

**REPORT TO
AREA PLANNING PANEL (KEIGHLEY)**

**REPORT OF THE STRATEGIC DIRECTOR OF REGENERATION TO THE MEETING OF
THE AREA PLANNING PANEL (KEIGHLEY) TO BE HELD ON 18th DECEMBER 2008**

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SUMMARY STATEMENT - PART TWO

Application recommended for approval

The sites concerned are:
Hawthorne, Owlter Park Road, Ilkley
148 Skipton Road, Ilkely.
90B Bolling Road, Ilkley.

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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD
METROPOLITAN DISTRICT COUNCIL

KEIGHLEY AREA PLANNING PANEL

DATE
18 December 2008



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LOCATION

ITEM No.

Hawthorne OWLER PARK ROAD, ILKLEY

DATE: 18th DECEMBER 2008
ITEM No: 12
WARD: ILKLEY

RECOMMENDATION: TO GRANT PLANNING PERMISSION WITH CONDITIONS

APPLICATION No: 08/02385/FUL

Type of Application/Proposal & Address

Full application for demolition of existing house and construction of 2 detached houses at Hawthorne, Owler Park Road, Ilkley.

Site Description

The existing house, 'Hawthorne', is one of a number of detached houses set in an elevated position well above Owler Park Road in the Middleton area of Ilkley. The existing house is of unremarkable appearance (built in stone and render). It is split level, and set about 50 metres back from the road with a steep tarmac drive climbing up into the site from the road. Forward of the house is the more imposing and bulkier form of the adjacent house at "Braethorne". A new house in the large back garden of this house is currently under construction. The boundary is formed by a 2 metre high wooden fence. To the north west of the site the adjoining property at 71, Owler Park Road is a substantial hipped roof, rendered house that is sited level with Hawthorne and also behind a tall fence. To the north of the application site is a woodland area. Owler Park Road is an unadopted highway serving between 50 and 60 residential properties. The surface is maintained in good condition and the section outside the site is about 4 metres wide. The road lacks continuous footways but has some street lighting.

Relevant Site History

07/00129/FUL : Construction of one new detached house forward of Hawthorne.
Refused 12 February 2008.

04/02561/FUL : Conservatory. Granted 27.07.08

Replacement Unitary Development Plan (UDP) Proposals and Policies

The site is unallocated on the RUDP Proposal Map

Replacement Unitary Development Plan (RUDP) Policies are as follows

- UDP3 - quality of the built and natural environment
- D1 - design considerations
- UR3 - local impact of development.
- TM2 - impact of traffic and its mitigation
- TM19A - traffic management & road safety
- NE5/NE6 - retention/protection of trees on development sites.

Other material considerations to note

On 22 March 2007, Panel considered a report on Owler Park Road, and resolved that each future application for additional residential development on this unadopted road would be "considered on its own merits" and that "where a proposed development would introduce significant additional traffic" to a poor section of the road it "will be expected to include appropriate measures to mitigate the adverse impact of the additional traffic on highway and pedestrian safety in accordance with Policy TM2 of the RUDP. Such measures should be designed to reflect the semi rural characteristics of the neighbourhood. The resolution can be afforded some limited weight but it does not have

the status of Planning Policy or Supplementary Planning Guidance and has not been the subject of public consultation. (It should also be noted this Panel is not legally bound to follow the previous Panel's resolution).

Town/Parish Council

Ilkley Parish Council recommends refusal, citing lack of justification for demolition of existing house, lack of road proposals, drainage run off and sewerage drainage problems, out of keeping design, excessive size and materials not in accordance with Council's Sustainable Design Guide.

Publicity and Number of Representations

Publicised by letters to nearby properties and by site notice. Letters were also sent to nearby residents to advise of amended plans. 11 letters of objection have been received from 10 properties in Owler Park Road and from the Chairman of the Ilkley Design Statement Group. A letter of no objection to the amended plans and the traffic calming proposals has been received from the Chairman of the Owler Park Road Maintenance Fund.

