



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 13<sup>th</sup> June 2013

**Subject: 13/00565/FU – Two storey, single storey side/rear extension and re-siting of steps with railings above to rear at 41A Stainburn Crescent, LS17 6NE.**

**APPLICANT**

Mrs S Yousaf

**DATE VALID**

4 February 2013

**TARGET DATE**

1 April 2013

**Electoral Wards Affected:**

**Moortown**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

1. Time limit on full permission
2. Approved plans
3. Matching materials
4. No side windows
5. High level windows to be obscure glazed
6. Railings painted black
7. Existing raised patio to be removed prior to the extension being brought into use.

**Reason for approval:** It is considered that the proposed extension is an acceptable form of development as it will not harm the character of the application dwelling, the wider streetscene nor harmfully impact upon the amenity of neighbours. As such the development is considered to comply with policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006) and HDG1 and HDG2 of the Householder Design Guide SPD.

## 1.0 INTRODUCTION

- 1.1 This application is brought to Panel by Councillor S Hamilton due to the concerns of local residents which include:

- impact on amenity;
- the use of the dwelling as a House in Multiple Occupation;
- impact on character of the host dwelling and wider streetscene and parking issues.

1.2 The application was discussed by Plans Panel at the meeting of 16<sup>th</sup> May. At this meeting Members raised concerns regarding inaccurate plans, with particular attention being drawn to the omission of a constructed rear dormer, and the use of and access to the lower ground floor rooms. Concerns were also raised regarding the fact that construction of unauthorised extensions was continuing on site.

1.3 Following this meeting revised plans have been received which show the rear dormer. The applicant's agent has also confirmed that the lower ground floor room/s will be used as a summer lounge/garden room and for garden/domestic storage. It has also been confirmed that access will be obtained to the lower ground floor from the rear garden. At this time it is not intended to provide internal access to this space. Enforcement officers have also visited the site to ensure that construction of the unauthorised elements has ceased.

## **2.0 PROPOSAL**

2.1 The applicant seeks planning permission to amend a permission from 2012 to include a single storey rear extension at the lower ground level and new access steps and resiting of railings to the rear.

2.2 This proposal includes a single storey side extension that runs along the full depth of the house. A rear extension is also proposed. The rear extension projects 3m. That part adjacent to the common boundary with the adjoining property (No.41) is single storey. A two storey element is set 3.5m away from the common boundary with No.41. The rear extension ties into the side extension so that the proposed extensions combine to wrap around the side and rear of the house. It should be noted that this is achieved as the ground levels to the rear are a storey height below that at the side and the front of the house. This enables the roof of the side extension to tie into the roof of the two storey rear extension.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The application site relates to a semi-detached property set on a street of similar houses in terms of size, style and design. Built using brick and concrete tiles the house has a simple form with few features. The site is set near the Gledhow valley and consequently it slopes sharply downwards towards the rear and the front of the property is higher than the rear elevation. When viewed in the garden a lower ground floor is visible and this leads to a raised patio area. To the side of this is a 1.8m high fence separated the property with the adjoining house. On the opposite side steps lead to a raised area set at the end of the driveway, a neighbouring garage adjoins this. The neighbouring house at no.43 is set at a lower level than the application site by approximately 0.5m.

## **4.0 RELEVANT PLANNING HISTORY:**

4.1 Two applications were refused at Plans Panel in 2010 and 2011 for larger extensions. (ref nos. 10/02814/FU and 11/01477/FU). Following these decisions a planning application for a reduced scheme was approved under delegated powers on 21<sup>st</sup> June 2012 (12/01887/FU). That proposal was for the construction a single storey side and rear extension, and re-siting of steps with railings above to the rear. The

single storey side extension will project approximately 2.5m in width from the existing side elevation of the dwelling and then drop back approximately 11.5m in depth before wrapping around to the rear. The side extension has a hipped roof which will measure approximately 2.8m to eaves and 3.8m to ridge. The two storey rear element (relating to lower ground floor and lower ground floor levels) will measure approximately 5.3m across the rear of the dwelling and project approximately 3m in depth with a hipped roof which measures approximately 4.1m to the eaves and 5.3 to the ridge from lower ground floor level.

