



## Report of the Chief Planning Officer

### PLANS PANEL EAST

Date: 11<sup>th</sup> August 2011

**Subject: APPEAL DECISION - Application 10/03600/FU – Appeal by Mr. St. Clair Brown against the refusal of planning permission for change of use from mid-terraced house in multiple occupation to 3 flats including rear dormer and car parking to rear at 182 Harehills Avenue, Harehills, Leeds 8**

#### Electoral Wards Affected:

Gipton & Harehills

YES

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

Members are asked to note the appeal decision which was allowed with planning permission granted for 3 flats including rear dormer and car parking to rear.

#### 1.0 THE APPEAL WAS DEALT WITH BY WRITTEN REPRESENTATIONS

- 1.1 This proposal related to a scheme for the conversion of a mid-terrace property into 3 flats. The scheme was reported to the Plans Panel with an officer recommendation for approval but Members resolved to refuse permission for reasons relating to impact on the residential character of the area and the loss of family housing.
- 1.2 The appeal was lodged on 26 February 2011 and was dealt with through the written representations procedure. The Inspector's decision letter was dated 24 June 2011.

#### 2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 The Inspector considered there were two main issues – the effect of the change of use, firstly, on the residential character of the area and, secondly, on the housing mix in the area.

### **3.0 SUMMARY OF COMMENTS**

- 3.1 The Inspector noted that there were other houses in multiple occupation (HMO's) and flats along the terrace and that only about half of the properties were in single household occupation. In addition, Harehills Avenue is a busy urban thoroughfare where there is a hotel and other community buildings nearby, so that there is a relatively high background level of activity and associated noise. Therefore, the Inspector considered that the introduction of a further conversion would not have a noticeable impact on the living conditions of nearby residents. In any event, since the appeal property is already an HMO, there would seem to be little distinction, in terms of comings and goings and the propensity for disturbance, between this use and that of three flats.
- 3.2 The Inspector felt that the issue of noise transference and impact to adjoining properties could be dealt with by condition.
- 3.3 In terms of the physical impact of the development, the Inspector agreed with the Council, that a condition would be necessary to ensure that provision is made for waste bin storage at the back, rather than the front of the property.
- 3.4 The Inspector referred to the contents of Supplementary Planning Guidance 6: Development of Self-Contained Flats in relation to the cumulative effect of conversions being potentially harmful to amenity. The Inspector found that in this case the proposed change of use would not have a materially detrimental effect on the residential character of the area.
- 3.5 With regard to the issue of Housing Mix, the Inspector referred to the Harehills Housing Market Assessment (HHMA) - May 2010 - Final report January 2011 by Re'new, which was used as evidence by the Council that there was a need for larger housing from the growing proportion of black and minority ethnic households. However, the Inspector considered that the HHMA also concludes that there is a generally buoyant housing market with healthy demand and a reasonable supply of housing options. Furthermore of the 1353 applications for housing in Chapeltown and Harehills from non Council tenants only 258 were seeking a house of 4 bedrooms or more whereas over 400 wanted one or two bed flats.
- 3.6 The Inspector noted there would not be a loss of a family home in this case because the property is already an HMO and the small rear garden of the property would not be ideal for a family with a number of children. He considered that no overriding need for family housing had been established in this location and that in the absence of that evidence the change of use would provide accommodation for which there is both a need and a demand and that it would maintain a healthy housing mix in the area in accordance with UDP objectives.
- 3.7 The Inspector noted the provision of off street parking and agreed there would be no significant increase in road dangers.

### **4.0 DECISION**

- 4.1 The Inspector allowed the appeal and granted planning permission subject to conditions. Conditions were imposed relating to waste bin storage, sound proofing and matching materials for the roof tiles of the dormer and that access should be maintained through the building to the rear yard for all occupiers.