Summary of Representations Received

1. Houses will be out of character in terms of design and materials (especially glazing to front) and impact on views from across the valley.
2. Over development; plot is too small for 2 houses, and houses are too large for their setting.
3. Opposition to demolition of an existing dwelling that is capable of being re-used.
4. Possible damage to trees on adjacent plots.
5. Loss of light and loss of privacy for adjacent houses.
6. Overlooking of proposed front house from house proposed at rear.
7. Drainage system in the road already inadequate, with flooding of some properties with mix of water and sewerage.
8. Additional traffic, adding to danger for pedestrians and other road users. Road here especially narrow, lacking pavements, adequate lighting or turning space, and unable to safely accommodate large service vehicles or construction traffic.
9. No highway safety assessment with the application.
10. Argument of small effect of one more house could be used ad infinitum to justify much more infilling development, bit by bit.
11. Likely damage to private grass verges (as with other developments).
12. Specific objection to the traffic calming proposed from one of the adjacent owner occupiers affected (who would have to consent to its construction) on grounds of additional noise from any rumble strip, danger to pedestrians from narrowing of road and lack of safe refuge there and on going maintenance liability to them.

Suggestions are made that, if permission is granted, permitted development rights should be removed, a construction plan should be required to ensure enough space on site for vehicles and working space, and the frontage hedge should be retained or replaced.

Two residents indicate no objection to two houses in principle but object to the specific designs. One nearby resident has commented that the amended designs are a "great improvement" in their use of more stone and slate for roofs.

Consultations

Highways

Proposal as originally submitted did not include any measures to improve safety on Owler Park Road, but some improvements have been carried out in the adjacent stretch of road following other developments, including a turning facility and a “slow” warning sign.

The following conditions are recommended on any approval:

- Prior provision of access, parking and turning space for houses.
- Construction plan to cover hours of work, car parking for construction workers, access arrangements for construction vehicles and wheel cleaning.

Tree Officer

Comments on the lack of a full tree survey or assessment or detailed proposals for tree protection.

Building Control/Drainage

Separate drainage needed within the site. Overland surface water flow patterns must not be changed to the detriment of others, and ground levels should not be changed at site boundaries. Details required of any works to existing water courses, culverts or drains.

Yorkshire Water

No adverse comments. Water can be supplied.

Summary of Main Issues

Principle of infill development.

Acceptability of design, appearance and layout.

Impact on neighbouring occupiers/properties.

Implications for road safety/capacity of Owler Park Road.

Effects on trees.

Drainage.

Appraisal

Details of Proposals (as amended)

The existing house would be demolished and replaced by 2 houses, one roughly in the position of the existing house, leaving 16 to 20 metres to the rear boundary, and the other roughly in line with the adjacent house to the south-east, Braethorne. The existing drive within the site would be slightly realigned, but would emerge on to the road at the same point. Both houses would incorporate integral double garages and drive arrangements would allow for additional parking and turning within the site.

Since the submission of the application, design details of the houses has been amended and the developer has offered to provide a traffic calming feature at the entrance to Owler Park Road, consisting of stone feature entrance pillars either side of the carriageway and possibly a rumble strip. This will mitigate the impact of the additional dwelling on local highway conditions in accordance with Policy TM2 and the Area Planning Panel’s resolution of 2007.

The rear house (Plot 1) would be a 4 bedroom, 2 storey house with a basement incorporating garage. Its maximum height would be about 10.7m. The highest point of the roof would be about 2m. below the equivalent height of the adjacent house (No. 71). Facing materials would be natural stone, render and fibre cement weather boarding, with stone and glazed areas dominating. Suggested roofing is “Britlock” slate grey, interlocking tiles (made with an 80% recycled slate content).

The front house (Plot 2) would be a 4 bedroom, 2 storey house with a basement incorporating garage. Its maximum height would be 9.5m. The highest part of its roof would be about 2.5m. below that of the adjacent house, Braethorne. At the front there would be a 4m. deep raised ground floor terrace and a first floor balcony almost to full width. The rise in levels would put all the basement and much of the ground floor below ground level at the rear. The materials would be the same as for Plot 1, and there would be wide glazed areas to front facing rooms.

Principle of Infill Development

National and local planning policies encourage more efficient use of land. This is a large plot, and there are no policy reasons to oppose the principle of two houses on it to achieve higher density. Considerations of local character and difficulties of access would tend to rule out a higher density.

