

**Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (Keighley) to be held on 22<sup>nd</sup> April 2009**

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**Summary Statement – Part Two**

**Applications Recommended for Approval**

The sites concerned are:

10. 24 Malvern Crescent, Riddlesden, Keighley

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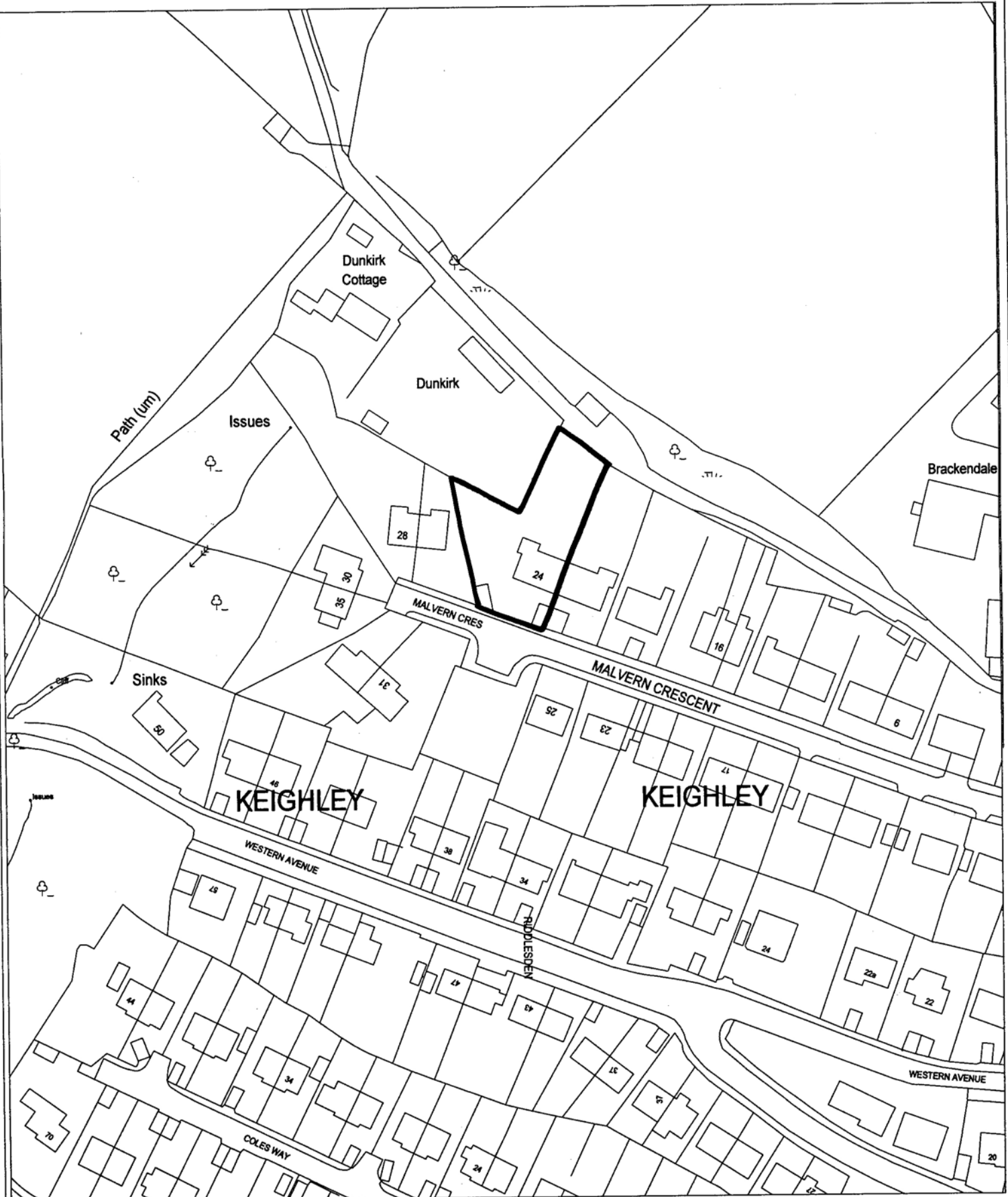
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**Portfolio:**  
Environment and Culture

**Improvement Committee Area:**  
Regeneration and Economy

# KEIGHLEY AREA PLANNING PANEL

DATE  
22 APRIL 2009



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LOCATION

ITEM No.

