

## Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 12 November 2009

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### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	The Wheatley Hotel 101 Wheatley Lane Ilkley West Yorkshire LS29 8PP [Approve]	<b>Ilkley</b>
2.	Wheatley Hotel 101 Wheatley Lane Ilkley West Yorkshire LS29 8PP [Approve]	<b>Ilkley</b>
3.	12 Bradley Rise Silsden West Yorkshire BD20 9LZ [Refuse]	<b>Craven</b>
4.	Swartha House Farm Hawber Lane Silsden West Yorkshire BD20 0LP [Refuse]	<b>Craven</b>
5.	The Old Rectory Low Mill Lane Addingham Ilkley LS29 0QP [Refuse]	<b>Craven</b>
6.	The Old Rectory Low Mill Lane Addingham Ilkley LS29 0QP [Refuse]	<b>Craven</b>

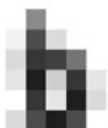
Julian Jackson  
Assistant Director (Planning)

**Portfolio:**  
Environment and Culture

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**Improvement Committee Area:**  
Regeneration and Economy

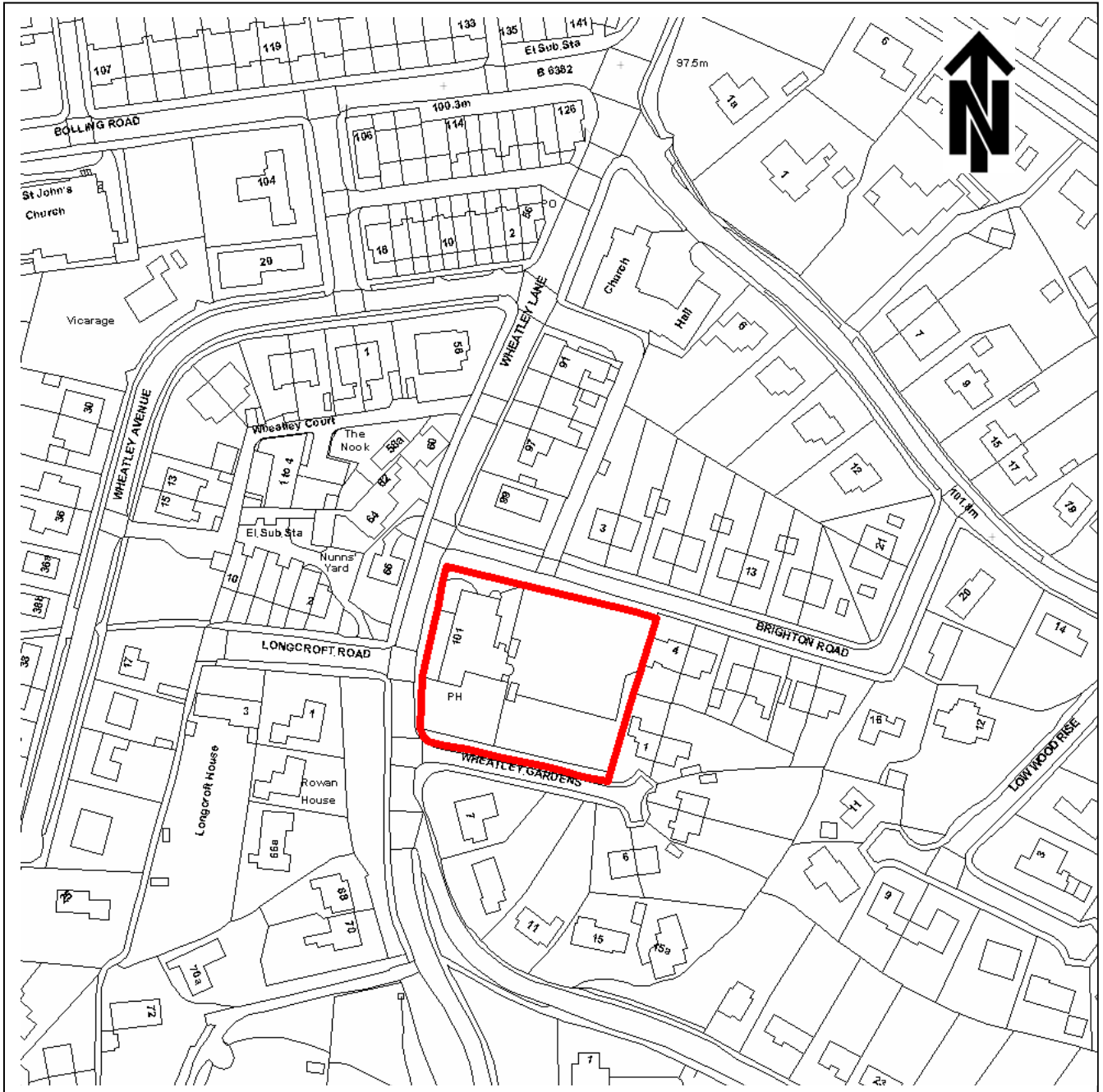
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**Area Planning Panel (Keighley)**

**09/03357/FUL**

12 November 2009



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<p>ITEM NO. : 1</p>	<p>LOCATION: <b>The Wheatley Hotel</b> <b>101 Wheatley Lane</b> <b>Ilkley</b></p>
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**12 November 2009**

**Item Number: 1**  
**Ward: ILKLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
09/03357/FUL

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

A full, retrospective application for repositioning of fire escape, provision of fence screening to bin storage, provision of decking and platform to first floor bedroom suite and modification to car parking and landscaping at the Wheatley Hotel, 101 Wheatley Lane, Ben Rhydding, Ilkley.