Demolition/Sustainable Design

Although there are objections from Ilkley Design Statement Group and Ilkley Parish Council to demolition of the existing house, it is of limited design merit and is not protected by any conservation status - so the Council could not legally prevent its demolition. Whilst the Council's Sustainable Design Guide seeks to encourage the re-use of buildings it does not seek to prevent all demolition. The disadvantages of the demolition of the existing house must be weighed against the advantages of using land more efficiently and the houses will be more energy efficient. Both have been designed in accordance with principles of sustainable design and will be far more energy efficient than the existing house.

Acceptability of design, appearance and layout.

The design of the proposed houses is decidedly contemporary, incorporating extensive south facing glazing and balconies exploiting the panoramic views across the valley. The modern design of the proposed houses would be different from any others on the street, but would add interest to the townscape. This is not a Conservation Area and Owler Park Road contains a varied mix of house types and materials. Stone and render are the predominant local materials and roofing materials within sight include both tiles and slate.

The proposed designs are interesting and contemporary, but also would fit well in this area of mixed architecture and house styles. The design incorporates several sustainable design features and benefits from an array of south facing windows that will maximise solar gain. Also the scale and bulk of the houses fits well with the larger houses to either side and the increased use of natural stone proposed on the amended drawings would ensure that they reflect the general character of this part of Ilkley. The design and materials have been amended since initial submission to incorporate more natural stone to the walls and an artificial slate roof rather than a metal clad one which local residents strongly opposed.

The 2007 application proposed a dwelling situated almost on the frontage with Owler Park Road and was refused as it was markedly out of character with the prevailing pattern of housing in the area. However, the new application avoids this conflict because the two houses are aligned with those on either side, with the forward most house being set 30 metres from the road. The plot is very deep, and the principle of building houses behind each other has been permitted elsewhere on the road. Whilst there would be an increase in density, the two houses would be well related to the adjoining development, including the new house under construction behind Braethorne in terms of their siting and massing on the plot.

Impact on neighbouring occupiers

Impact of Plot 2

The front house (Plot 2) would be sited about 30m back from Owler Park Road, and thus too far back on the site to have any serious overlooking impact on the houses opposite. This forward most house would be level with the side wall of Braethorne which is blank except for a ground floor bay window. There is currently no building level with this side wall. However, no habitable room windows are proposed in the side elevation and a gap of 5 metres is maintained between the two properties and it is not considered that the presence of a single bay window is unduly compromised. The design of the new house has been amended to reduce the impact on Braethorne by removing habitable room windows from the side elevation and introducing screening to the balconies to prevent views sideways onto Braethorne and its garden. It is considered that Unit 2 would not significantly harm the amenity of occupants of Braethorne, or the new house under construction to the rear.

Impact of Plot 1

The larger house at the back of the site on Plot 1 would be near the side wall of Beech Crest, No.71 Owler Park Road. It would occupy approximately the position of the existing house but would rise to a greater height. Although the occupier of this neighbouring house is concerned about the increased height and dominance of the new house, it is not considered that these effects would be significant given the arrangement of the accommodation in the adjoining house. The eaves would be the same approximate height as the neighbouring house and the position of the new house has been amended to increase the gap to 5 metres so as to decrease the degree of overlap with No. 71. The design of the roof has also been adjusted so that it slopes away from the boundary. All these changes have reduced the degree of impact on daylight and dominance and it is considered that the relationship between the new house and No. 71 Owler Park Road is acceptable and will not significantly affect the living conditions of the occupants. Only obscure glazed and secondary (stairs and bathroom) windows are proposed in the side wall of the new house facing the neighbouring property.

Trees

There are no trees on the application site of any value. There are TPO protected trees on the adjoining plot to the west and a wooded area beyond the boundary to the north. The development is well away from the woodland but the tree Officer has expressed concerns regarding alterations to the drive on the roots of a TPO spruce tree on the adjacent plot. Although the drive is shown to be re-aligned, at its nearest point it would be no nearer to the boundary than the existing drive. The works should be capable of implementation while still protecting trees of amenity value that are outside the site.

Drainage

It is acknowledged that existing combined drainage in Owler Park Road cannot cope with heavy flows of surface water, and steep drives such as the existing one on site can cause water to flow rapidly on to the road when it rains hard, and then flow into gardens on the south-west side of the road. Problems have arisen during construction of the house behind Braethorne. The architect has indicated that surface water drainage for Plot 1 at the rear will be taken north-eastwards, away from Owler Park Road, and has agreed that it would be reasonable to maximise permeable surfaces, and to incorporate measures on site to slow surface water run off and to intercept water running down the drive.

