



Leeds
CITY COUNCIL

Originator: S Woodham

Tel: 2224409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st February 2013

Subject: APPLICATION 12/05169/FU – Part single storey and part two storey side extension with Juliet balcony to rear at 10 Montagu View Leeds LS8 3RH

APPLICANT

Mr S Hussain

DATE VALID

11th December 2012

TARGET DATE

5th February 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 external walling and roofing materials shall match those existing;
4. 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) no new windows or openings may be inserted into the side elevation of the proposed side extension;
5. High level side windows to be obscure glazed and non-opening;
6. Hedge/fence to be retained to the rear garden;
7. A plan showing three car parking spaces should be provided to the LPA prior to the commencement of development.

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, not cause harm to the character or appearance of the original house, street scene, nor to residential amenity and, 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 Councillor Urry who raises concerns regarding the intensification of use at the dwelling, issues concerning highway safety, loss of garden space, and design and character. Councillor Urry also requests that a Members site visit be undertaken.

2.0 PROPOSAL:

2.1 The applicant seeks planning permission for the erection of a part two storey, part single storey side extension which includes a Juliet balcony to rear.

2.2 The development is largely two storey and runs the full depth of the dwelling and will be 4.0m in width. The extension incorporates a 1.0m set back from the front wall at first floor. The roof will be hipped to match the dwelling and will align at eaves level with the ridge set down approximately 300mm from that of the main house.

2.3 Members should also be aware that there is a pending permitted development enquiry which seeks to create a side gable and rear dormer within the roofspace.

3.0 SITE AND SURROUNDINGS:

3.1 The application relates to a two storey, semi-detached dwelling which is constructed of brick with a hipped, tiled roof and which is augmented by a two storey bay to the front. The property is located toward the head of a small residential cul-de-sac which is characterised by dwellings of a similar size, scale and design. The surrounding area is residential with the majority of properties being semi-detached although some detached dwellings are in evidence. Houses within the area have been extended and altered, a side dormer is present within the roof of the attached dwelling and number 12 has recently constructed a two storey rear extension.

3.2 The property is set back from the highway edge behind a short front garden and its driveway runs along the common boundary with number 12. This driveway provides space for two cars and a detached garage is also in evidence. The main amenity space is set to the rear where a domestic garden is bounded with close boarded fencing. The area to the side of the dwelling also contributes to the garden of the dwelling.

3.3 Neighbouring properties surrounding the property to all sides. Those within the cul-de-sac are two storey dwellings whilst to the rear the two affected dwellings are bungalows.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 As initially submitted the applicant sought to construct rooms within the roof space, and a rear dormer and a side gable were included in the scheme. During the course of the application these have been removed and the application is now solely for a part two storey, part single storey side extension.
- 5.2 Some changes have also been made to the detail of the application. As initially proposed the extension included large side facing windows within the new gable wall. In their revised form the plans show that these have been amended to high level windows.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by neighbour notification letter. Reconsultation has taken place when revised plans were received and a letters have been received from six properties. One letter includes signatures from three other neighbours. The details of the objections are as follows.

6.2 Of the letters which have been received from the four immediate neighbours:

- The occupants of 8 Montagu View raise concerns regarding design and character, loss of garden space, overshadowing, overdominance, intensification of use, highway safety, overlooking, noise and disturbance and overdevelopment;
- The occupants of 12 Montagu View raise concerns regarding design and character, highway safety, overshadowing, overlooking, overdevelopment, loss of garden space, loss of views, and noise and disturbance;
- The occupants of 22 Montagu Drive raise concerns regarding overlooking, overdominance and the potential conversion to an HMO;
- The occupants of 19 Montagu Drive raise concerns regarding overlooking, overdevelopment, loss of garden space, design and character, intensification of use, highway safety and the potential conversion to an HMO.

Of the letters which have been received from within the wider cul-de-sac:

- The occupants of 6 Montagu View raise concerns regarding design and character, highway safety, overlooking, and noise and disturbance;
- The occupants of 7-9 Montagu View (and numbers 1, 3 and 5) raise concerns regarding design and character, loss of garden space, highway safety, drainage, noise and disturbance and the potential conversion to an HMO.

