

Originator: J Thomas

Tel: 0113 2224409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 9<sup>th</sup> August 2012

Subject: 12/02300/FU Removal of condition 6 of previous approval 31/204/97/FU and alterations to garage to form habitable room; two storey and first floor side/front extension; attached garage to side at Hartmoor House, 3 Freely Fields, Bramham, LS23 6WB.

APPLICANTDATE VALIDTARGET DATEMr J and Mrs K Dyer28<sup>th</sup> May 201223<sup>rd</sup> July 2012

Electoral Wards Affected:	Specific Implications For:		
Wetherby	Equality and Diversity		
Yes Ward Members consulted (referred to in report)	Community Cohesion		

## **RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:**

- 1. The development permitted shall be begun before the expiration of three years from the date of this permission.
- 2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
- 3. The external walling and roofing materials shall match the existing.
- 4. The existing planting to the front and side of the dwelling indicated on the revised site plan (02C) shall be retained and maintained for the lifetime of the development. If the existing vegetation dies back then replacement species, agreed with the LPA shall be implemented in the first available planting season and retained thereafter as such.
- 5. The new planting to the front and side of the dwelling indicated on the revised site plan (02C) shall be implemented in the first available planting season and retained thereafter as such.
- 6. The garage shall not be altered or converted in such as way as to prevent its use by motor vehicles.
- 7. No insertion of windows to the west side gable.

**Reasons for approval:** The proposed development is considered to be acceptable as it complies with the aims and intentions of policies GP5, BD6 and N19 of the Leeds Unitary Development Plan Review and all other material considerations. On balance, the Council considers the development's impact on the streetscene and upon neighbouring residential amenity is acceptable and will not give rise to any undue harm.

## 1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Councillor J Procter as the previous application for an alternative form of development had been considered, and refused, by Plans Panel.
- 1.2 An application for substantially similar development was referred to Plans Panel in August of 2011 with an officer recommendation of approval. The discussion at Plans Panel raised issues regarding the impact of the development upon the streetscene, with the main concern being the degree of additional development at the head of the cul-de-sac and the loss of existing vegetation. The application was refused for these reasons and the applicant appealed the decision.
- 1.3 The appeal was dismissed. The Inspector also considered that an additional garage to the head of the cul-de-sac was contrary to the spacious character of Freely Fields and harmed the character of the conservation area. The Inspector did not raise significant concerns regarding any other aspects of the proposal.
- 1.4 The application has been revised so that the garage is no longer located at the head of the cul-de-sac and is instead positioned at the side of the dwelling. Further revisions during the application process have moved the garage a further 0.5m back from the front wall of the house. The consideration is then whether this amended position of the garage is sufficient to overcome the concerns expressed by Plans Panel and the Inspectorate.

## 2.0 PROPOSAL:

- 2.1 The applicant seeks permission to construct a two storey and single storey side and front extension. Permission is also sought to vary a restrictive condition to convert the integral garage and to build a detached garage.
- 2.2 The extension to the front and side effectively squares off the existing dwelling, building up an existing one and a half storey section of the dwelling to run flush with the main dwelling. The existing garage to the ground floor is to be converted to living accommodation and extended with a small monopitched front addition which ties into an existing front canopy.
- 2.3 The attached garage is located to the other side of the property and is set back 1.2m from the front wall. The garage will measure 6.4m in width, 6.0m in length and its gabled roof will be 2.7m and 5.2m to eaves and ridge respectively.

## 3.0 SITE AND SURROUNDINGS:

3.1 The application relates to a detached, two storey dwelling located toward the head of a small residential cul-de-sac within Bramham's Conservation Area. The property is a modern dwelling, is constructed of stone with a concrete tile roof and has a simple, gabled form which makes some reference to the vernacular of the village's historic core. The dwelling is largely gabled and has a small transverse front gable. The property also has a one and a half storey section to the side which incorporates a wall dormer with a catslide roof. The surrounding streetscene is somewhat mixed, with dwellings displaying a unity of materials and styles, though with a variety of shapes and forms. Houses are set back from the highway edge behind open front gardens and there is a spacious feel to the area.

- 3.2 The property is set on a slight angle to the highway and thus has an oblique relationship with its immediate neighbour to the south. The slightly older properties of Crag Gardens adjoin the site to the rear, with 7 Crag Gardens facing out across the garden of the application site, though it is angled away from the main bulk of the dwelling.
- 3.3 The main amenity space of the dwelling is set to the rear and side of the property where a generous domestic garden is enclosed by 2.0m fencing and vegetation.