- 4.2 A hip to gable extension and a dormer have been added under permitted development rights.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application advice was sought from officers prior to the submission of this application. Officers were of the view that a 3.0m extension to the lower ground floor area was compliant with council guidance and could receive officer support.
- 5.2 Following concerns raised by a neighbour regarding the accuracy of the plans submitted, a site visit was made by LCC Compliance Service to take some measurements, this resulted in a request for accurate plans being made before the application could be considered at plans panel. The revised plans now submitted are considered accurate and show the width of the extension at 2.15m which is correlates with the width of 2.2m measured by Compliance Services.

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

- 6.1 The application has been advertised by neighbour notification letter.
- 6.2 Following the receipt of accurate plans, neighbours and contributors were given a further 7 days to make any comments in relation to the revised plans.
- 6.3 Five letters of objection have been received from No.43, No.45, No.47, No.47A and No.49, Stainburn Crescent. The neighbours raise various concerns including depth, roof design, overdominance, massing and impact on residential amenity, loss of privacy, impact and dominance, maintenance/building works, access, loss of light and overshadowing, impact on the streetscene, cramped and over development of the site and size of the dwelling, inaccurate plans, the permitted development fall back position, the use of a dwelling as a House of Multiple Occupation (HMO). Other concerns surround sewerage, change in neighbouring land levels, emergency access, parking and traffic congestion.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 None

## **8.0 PLANNING POLICIES:**

- 8.1 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.2 As the Council has submitted the Publication Draft Core Strategy for 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.

8.3 DP 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.

8.4 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.

8.5 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) Design and Character
- 2) Residential Amenity
- 2) 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 elucidated and expanded within the Householder Design Guide.

- 10.2 As has been outlined above the application seeks to add a lower ground floor extension with a 3m projection at the rear of the dwelling and remove an existing elevated patio area and replace it with a set of steps down into the rear garden. All the other major extension works to the dwelling.
- 10.3 The proposal is considered acceptable in terms of design and character. The lower ground floor summer room is of modest dimensions with a mono-pitched roof and matching materials. It is acknowledged that neighbouring dwellings do raise concerns regarding the design of the extension and the impact of the extension on the host dwelling and character of the streetscene. However the conversion of the lower ground floor to form a summer room is not considered detrimental to the character of the application site and cannot be seen from the wider streetscene. Concern has been expressed by local residents about overdevelopment of the site, however the plot is generous in size and the proposal is a small additional to a previously approved scheme. An objection for overdevelopment cannot be sustained.
- 10.4 The proposal also involves removing the existing concrete patio area and relocating the associated steps and railings to the rear of the single storey side extension which forms the kitchen. The alterations are considered to be an improvement on the previously approved scheme as the existing raised patio was not considered to be ideal. Furthermore the proposed access steps and associated railings will not be visible from the streetscene and a condition will be imposed on the railings to ensure they are painted a dark colour to lessen any impact on the application site. It is noted that the local residents do raise concerns regarding design and impact on the character of the dwelling and wider area, however it is acknowledged that these concerns largely relate to the previously planning history and approved application and as discussed above the amended scheme is appropriately scaled and is not considered detrimental to the character of the host.

#### Residential amenity

- 10.5 The proposal involves a 3m projection close to the boundary with the attached dwelling. It will have a maximum height of 2.6m with a sloping roof. There is presently a solid 1.8m-2m high fence along the boundary. The projection of 3m is deemed acceptable within the guidance contained in the Householder Design Guide and the impact of such an addition is not significant on the residential amenity of the attached neighbour through dominance or overshadowing. No windows are proposed and this will be conditioned.
- 10.6 Turning to the resiting of the steps, the ground level is already raised and a garage base is used as a raised patio. This was to be retained as part of the previously approved application. The scheme now before Members includes a narrow walkway from the kitchen door and a set of steps leading down into the rear garden. The opportunities for overlooking are much reduced from the situation now and the

previously approved scheme as there will be no elevated sitting out area. There will be no loss of residential amenity from this current proposal.