It is considered that these measures must be subject to conditions but will ensure that upon completion there is no change to run off from the site.

Implications for road safety/capacity of Owler Park Road.

Owler Park Road is a private road. It is a long, narrow cul-de-sac with no continuous footways. It is understood to serve 65 households. Maintenance is paid for by the residents and the road is well surfaced and well maintained. There are some street lights but they are of poor quality and only limited stretches of footway exist. The main highway safety problem with the road is that the good surface, gradient and straightness encourage high speeds and pedestrians have to walk up the road in the carriageway. This lack of segregation, the narrow width, poor lighting and the significant number of properties served all combine to place pedestrians sharing the road at risk. The road connects to public footpaths at the western end and is said to be well used by ramblers and horse riders as well as being the sole route for children walking home from school. Difficulties for walkers and riders arise when cars and large vehicles are using the road because of lack of space to pass. Additional development will make conditions proportionately less safe for these other users.

In 2006, in response to concerns raised in respect of a previous application for a house at 15, Owler Park Road, Keighley Area Planning Panel asked for recommendations on the ability of Owler Park Road to safely accommodate more development. A report presented in March 2007 recommended that a moratorium on further development could not be justified, but said that it would be reasonable to expect applicants for additional houses to mitigate the impact of additional development on the safety of users, especially pedestrians, by offering improvements such as formalising or increasing the pedestrian refuges, traffic calming features, improved lighting or additional turning facilities. These might all be improvements that could be secured by Planning Condition to offset the impact of additional traffic generated by new development, particularly in terms of vehicle speeds and the safety of other road users sharing the carriageway.

Such measures can be justified by reference to Policies TM2 and TM19A of the RUDP. Policy TM2 states that planning permission for new development will not be granted unless...improvements considered necessary by the Council to overcome any adverse traffic impact of the proposal will be secured by agreement or undertaken as part of the development. Policy TM19A says the Council will look at the traffic management or traffic safety implications of new development and seek consequential improvements.

The developer of the new house behind Braethorne has accepted the need for a traffic calming measure on the section of highway adjacent to that site. This will take the form of new buff coloured surfacing to achieve a localised narrowing of the carriageway with associated signage. It was accepted that this traffic measure would fulfil the requirements of the Council Panel's resolution and go some way towards mitigating the impact of that additional development on the neighbouring plot.

Negotiations have been undertaken with the current applicant about the necessity for additional improvements to Owler Park Road to mitigate the impact of the additional traffic arising from this development. However, as the site is so close to Braethorne, it would not be sensible to install another rumble strip or localised narrowing just a few metres away.

Instead, the developer has begun negotiations with the Owler Park Road Maintenance Fund regarding a proposal for a gateway feature and a cobbled rumble strip at the entrance to the road. The Maintenance Fund is in support of this measure as it would signal to incoming traffic that they were entering an area where pedestrians are in the road, but the agreement of the adjoining land owner has not yet been obtained. The

developer has, however, also suggested various other more general improvements that he is prepared to fund - in agreement with the Maintenance Fund and affected residents.

Given that the applicant is willing to address the road safety issue through positive action, and that he has the support, in principle, of the Maintenance Fund, it seems there is a reasonable prospect of obtaining a satisfactory outcome. It is therefore recommended that a negative condition be imposed to require submission of, and agreement of a scheme for improving the safety of pedestrian users of Owler Park Road and/or slowing vehicle speeds before the development is begun. Such measures that are agreed should be implemented before the houses are brought into use and retained thereafter. A negative condition is suggested to secure appropriate improvements to the private road:

“The development shall not be begun until details of a scheme for the improvement of pedestrian safety or the reduction of vehicle speeds in Owler Park Road has been submitted to, and approved in writing by the Local Planning Authority. The measures so approved shall be installed as approved, or in accordance with such other details as may be agreed in writing by the Local Planning Authority before the dwellings are brought into use. Thereafter the implemented measures shall remain in place and shall not be removed except with the prior written permission of the Local Planning Authority”.