## 4.0 RELEVANT PLANNING HISTORY:

4.1	31/204/97/FU	Laying out of access and erection of two 4 bedroom and nine 5 bedroom houses	Approved
	06/05178/FU	Single storey rear extension	Approved
	11/01683/FU	Removal of condition 6 of previous approval 31/204/97/FU and alterations to garage to form habitable room; two storey and first floor side/front extension; detached double garage and enlarged vehicle access	Refused Appeal Dismissed

## 5.0 **HISTORY OF NEGOTIATIONS:**

- 5.1 The applicant approached officers prior to submitting the application to seek advice on how to amend the proposal to address the concerns of Panel and the Inspector. Officers were of the opinion that moving the garage away from the head of the culde-sac and seeking to retain landscaping may well start to address the issues.
- 5.2 The submitted application has followed this advice. A further revision has been made during the application process which has moved the garage further back within the site.

## 6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice and in the Boston Spa and Wetherby News as affecting the character of a conservation area. Twelve neighbour notification letters have also been posted.
- 6.2 Two responses have been received from properties which bound Freely Fields to the north and two from within the cul-de-sac.
- 6.3 Of the two from outside the estate:
  - the occupants of 7 Crag Gardens express concerns regarding impact upon the conservation area, the Inspector's concerns, the increased height of the garage, loss of view, overdevelopment and potential future conversion;
  - the occupants of 2 Crag Gardens express concerns regarding overlooking, overdevelopment and the previous applications.

- 6.4 From within the estate:
  - the occupants of 5 Freely Fields express concern regarding the Inspector's comments, the impact upon the Conservation Area, the loss of landscaping to the front, overlooking and highway safety.
  - the occupants of 2 Freely Fields raise concerns regarding the impact upon the character of the cul-de-sac and highway safety.
- 6.5 Revised plans have been received during the course of the application which have reduced the depth of the garage by 500mm. A second consultation has been undertaken with letters sent to all neighbours and contributors. Additional responses have been received from the two proprieties within Crag Gardens who note that the revised plans do not alter their objections.

## 7.0 CONSULTATIONS RESPONSES:

7.1 Highways express some concerns regarding manoeuvring into the garage but note that sufficient space is provided outside the garage to allow two cars to be parked within the curtilage of the dwelling. As such the proposal is not detrimental to highway safety as it will not encourage on-street car parking.

## 8.0 PLANNING POLICIES:

- 8.1 The development plan includes 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. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.
- 8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

## 8.3 UDP Policies:

- <u>GP5</u> Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.
- <u>BD6</u> All alterations and extensions should respect the scale, form, detailing and materials of the original building.
- <u>N19</u> All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area by ensuring that:

i. The siting and scale of the building is in harmony with the adjoining buildings and the area as a whole;

ii. Detailed design of the buildings, including the roofscape is such that the proportions of the parts relate to each other and to adjoining buildings;

iii. The materials used are appropriate to the environment area and sympathetic to adjoining buildings. Where a local materials policy exists, this should be complied with;

iv. Careful attention is given to the design and quality of boundary and landscape treatment.

- 8.4 <u>Householder Design Guide SPD:</u> Leeds City Council Householder Design Guide 2011: This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.
  - HDG1 All alterations and extensions should respect the scale, form, proportions, 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 detail;
    - iii) Architectural features;
    - iv) Boundary treatments;
    - v) Materials.
  - HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

## 8.5 <u>Supplementary Planning Guidance/Documents:</u>

Bramham Conservation Area Appraisal (CAA) – adopted as a material consideration 17<sup>th</sup> May 2010. The site is located within character area 2 – the 20<sup>th</sup> century. It is noted that the key characteristics are:

- Medium to coarse-grain built form;
- Cul-de-sac layout predominates;
- Dwellings set within plots of varying sizes but usually sited back from street frontage;
- Buildings are one and two storeys in height, usually with a gabled roof form;
- Properties are constructed from coursed stone;
- Roofs are often red pantile;
- Properties have a simple appearance with little ornate detailing; dormers are not a typical feature.
- 8.6 The CAA sets out the ways to retain character
  - Retention and reinforcement of grain of built form;
  - New development and extensions of an appropriate scale and form;
  - Outbuildings and ancillary structures to remain subordinate;
  - Retention of surviving mature trees;
  - Less emphasis on cul-de-sac development;
  - Safeguard views and spaces between buildings

