



**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 21<sup>st</sup> February 2013**

**Subject: APPLICATION 12/04634/FU – Single storey detached outbuilding forming ancillary living accommodation to rear at 30 Upland Road, Leeds, LS8 2TQ**

**APPLICANT**

Mr S Chopra

**DATE VALID**

20<sup>th</sup> November 2012

**TARGET DATE**

15<sup>th</sup> January 2013

**Electoral Wards Affected:**

Roundhay

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**GRANT PERMISSION subject to the following conditions:**

1. Time limit;
2. Plans to be approved;
3. The proposal shall be constructed of the same materials detailed on the application form;
4. A 2.0m close boarded fence shall be present to the boundaries of the rear garden with otherwise agreed in writing by the Local Planning Authority;
5. The annexe hereby granted shall be used incidentally to the main dwelling and as such shall not be sold or let separately;
6. The proposed internal layout of the annexe shall remain as approved and not be altered unless otherwise agreed in writing by the Local Planning Authority;
7. As outlined with the statement provided by the application the outbuilding must only be occupied by family members of the occupants of the dwelling and no cooking facilities be provided;
8. The rear garden of the application dwelling shall not be in any way partitioned or subdivided and must function as shared amenity space for both the main dwelling and the annexe;

9. 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) planning permission shall be obtained before any outbuildings are erected, other than those expressly authorised by this permission.

**Reasons for approval:** The application is considered to comply with Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006), Policies HDG1 and HDG2 of the Householder Design Guide. The size, scale and design of the outbuilding is appropriate to its context and its reduced massing and siting will not result in harm to the amenity of neighbours. As such, having regard to all other material considerations, it is considered that the proposal is acceptable.

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to Panel at the request of Councilor Hussain due to the concerns regarding the additional noise and overlooking which could be created by the annexe and the possibility of a self-contained unit being created.

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks planning permission for the erection of a single storey detached outbuilding forming ancillary living accommodation to rear. The outbuilding will include three bedrooms, a living room, a bathroom and a store.
- 2.2 The height to the ridge of the outbuilding is approx 3.2m and the height to the eaves is approx 1.9m. The width is approximately 6.8m and the length is approximately 7m. The building will be constructed from brick and render with a concrete tiled roof.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to a two storey, semi-detached dwelling constructed of brick with render to its upper portion. It is set within a residential area and the surrounding dwellings are of a similar size and scale and there is a regular appearance to the streetscene. The dwelling has been extended to the rear and has a small single storey extension; there is also a detached garage to the head of the drive. Neighbouring dwellings have also been extended and both immediately adjacent properties have large, detached outbuildings within their rear gardens.
- 3.2 The main amenity space is set to the rear where a long domestic garden extends to the south. This garden area appears to have been extended to include land which previously related to two dwellings to the rear, and although it is not known when this extension took place the available evidence suggests this was a number of years previously. The garden is bounded by a mix of close boarded fencing and bamboo fencing.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 32 Upland Road                      10/00678/FU                      Part single storey, part two storey rear extension and detached garage

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 During the course of the application the outbuilding has been moved further within the site and its size, scale and massing has been reduced.

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

- 6.1 Neighbour notification letters have been sent and four letters of objection have been received from dwellings to the rear of the site.
- 6.2 Concerns have been raised regarding design and character, overlooking, overdominance and the creation of a self-contained unit. Other issues raised include matters concerning precedent and land ownership.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory & Non-Statutory Consultations:**

None

## **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, furthermore the RSS is due to be revoked shortly and its policies should be afforded little weight.
- 8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.
- 8.3 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.
- 8.4 UDP Policies:
- GP5 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.
- BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.
- 8.5 Householder Design Guide SPD:

Leeds City Council Householder Design Guide was adopted on 1<sup>st</sup> April and carries significant weight. 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.

## 8.6 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

- i) Design and Character
- ii) Ancillary Accommodation
- iii) Neighbour Amenity
- iv) Representations

## 10.0 APPRAISAL

### Design and Character

10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that 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 and BD6 referring to general guidance in respect of design is given in policies of the UDP and also the Householder Design Guide.

10.2 As noted above the existing dwelling is a semi-detached property set within a residential area. Houses within the vicinity have been extended and there are large outbuildings set within the gardens of both immediate neighbouring dwellings as well as within the gardens of other properties within the area. The character of the area is therefore one in which outbuildings within the gardens are relatively commonplace. In its amended form the proposed outbuilding now lies immediately adjacent to the outbuildings within the neighbouring gardens and is also of a similar size and scale. It has a basic rectilinear shape and its simple appearance and reduced scale means that it does not unduly impose itself upon its surroundings. It is therefore considered

that the building will sit appropriately within its wider context and is reflective of the character of the area.