### Neighbour Representations

- 10.7 The majority of the planning considerations which have been raised through representations have been discussed above. The majority of the concerns relate to that part of the scheme which already has planning permission. If the house is converted to a House in Multiple Occupation, this would require its own planning permission and would be considered on its own merits. The difference in land levels between the application site and no.43 is acknowledged and has been taken into account during the consideration of this application. The submitted plans do not show the rear dormer that has already been constructed, but this is not part of this application and this does not effect the ability to judge the impact the proposal has on the application site or neighbouring dwellings. A neighbour disputes that there the application plans accurately shown the space between the side of the house and the common boundary with No.43. However, the council does not hold records of land ownership or the position of boundaries and consequently this is a private matter. The applicant has confirmed that they own all the land to which the application relates and has amended the submitted plans to accurately show the proposal. Finally, a point has been raised that development has already commenced on site. The applicant already has a planning permission in place for a similar but smaller form of development and their representative has confirmed that the applicant has started to implement that permission.

### **11.0 CONCLUSION**

- 11.1 This application is for a similar form of development to that approved in June 2012 with the addition of a single storey extension to the rear. This single storey element, in itself, complies with the council's Householder Design Guide. The application is therefore considered to be acceptable as there will be no adverse impact on the streetscene nor the residential amenity of nearby residents.

#### **Background Papers:**

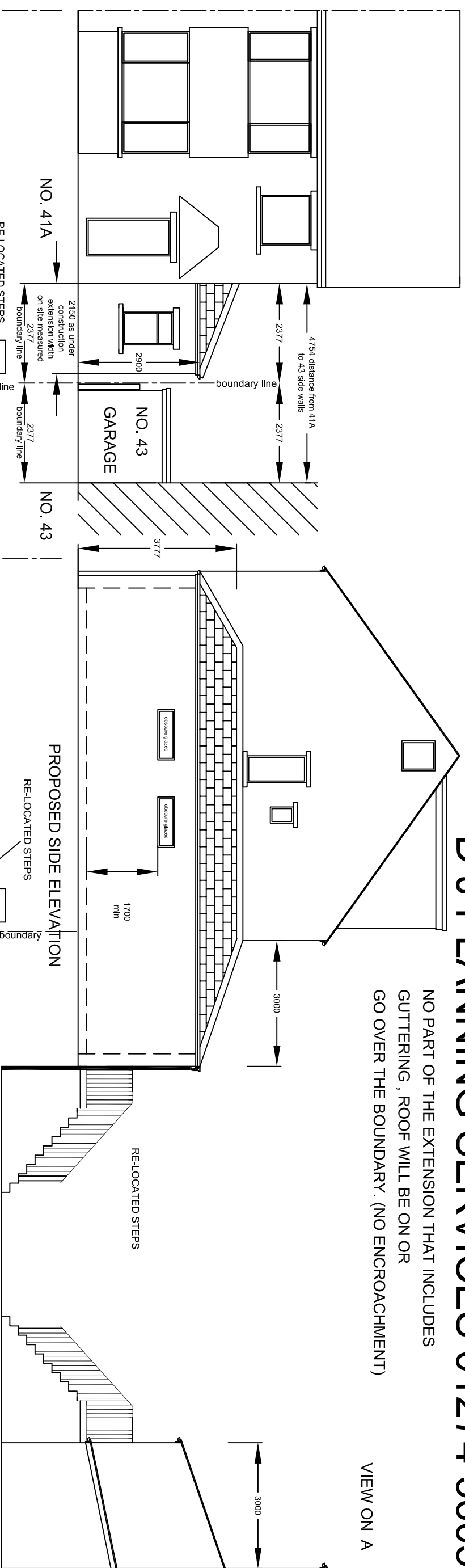
Application files: 13/00565/FU

Certificate of ownership: Certificate A signed by agent

# D J PLANNING SERVICES 01274 560503

NO PART OF THE EXTENSION THAT INCLUDES  
GUTTERING, ROOF WILL BE ON OR  
GO OVER THE BOUNDARY. (NO ENCROACHMENT)