The agent intends to continue with negotiations with the affected owner, but if the “gateway” scheme is not feasible other improvements would be agreed with the Maintenance Fund and relevant owners.

It is considered that the suggested condition would allow for various alternative options for improving the road to be explored and agreed that will fulfil the expectations of the Area Planning Panel’s resolution of March 2007.

Access, servicing and car parking

The garage, parking and turning facilities indicated within the site would be adequate for normal use, allowing cars to enter and leave the site in forward gear, avoiding the need to reverse down the gradient. The net effects on the highway network of providing 2 larger houses here in place of the one existing would be small. The scheme makes provision for 200% parking within the site for both houses with garaging excavated into existing ground levels so that parking spaces in front will be set at an acceptable gradient.

The drive access to the site is steep and the houses would be located back from the highway at a considerable elevation above it. The access is only 3.4m wide but this reflects the access and servicing arrangements of several other properties along the same road that have functioned safely and effectively for many decades. It is not considered that there are any objections based on the proposed parking, servicing and access arrangements.

Community Safety Implications

None relevant

Reasons for Granting Planning Permission

Subject to compliance with the amended plans, the proposed development is considered to have no significant adverse impact on the amenity of occupants of neighbouring properties, to incorporate adequate design arrangements for access, parking and servicing and to be appropriate to the character of the area. It is considered to accord with Policies

D1, UR3, NE5 and NE6 of the Replacement Unitary Development Plan. Subject to securing measures to improve local road safety by means of the suggested condition, the development is considered to be capable of being accommodated safely within the capacity of the local highway network and to accord with Policies TM2 and TM19A of the RUDP.

Conditions of Approval

1. 3 year period for commencement of development.
2. Compliance with the amended plans proposing improvements to design and materials.
3. Protective fencing to trees prior to commencement of development.
4. Access and turning facilities shall be made available in accordance with the approved plans prior to occupation of the dwellings.
5. The development shall not be begun until details of a scheme for the improvement of pedestrian safety and the reduction of vehicle speeds in Owler Park Road has been submitted to, and approved in writing by the Local Planning Authority. The measures so approved shall be installed as approved, or in accordance with such other details as may be agreed in writing by the Local Planning Authority prior to the commencement of development. Thereafter the implemented measures shall remain in place and shall not be removed except with the prior written permission of the Local Planning Authority.
6. Hours of construction to be restricted to 7.30 –18.00, with no working Sundays and Public Holidays.
7. Construction site management plan to be approved and implemented prior to commencement of any development.
8. New vehicular areas to be permeable surface as shown on amended drawings.
9. Obscure glass to be fitted to 1st floor side facing windows.

KEIGHLEY AREA PLANNING PANEL

DATE
18 December 2008



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LOCATION

ITEM No.

148 SKIPTON ROAD, ILKLEY

DATE: 18 DECEMBER 2008
ITEM No: 13
WARD: ILKLEY (WARD 14)
RECOMMENDATION: TO GRANT PLANNING PERMISSION WITH CONDITIONS
APPLICATION No: 08/04906/FUL

The application is referred to Panel at the request of Ilkley Parish Council.

Type of Application/Proposal & Address

Full application, as amended, for the erection of a one and a half storey side extension and removal of part of the existing garage at 148 Skipton Road, Ilkley.

Site Description

The site is located on the main Ilkley to Skipton Road on the western side of Ilkley. The site comprises a stone built C19th property with a detached stone built double garage positioned to the side and rear of the property. To the front is a garden while at the rear there is a small yard/parking area. The vehicular access to this rear space is shared with the adjacent property. The application site is the end dwelling of a short terrace, mirroring the dwelling immediately adjacent to the east; both having white painted multi paned windows, a shared front gable with porch and an original front dormer window. The others in the row are of a simple cottage style design, without front gables or dormers. Behind the house, across the shared rear yard is 150 Skipton Road; a solid stone building with agricultural features. There is a gap of approximately 11 metres between the dwellings, resulting in a certain amount of existing mutual overlooking. The property is not listed nor is it within a conservation area.

Relevant Site History

07/03611/FUL – Conservatory to side. Withdrawn

08/03970/FUL – Single storey extension to side and removal of part of the existing garage. Withdrawn

Replacement Unitary Development Plan (RUDP) Proposals and Policies

The site is unallocated on the RUDP Proposals Map.