## **5.0 IMPLICATIONS**

- 5.1 The appeal decision indicates the difficulties of being successful at appeal where there is not a clear policy basis for refusal or evidence to back up the concerns expressed by Members. In marginal cases such as this it is sometimes worth making the case but the outcomes are always likely to be mixed.

### **Background Papers:**

Application Files: 10/03600/FU

The changes shown on this plan do not need further public comment

LEEDS CITY COUNCIL  
Please refer to Decision Notice  
- 6 DEC 2010  
**REVISED**

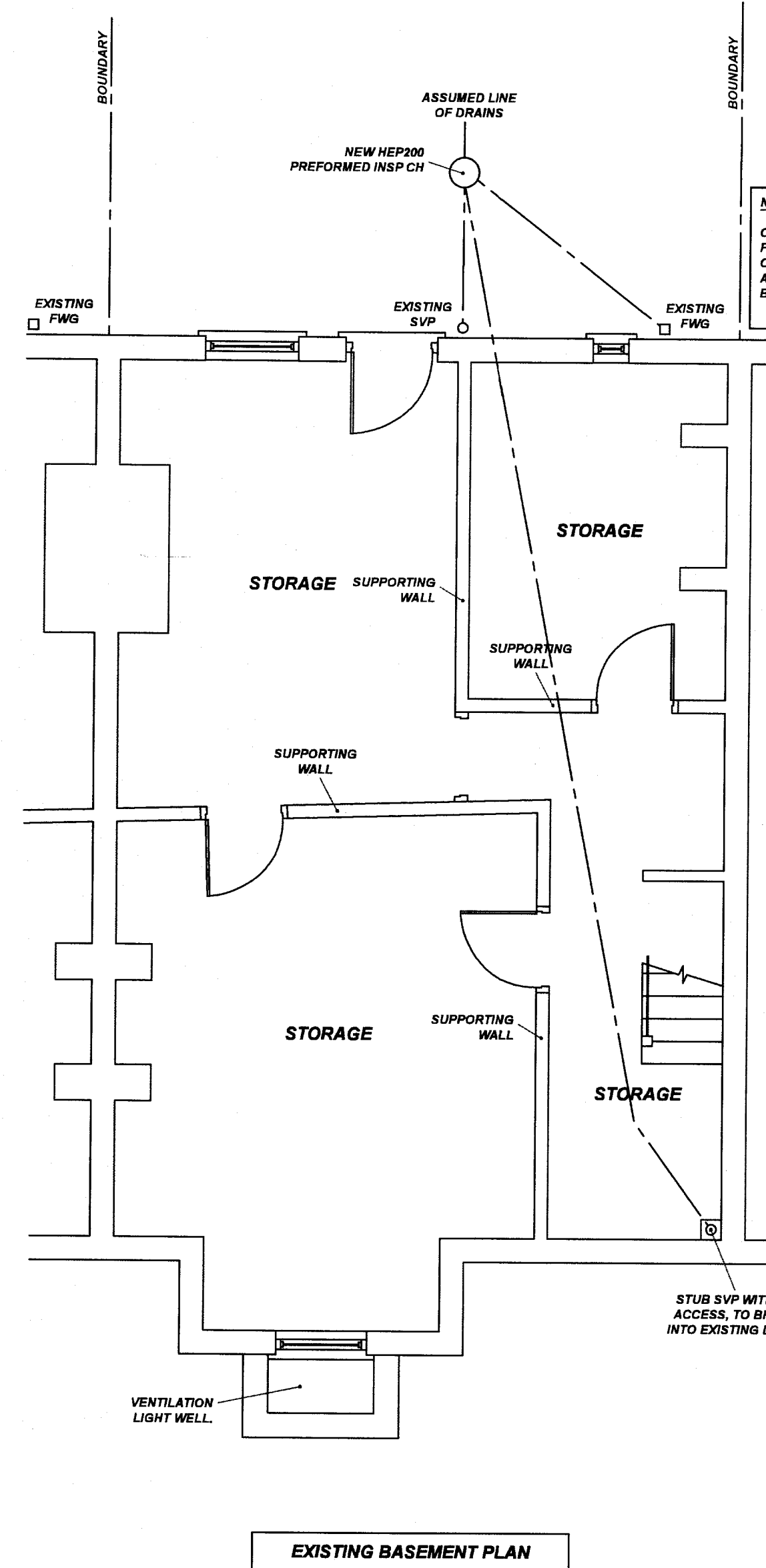


**NOTE:-**  
ALL WINDOWS AND DOORS TO BE REPLACED WITH UPVC DOUBLE GLAZED UNITS. GLAZING TO BE FITTED TO SATISFY APPROVED DOCUMENT 'W' (FOR SAFETY GLAZING). ALL DOOR GLAZING BELOW 1500 AND WITHIN 300 OF A DOOR AND BELOW 800 IN A WINDOW TO BE TOUGHENED SAFETY GLASS TO BS8202 (AND MARKED AS SUCH). ALL NEW AND REPLACEMENT WINDOWS AND EXTERNAL DOORS TO BE FITTED WITH D/GLAZING HAVING 'K' GLASS WITH 16 MIN AIR GAP AND PLINKTON INSULIGHT D/GLAZING SPACERS, ALSO FITTED WITH DRAUGHT SEALS. U-VALUE OF FRAME NOT TO EXCEED 1.8 W/m<sup>2</sup>K AND WINDOW CENTRE PANE U-VALUE NOT TO EXCEED 1.3 W/m<sup>2</sup>K. BEDROOM WINDOWS TO HAVE MEANS OF ESCAPE OPENING LIGHTS WITH CLEAR OPENING SIZE OF 0.33M<sup>2</sup> (450 MIN WIDTH AND 450 MIN HEIGHT) INTERNAL SILL HEIGHT TO BE BETWEEN 800 AND 1100 FROM FLOOR.