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 1st 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) Neighbour Amenity
- iii) Highway Safety
- iv) Private Garden Space
- v) 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 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”. This advice is expanded and elucidated within the Draft Householder Design Guide.
- 10.2 The applicant seeks permission for a part two storey, part single storey side extension. As a general rule-of-thumb side extensions should be well proportioned, reflect the character of the existing dwelling and be of a subordinate scale. Where properties are part of a semi-detached pair they should also not unbalance the symmetry of the two dwellings. The extension is considered to achieve these aims; its first floor element is set back from the front wall of the dwelling and its ridge line is set beneath that of the main dwelling. This means that the extension is read as a secondary, subordinate element and the main dwelling remains the principle feature of the site. This set back also means that the symmetry of the pair is retained. As such the extension adequately respects the character of the existing dwelling and the semi-detached pair.
- 10.3 Extension to properties should also be appropriate within the wider streetscene context. Local residents have expressed concern regarding the design of the proposed extension and are concerned that the extension is an out-of-scale and visually dominant addition which will harm the character of the cul-de-sac. As has been outlined above the extension is considered to be adequately subordinate to the main dwelling and, although visible from the cul-de-sac, will not result a visually dominant addition which has an undue degree of prominence due, in part, to the angle of the dwelling relative to the highway which means the impact of the extension is partly screened by the existing property. It is also noted that the extension is similar to many approved recently within the area and within the wider Leeds district, and complies with the advice contained within the Householder Design Guide in respect of good design. As such the application raise no concerns regarding its impact upon the character of the wider area.

Neighbour Amenity

- 10.4 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 expressed by neighbours regarding each of these issues and these will be explored, in turn, below.
- 10.5 Overshadowing has been raised as a concern by numbers 8 and 12 Montagu View, the two immediate neighbours within the cul-de-sac. The extension which is proposed is sited within the confines of the existing side gable and does not project forward of the front or rear walls of the dwelling; the extension lies to the west of 12 Montague view and to the north-east of number 8. This means that the application may lead to some increased overshadowing of the garage and driveway of number 12 during the very early morning however this is unlikely to be significantly different to the shadow cast by the existing dwelling and will not affect the main windows and main amenity space of this dwelling. As such the impact upon amenity is not considered to be significantly harmful. The impact upon 8 Montagu View is also considered acceptable as the extension is located to the north-west of this property and thus the only conceivable impact would be during the very late evening, however the bulk of the additional overshadowing would be absorbed by the applicant’s own garden and would not have a significantly harmful impact upon the rear garden of number 8.
- 10.6 The neighbours which lie to the north of the site have a greater potential to be impacted by the extension, as the path of the sun means they could be affected for much of the day. However the distances involved are sufficient to mitigate harm, with the nearest area of main private amenity space being approximately 20m away. It is also noted that the additional shadow which will be created over and above that already cast by the existing dwelling is minimal. As such the proposal is considered acceptable in this regard.
- 10.7 The extension is also considered acceptable in respect of overdominance. The impact of the extension upon the dwellings within the cul-de-sac in respect of this matter will be minimal as the extension is not sited in close proximity to the main windows nor main garden areas of the neighbours and thus does not represent an unreasonable imposition. It is noted that the extension is sited in close proximity to the garage and side driveway of 12 Montagu View, however this is not considered to be a significantly sensitive area of the neighbouring site and the impact of the proposal will not be significantly harmful to residential amenity.
- 10.8 As noted above (site and surroundings) the two dwellings to the north of the site are bungalows and therefore a two storey extension which projects closer to both properties could have a negative impact, with number 22 Montagu Drive the most affected. However, this said, the extension which is proposed is sited to the side of number 22 with approximately 16m retained between the closest points of the two buildings. The main windows and the main garden area of this dwelling will not be significantly affected and thus the impact is not considered to be unreasonable. This is also considered to be the case with 19 Montagu Drive where significantly greater distances are involved, with the nearest points of the two buildings being approximately 25m apart, a distance which is considered sufficient to mitigate against unreasonable harm.
- 10.9 The extension is also considered acceptable in respect of overlooking. This matter has been raised as a concern by the neighbours to the side and rear of the development with the main concern being the new first floor glazing. The new first

floor windows which are proposed include one to the front which overlooks the applicant's own frontage and the highway beyond, two high level windows to the side which are set 1.7m above the finished floor level and a full-height window with a Juliet balcony to the rear which faces out onto the applicant's rear garden.