Relevant Policies are

UR3 – The Local Impact of Development

D1 – General Design Consideration

D4 – Community Safety

Supplementary Planning Guidance in the Council's approved revised House Extensions Policy Document has also been considered as a material consideration.

Town/Parish Council

Ilkley Parish Council recommends refusal of the application. They feel it would unbalance the symmetry of a unique pair of semis and that the proposal does not accord with the Councils House Extensions Policy.

Publicity and Number of Representations

The application was publicised by neighbour notification letters, the expiry date for representations being the 02.09.2008. One letter from the Ilkley Civic Society was received in objection to the proposals.

Summary of Representations Received

- The proposed extension is out of character with the design of the building. It unbalances the symmetry.
- The windows proposed are not the right style for the age of the property.

Consultations

None necessary, although the Design and Conservation team were asked for informal comments in light of the objection from the Parish Council and Ilkley Civic Society. The Conservation and Design Officer does not raise any fundamental objections to the proposal, but suggested small improvements such as reducing the size of the proposed dormer window. The plans for the proposal have been amended accordingly.

Summary of Main Issues

1. Impact on the local environment
2. Impact on neighbours

Appraisal

Impact on the local environment

Although the extension provides accommodation on two levels, the roof of the proposed extension would be significantly lower than that of the main dwelling. The extension is one and a half stories in height and one of the amendments is to set it back 0.5m from the front wall of the parent buildings, so that the existing stone quoins are not concealed.

The extension thus achieves a good level of subservience to the main dwelling, enabling it to be “read” as a later addition. The design style and materials would match those of the parent building and are considered appropriate. The plans have been amended to ensure that the style of windows is appropriate and that the width of the dormer window on the extension is the same as the width of an original dormer.

The Parish Council and the Ilkley Civic Society assert that the proposed development would unsettle the symmetry of a unique pair or semis; however, whilst the property does mirror the adjoining dwelling to the east, the pair are not semis but are positioned on the end of a short terrace of cottage style dwellings. There is therefore no symmetry to disrupt.

The proposed development will necessitate the partial demolition of the existing detached garage, reducing it from a double to a single. This does not in itself require planning permission and it will not have a detrimental impact on the street scene. The level of off street parking (one space in the garage and at least one space to the rear of the property) will remain at 200% and is acceptable.

Impact on Neighbours

The proposed extension would be positioned to the side of the dwelling in front of the property at 150 Skipton Road. The extension will have two rear ground floor windows and one rear dormer bedroom window. There will be approximately 15m between the proposed extension and the dwelling to the rear, more than the existing distance between the dwellings since the extension does not extend the whole depth of the parent dwelling. The facing downstairs windows of 150 Skipton Road are largely screened by vegetation and

the property has no habitable room windows at first floor level on this elevation. It is not felt therefore that the proposed development would result in a significantly greater level of overlooking between the two properties than currently exists. The proposed extension will not overshadow any neighbouring properties.

Conclusion

The proposed extension, as amended, is felt to be appropriate in terms of its design and materials. It is felt to respect the historic interest of the parent building and is found to be suitably subservient to it; enabling it to be read as a later addition. The proposed development will not have a significantly detrimental impact on local amenity or neighbours. Judged on its planning merits, this application is considered acceptable.

Community Safety Implications

There are no apparent community safety implications raised and therefore the proposal complies with policy D4 of the RUDP.

Reasons for Granting Planning Permission

The development is not considered to adversely affect the character of the host dwelling or the character of the street scene. It is considered that the proposal will not have any significant adverse effects upon the residential amenity of the neighbouring residents and is acceptable in terms of highway safety. As such the proposal is considered to be in accordance with policies UR3, D1 and TM19a of the Replacement Unitary Development Plan and the Council's revised House Extensions Policy Document.

Conditions of Approval

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the amended plans MDR110 200E, MDR110 100A and MDR110 201E received by the Council on 02 December 2008 showing the extension set back 500mm behind the front wall of the parent building and the width of the front dormer and the style of the windows matching those on the main dwelling.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. The development hereby permitted shall only be constructed of facing and roofing materials to match the existing building as specified on the submitted plans.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

KEIGHLEY AREA PLANNING PANEL

DATE
18 December 2008



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LOCATION

ITEM No.