(A separate retrospective application relates to the construction of a raised path and terrace created on the north and west elevations of the building).

**Site Description:**

The Wheatley Hotel is a 3 storey Victorian pub/hotel building with vertically proportioned windows, steep gables and a blue slate roof. The car park is on the eastern side, with an entrance off Brighton Road. The building is located within a mainly residential area and in Ben Rhydding Conservation Area. It is not listed, but faces towards the side wall of a grade II listed building, Wheatley Cottage, 2 Longcroft Road, about 38 metres to the west on the far side of Wheatley Lane. The northern, western and southern boundaries of the site front onto residential roads (Brighton Road, Wheatley Lane and Wheatley Gardens respectively). Houses on Wheatley Gardens and Brighton Road adjacent to and facing the site are not in the Conservation Area and are modern stone and rendered semi-detached properties dating from the 1950s or 1960s. Properties at No. 4 Brighton Road and 1, Wheatley Gardens are separated from the car park by an existing boundary hedge.

**Relevant Site History:**

08/05367/FUL - refurbishment and extensions to retain bar and restaurant use at ground floor with 12 en suite bedrooms at first floor. Granted, 22.10.2008. (The current application arises from implementation of that approval but with some details not in accordance with the submitted plans).

03/03592/FUL - Construction of 9 houses on the car park and conversion and partial rebuilding of The Wheatley Hotel to form 9 flats. Refused on 18.10.04 and subsequent appeal dismissed on 13.03.06.

03/01755/FUL - Full application for construction of 22 dwellings comprising nine town houses and nine new flats and conversion of part of existing public house building into four flats. Refused 25.06.03.

98/03386/OUT – Outline permission for construction of one detached house and garage on land at Wheatley Gardens (on the south part of the pub car park and including a strip of land adjacent to Wheatley Gardens that is not part of the current application) Granted 19.02.99

97/03315/FUL – Two pairs of semi-detached dwellings with integral garages on the above land adjacent to Wheatley Gardens. Refused by the Council but granted after an appeal 14.5.98.

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

**Allocation**

The site is within the Ben Rhydding Conservation Area, but is otherwise unallocated.

**Proposals and Policies**

UR3: Local planning considerations

D1: General design considerations

BH7: New development in conservation areas

TM19A: Traffic management and road safety

NE5/NE6: Retention and protection of trees on development sites.

**Parish Council:**

Ilkley Parish Council recommended refusal, with the following comments:

Parish Council's most serious concern is about cooking odours and the sound and smell of the extraction unit. Also concerned about the raised terrace on the corner of Wheatley Lane & Brighton Road with outside seating which was not applied for. Originally it was a path, now it's a terrace with seating overlooking of immediate neighbours on this corner. Number 99 Wheatley Lane looks to be very adversely affected with numerous windows on their side elevation.

The lack of boundary wall (and the slope of the site) means that car headlights are shining into houses on Brighton Road and the backs of properties of Wheatley Lane. The new scheme has less parking than the original. A small wall or hedging to mark the boundary between the car-park and the foot-path is desirable.

Proposed landscaping "falls short". More planting would not only help to break up the visual impact of the sea of tarmac and perhaps help to absorb sound and smells.

On the moving of the fire escape and rearrangement of some of the building works to the rear, there was less concern. The roof-terrace fencing should be black-painted metal and not wood. The wood fencing surrounding the rear bin store and extraction unit needs to be improved.

**Publicity and Number of Representations:**

By neighbour notification letters and by site notices with an overall expiry date for representations of 10.09.2009.

The Council has received 13 letters of objection from nearby addresses.

**Summary of Representations Received:**

1. Some letters include positive comments about the re-opening of the public house saying that the building, as improved, is generally an asset to the area. The main complaints are about the inadequacy of car parking and problems arising from external seating areas.
2. Fencing of bin storage is welcome but some residents want higher, more effective screening. Any fencing or decking retained should be darker stained.