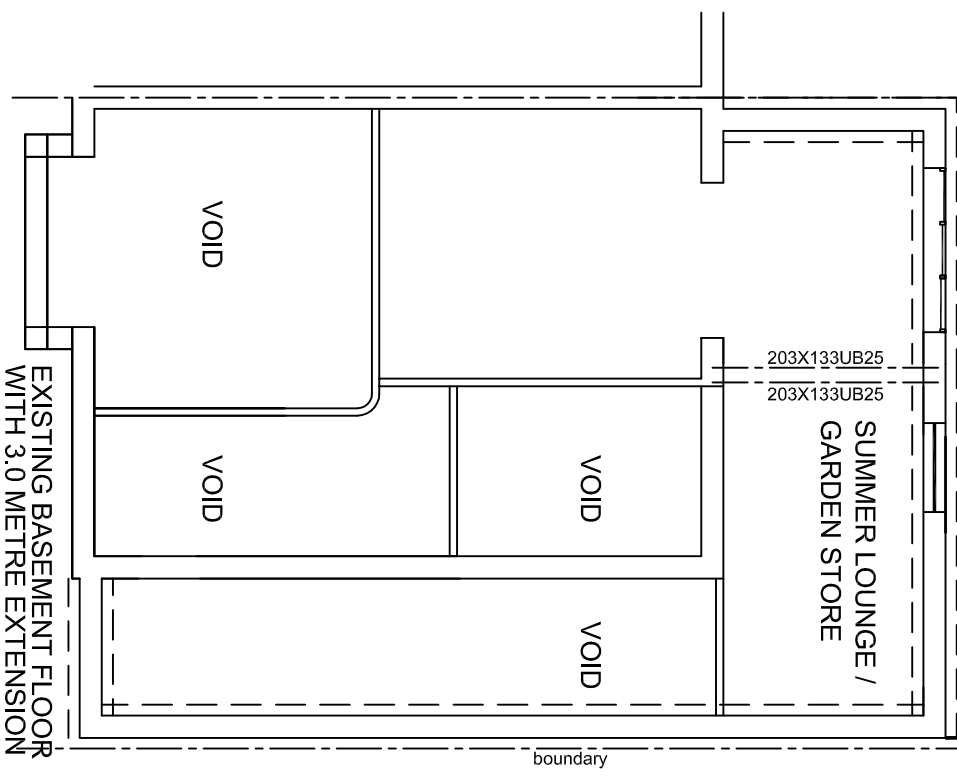
VIEW ON A



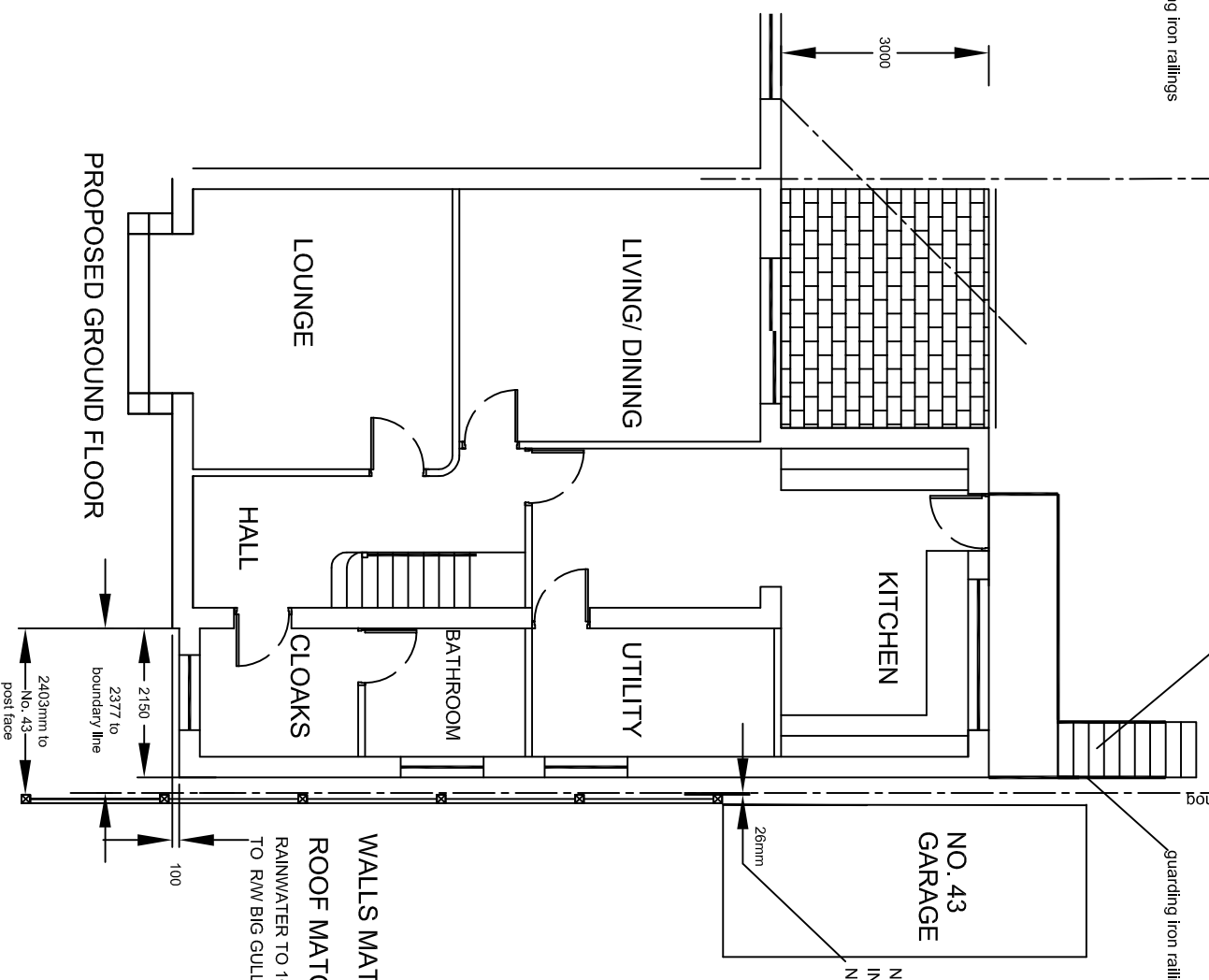
PROPOSED FRONT ELEVATION

PROPOSED SIDE ELEVATION

PROPOSED REAR ELEVATION



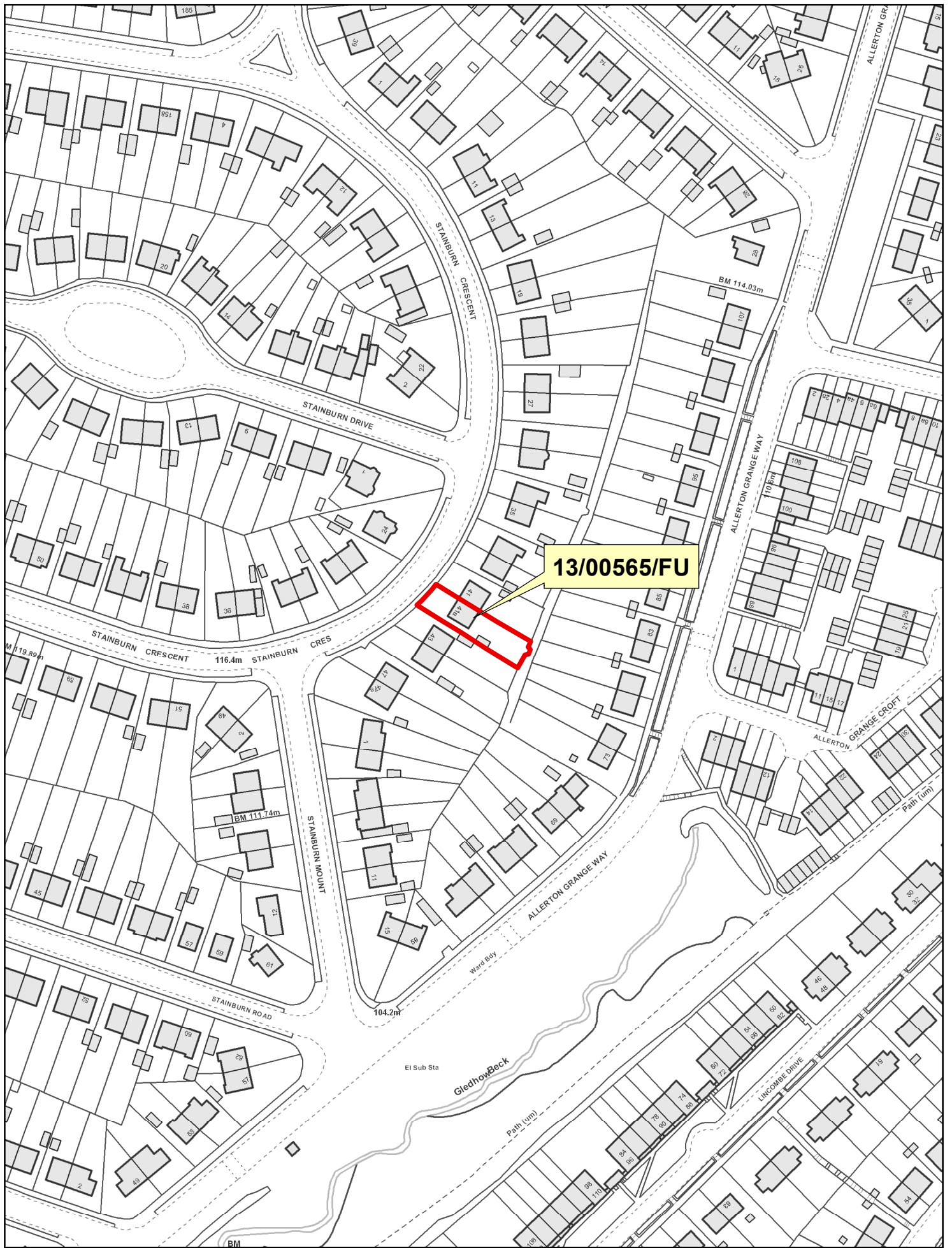
PROPOSED GROUND FLOOR



WALLS MATCHING BRICK  
ROOF MATCHING TILES  
RAINFALL WATER TO 100PVC GUTTER & 75 DRIPPE  
TO RW/ BIG GULLEY & ON SITE RW DRAIN.

NO.43 FENCE POSTS 26mm  
IN FROM BOUNDARY ON  
NO.43 SIDE.

**A**  
SCALE 1:100  
PROPOSED EXTENSION TO REAR AT  
BASEMENT LEVEL  
& RE-LOCATED ACCESS TO REAR GARDEN  
41 A STAINBURN CRESCENT  
LEED LS17 6NE  
MRS YOUSAF



# NORTH AND EAST PLANS PANEL