90B BOLLING ROAD, ILKLEY

DATE: DECEMBER 18th 2008
ITEM No: 14
WARD: ILKLEY (WARD 14)
RECOMMENDATION: TO GRANT PLANNING PERMISSION WITH CONDITIONS
APPLICATION No: 08/06121/FUL

The application is referred to Panel at the request of Ilkley Parish Council.

Type of Application/Proposal & Address

A retrospective application for fencing fronting onto Bolling Road at 90b, Bolling Road, Ilkley.

Site Description

The site comprises a recently constructed end of terrace property; prominently sited on the corner of Manley Road and Bolling Road opposite Ben Rhydding Primary school. The property is bounded by Bolling Road to the north and an unadopted access road to the south, from which there is vehicular access to an integrated garage. It is situated within the Ben Rhydding Conservation Area. There is a pedestrian crossing on the application site frontage. Prior to the erection of the fencing the boundary between the property and Ben Rhydding Road was formed by a privet hedge to an approximate height of 2m. The two adjoining properties retain their hedges and each has a wooden gate with approximate heights of 1.5 -1.8m. The ground level of the garden is approximately 0.2m above the level of the pavement along Bolling Road.

Relevant Site History

04/01573/FUL Demolition of existing dwelling and construction of three new three storey dwellings with associated parking. Granted
04/03550/CAC Demolition of existing two storey dwelling. Granted
07/04437/FUL Construction of tandem garage at side of house (90B). Refused
07/09181/FUL Single storey extension to side of the house (90B). Granted.

Replacement Unitary Development Plan (RUDP) Proposals and Policies

The site is unallocated on the Proposals Map.

It is within Ben Rhydding Conservation Area.

Relevant Policies are

UR3 – The Local Impact of Development

D1 – General Design Considerations

D4 – Community Safety

BH7 – Development in a conservation area

TM19A – Traffic Management and Road Safety

Supplementary Planning Guidance in the Council's approved Planning for Crime Prevention Policy Document has also been considered as a material consideration.

Town/Parish Council

Ilkley Parish Council recommend refusal of the application. They would like to see the fence stained a dark green, taken down to a height of 1.2m above the level of the street

along Bolling Road and a hedge planted behind it without delay. They feel that the fence has a high, and detrimental, visual impact in a prominent location in the Conservation Area and that this is a problem which warrants immediate rectification.

Publicity and Number of Representations

The application was publicised by neighbour notification letters, a Conservation Area site notice and a notice in the Ilkley Gazette with expiry date of the 13.11.08.

One letter received from the Ilkley Civic Society objecting to the development.

Summary of Representations Received

- Bradford Council's policy is for much lower fences to front gardens, not exceeding 1m in height.
- Due to the Conservation Area location a fence or a hedge would be preferable to a fence.

Consultations

Design and Conservation

- The property is in a prominent location on a main thoroughfare.
- The fence is an incongruous feature of the street scene and is harmful to the character and appearance of the Conservation Area where fences and walls fronting highways are typically a metre or less in height. The fence puts the house at odds with its recently built neighbours which, like 90b, all had hedge boundaries only.
- The fence creates an aggressive boundary between public and semi private space. Its height is contrary to the design principle of the Planning For Crime Prevention SPD which recommends a front boundary height of 900mm-1m in front of dwellings.

Summary of Main Issues

3. Circumstances
4. Principle of development
5. Impact on the local environment and the Conservation Area
6. Impact on neighbours
7. Highway Safety

Appraisal

Circumstances

The applicants felt that the previously existing hedge did not provide an adequately secure boundary between the garden and Bolling Road to create a safe place for their child to play. They wished to alter the boundary treatment but did not become alert to the fact that a 2m high fence fronting onto a highway would require planning permission and proceeded with the development without consent. A complaint was subsequently made to the planning office and the householder was asked to make a retrospective application for the fence.

Principle of development

90b Bolling Road was designed with its vehicular access and an integral garage served from the access road to the south of the property. The principle entrance to the dwelling is also located on this south facing elevation. The property's main outdoor amenity space is positioned between the dwelling and Bolling Road, and is more characteristic of a back garden than a front garden. However it is considered that the elevation fronting Bolling Road is the principle elevation. By virtue of this fact the height of the fence as erected is considered to be unacceptable in principle.