3. Parking provision is inadequate and needs to be much larger; considerable on street parking greatly inconveniences residents (blocked drives, double parking, blocked sight lines) and is dangerous. Some parking spaces are difficult to use because of the way they have been laid out.
4. Car headlights from the car park shine into house windows opposite.
5. There should be more landscaping and planting of the car park as originally envisaged.
6. Ventilation equipment is not screened off properly, and is noisy and smelly.
7. The fire escape is intrusive and children play on it, with danger to them and annoyance for neighbours.
8. People sitting out on the raised path and terrace significantly overlook adjoining houses.
9. The balcony area outside a bedroom creates overlooking problems.

**Consultations:**

Council's Design and Conservation Team

The nearest listed building is Wheatley Cottage, 2 Longcroft Road would not be affected due to the distance between the two sites.

The repositioning of the fire escape is mostly visible from the car park area and little can be seen from Wheatley Lane and a minimal amount from Brighton Road. Recommended that the metalwork is finished to match the other external painted joinery i.e. a pale olive colour to ensure a better quality finish.

The bin store is quite large and fairly dominant visually when viewed from the car park but has a minimal impact from the public highway. The timber boarding has a fairly orange finish. Recommends that a darker stain or paint be used.

Timber fencing around the balcony areas looks too clumsy and rather at odds with the character of the building. Suggests a simple black painted metal fence would be a more suitable type of treatment.

The car parking area appears to leave more area to grass and shrubbery and from an aesthetic point of view this will provide a more attractive setting to the building.

If the above advice is followed the proposed alterations would have a neutral impact on the character and appearance of Ben Rhydding conservation area.

Highways Development Control

No objections to the proposed rearrangement of the parking spaces and the access location. There is presently no boundary fence or wall between the car park and the footway on Brighton Road and currently the developer has placed some large rocks between the car park and the footway which are not suitable and some of them actually encroach over the footway. Recommends a more formal arrangement to enclose the car park, such as a knee rail or low wall or hedge, provided visibility from the access is not impaired.

Tree Officer

If as now built on site there are no arboricultural issues.

**Summary of Main Issues:**

The main issues to be considered in this case relate to:-

- Impact on visual amenity and the character of the Conservation Area.
- Road safety.
- Other impacts on the amenity of neighbours.

**Appraisal:**

Background

Members of Panel will recall the previous application and public inquiry in respect of proposals to convert the Wheatley Hotel to residential flats and build houses on the car park. The application was refused and a subsequent appeal was dismissed following a vociferous campaign by local residents to keep The Wheatley as a public house.

The Wheatley Hotel had been closed since 2002 but re-opened as a public house with letting bedrooms in summer 2009 following its sale to the applicant. The applicant has undertaken comprehensive alteration of the pub and has constructed some small extensions and bay windows in accordance with planning permission 08/05367/FUL. It has been renamed The Wheatley Arms.

The internal alteration and extension work has been done to a high standard and since opening The Wheatley Arms has proved to be an extremely popular dining and drinking venue. This popularity has, perhaps, resulted in the problems now being referred to by some local residents. Complaints have been received about parking and disturbance from external seating areas. Enforcement investigations have confirmed that some aspects of the external works have not been carried out in accordance with previously approved plans.

This application seeks retrospective approval in respect of

1. Repositioning of the fire escape on the rear elevation,
2. Provision of fence screening to the bin storage area at the rear,
3. Provision of decking and platform on top of the recently constructed extension which serve a first floor bedroom suite, and
4. Modifications to car parking and landscaping.

A separate, companion application 09/04232/FUL seeks consent for creation of a new seating terrace built out from the front of the building.

In respect of those elements which are subject of this application

Repositioning the fire escape and construction of bin store screening on the rear elevation

The plans have been amended since submission to take on board comments of Council's officers. The fire escape is a requirement of the Building Regulations. It is acknowledged that the position it has been installed is the only practicable means of providing a satisfactory means of escape. The applicant agrees with the suggestion of the Conservation Officer that it be painted to match external woodwork. The applicant also confirms that screen fencing to the bin store will be given darker staining to reduce its impact. The painting of the fire escape and darker staining of fencing would reduce the visual impact of these features. The escape stairs could not be physically accommodated in the originally agreed position and the alternative position chosen is the best practical alternative. Neither the bin store nor the fire escape are considered to be unacceptable features on the functional rear elevation. Most of the fencing at high level at the rear was in place for many years, before the recent work to the building. Such fencing helps to screen unsightly roof mounted plant. Darker staining will

reduce its visual impact, as it will for fencing at ground level at the rear, which also helps to screen typical rear yard storage and equipment. Such fencing is not considered unreasonable on a rear elevation facing a car park.

Both the fencing and fire escape features are on the unremarkable rear elevation of the building facing the car park. Subject to painting and staining the Council's Conservation Officer considers that they will have no detrimental effect on the Conservation Area.

Provision of decking and platform on top of the recently constructed extension which serve a first floor bedroom suite

The decked area on top of the new extension provides a useful facility for hotel guests but one which appears unsightly from the street due to the wooden fence currently erected around it. However, the Conservation Officer suggests that it would be less visible and more sympathetic if it was set back from the edge of the roof and replaced by a black painted metal railing. The applicant has amended the plans accordingly. The first floor balcony is to be enclosed by metal railings rather than timber fencing, and this enclosure set back 2 metres from the roof edge.

