



Leeds
CITY COUNCIL

Originator: Sarah
Woodham

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 13th February 2020

Subject: 19/04309/FU– Alterations to basement level to form a new bay window and two light wells to side and rear at 47 Westover Road, Bramley, Leeds, LS13 3PB

Applicant: Cunningham & Emin Property Ltd

Electoral Wards Affected:

Bramley and Stanningley

☐ 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:

Conditions

- 1. Time limit on full permission 3 years**
- 2. Development to be carried out in accordance with the approved plans**
- 3. Materials to match existing property**

1.0 INTRODUCTION:

- 1.01 This application has been brought back to Plans Panel following the previous panel on the 16th January. The application was deferred for a site visit.
- 1.02 The application is brought to Plans Panel at the request of Cllr Kevin Ritchie with regards to the impact on the wider area.

2.0 SITE AND SURROUNDINGS

- 2.01 The application relates to an end terraced stone and rendered dwelling. As the end terrace, the main frontage actually faces onto Westover Grove and therefore somewhat differs to the existing frontage row of terraced properties. The area is predominately residential and features terraced properties, whilst also being set in close proximity to allotments and a Rugby Ground to the south-east and Bramley Park to the north-west.
- 2.02 The host property is accessed via Westover Grove with a small yard area to the rear with a low stone boundary wall with railings over. The property is three storey in height with a gabled roof. Dating from the Victorian period, it has strong vertical emphasis in its window styles to the end elevation with stone heads and cills and with the bay window and front door also containing added character through detailed stonework.

3.0 PROPOSAL

- 3.01 This revised application relates solely to the external alterations to the basement level to form a new bay window and two light-wells to the side and rear. The initial submission as originally advertised related to the change of use of the property to a 7-bed House of Multiple Occupation (HMO) including alterations to basement level to form a new bay window and two light-wells to the side elevation. The application was then later revised and the 7 bed HMO has been removed from the application and the internal floor plans now show a 6-bed HMO. Further to the reduction in bedrooms, the provision of a 6-bed HMO in this area (which sits outside of the 'Article 4' Direction restricting such use changes) does not require planning permission. The 'use' as a 6-bed HMO has been certified as permitted development under application 19/04308/CLP (please see section 4.0).
- 3.02 A bay window and light-wells are proposed in the side elevation at basement level facing Westover Grove. A further light-well is located in the rear elevation.

4.0 HISTORY OF NEGOTIATIONS AND PLANNING HISTORY

- 4.01 19/04308/CLP Certificate of Proposed Lawful Development for internal alterations to change use from C3 dwelling to C4 small HMO Approved - 5th September 2019
- H24/296/89/ Alterations and extension to form kitchen to rear of terrace house. Application Approved - 24th October 1989
- 4.02 Following instructions from the previous appointed agent / applicant to amend the scheme, since being originally publicized the (larger) 7-bed HMO element has been removed from the proposal and the overall assessment is now solely on the light-wells and bay window.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.01 An original site notice was posted on 13.08.2019 with neighbour notification letters also sent to the immediate neighbours posted on 24.07.2019. The original description was for a change of use of dwelling house (C3) to the 7-bed House in Multiple Occupation (a 'Sui Generis' use (i.e. a use not falling into a particular use class)) including alterations to basement level to form a new bay window and two light wells to side. A total of 19 objections have been received from local residents, including ward members which raise concerns with the following

Objections in response to original advertised submission

- This street has limited parking which is on street. Multi occupancy may create a problem for existing residents
 - Create noise/increased noise
 - Highway safety
 - HMO licencing has been introduced because this type of dwelling can have a negative impact
 - The street is already too busy with bins/traffic/parking/noise
 - HMO only bring disturbance, a disconnection between neighbours and more rubbish
 - Climate change – no provision for green energy or electric vehicle charging points
 - Lack of secure cycle storage
- 5.02 Following amendment to the application, the HMO element of the proposal was removed from the application altogether. The application therefore relates solely to alterations at basement level to form a new bay window and two light wells to side and rear. Neighbour notification letters were then sent out with the amended description on the 20.09.2019. A total of 18 objections (not all of which were relevant to the amended application) have been received from local residents and Member of Parliament which raise concerns with the following:

Objections in response to re-advertised submission (bay windows and light-wells)

- Lack of available parking
- Do not need or want another HMO on this street
- Increase in refuse, noise, and potential for anti-social behaviour is a concern.
- The revised planning application does not address any of the issues raised by Transport Development Services
- Revised plans have not addressed concerns raised by the residents and by the Highways Department

6.0 CONSULTATION RESPONSES:

- 6.01 Conservation - No objection.
- 6.02 Flood Risk Management – No objection.
- 6.03 Highways - No objection.