PROPOSED SIDE ELEVATION

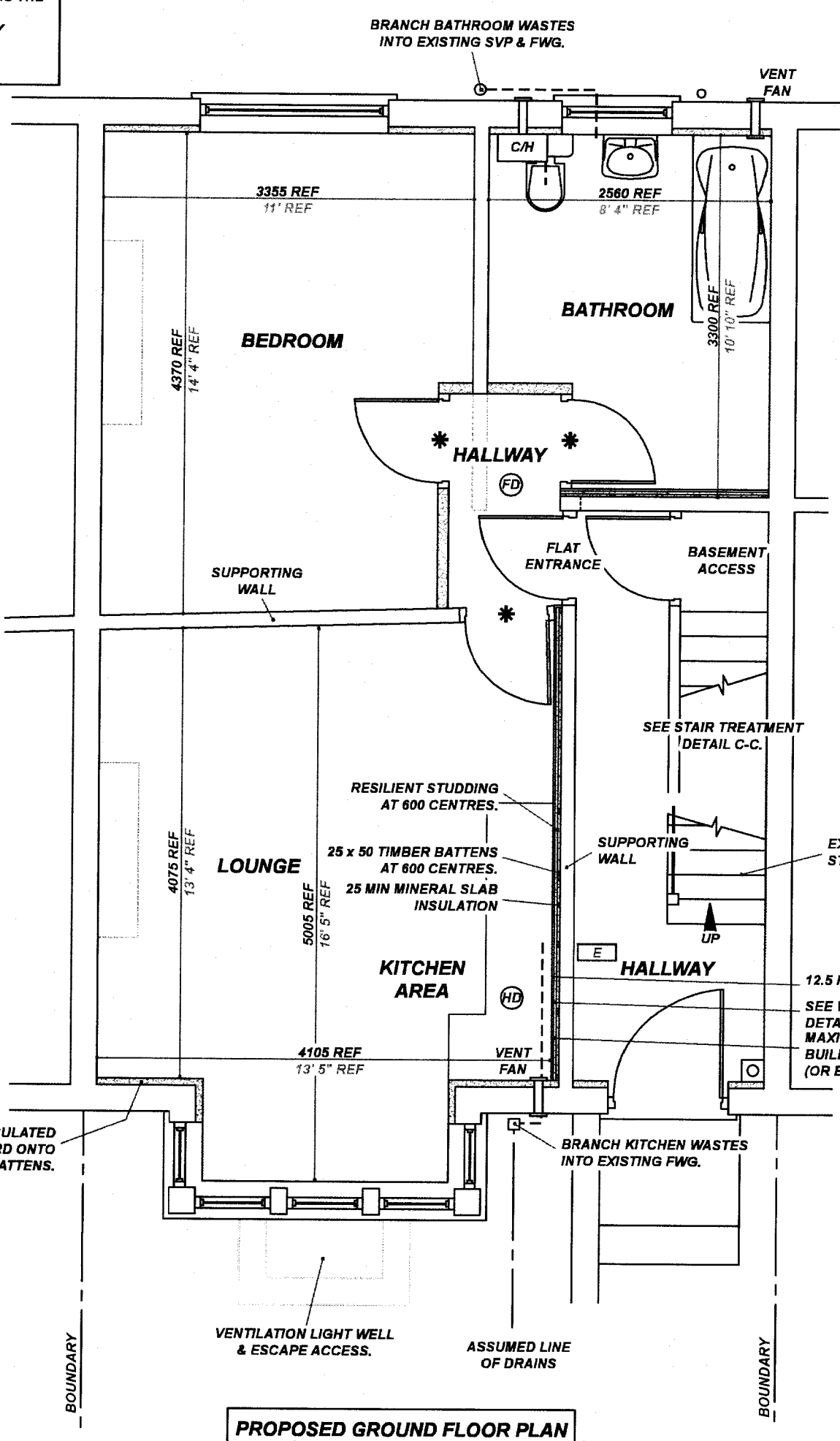
PROPOSED REAR ELEVATION

PROPOSED FRONT ELEVATION

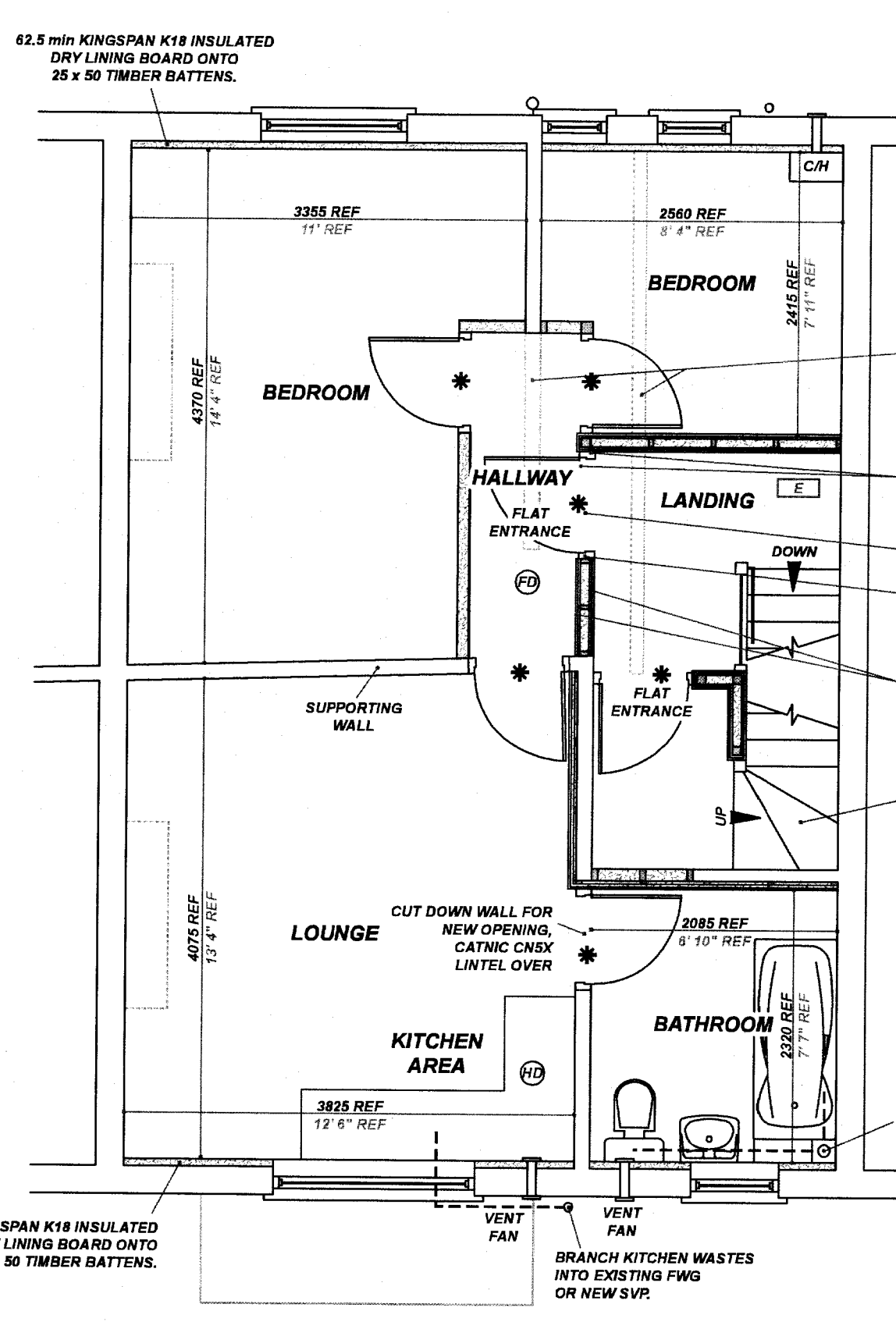


EXISTING BASEMENT PLAN

**NOTE:-**  
CHIMNEYS BEING REMOVED MAY SUPPORT FLOOR JOISTS FROM ABOVE, IF THIS IS THE CASE TRIMMING DETAILS SHOULD BE AGREED WITH THE LOCAL AUTHORITY BEFORE WORK IS CARRIED OUT



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