24 MALVERN CRESCENT, RIDDLESDEN

**Date :** 22<sup>nd</sup> April 2009  
**Item Number:** 10  
**Ward:** Keighley East  
**Recommendation:** To grant planning permission with conditions  
**Application Number:** 09/00711/FUL

**Type of Application/Proposal and Address:**

Full application for front and rear dormer windows and the excavation of part of the front garden to form additional accommodation in the basement at 24, Malvern Crescent, Riddlesden

**Site Description:**

The site is a circa 1950s semi-detached bungalow situated in an elevated position above Malvern Crescent. In front, there are two garages belonging to the property which are on the same level as the road. Malvern Crescent is a residential cul-de-sac with a mixture of house types (including bungalows). The properties to the south, across the street are set at a lower level, reflecting the steep slope of the hillside on which the suburb of Riddlesden is built. The property has a sloping, terraced garden at the front and a large private garden at the rear which also has vehicular access from the rear.

**Relevant Site History:**

08/07082/FUL- Front and rear dormer windows and basement floor – refused  
21.01.2009

**Replacement Unitary Development Plan (RUDP):**

Unallocated on the RUDP Proposals Map

***Proposals and Policies***

UR3 – Local impact of development  
D1 – Design  
TM19A – traffic management and road safety

**Supplementary Planning Guidance**

Revised House Extensions Policy 2003  
Dormer Windows Policy 1994

**Parish Council:**

Keighley Town Council - Recommended for Refusal – 09.03.09

**Publicity and Number of Representations:**

The application was advertised by neighbour notification letters with an expiry date of 11.03.09 and amended plans were re-advertised on 17.03.09. A total of 16 separate representations have been received from 9 individual households. A local Councillor has requested determination by panel.

### **Summary of Representations Received:**

1. The excavation of the front garden and creation of what is described on the drawings as a “yard” is totally out of keeping with the surrounding properties and the landscape. Not at all complementary.
2. It is feared that this “yard” will be used to store old cars and it will change the Crescent into a scrap yard. Back lane behind the house is no longer a green area with old and rusty cars parked there.
3. Construction of this excavated area in the front garden will lead to more wagons etc to remove the spoil, creating additional noise, dust and disruption and traffic problems for neighbours.
4. An underground extension is totally out of keeping with the rest of the Crescent. The development would change the appearance of the house and make it look out of character. The property stands well above pavement level. The development will make it a 3 storey house, not a bungalow.
5. This property is directly opposite the cul de sac head and the loss of the two garages will further overburden the street parking and make it more difficult for residents and larger emergency and delivery vehicles etc to manoeuvre. The cul de sac head was paid for by the residents.
6. Malvern Crescent is a narrow road and cars have to be parked along the pavement. The extra living space being formed will mean an increase in the number of residents which will mean more cars and parking problems.
7. Lack of detail and poor drawings. Lack of levels, no details of foundations. There is no reference to the second garage at the front of the plot. Is this being demolished? It is attached to a garage belonging to a neighbour.
8. Yard will visually resemble a tunnel being bounded on either side by walls of 5 or 6 metres.
9. Party wall issues. Internal excavation required of the party wall between the two semi-detached properties. Concern for the stability of the houses and the slope on which they are built. Damp proof course will involve work on the party wall.
10. Spring in back garden of property. What will happen to the water course?

### **Consultations:**

None.

### **Summary of Main Issues:**

Impact on local visual amenity  
Impact on local residential amenity  
Highway safety

### **Appraisal:**

The proposal is for dormer windows to the front and back of the bungalow and excavation of the front garden to allow additional rooms to be formed in the basement.

#### **1. The dormers**

The proposed front dormer windows whilst being 6 metres wide and incorporating a small area of timber cladding to the front are not inappropriate to the character of this particular bungalow – especially because they are similar in scale and design to the existing dormer windows on the adjoining semi detached bungalow at No 24 Malvern Crescent. The dormer cheeks are proposed to be vertically hung blue slates which is designed to reduce their prominence.

The dormer windows to the rear of the property would not be seen from any public vantage points and are also in keeping with the existing dormer windows on the adjoining bungalow property. Whilst one of the proposed dormer windows exceeds 2.5 metres in width, this is considered acceptable considering the existing similar window on the adjoining property.