## 8.7 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

#### 9.0 MAIN ISSUES

- 1. Impact on Conservation Area
- 2. Parking
- 3. Residential Amenity
- 4. Representations

#### 10.0 APPRAISAL

#### Impact on Conservation Area

- 10.1. Conservation area policies seek to ensure that development proposals preserve or enhance the character or appearance of the conservation area. The NPPF states that "design which is inappropriate in its context, or which fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted". Leeds Unitary Development Plan Policy GP5 states that "development proposals should seek to resolve detailed planning considerations including design" and should seek to avoid "loss of amenity. Leeds Unitary Development Plan Policy BD6 states that "all alterations and extensions should respect the form and detailing of the original building". Bramham Conservation Area Appraisal contains a character assessment of the 20<sup>th</sup> century housing developments and notes that a gabled form predominates and that dormers are not a typical feature.
- 10.2. As has been noted above this application has been previously considered by the council and has also been dismissed by the Inspectorate. The Inspector's main concerns related to the impact of the proposal upon the character of the conservation area. The Inspector's decision is a significant consideration in respect of the new application.
- 10.3. The application can be split into two separate areas. The conversion of the garage and the extensions to the main house on the one hand, and the new garage and landscaping on the other. These will each be discussed in turn.
- 10.4. No significant concerns have been raised by officers, Panel nor the Inspector in relation to the conversion of the garage and the extension to the house. As the Inspector's report summarises;

The proposed extension and alteration to the house itself would alter its design in that the dormer roof would be replaced with a more traditional designed elevation continuing the front wall of the house and carrying the roof line through. This would increase the bulk and massing of the house but due to its position in its plot and subject to appropriate finished detailing such as wall and roof materials I do not consider that this would be out of character with the overall design and appearance of the group of houses in the cul-de-sac.

This is also the view of officers, and this aspect of the scheme is considered to be acceptable.

10.5 In relation to the new garage and the landscaping the main concern was the impact of additional development at the head of the cul-de-sac upon the open character of the Bramham conservation area. The Inspector's report again provides a useful summary of the issues. She notes;

Freely Fields is a cul-de-sac with a noticeable space between Nos 3 and 4 punctuated by No 4's detached double garage. The proposed garage would sit alongside No 4's garage, visually closing this space. Whilst single storey, the proposed garage would be fairly large; larger than No 4's and the combined effect of the two garages at the end of the cul-de-sac would alter the spacious character of Freely Fields that is created by the open plan gardens, including the generous open and landscaped garden to No 3. I consider that this alteration to the general character of this group of houses would neither preserve nor enhance the character or appearance of the Bramham Conservation Area.

The main issue which needs to be considered is then whether the revisions which have been made to the position of the garage have overcome this harm.

- 10.6 The position of the garage has been revised so that it no longer sits between numbers 3 and 4, but is instead located to the side of the application property and 1.2m behind its front wall. This means that the garage would no longer visually close the space between the two properties and the existing space at the head of the culde-sac is largely retained. As such the revised position is considered to have overcome the concerns of the Inspector.
- 10.7 The removal of the existing front garden is also an issue which must be considered. As is noted by the Inspector the generous, open and landscaped garden of number 3 adds to the spacious character of the cul-de-sac. The loss of this landscaping does therefore cause some concern. This said, it is not actually possible for the authority to control the removal of the front garden as this element does not fall under planning control. This means that the whole front garden and all trees and bushes can be removed from the site without reference to the planning authority. It is therefore difficult to control this harm.
- 10.8 However the applicant is not intending to pursue this course of action and has made an effort to produce a scheme which proposes as much landscaping as is feasible. The applicant is also happy to accept a condition which retains the proposed landscaped area in perpetuity. This landscaping will include two trees in front of the property, two additional beds to the side and front of the property and climbers are to be planted against the fence. The then means that there will still be a reasonable degree of vegetation at the head of the cul-de-sac.
- 10.9 It should be noted again that the applicant's fall back position is to remove all landscaping, block pave the front garden and then approach the authority for permission to construct the garage. This would cause a substantial degree of harm. Because the landscaping cannot ultimately be controlled by the local authority, except with the good will of the applicant, it is considered that the loss of some of the front garden in order to facilitate the new garage is adequately mitigated by the proposed landscaping scheme.
- 10.10 As such the application is considered to preserve the character of this section of the Bramham Conservation Area. The revised position of the garage retains the space between numbers 3 and 4, and the proposed landscaping scheme, voluntarily entered into by the applicant, retains some of the green, spacious character the cul-

de-sac. The application is therefore considered to have overcome the previous reason for refusal and the Inspector's decision.