- 10.10 The window to the front does not raise concern as this does not face toward neighbouring private amenity space and retains adequate distance to the dwellings opposite to prevent harmful conflict. The windows to the side are also acceptable as these are high level windows and will not allow significant views of neighbouring sites, a condition will also be imposed which ensures these are fixed-shut and obscure glazed. The rear window is also considered to be acceptable as this retains an adequate distance to the common boundary with 19 Montagu Drive, being 10m at its closest point with the minimum required distance being 7.5m. It is noted that this window does increase the number of rear facing windows and will allow oblique overlooking of the neighbouring garden at 8 Montagu View, however the views which will be afforded are similar to those afforded by the existing rear facing windows and are not unexpected, nor unreasonable within residential contexts. It is also noted that 8 Montagu View has constructed a dormer within its rear roofscape which has increased surveillance of the applicant's rear garden. As such the application is considered acceptable in this regard.

Highway Safety

- 10.11 In order to be considered acceptable in respect of highway safety development proposals must not impeded the safe and free flow of traffic on the highway and must retain adequate parking spaces on site. Significant concern has been raised by neighbours in relation to this issue with the increased number of bedrooms being of particular issue. Although it is acknowledged that the number of bedrooms is to be increased at the dwelling there is no direct link between the number of bedrooms within a property and the number of cars which will be parked at the site. It is normal practice to ask that two car parking spaces be provided for family dwellings which the site can easily accommodate within the existing driveway. In this instance, given the narrow nature of the cul-de-sac and the increased number of bedrooms it is considered prudent to request that a third space be provided in order to ensure that on-street parking does not occur and the applicant is amenable to this suggestion. In order that the front garden of the dwelling is not lost it is proposed that the existing garage be demolished thus freeing up another space. A condition will be imposed to ensure this occurs, with details being provided prior to the commencement of works. As such the proposal is acceptable in this regard.

Private Garden Space

- 10.12 Concern has been expressed about the loss of the side garden and the balance of the remaining garden relative to the side of the dwelling. It is usual practice when existing dwellings are extended for the authority to ask that half the existing private amenity space is retained. The application achieves this aim and the remaining garden is considered a sufficient size to provide a reasonable level of amenity to the occupants. As such the application is acceptable in this regard.

Representations

- 10.13 Several other issues have also been raised by objectors which are not considered to be material planning considerations, these include loss of views, increased noise and disturbance and drainage. Although views across neighbouring sites may be long enjoyed their loss in this instance is not considered to be a material

consideration. Although the dwelling is to be enlarged and its use intensified it nonetheless remains a single residential dwelling within a residential area. It is hoped that houses will be occupied in a manner which has due regard to the amenity of neighbours, however if problems with respect to noise occur these must be addressed outside the planning process. Concerns regarding drainage are a matter for building control and not, in this instance, a material consideration. Concern has also been raised regarding the potential future conversion to an HMO. Planning application must be assessed on their own merits having regard to the material circumstances of the site; they cannot be refused due to concerns about potential changes at a later, unspecified date.

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, not cause harm to the character or appearance of the original house, street scene, nor to residential amenity and, having regard to all other material considerations, it is considered that the proposal is acceptable.