It is not considered that the dormers adversely affect the character of the area or the application property and are set sufficiently far from any neighbouring dwellings (ie more than 27m) so as not to affect privacy of any neighbours.

It is noted that some objectors confirm they do not object to the dormer windows.

## **2. Excavation of front garden to permit accommodation in the basement**

This element of the work is of most concern to neighbours. Both in terms of the impact of opening up the basement to the street scene, and because of the amount of excavation of garden material proposed. Residents fear subsequent misuse of the excavated area (originally described as a “yard”) on the plans.

By itself the design of the proposed basement accommodation is unremarkable and is considered acceptable. The amended plans now clarify that it is not intended to excavate the whole length of the garden – only a short section between the access steps and the second garage which it is now confirmed would be retained. It would only be possible to see the full extent of the excavated area from immediately opposite the site – views being screened by the retained garages and retaining walls from a number of angles.

The proposed basement window would be the same distance from the nearest properties as the windows in the main dwelling above. It will therefore have no greater impact in terms of overlooking of houses across the street than the existing property.

## **3. Highway and parking concerns**

The amended plans confirm retention of both the existing garages and so the proposal would not reduce levels of off street parking. It is acknowledged that the two garages may not be used to actually park cars, but that is not a matter that can be addressed in considering the merits of this application. Whilst it may be necessary to use skips and diggers to excavate the garden, and some disruption of the cul de sac is therefore inevitable, it would not be possible to refuse planning permission on these grounds. Obstructions of the highway resulting from the proposed work would be more appropriately dealt with under powers under the Highway Act. Any skips positioned in the street would require consent of the highway authority.

It is acknowledged that there are congestion and parking problems on Malvern Crescent and possible misuse of the turning head for parking. However, although the proposals would increase the size of the existing dwelling, it does not necessarily follow that this increased living space would result in it generating more traffic or demand for car parking. The basement area is shown to be used as a living room and study, and the plans suggest a total of 6 bedrooms. Provided the accommodation is not split to form a separate, independent dwelling it is not considered that the Council could convincingly show that there would be a need for additional car parking or that it would have an adverse effect on highway safety.

The development is considered to comply with Policy TM19a of the Replacement Unitary Development Plan 2005.

#### **4. Misuse of the excavated area of garden**

Concerns over the future use of the excavated area at the front of the property have been addressed by the amended drawings. As well as deleting the description of it as a “yard”, the cross sections now confirm that the excavated area in front of the new basement accommodation will be inaccessible to vehicles, being elevated some way above pavement level. It will be impossible to drive cars onto it. It is suggested that this be reinforced by Planning Condition to require adherence to the cross section when excavating the land levels.

#### **5. Other issues**

Party wall Concerns – These private matters can be dealt with under the Party Walls Act.

Water Course - No water course has been shown on the plans, and none is apparent on site. The closest “issues” shown on the o s map are at a distance of 50 metres from the boundary to the property. The objectors refer to the watercourse being at the rear of the property but all the work would be at the front.

Disturbance to residential amenity.

In acknowledgement of concerns by residents about noise and other disturbance during excavation of the garden area, it is proposed to restrict the hours during which this work can take place – to between 8.00 am and 6.00pm with no work on Sundays or Bank/Public Holidays.

**Community Safety Implications:** None

#### **Reason for Granting Planning Permission**

The proposed dormer windows and basement extension are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties and would not have any significant adverse effects on local visual amenity. The dormer windows and basement extension will not have a significantly adverse effect upon the residential amenity of neighbours, or on highway safety. As such this proposal is considered to be in accordance with Policies UR3, D1 and TM19a of the Replacement Unitary Development Plan 2005, the Council’s Dormer Window Policy and the Revised House Extensions Policy.

#### **Conditions of Approval**

1. Time Limit: 3 years
2. Compliance with the amended plans.
3. Matching materials to be used.
4. Pipe work above eaves level to be matt black.
5. The level of the excavated area shall be retained at a minimum level above the pavement of 1900mm as shown on the amended drawing 02 Revision A.
6. The basement living accommodation shall be used only in connection with and ancillary to occupation of the existing dwelling and shall not be severed and occupied as a separate dwelling unit.
7. Restrict hours of construction work to between 8.00am – 6.00pm Monday to Friday, 8.00am – 1.00pm Saturday, and no working permitted on Sundays and Bank/Public Holidays.

