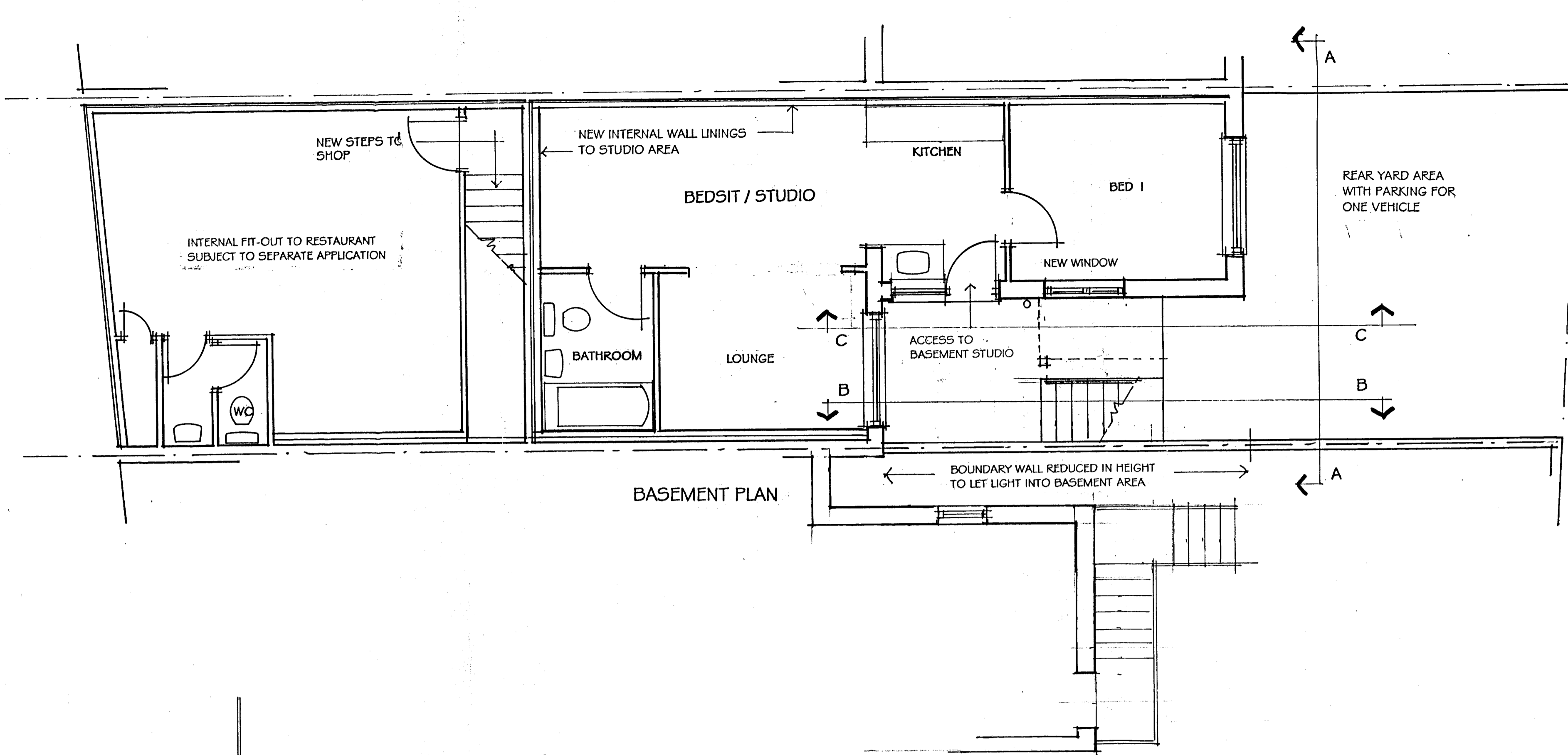
10.0 CONCLUSION

- 10.1 It is considered that the proposed flat would fail to provide an appropriate level of amenity for future residents in terms of outlook and natural light, and that the proposals are therefore contrary to policy GP5 of the UDP and the guidance in SPG6 and SPG13. It is therefore recommended that the application be refused.

Background Papers:

Application file, history file and appeal decision for application 10/02148/FU.

Certificate of Ownership: Certificate B signed and notice served.



REV B. STAIRS LEADING TO BASEMENT RELOCATED AND
NEW WINDOW ADDED TO BEDROOM.