- 10.3 However, it is not just the physical appearance of buildings which can affect the character of an area, the use of buildings is also at issue. Neighbours have raised concerns regarding the outbuilding and note that large, detached structures with living accommodation are not characteristic of the area. Whilst this may well be true, albeit the window detailing of the garage at number 28 suggests it may well include accommodation, planning permission cannot be refused simply because an application seeks to change or alter the status quo, permission can only be refused where there would be demonstrable harm. The issues relating to the provision of ancillary accommodation within a garden are discussed below.

#### Ancillary Accommodation

- 10.4 As noted above the applicant seeks consent for the creation of a detached annexe within the rear garden. An annexe is an area of accommodation which is associated with, but not used as part of the main house. In order for an addition to be considered an annexe the accommodation must be associated with the main house, be of a scale to reflect this subsidiary function and must not be a commercial venture. Semi-private guest areas or accommodation for dependent relatives can be considered as annexes provided the above conditions are met. Neighbours have raised concerns regarding the creation of a detached living space which is not connected to the dwelling, and officers would share these concerns and do not consider this a suitable location for an additional residential planning unit. As such the decision maker must be satisfied that the size of the outbuilding and the accommodation it seeks to provide are of a scale which requires it to remain dependent upon the main house. In reaching a decision on this Members should have regard to conditions that can be imposed on any planning permission granted that seek to control the use and occupation of the proposed unit.
- 10.5 As initially proposed the scale and siting of the annexe raised some concerns, with officers being of the opinion that it did not have meet the above conditions. The combination of three large double bedrooms, a living room, generous bathroom and a store area resulted in a building which could easily function as a separate planning unit. Although the accommodation proposed still includes all these areas, the size and scale of the rooms has been significantly reduced and the annexe has been sited so that it is a little closer to the main dwelling. Although the size and scale of the annexe remains large it is now considered to be of a reasonable size relative to the scale of other outbuildings within the area. A written statement has also been provided by the agent in which the application has confirmed that the outbuilding will only be used by family members and the occasional guest. It is also noted that other large, wholly separate annexe buildings have been previously approved within the Leeds area and, given the reduced scale of the accommodation, the proposal is, on balance, acceptable.
- 10.6 Concern has been raised by neighbours and Councillor Hussain regarding the formation of a separate dwelling unit, with attention being drawn to the store area which could house cooking facilities. The creation of a separate dwelling unit would also be of concern to officers as this is not considered an appropriate location for such a function. Although there is undoubtedly some element of fact and degree judgement when assessing the ancillary nature of a structure in this instance the inclusion of cooking facilities within the structure would be of concern. A separate kitchen would significantly decrease its dependence on the main dwelling and would also reduce its ancillary status, allowing it to easily function independently. Although the creation of a separate dwelling unit would require planning permission, and the

authority would be able to take action if such a change of use were to occur, conditions can also be imposed which restrict the scale of accommodation and the use of the structure. As outlined above conditions which restrict its occupation to family members and prevent the inclusion of cooking facilities, prevent any alterations to its internal layout and also prevent the creation of a separate unit are proposed. A condition to prevent the subdivision of the site and the creation of further outbuildings within planning consent are also be included. It is considered that with these conditions the authority can ensure the outbuilding retains its ancillary status as an annexe to the main dwelling and that the residential amenity of neighbours is protected.

### Neighbour Amenity

- 10.7 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposal should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking with be strongly resisted”. Concerns have been raised by neighbours in relation to both overdominance and overlooking and these will be dealt with in turn. In respect of overdominance
- 10.8 The outbuilding raises no significant concerns in respect of overdominance. In its revised form the outbuilding has been moved away from the common boundaries with the neighbours to the rear and thus also further away from the main garden areas and main windows of these properties. The outbuilding is now a low slung structure which does not exceed 3.4m in height, and which lies immediately adjacent to other large outbuildings within the gardens of the neighbours to each side. These outbuildings effectively mitigate its impact upon the garden areas of the immediate neighbours and thus it is not considered harmful to these dwellings. The structure is now also sited over 41m from the dwellings to the rear and this distance is considered sufficient to prevent an unreasonable impact upon these properties, either through overdominance or increased activity levels.
- 10.9 The proposal is also considered acceptable in respect of overlooking. Whilst windows and a door are included to the rear, which do face toward the rear gardens of the properties to the rear, the impact of these openings is not considered to be significantly harmful. The windows are at single storey level and thus can be screened by an appropriate form of boundary treatment and this matter secured by condition. It is also noted that in its revised form the windows are set approximately 10.0m from the boundary, and as these serve secondary living areas (bedrooms) a minimum distance of 7.5m is required, which the application now exceeds. Therefore although the windows may well increase the perception of overlooking, given the distances now retained and the ability to impose screening no demonstrable harm is considered likely. As such the proposal is acceptable in this regard.