Setting the edge of the area back would in this way not completely eliminate the ability of guests to look towards nearby houses. However, it would make it much more awkward to look north-westwards at nearby houses fronting Wheatley Lane. The distance from the terrace edge to the nearest private garden area at the northern corner of Wheatley Lane and Longcroft Road would be about 21 metres, usually considered an acceptable minimum separation for window to window views. Other gardens possibly within view are better screened and also set further away. It is considered that, subject to the amendment, the raised deck would not have a significant adverse effect on the privacy or amenity of neighbours and is acceptable.

Modifications to car parking and landscaping.

The popularity of the re-opened Wheatley Arms has caused problems of overspill car parking in surrounding streets, particularly Brighton Road and resulted in complaints that the amount of car parking is insufficient and that the parking layout created by the applicants did not accord with what was shown on previously approved drawings. In addition, the applicant has marked out the bays so that headlights point across Brighton Road into windows of houses opposite.

Following negotiation with Officers, the car park layout has been changed to include planting within it, and a low fence, with hedge plants to grow through it, is proposed to enclose the car park along the Brighton Road frontage. This fence would assist in screening headlight glare although it is unlikely to totally eliminate this as the car park entrance is opposite the houses. However, the car park was historically open along the whole of the Brighton Road frontage.

More importantly the number of spaces is to be increased from 49 at present back to the 57 spaces as previously shown on the 2008 plans. Also the spaces will be re-arranged so they should be much easier to use for users by eliminating cul-de-sac rows, thus making it less likely that customers would park on the adjacent roads when there are spaces available. It would not guarantee that unsafe and inconsiderate parking could not occur on adjacent roads, but does make it less likely. If parking problems persist this would be a matter for the Highway Authority to impose Traffic Regulation Orders. However, as The Wheatley has always been a public house and the extensions and alterations have not significantly

increased its size, it would not be reasonable to require the applicant to address such problems using Planning powers.

The amended car parking plan would be an improvement for neighbours over the existing situation and it is therefore recommended that the changes to parking layout and the fence to the Brighton Road frontage be accepted.

#### Other issues

The overlooking and noise issues arising from the terrace and path built out on the north-west corner have been mentioned by many of the objectors to this application but these issues are addressed in the report on the separate application for those changes.

The Parish Council has repeated complaints regarding noise and odour problems from the kitchen and related venting, but those issues have to be addressed by environmental protection legislation. Issues of children on the fire escape or customer behaviour are outside planning control. The company have promised to try to address the noise/odour issue and to influence customer behaviour, including their use of adjacent roads for parking.

#### Conclusion

As now amended, the application includes appropriate changes to what has been implemented on site to improve parking provision, reduce adverse impacts on neighbours and maintain the satisfactory appearance of the building in the Conservation Area. Approval of these features is therefore recommended.

#### **Community Safety Implications:**

There are no significant community safety implications arising from this proposal.

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

The proposal, as amended, would improve the appearance of the property, make better provision for parking and reduce nuisance to neighbours compared with arrangements on site at present. It is considered to comply with Policies UDP3, UR3, D1, TM19A and BH7 of the Replacement UDP.