Impact on the local environment and the Conservation Area

The fencing as erected is not felt to be appropriate in terms of either its design or scale. The softwood close boarded timber fencing is a visually jarring, incongruous feature in the street scene; creating a stark contrast between the boundary of 90b Bolling Road and the two adjoining terraced properties which retain their original privet hedges. It is acknowledged that the new fence is harmful to the character and appearance of the Ben Rhydding Conservation Area within which the property is located. Furthermore, it does not comply with the guidance in the Planning for Crime Prevention SPD, which reflects national "Secured by Design" principles and suggests that fences of this height are inappropriate on principle elevations as they reduce the natural surveillance of the street from the dwelling.

Impact on neighbours

Aside from the visual impact, the fencing is not felt to have a detrimental impact on the amenity of neighbours.

Highway Safety

The fencing is located along a principle highway but does not impact on the sightlines of drivers or pedestrians and does not therefore, have a detrimental impact on highway safety.

Community Safety Implications

The fence as erected creates a dominant and introverted site boundary and reduces the opportunities for natural surveillance of Bolling Road from the dwelling in contravention of policy D4 of the RUDP. However, the fence does provide an effective boundary in terms of preventing access to the house from the street.

Compromise Solution : Temporary Permission

The fence as erected is found to be unacceptable in principle and harmful to the character and appearance of the Ben Rhydding Conservation Area. However, there is a need to establish some form of boundary treatment to the property and some weight should be given to its purpose (i.e. to create a secure boundary to the garden of the property in order to provide a safe play area for the applicants child).

Officers have therefore sought to reach a compromise solution to ensure that the safety concerns of the applicants are met in the short term, but that a more visually appropriate boundary is brought into being in the longer term. The problem is that the ideal boundary would be a replacement hedge, but it could be some years before a replacement hedge becomes established and reaches an effective height.

The compromise solution suggested by Planning Officers is

1. That the fence should be granted a 3 year temporary permission on the basis that it will be stained a privet green colour immediately and that a replacement hedge be planted between the fencing and the dwelling house.
2. After a period of 3 years the fence should be reduced to a height of 1.2m above the level of Bolling Road, (approximately 1m above the ground level of the garden).

It is felt that staining green would reduce the visual impact in the short term whilst providing time for a replacement hedge to be planted and become established. In the meantime the fence will continue to provide the secure boundary that the applicants wish to have in the interests of child safety.

Reasons for Granting Planning Permission

It is considered appropriate to permit the retention of the fencing at its current height for a temporary period only in order to provide the occupants of the dwelling with a secure boundary in the interest of safety and security whilst a replacement hedge matures that will provide a more visually appropriate boundary for the site in the longer term. Subject to the attached conditions, the development is considered to be in accordance with Policies UR3, D1, BH7 and D4 of the Replacement Unitary Development Plan.

Conditions of Approval

1. The fencing hereby permitted shall be stained a dark green colour within 6 weeks of the date of this notice.

Reason: To reduce the visual impact of the fencing in the interest of visual amenity and to accord with Policies UR3, BH7 and D4 of the Replacement Unitary Development Plan.

2. In the first planting season following the date of this decision notice, or as otherwise specified by the Local Planning Authority, a replacement privet hedge shall be planted between the fencing hereby permitted and the dwelling house. Thereafter, the hedge shall be permanently retained at the site and shall not be removed except with the prior written permission of the Local Planning Authority.

Any hedging plants becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement plant of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original plant.

Reason: In the interests of visual amenity and to accord with Policies BH7 and UR3 of the Replacement Unitary Development Plan.

3. The fencing hereby permitted shall be reduced in height to 1.2m above the level of Bolling Road on or before 31st December 2011.

Reason: At its present height, the fencing is harmful to the character and appearance of the Ben Rhydding Conservation Area within which it is situated. The Local Planning Authority is only prepared to grant planning permission for a temporary period to allow for the establishment of replacement hedging in order to secure the boundary of the property in the interests of long term visual amenity and to accord with Policies UR3, BH7 and D4 of the Replacement Unitary Development Plan.