**NOTE:-**  
EXISTING LANDINGS AND STAIRCASE TO HAVE A GUARDED HANDRAIL WITH 1100 MIN HANDRAIL HEIGHT. ALL HANDRAILS TO HAVE VERTICAL SPINDLES OR BOARDS WITH 100 MIN SPACING AT ANY POINT. LANDINGS AND STAIRCASE TO COMPLY WITH B/REGULATIONS APPROVED DOCUMENT 'B' TO LA INSPECTORS SATISFACTION.

NEW SUPPORT BEAM (SEE ENGINEERS CALCS FOR BEAM & SUPPORT DETAILS).

50mm MIN CELOTEX TUFF-R 043000 THERMAL INSULATION TO PARTY WALL, TO BE FIXED IN ACCORDANCE WITH MANUFACTURERS DETAILS.

REMOVE INTERNAL WALLS, OPEN UP AND CUT DOWN TO CREATE NEW HALLWAY ETC. BEAM IF REQUIRED TO BE AGREED ON-SITE WITH L.A. INSPECTOR.

REMOVE EXISTING PURLIN.

MAXIBOARD ACOUSTIC BUILDING BOARD, OR EQUIVALENT, BOTH SIDES.

RESILIENT STUDDING AT 400 CENTRES.

50 MIN MINERAL SLAB INSULATION (SEE ENGINEERS CALCS FOR BEAM & SUPPORT DETAILS).

NEW SUPPORT BEAM (SEE ENGINEERS CALCS FOR BEAM & SUPPORT DETAILS).

RIDGE BEAM.

CEILING FITTED VENT FAN DUCTED TO EXTERNAL AIR.