#### **Conditions of Approval:**

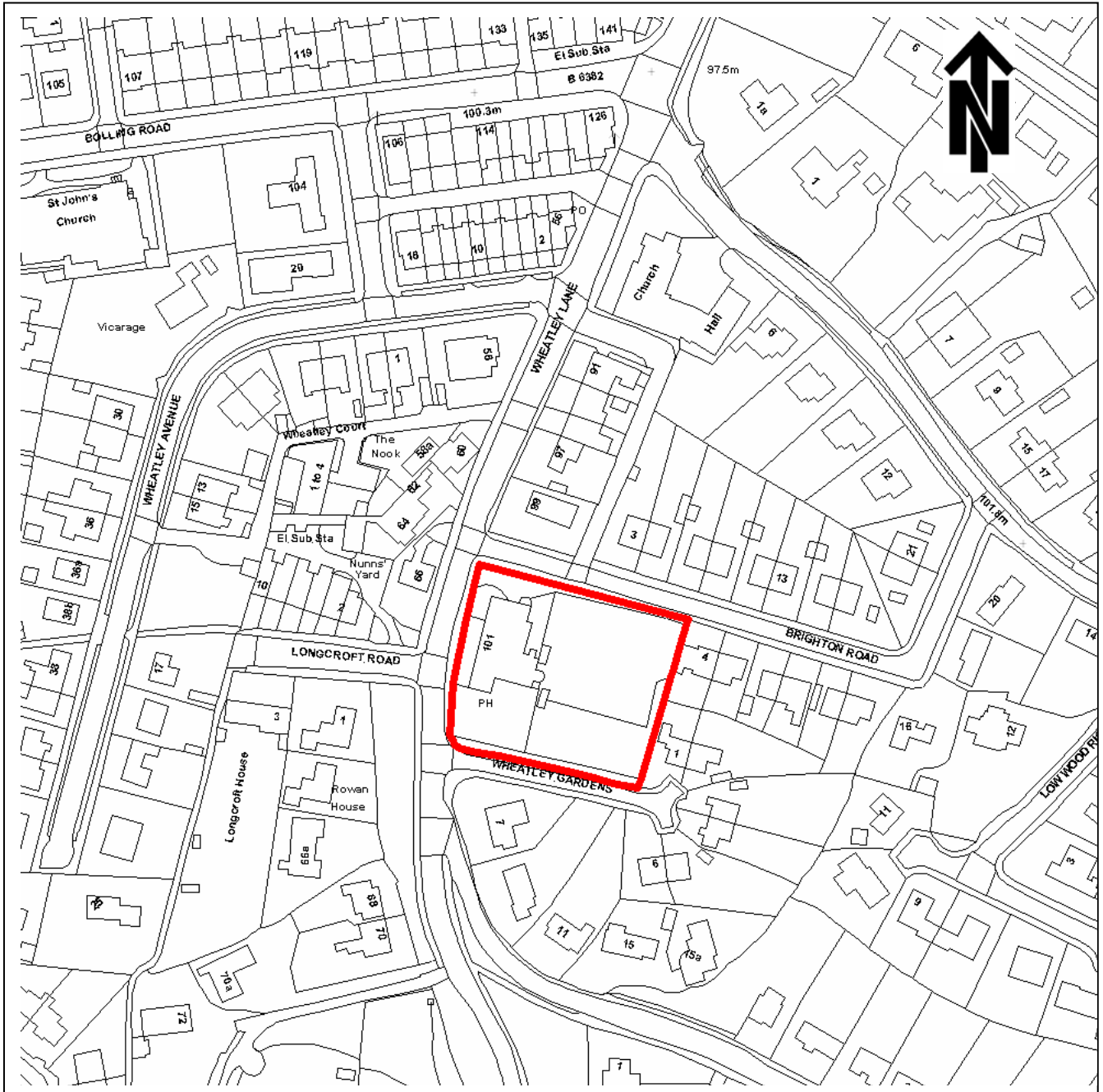
1. Compliance with amended plans received November 2009.
2. Fire escape shall be painted to match the windows and screen fencing stained darker as shown on the approved plans within 3 months of the date of this permission.
3. Existing fencing to the raised deck on the south side of the building shall be set back in accordance with the approved drawing and replaced by a metal rail within 3 months of the date of this permission.
4. Alterations to car parking layout, including the increase in the number of spaces and installation of the boundary fence and planting to the Brighton Road frontage shall be implemented within 3 months of the date of this permission.



**Area Planning Panel (Keighley)**

**09/04232/FUL**

12 November 2009



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**LOCATION:**

**ITEM NO. : 2**

**Wheatley Hotel  
101 Wheatley Lane  
Ilkley**

**12 November 2009**

**Item Number: 2**  
**Ward: ILKLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
09/04232/FUL

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

A full, retrospective application for retention of a raised path and terrace with stone retaining wall around the north and west sides of the Wheatley Hotel, 101 Wheatley Lane, Ben Rhydding, Ilkley.

(A separate retrospective application 09/03357/FUL relates to alterations to the car park, fire escape, fence screening and first floor decking and platform to a bedroom at the same building.)

**Site Description:**

The Wheatley Hotel is a 3 storey pub/hotel building with vertically proportioned windows, steep gables and a blue slate roof. The car park is on the eastern side, with an entrance off Brighton Road. The building is located within a mainly residential area and in Ben Rhydding Conservation Area. It is not listed, but faces towards the side wall of a grade II listed building, Wheatley Cottage, 2 Longcroft Road, about 38 metres to the west on the far side of Wheatley Lane. The northern, western and southern boundaries of the site front onto residential roads (Brighton Road, Wheatley Lane and Wheatley Gardens respectively). Houses on Wheatley Gardens and Brighton Road adjacent to and facing the site are not in the Conservation Area and are modern stone and rendered semi-detached properties dating from the 1950s or 1960s. Properties at No 4 Brighton Road and 1, Wheatley Gardens are separated from the car park by an existing boundary hedge.

**Relevant Site History:**

08/05367/FUL - refurbishment and extensions to retain bar and restaurant use at ground floor with 12 en suite bedrooms at first floor. Granted, 22.10.2008. (The current application arises from implementation of that approval but with some details not in accordance with the submitted plans).

03/03592/FUL - Construction of 9 houses on the car park and conversion and partial rebuilding of The Wheatley Hotel to form 9 flats. Refused on 18.10.04 and subsequent appeal dismissed on 13.03.06.