Background Papers:

Application files: 12/05169/FU

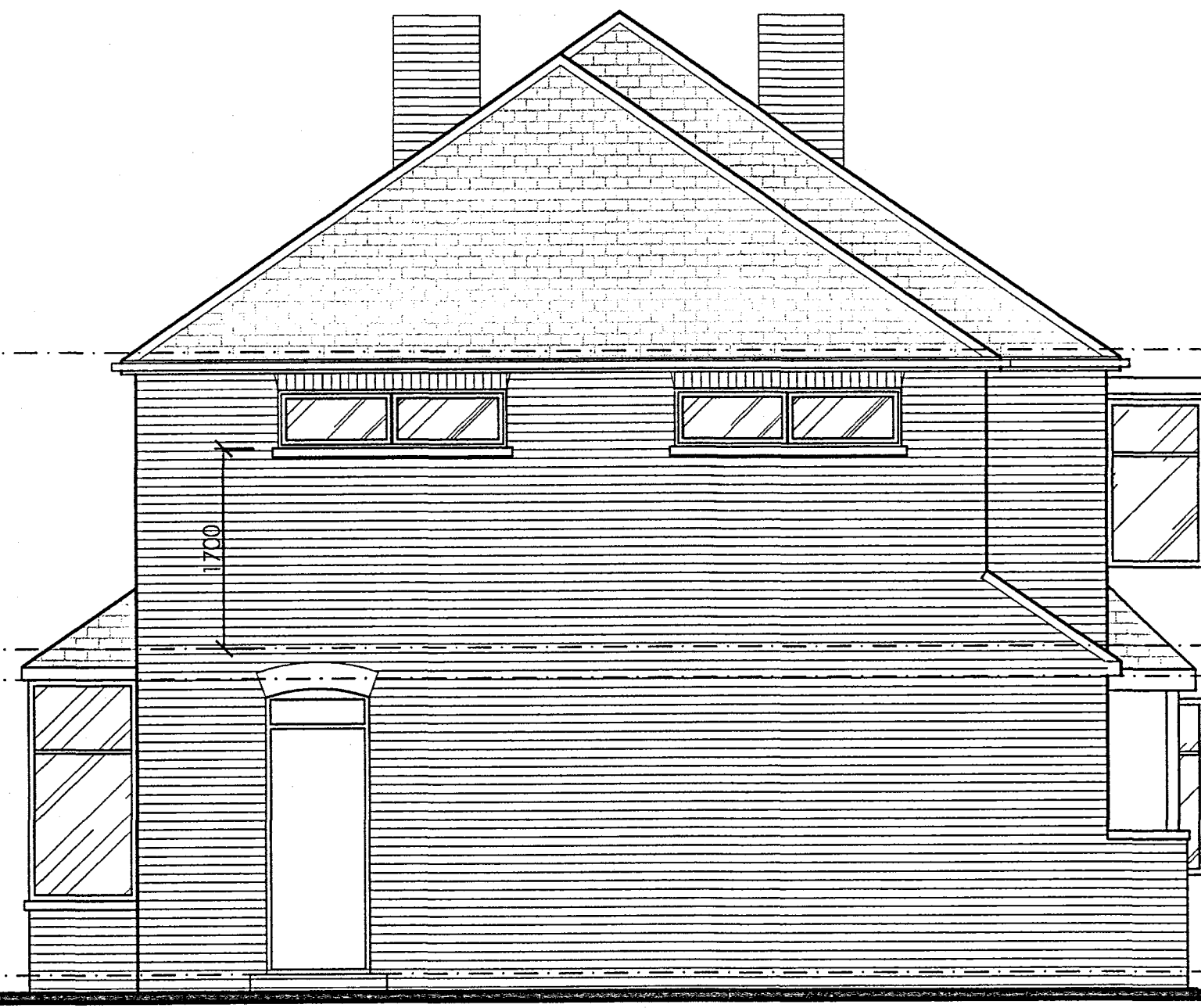
Ownership Certificate:

Certificate A signed by applicant

LEEDS CITY COUNCIL
 - 4 FEB 2013
REVISED



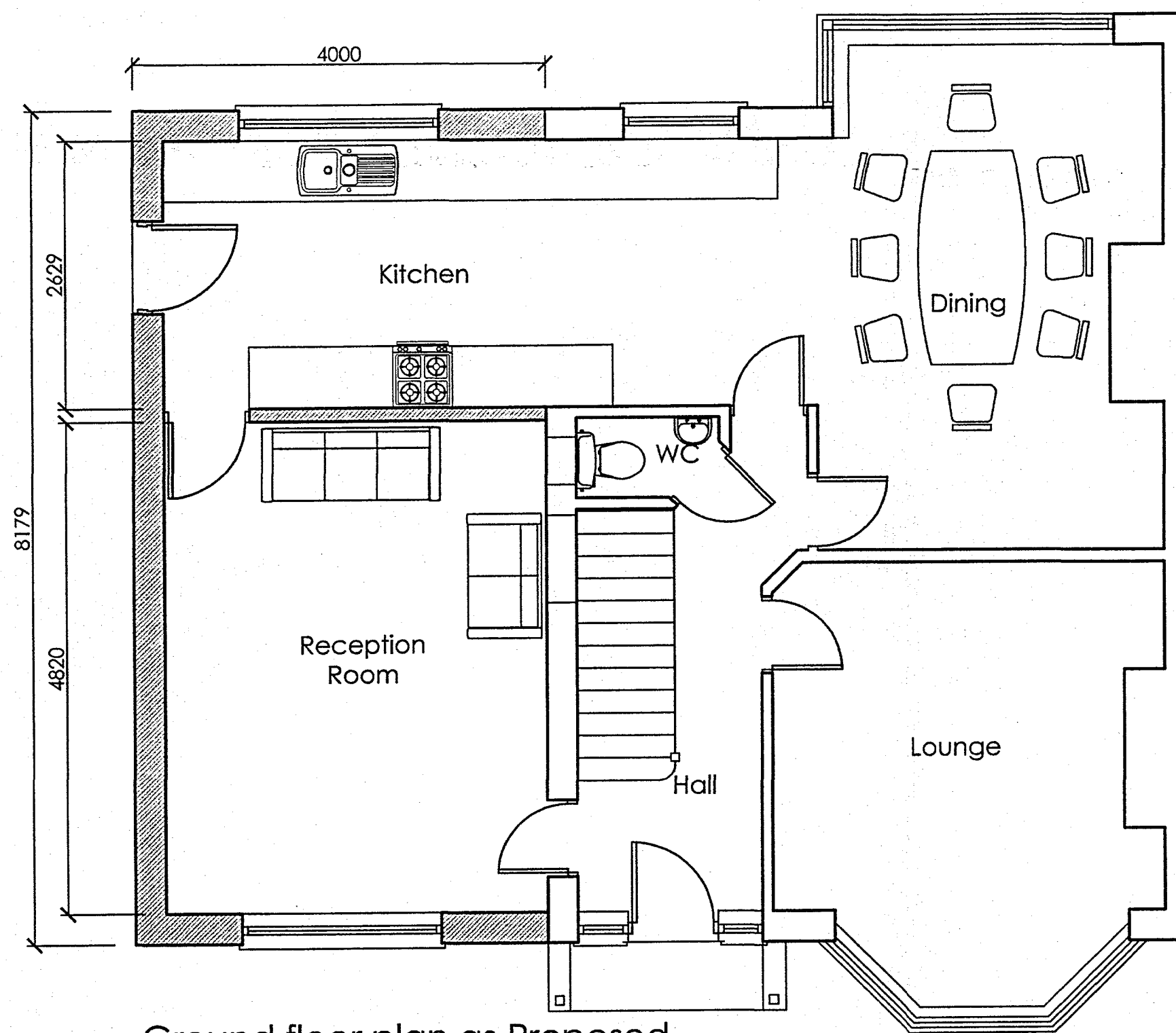
Rear elevation as Proposed



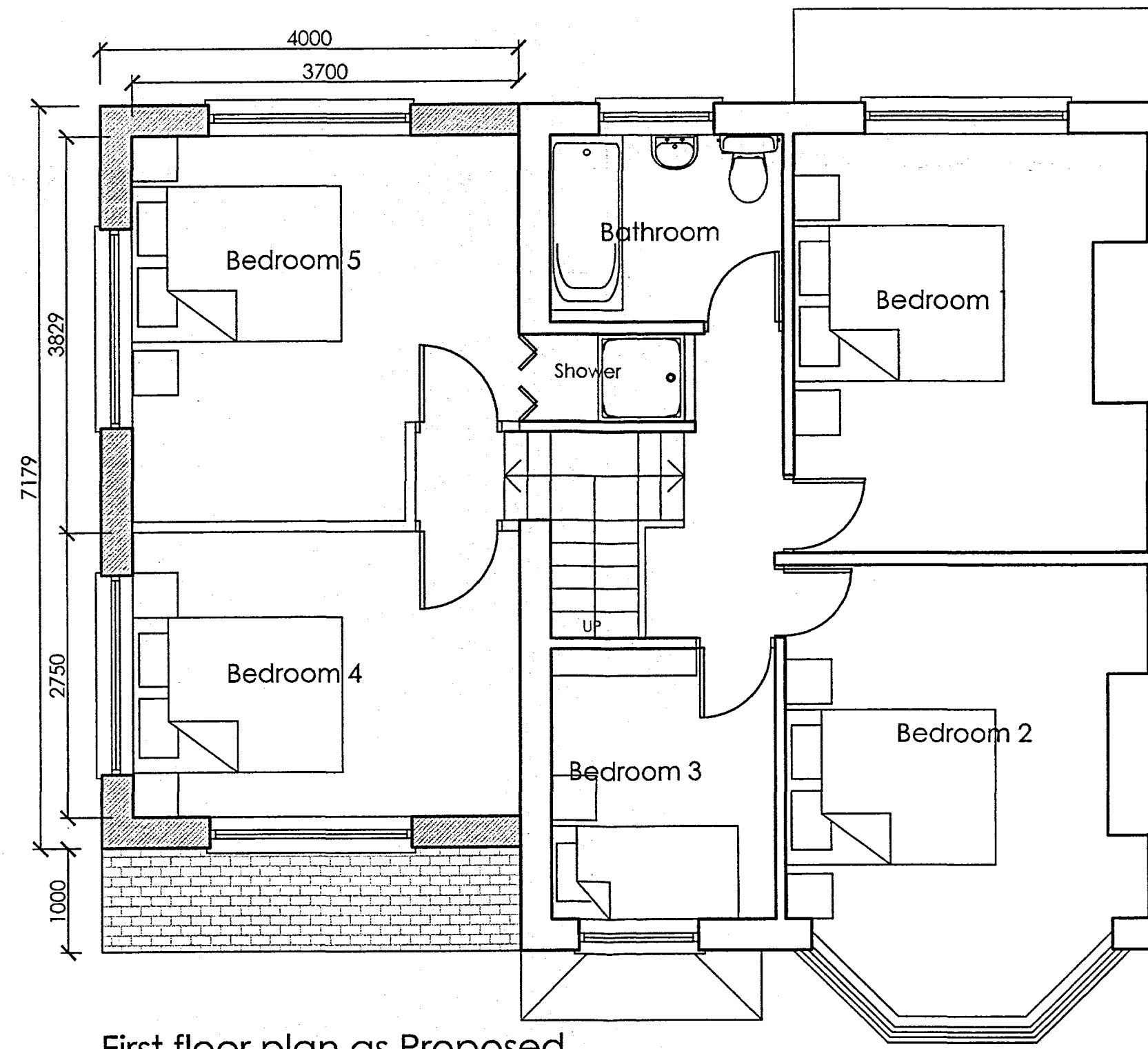