EXISTING STAIRCASE.

BRANCH BATHROOM WASTES INTO EXISTING SVP.

BRANCH KITCHEN WASTES INTO EXISTING SVP.

100 SQ POSTS ON EITHER SIDE OF WINDOWS/DOORS TO SUPPORT BEARERS

BRANCH BATHROOM WASTES INTO EXISTING SVP & FWG.

50 X 100 STUDDING AT 400 CENS, FILLED WITH 100 CELOTEX TUFF R.

SEE PARTITION WALL NOTE IN GENERAL NOTES.

REMOVE EXISTING PARTITION WALL

DORMER CHEEKS SUPPORTED BY 200-175 X 50 C16 TIMBER JOISTS (ROLTED), SUPPORTED BY LOWER SUPPORT STUDDING AND RIDGE BEAM.

CEILING FITTED VENT FAN

100 X 50 TIMBER STUDDING FILLED WITH 100 MINERAL SLAB INSULATION 3 LAYERS 12.5 FIRELINE P/B.O.A.R.D., BOTH SIDES, STAGGERED JOINTS.

EXISTING STAIRCASE.

NEW SVP TO TERMINATE IN ROOF SPACE WITH 'TURBO' VALVE OR EQUIVALENT.

PROPOSED SECOND FLOOR PLAN

**NOTE:-**  
FLOOR BETWEEN CELLAR AND GROUND FLOOR TO HAVE 1 HOUR (MIN) FIRE RESISTANCE, BY UNDERBOARDING WITH 1-2 LAYERS OF FIRELINE P/B.O.A.R.D., BY ON-SITE AGREEMENT WITH L.A. INSPECTOR.

**NOTE:-**  
U-VALUE OF EXTERNAL WALLS SHOULD NOT EXCEED 0.3 W/m<sup>2</sup>K.  
U-VALUE OF GROUND FLOOR SHOULD NOT EXCEED 0.3 W/m<sup>2</sup>K.  
U-VALUE OF ANY NEW WINDOWS SHOULD NOT EXCEED 1.8 W/m<sup>2</sup>K.

**NOTE:-**  
ALL DOORS MARKED \* TO BE FD30 FIRE DOORS.

**NOTE:-**  
INTERNAL TANKING/WATERPROOFING BY APPROVED CONTRACTOR, CONDITIONAL APPROVAL REQUESTED.

**NOTE:-**  
TANKING DETAIL SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, ACTUAL INTERNAL TANKING/WATERPROOFING METHOD TO BE USED SHALL BE SPECIFIED BY THE APPOINTED SPECIALIST CONTRACTOR.

**KEY:-**

- CAVITY DRAINAGE MEMBRANE.
- PERIMETER DRAINAGE CHANNEL.
- TRENCH DRAIN, TO BRANCH INTO EXISTING DRAINS.
- EMERGENCY LIGHTING TO COMMUNAL AREAS.

WALLS, FLOOR & ROOF TO BE UPGRADED TO CURRENT VALUES.

WALLS - FLAT 1 - 0.25 W/m<sup>2</sup>K  
FLOOR - FLAT 1 - 0.25 W/m<sup>2</sup>K  
ROOF - PLANE - 0.16 W/m<sup>2</sup>K  
FLAT - 0.25 W/m<sup>2</sup>K

WINDOWS TO BE CHANGED TO CURRENT VALUES - 0.2 W/m<sup>2</sup>K.