### Representations

- 10.10 All material planning concerns which have been raised by neighbours have been discussed above. Concern has also been raised regarding land ownership and precedent. Land ownership matters are a civil concern which must be addressed outside the planning process. It is also noted that the revised location of the outbuilding removes the structure from the contested piece of land. In respect of precedent it is noted that each application is assessed on its own merits and that granting this permission would not suggest that the LPA considers separate dwellings with gardens to be acceptable.

## **11.0 CONCLUSION**

11.1 In conclusion, the application is considered to comply with Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006), Policies HDG1 and HDG2 of the Householder Design Guide. The size, scale and design of the outbuilding is appropriate to its context and its reduced massing and siting will not result in harm to the amenity of neighbours. As such, having regard to all other material considerations, it is considered that the proposal is acceptable.

### **Background Papers:**

Application files: 12/04634/FU

### **Ownership Certificate:**

Certificate A signed by applicant

NOTES:  
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12/04634

LEEDS CITY COUNCIL

- 7 JAN 2013

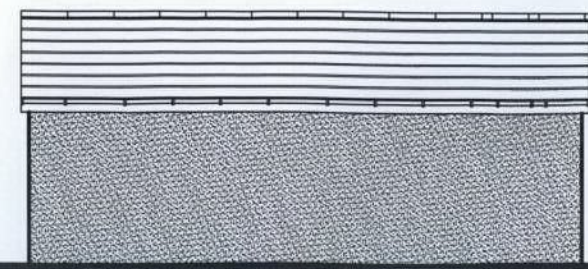
**REVISED**



FRONT ELEVATION

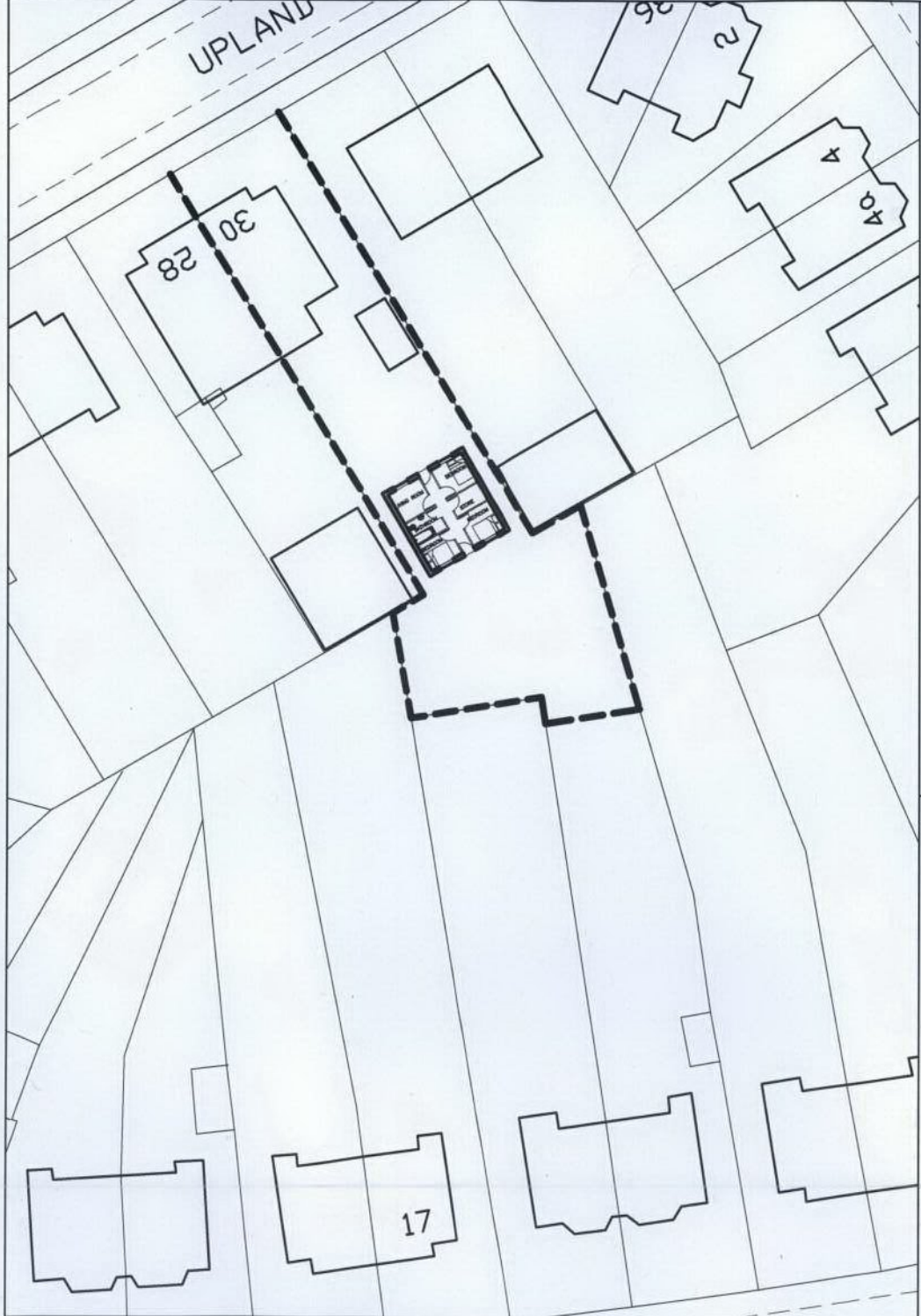


REAR ELEVATION

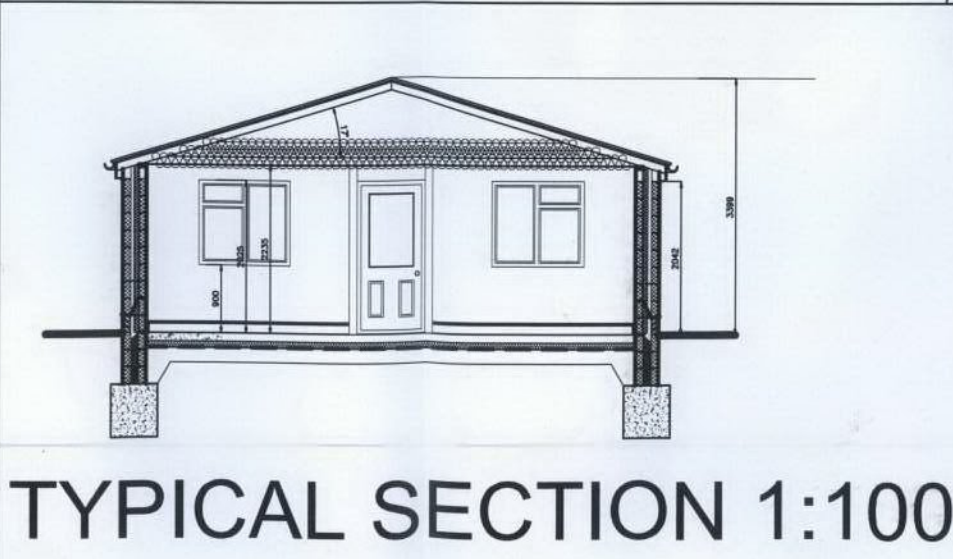
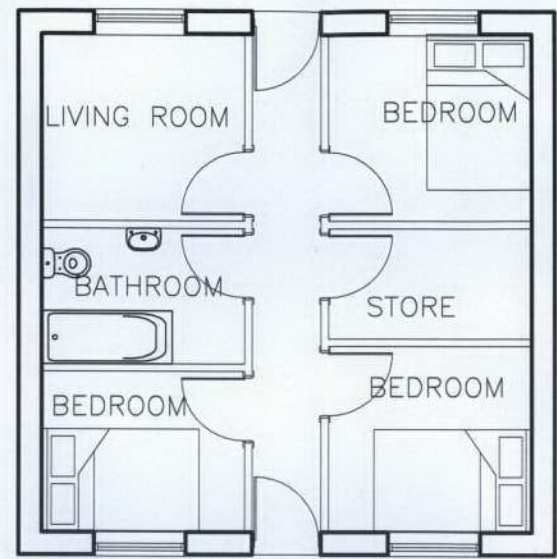


SIDE ELEVATION

**PLAN & ELEVATIONS 1:100**



**SITE LAYOUT 1:500**



**TYPICAL SECTION 1:100**



**LOCATION PLAN 1:1250**

B 07.01.13 DRAWING AMENDED IN ACCORDANCE WITH LA RECOMMENDATIONS.  
 A 17.12.12 DRAWING AMENDED IN ACCORDANCE WITH LA RECOMMENDATIONS.