03/01755/FUL - Full application for construction of 22 dwellings comprising nine town houses and nine new flats and conversion of part of existing public house building into four flats. Refused 25.06.03.

98/03386/OUT – Outline permission for construction of one detached house and garage on land at Wheatley Gardens (on the south part of the pub car park and including a strip of land adjacent to Wheatley Gardens that is not part of the current application) Granted 19.02.99

97/03315/FUL – Two pairs of semi-detached dwellings with integral garages on the above land adjacent to Wheatley Gardens. Refused by the Council but granted after an appeal 14.5.98.

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

***Allocation***

The site is within the Ben Rhydding Conservation Area, but is otherwise unallocated.

***Proposals and Policies***

UR3: Local planning considerations

D1: General design considerations

BH7: New development in conservation areas

TM19A: Traffic management and road safety

NE5/NE6: Retention and protection of trees on development sites.

**Parish Council:**

Ilkley Parish Council recommended approval.

**Publicity and Number of Representations:**

By neighbour notification letters and by 3 site notices with an overall expiry date for representations of 22.10.2009.

The Council has received 5 letters of objection, and some of the comments received in respect of the separate planning application for the car park and other matters also raised objections to the details covered by this application.

**Summary of Representations Received:**

1. People sitting out or standing or children playing on the raised path and terrace significantly overlook adjoining houses (including first floor windows) and gardens and create noise affecting neighbours, beyond midnight.
2. The area is not needed for this purpose because the plans make provision for a substantial and better screened outside paved area for tables on the south side of the building.
3. The terrace as constructed has displaced two disabled parking spaces which were shown on the originally approved plans.

**Consultations:**

Council's Design and Conservation Team

The nearest listed building is Wheatley Cottage, 2 Longcroft Road. It is thought that the works would not have an impact on the setting of this building due to the distance between the two sites.

The terrace and walling appears to be acceptable in the context of the building on which it is located. The use of natural stone for the walling materials is acceptable. The railings look traditional in their design. The use of natural stone for the surfacing materials (instead of coloured tarmac) would present a more traditional appearance. If the above advice is followed the terrace would have a neutral impact on the character and appearance of Ben Rhydding Conservation Area.

Tree Officer

As the works are built on site there are no arboricultural issues.

**Summary of Main Issues:**

The main issues to be considered in this case relate to

- Impact on visual amenity and the character of the Conservation Area
- Other impacts on the amenity and living conditions of residential neighbours

**Appraisal:**

Background

Members of Panel will recall the previous application and public inquiry in respect of proposals to convert the Wheatley Hotel to residential flats and build houses on the car park. The application was refused and a subsequent appeal was dismissed following a vociferous campaign by local residents to keep The Wheatley as a public house.

The Wheatley Hotel had been closed since 2002 but re-opened as a public house with letting bedrooms in summer 2009 following its sale to the applicant. The applicant has undertaken comprehensive alteration of the pub and has constructed some small extensions and bay windows in accordance with planning permission 08/05367/FUL. It has been renamed The Wheatley Arms.

The internal alteration and extension work has been done to a high standard and since opening The Wheatley Arms has proved to be an extremely popular dining and drinking venue. This popularity has perhaps contributed to the problems now being referred to by some local residents. Complaints have been received about parking and disturbance from external seating areas. Enforcement investigations have confirmed that some of the external works have not been carried out in accordance with previously approved plans.

Impact of the raised terrace

This application seeks retrospective approval in respect of the creation of a raised path and terrace (which has been used for seating) built out from the front, north-west corner of the building in an area which, in the plans approved in 2008, was shown as having a path around the building behind a banked area, with no terrace. Before the recent refurbishment and re-opening, there was a lower wall with a forecourt retained behind it. This appears to have been set at a lower level than the existing terrace, and it is not clear that it was ever used for external seating, although lawfully it could have been.

The raised terrace now created was not depicted on plans approved under application 08/05367/FUL and is therefore unauthorised development.

As submitted, the application originally proposed that the raised path and terrace was to be retained as built, accommodating a number of seats and tables but offering to place planters to screen the external terrace seating.

The agent argued that a wall and terrace existed previously and tables and chairs could have been put on the front creating the same problem. The agent also says that everyone knew one day The Wheatley Hotel would be reopened as a pub, restaurant and hotel. Indeed many people campaigned against the housing proposals and support the new business. The quality of materials, build and offer could not be bettered. The management say they are prepared to carefully monitor this area of the site, to encourage the use of the garden to the rear and to be as respectful as possible to the locals who live nearby. The agent argues that

it is likely that no one will be outside for some months during the current winter, hopefully easing the problems experienced by neighbours.

The unauthorised raised terrace raises two issues:

1. The visual impact of the construction on the conservation area and,
2. The problem of large groups of customers being able to congregate on the raised terrace at unsocial hours causing detriment to neighbouring residents through noise and overlooking.