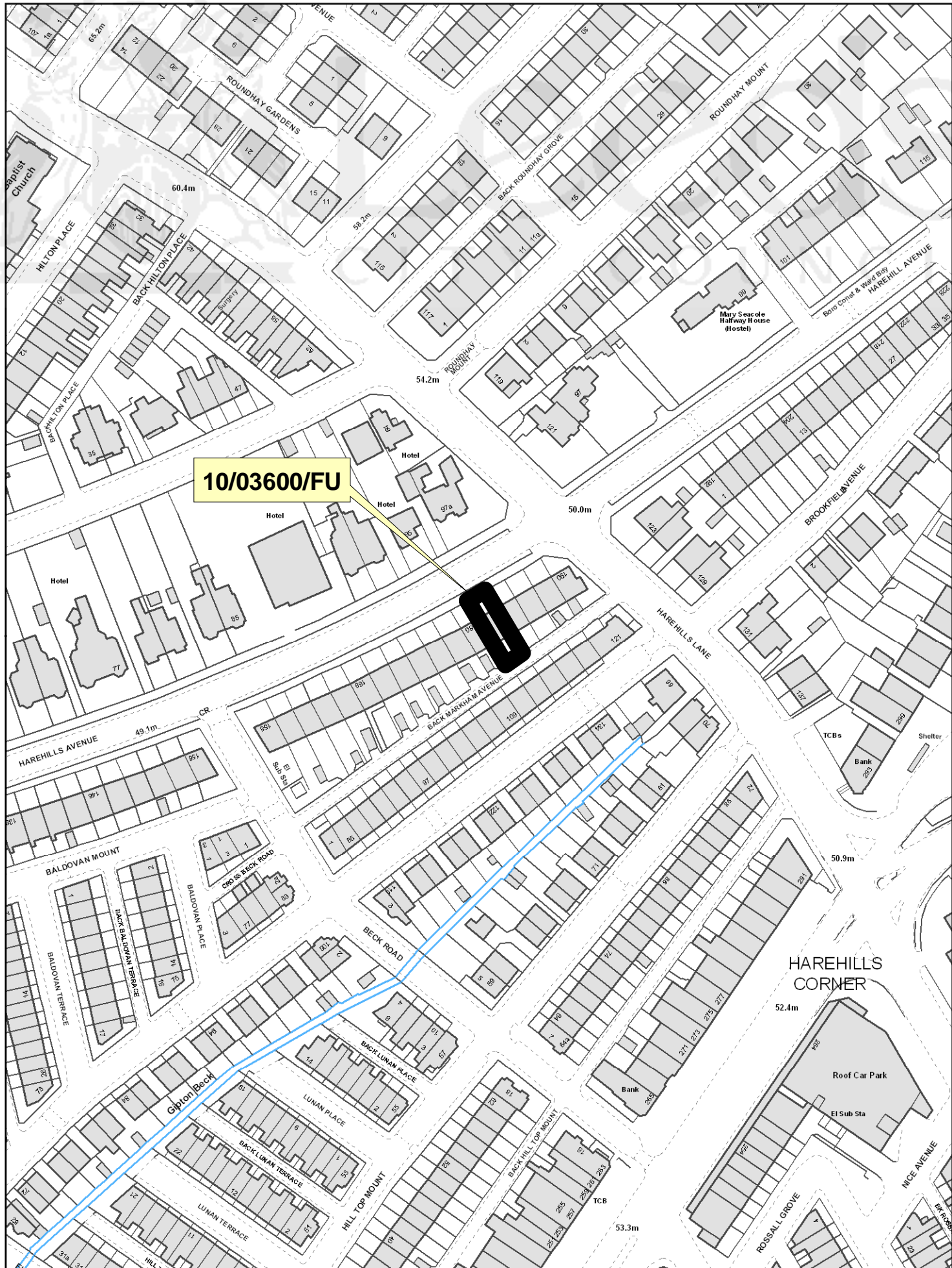
ALL DIMENSIONS ARE FOR REFERENCE ONLY AND SHOULD BE CHECKED ON SITE BEFORE COMMENCEMENT

**CHANGE OF USE FROM MID-TERRACED HOUSE (2 FLATS) TO 3 FLATS INCLUDING REAR DORMER**

182 HAREHILLS AVENUE, LEEDS, LS8 4ET.

SCALES: 1/50 & 1/100 MR S. BROWN DECEMBER 2010

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# EAST PLANS PANEL