10.11 It is noted that neighbours have raised some concerns regarding overdevelopment. This matter was also raised previously by neighbours. This has not been a concern of officers nor the Inspector. The extensions which are proposed do not result in a plot which will appear unreasonably cramped and the balance of garden space to built form is reasonable.

#### **Residential Amenity**

10.12 Policy GP5 of the Leeds UDPR states that development proposals should avoid a loss of amenity, which includes harm caused through overlooking, overshadowing and overdominance. The impact on neighbours was also a consideration in respect of the previous application and neither officers, Panel nor the Inspect raised concerns. The Inspector's report notes;

Other matters have been raised including the effect on the living conditions of the occupiers of nearby houses. Concerns have been raised over a number of matters including the overbearing nature of the proposal, loss of light and loss of privacy. Whilst the proposal would have some degree of impact on the neighbours this would not be to such an extent to withhold permission. I have also considered other UDP and national policies referred to but these do not alter my conclusion

10.13 The application has been amended from this first submission. The garage has been moved further away from 7 Crag Gardens and its ridge line has been raised by 200mm. Although this ridge line raise of 200mm will have some additional impact upon neighbours, this impact is not a sufficient change to suggest that the view of the Inspector must be revisited. It is also noted that the garage has been moved away from the common boundary with 7 Crag Gardens and this also helps to mitigate the additional 200mm of height.

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- 10.12 In order to be considered acceptable in terms of parking provision development proposals must not prevent two cars parking within the curtilage of the dwelling. The Inspector's did not, in principle, object to the conversion of the garage, but noted that sufficient replacement parking was needed. Concerns were raised that by approving the conversion of the garage without adequate replacement parking this could create additional on-street parking. The question at issue is therefore whether the replacement garage and associated hardstanding provide sufficient parking within the site to ally fears about additional on-street parking.
- 10.13 Highways officers have viewed the application and do raise some concerns regarding the parking arrangements. These concerns do not relate to the degree of parking, but to the somewhat awkward vehicle manoeuvres which could occur within as a result of the position of the garage. Whilst it is acknowledged that the position is not ideal, it is possible to use, and Highway's Officers do not believe that a reason for refusal could be substantiated given that there is sufficient off-street parking provided within the curtilage of the dwelling.
- 10.14 Neighbours have raised concerns regarding this matter, noting that the garage would result in cars reversing from the site and could affect the ability of emergency vehicles to use the turning circle. At present vehicles must reverse off the existing

drive. As such it is not clear that the garage would result in any additional problems in this respect. Furthermore the garage does give the possibility of a car entering and leaving the site in a forward manner, a situation which cannot occur at present. The new hardstanding does not reduce the turning circle of the cul-de-sac and thus will not affect the ability of vehicles to manoeuvre.

10.15 As such, whilst the parking arrangements are less than ideal and may result in some additional manoeuvring within the site, this is not considered sufficiently harmful to highway safety to warrant refusal. As such the application is considered acceptable in this regard.

## **Representations**

10.17 All material planning considerations raised through representations have been discussed above.

## 11.0 CONCLUSION

11.1 It is considered that the changes made to the application have overcome the concerns previously expressed by both Panel and the Inspectorate. The proposed development is considered to be acceptable having had regard to policies GP5, BD6 and N19 of the Leeds Unitary Development Plan Review and all other material considerations. It is considered the impact on the streetscene and upon neighbouring residential amenity is acceptable and will not give rise to any undue harm.

## Background Papers:

Application file: 12/02300/FU Certificate of Ownership: Certificate A signed by the agent



# **Appeal Decision**

Site visit made on 17 November 2011

## by Julie Dale Clark BA (Hons) MCD DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 November 2011

## Appeal Ref: APP/N4720/D/11/2161900 Hartmoor House, 3 Freely Fields, Bramham, Leeds, West Yorkshire LS23 6WB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr/Mrs Jonathan/Kathryn Dyer against the decision of Leeds City Council.
- The application Ref P/11/01683/FU, dated 27 April 2011, was refused by notice dated 20 September 2011.
- The development proposed is extension to front and side of detached property, including conversion of integral garage, to create enlarged kitchen, new utility room and enlarged study at ground floor, and enlarged master bedroom at first floor. New detached double garage and driveway access.