7.0 RELEVANT PLANNING POLICIES

- 7.01 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 Sections 72 of the Listed Buildings and Conservation Areas Act 1990 identifies the general duty with respect to any buildings or other land located within a Conservation Area. Parliament requires the decision-maker to give considerable importance and weight to the preservation or enhancement of the character or appearance of a Conservation Area.

Development Plan

- 7.03 The Development Plan for Leeds relevant to this application is made up of the Core Strategy as amended (2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan, the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made neighbourhood plan.

Relevant Policies from the Core Strategy (as amended) 2019 are:

P10 – Design, context and amenity consideration
P11 – Conservation

Relevant Saved Policies from the UDP are:

GP5 – General planning considerations
BD5 – General amenity issues.

Supplementary Planning Guidance and Documents

7.04 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (2003, updated 2015)
- Bramley Town Conservation Area Appraisal and Management Plan (2009)
- Householder Design Guide (2012)

National Planning Policy

- 7.05 The revised National Planning Policy Framework (NPPF), published in February 2019, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 7.06 Chapter 16 Conserving and enhancing the historic environment relates to conservation and design.
- 7.07 Paragraph 190 states that: *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*
- 7.08 Paragraph 192 states: *"In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness."*
- 7.09 Paragraph 193 confirms: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*
- 7.10 Paragraph 196 confirms: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

8.0 MAIN ISSUES

1. Design, Layout and Appearance
2. Amenity considerations
3. Other outstanding matters

9.0 APPRAISAL

Design, Layout and Appearance/ Impact upon character and appearance of Conservation Area

- 9.01 The existing property lies within an established residential area and seeks to alter the internal layout of the property including the addition of a bay window and two light wells to the side and rear of the property. The site is located within Bramley Town Conservation Area. As stated within the Bramley Town Conservation Area Appraisal and Management Plan, the site is located within 'Character Area 2' – 19th century development to which the property is classed as a 'positive' building within the Conservation Area and is also surrounded by other identified positive buildings. Changing the external appearance of the property is subject to the detailed design and its impact upon both the character and appearance of the Conservation Area and host dwelling itself.
- 9.02 This proposal seeks planning permission for the addition of a bay window and two light wells, all at basement level. These facilitate internal alterations that in themselves would not require planning permission. The proposed bay window will provide additional light to the proposed living room and in doing so will respect the design and appearance of the property frontage window using the same vertical emphasis in the extended window. The proposed light wells will provide four small windows to the proposed kitchen also located at basement level. Despite their detailed design reflecting the window styles above at ground floor level, all of these openings will only be readily notable in close proximity in the street scene (not readily evident from local distance views in the Conservation Area).
- 9.03 The proposed bay window light well will leave a gap of approx. 1.36m from the side elevation and the width being 3.3m. The proposed two smaller light wells which will serve the kitchen/dining room will project 600mm from the dwelling and will be 1.9m in width. Guarding rails will be placed over the proposed light wells for safety. The materials at basement level are to be conditioned to match that of the existing dwelling of light stone.
- 9.04 The scheme is considered to be compliant with the aims of Core Strategy policy P10 that refers to character and context (the amenity strands of P10 are dealt with below), saved UDP Policy GP5 and the advice contained within the NPPF.

- 9.05 As previously noted the application site is located within Bramley Conservation Area. In respect of paragraph 193 of the NPPF, it is considered that the alterations / additions will preserve the wider asset that is the Conservation Area character and appearance the effect of which externally will be very limited, almost negligible and where it is altered, sympathetically finished.
- 9.06 The existing building is an end terrace which doesn't have significant architectural merit. The changes proposed are small and will not be particularly visible within the street. The changes are considered to have less than substantial harm to the original property and the wider area. Although there is no public benefit of the proposal, the changes are considered to preserve and enhance the original building and, therefore the wider Conservation Area. As such, the proposal meets the requirements of paragraph 196 of the NPPF and policy P11 of the Core Strategy.

Amenity considerations

- 9.07 The proposed light wells and bay windows are located at basement level and will provide additional and indeed an adequate amount of light to the proposed basement level rooms (which in being shown as for lounge and dining/kitchen uses - at the applicant's choice in the intended HMO layout which has been deemed to be lawful.
- 9.08 Given the location of the property and the basement nature of the proposed light wells they do not allow a direct outlook over neighbouring dwellings and instead will more readily angle / face the highway, preventing impact upon neighbours by way of privacy intrusion.
- 9.09 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the advice set out in the NPPF

Other Outstanding Matters (other objections raised)