REV A. BASEMENT LAYOUT AMENDED 15 / 06 / 10

FOR REVERSIONARY ASSETS 2 LIMITED

b.f.c.
Specialist
Architectural
Services



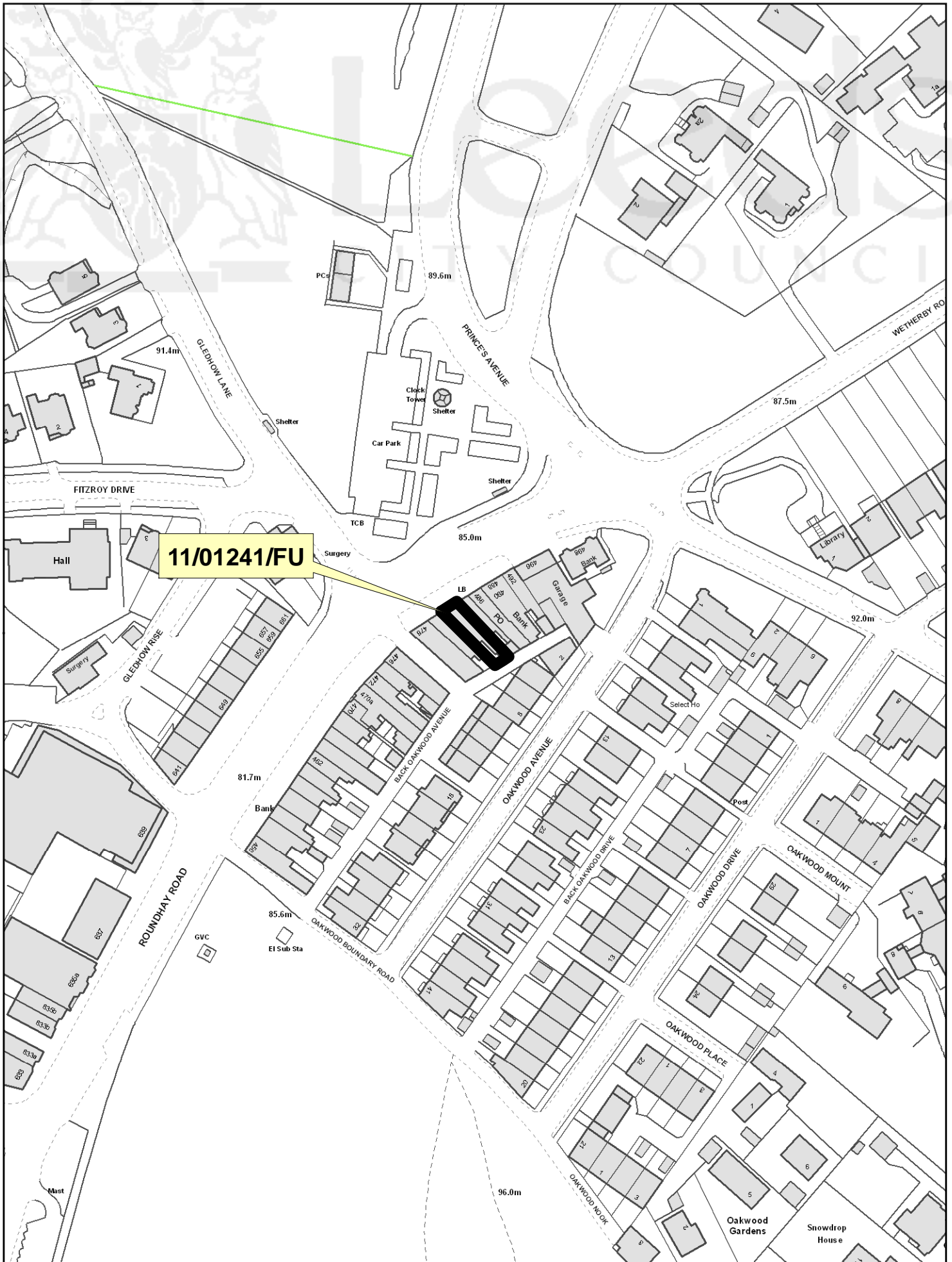
Building Design Project Management Surveying

PROPOSED
CHANGE OF USE OF
PART OF BASEMENT OF SHOP
AT GROUND FLOOR TO FORM
NEW 1-BED STUDIO FLAT IN BASEMENT.
AT
482 ROUNDHAY ROAD, LEEDS. LS8 2HU.

PLANNING DRAWING BFC

1:50 MAY 2010

2010 / 08 / 02 A



EAST PLANS PANEL