## Decision

1. The appeal is dismissed.

## **Procedural Matter and Background**

- 2. The description of development has been changed from that on the application form which I have referred to above. The description on the decision notice is for the removal of condition 6 of previous approval 31/204/97/FU and alterations to garage to form habitable room; two storey and first floor side/front extension; detached double garage and enlarged vehicle access.
- 3. Planning application Ref 31/204/97/FU is described on its decision notice as laying out of access and erection of two 4 bedroom and nine 5 bedroom houses off Freely Lane and Crag Gardens, Bramham. Condition 6 states:-

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) the garages shall not be altered or otherwise converted in such a way as to prevent their use by motor vehicles, used incidentally to the enjoyment of the dwelling house as such.

The reason for the condition was:-

In order to retain sufficient off-street car parking spaces within the curtilages of the dwellings in the interests of the free and safe use of the highway.

4. The appellant did not specifically apply to remove the condition and the Council's change to the description is not explained. The condition relates to all nine dwellings and whilst this application relates to No 3 only removal of the condition on planning approval ref 31/204/97/FU seems unnecessary as the appellants have only applied to convert their garage. In order to avoid any confusion that could arise if the condition was removed I have therefore considered the appeal on the basis of that applied for.

# Main Issue

5. I consider that the main issue is whether the proposal preserves or enhances the character or appearance of the Bramham Conservation Area.