#### Visual impact

It is accepted that, purely in terms of its appearance, the raised path and terrace has been constructed in quality materials and fits in well with the character and appearance of the building and the street scene. There are no objections from the Council's Conservation Officer.

However, the points raised by neighbours about overlooking and noise disturbance are considered real and unreasonable, and none of the screening measures initially put forward by the applicant would seem particularly effective in controlling these effects.

#### Impact on neighbouring residents

Officers accept that although the path included in the approved 2008 layout could have been used by customers standing outside to drink, it would not have been easy to provide tables without blocking access around the building and the path would have been closer to street level and any effects from customers congregating would not have been as pronounced as from the level terrace now created - which is above street level and can accommodate a number of groups of customers. The greater width now provided by the terrace and path combined allows more customers to stand, or to sit at tables, at a level roughly equivalent to the first floors of houses on the west side of Wheatley Lane, with adverse impact through overlooking and greater external noise than would be the case if numbers were smaller.

The use of planting tubs to help screen the terrace from the houses would be ineffective in preventing use of the terrace for seating and although the agent has also offered to erect a tall trellis, this would appear unsightly and incongruous without guaranteeing an effective screen to noise from customers.

Understandably, the management want to continue to maximise seating potential at the site and wish to make as full use of the external space as possible, both in the day and the evening, especially during fine weather in summer. However, Officers consider that the potential problems caused by customers congregating in numbers on the unauthorised terrace at the front would be unreasonable. The raised terrace results in a degree of overlooking and noise that unacceptably impinge on the living conditions of near neighbours. These problems will be less during the winter and inclement weather but it is clear from letters submitted that amenity problems were experienced during the summer. Problems referred to by neighbour letters not only include noise during licensed hours, which currently permit outside drinking until 12 midnight, but also noise from customers congregating on the area after closing time while waiting for taxis.

The most serious overlooking is of 66 Wheatley Lane, the house directly opposite and only about 11 metres away, and No 60, some 32 metres to the north-west. The latter distance would be considered acceptable for window to window separation between residential neighbours, but unimpeded overlooking by large numbers of strangers from a raised external

platform rather than a window has a somewhat greater adverse impact. Normal animated conversation and laughter also carries considerably in the open, and will affect other neighbours who are better screened.

Officers have therefore sought a compromise to amend the design of the terrace to replace part of the surfacing with an area of planting. This would make the usable terrace narrower so as to significantly reduce the space that can be used as a seating area, whilst maintaining level access around the front of the building.

The applicants have, after some negotiation, submitted an amended plan but say it is done with reluctance. However, Officers consider the design amendment to be necessary in order to effectively reduce the problem of large groups of customers being able to congregate on the raised terrace at unsocial hours. A substantial external beer garden is available on the south side of the building, so it is not accepted that customers of the Wheatley Arms are without alternative opportunities for open air drinking or dining and Officers consider that stronger and more permanent changes to the design of the terrace are necessary to limit customer use and achieve reasonable safeguards for near neighbours. Without this amendment, the alternative mitigation by planting tubs would be ineffective and retention of the unauthorised terrace would cause undue harm to the living conditions of nearby residents due to noise and overlooking.

#### Conclusion

Officers consider that the retention of the unauthorised terrace should only be permitted subject to the design changes now shown on the amended plan which replace the external seating area with planting so as to significantly reduce the level of usage by customers.

#### **Community Safety Implications:**

There are no significant community safety implications arising from this proposal.

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

The development is of sympathetic visual appearance and is not considered to adversely affect the character or appearance of the Ben Rhydding Conservation Area. Subject to a reduction in the area devoted to external seating through compliance with the amended plan that shows part of the hard surfaced area replaced by planting, the potential conflict with the amenity of occupiers of adjoining residential properties is considered to be acceptable. The proposals, as amended, are considered to comply with Policies UR3, D1 and BH7 of the Bradford Replacement Unitary Development Plan.