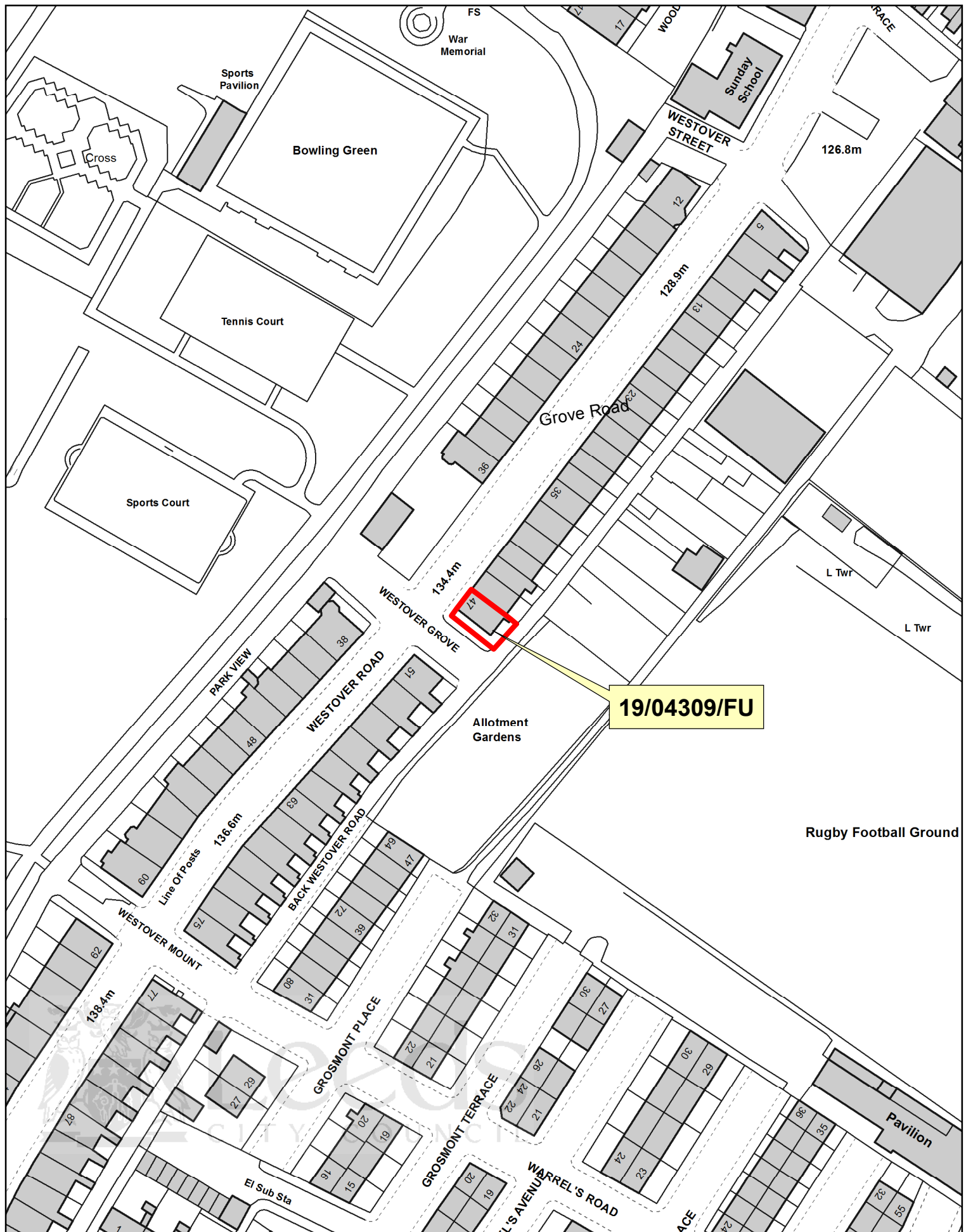
- 9.10 The existing site does not have any onsite parking provisions and given the proposed alterations it will not impact in any way upon highway safety. It is considered the alterations to the dwelling do not create an additional, significant, parking demand compared to that of the original dwelling. It should be noted that the basement rooms could be converted and used without requiring planning permission and the light wells in and of themselves do not cause an intensification of use.
- 9.11 It is considered that the proposals are acceptable in highways terms. The scheme is compliant with Core Strategy Policy T2, saved UDP Policy GP5 and with the advice set out in the NPPF.

- 9.12 As mentioned above objections were received the points raised relating to highways, the use as an HMO and climate change are not considered relevant to this (as now revised) application. As previously mentioned above the use element is no longer included as part of this application as a Certificate for a lawful use of the property as a small HMO has already been granted. Climate change considerations are not directly part of the application's main considerations as the application refers only to light wells and bay window (impact of creating the alterations being balanced by the potential savings to energy usage at basement level by forming additional natural light (i.e. less artificial lighting required)). Similarly, the proposal will not evidently impact upon noise / anti-social behaviour and waste issues as the basement rooms can be used for domestic purposes without requiring planning permission.

10.0 CONCLUSION:

- 10.01 The proposal before Members is considered to comply with both national and local planning policy. It is considered the current scheme preserves the character and appearance of the Conservation Area, and protects visual and residential amenity. It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

Background Papers: 19/04309/FU; 19/04308/CLP



SOUTH AND WEST PLANS PANEL

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SCALE : 1/1000