Side elevation as Proposed



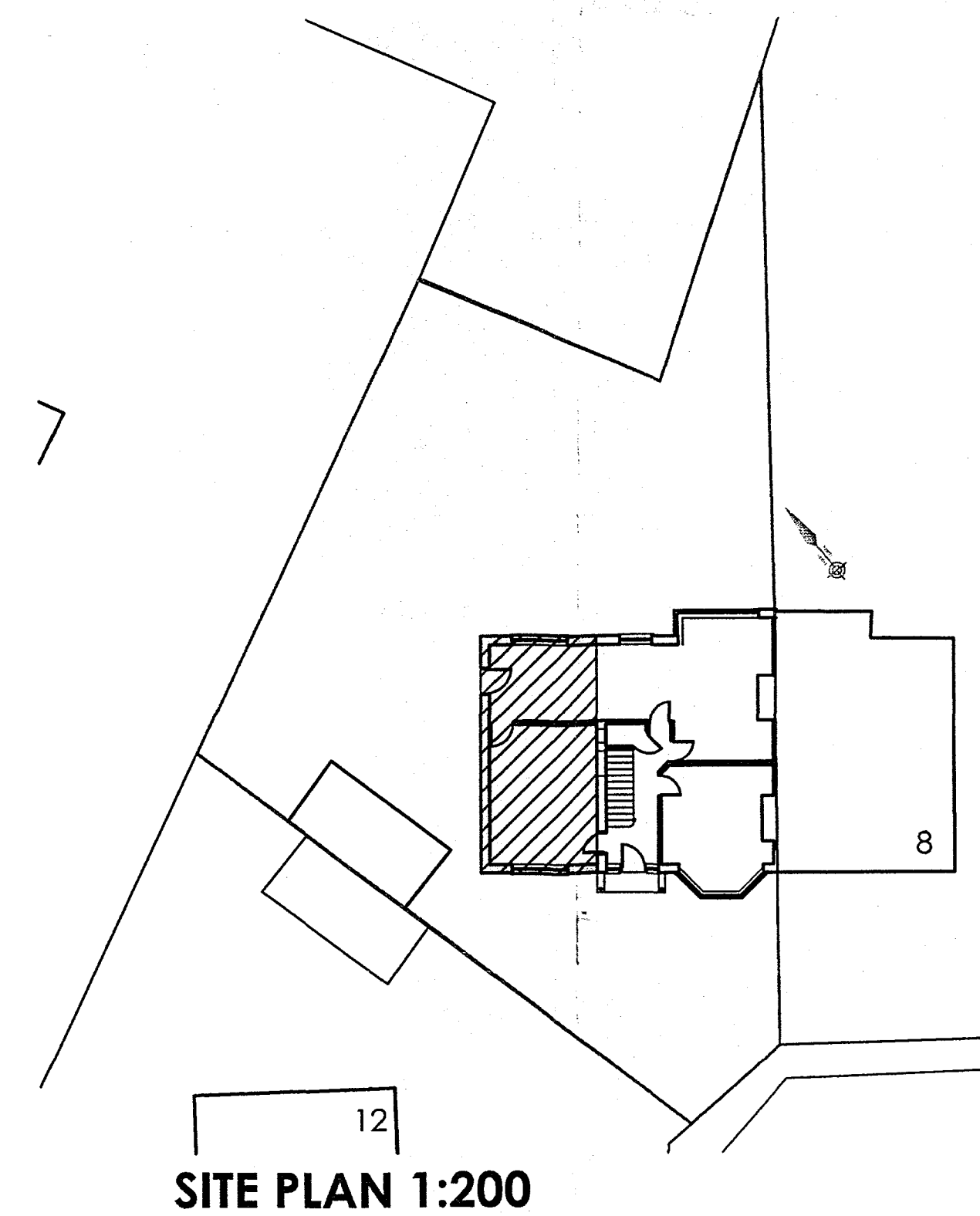
Front elevation as Proposed



Ground floor plan as Proposed



First floor plan as Proposed



SITE PLAN 1:200

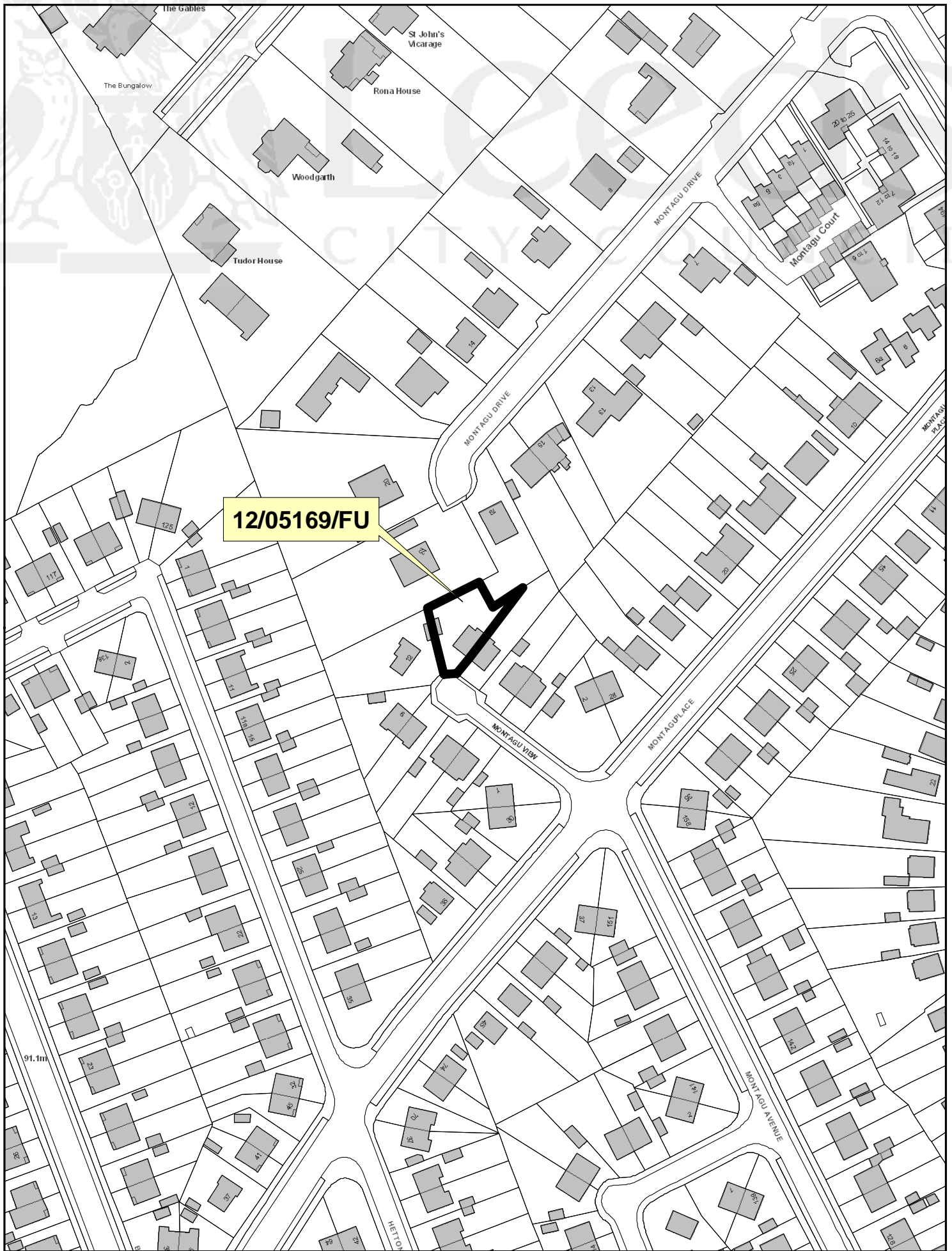
C. PD work removed.
 B. Dormer Amended.
 A. Amended to planners requirements.

ISSUED FOR:
PLANNING PERMISSION USE

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PROPOSED HOUSE EXTENSION
 10 MONTAGU VIEW
 ROUNDHAY
 LEEDS
 LS8 2RH

PROPERTY AS PROPOSED
 DATE: **October 2012** DRAWN BY: **P.P.**
 SCALE(S): **1:50 / 1:200** DRAWING NO: **12-099/P/02** REV: **C**



NORTH AND EAST PLANS PANEL