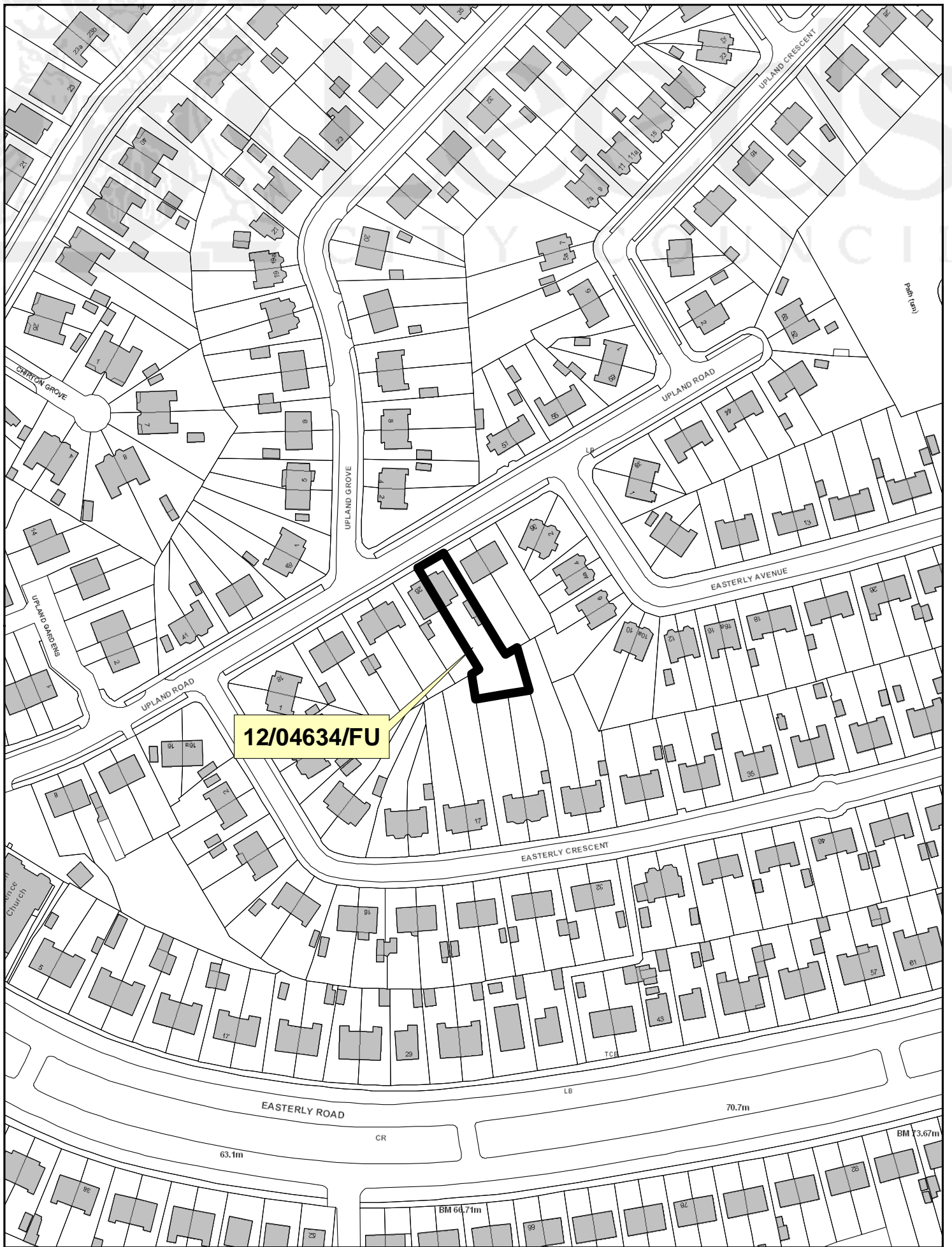
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**0113 2525781 07956 460858**

PROJECT  
 PROPOSED ANCILLARY LIVING ACCOMMODATION TO  
 30 UPLAND ROAD LEEDS LS8 2TQ

TITLE  
 PROPOSED PLANS ELEVATIONS AND SECTIONS

JOB No. 3749	DRAWING No. PL01	REVISION B
CLIENT MR S CHOPRA		
SCALE AS SHOWN @ A3		
DATE JUNE 2012		





# NORTH AND EAST PLANS PANEL