## Reasons

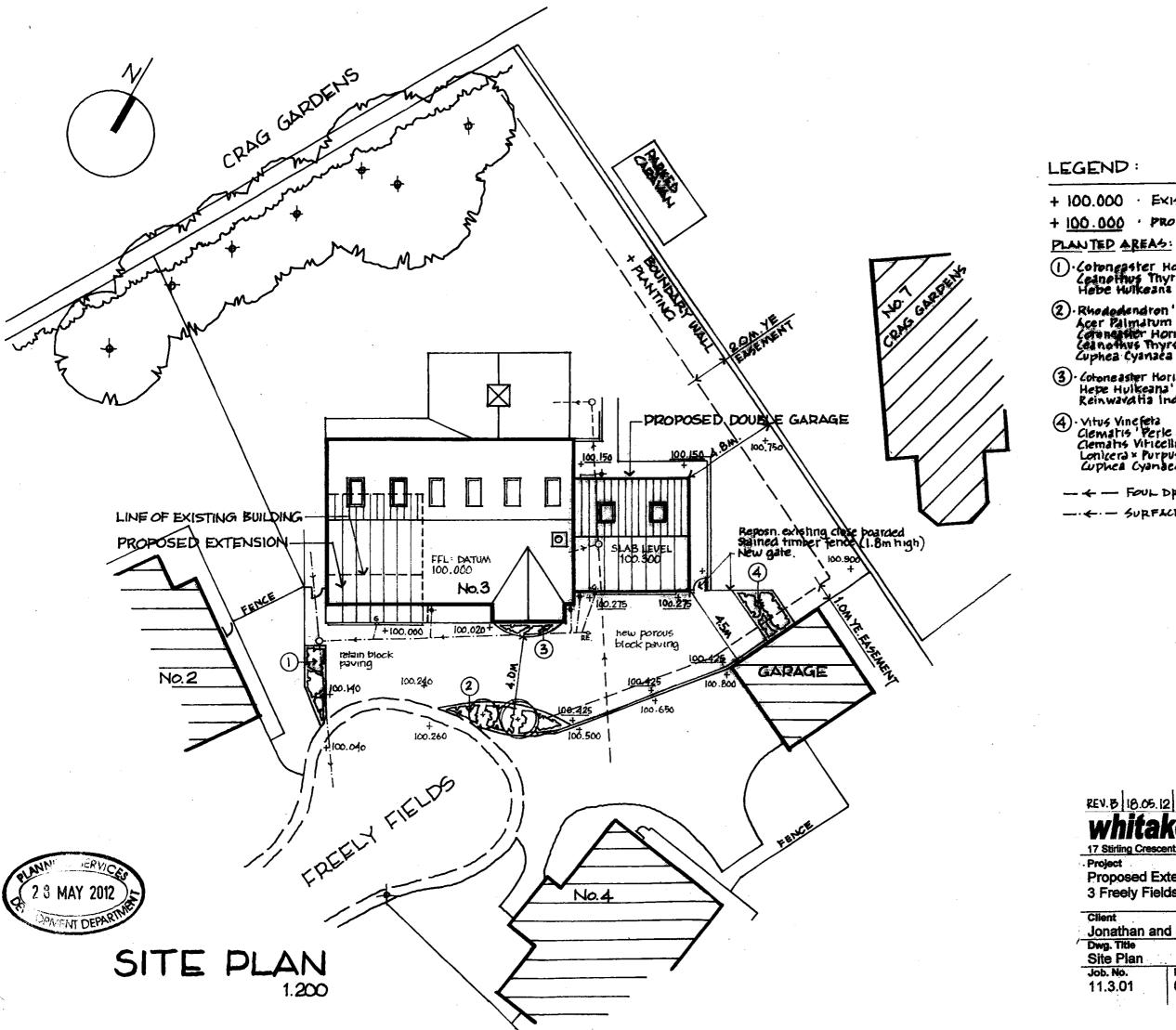
- 6. The appeal site is within the Bramham Conservation Area and I have had regard to the fact that section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected in policy N19 of the Leeds Unitary Development Plan (Review 2006) (UDP).
- 7. Freely Fields is a cul-de-sac with a noticeable space between Nos 3 and 4 punctuated by No 4's detached double garage. The proposed garage would sit alongside No 4's garage, visually closing this space. Whilst single storey, the proposed garage would be fairly large; larger than No 4's and the combined effect of the two garages at the end of the cul-de-sac would alter the spacious character of Freely Fields that is created by the open plan gardens, including the generous open and landscaped garden to No 3. I consider that this alteration to the general character of this group of houses would neither preserve nor enhance the character or appearance of the Bramham Conservation Area.
- 8. The proposed extension and alteration to the house itself would alter its design in that the dormer roof would be replaced with a more traditional designed elevation continuing the front wall of the house and carrying the roof line through. This would increase the bulk and massing of the house but due to its position in its plot and subject to appropriate finished detailing such as wall and roof materials I do not consider that this would be out of character with the overall design and appearance of the group of houses in the cul-de-sac.
- 9. The proposal includes converting the garage to living space and the Council do not seem to raise any particular concerns about this. I agree that subject to alternative provision being made the principle of this, in itself, is of no great concern. However, I do not consider that the position and size of the proposed garage is acceptable and therefore the conversion and associated works could leave the house with insufficient off-street car parking. I note that the length of the existing driveway would be shortened as the proposal would extend the house to the front.
- 10. I note that the reason for removing permitted development rights for the conversion of the garage was in the interests of the free and safe use of the highway but the lack of off-street parking and the potential increase in parking in the cul-de-sac could also have an effect on the character and appearance of

this part of the Conservation Area. Overall therefore, the scheme is unacceptable.

- 11. Other matters have been raised including the effect on the living conditions of the occupiers of nearby houses. Concerns have been raised over a number of matters including the overbearing nature of the proposal, loss of light and loss of privacy. Whilst the proposal would have some degree of impact on the neighbours this would not be to such an extent to withhold permission. I have also considered other UDP and national policies referred to but these do not alter my conclusion.
- 12. I conclude that the proposal would neither preserve nor enhance the character or appearance of the Bramham Conservation Area contrary to UDP policy N19.

JD Clark

INSPECTOR



+ 100.000 · EXISTING LEVELS

· PROPOSED LEVELS

() · Cotoneaster Horizontalis (red berrics). Ceanoffus Thyrsiflorus var. (blue blossom). Hebe Hulkeana 'Lilac Mint' (white).

2) Rhododendron 'Moonshine Crescent' (yellow). Acer Palmatum (Maple). Commander Horizontains (ned terries). Canothus Thyrsifiorus Wr. (blue blossom). Cuphea Cyanaea (mixed).

3. Cotone aster Horizontalis (red berries). Hepe Hulkezna' Lilac Mint' (white). Reinwavatia Indica (yellow).

4. Vitus Vinefeta Clematis 'Perle d'Azur' Clematis Viticella 'Etoile Violette' Lonicera \* Purpush (tioneysuckle). Cuphea Cyanaca (mixed).

- FOUL DRAINS

---- SURFACE WATER DRAINS

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