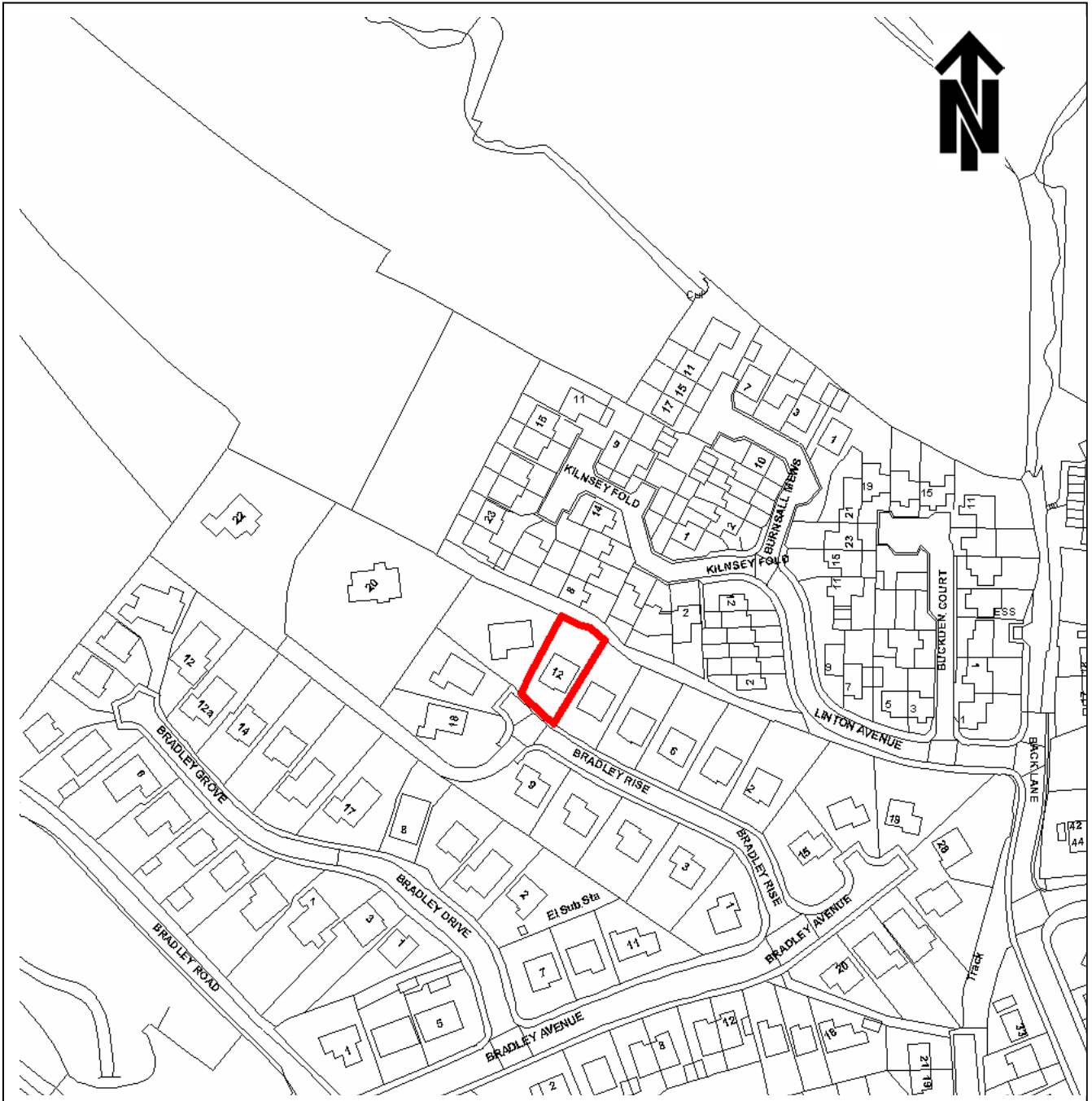
#### **Conditions of Approval:**

1. The design of the raised terrace as built, shall be amended in accordance with the amended drawing received November 2009 showing part of the hard surface replaced by a planting/shrub bed. This work shall be completed within 6 months of the date of this permission and the area so planted shall be retained as a planted area and shall not be hard surfaced or used for external seating or tables.
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Area Planning Panel (Keighley)

09/03893/HOU

12 November 2009



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ITEM NO. : 3	LOCATION: <b>12 Bradley Rise Silsden</b>
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**12 November 2009**

**Item Number: 3**  
**Ward: CRAVEN WARD**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**The application is referred to Panel at request of a Ward Councillor**

**Application Number:**  
09/03893/HOU

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

A full planning application for the construction of a two storey extension with incorporated garage to the side of 12, Bradley Rise, Silsden.

**Site Description:**

The application property is a modern two storey detached house built in artificial stone with concrete tiled roof. There is an existing single storey side garage with a facing pitched roof projecting slightly from the front. The surrounding area is residential and comprises a mix of detached and semi-detached properties of similar age. The site property is located at the end of Bradley Rise which is a cul-de-sac sloping upwards from the south east.

**Relevant Site History:**

09/00365/FUL - Construction of 2 storey extension to existing dwelling – WITHDRAWN - 20.03.2009.

02/04467/FUL –Alterations to form garage and garden room plus bedroom and en-suite - REFUSED - 14.03.2003 on the grounds that;

*‘The proposal would be harmful to neighbouring occupiers’ amenity by reason of its size and siting. Specifically the two storey side extension would result in an over dominant, over bearing and visually intrusive structure in close proximity to the bedroom window of No 14 Bradley Rise resulting in a significant loss of outlook to the detriment neighbouring occupiers’ amenity.’*

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

**Allocation**

The site is unallocated on the RUDP Proposals Map.

**Proposals and Policies**

UR3 - The Local Impact of Development  
D1 - General Design Considerations

Supplementary planning guidance contained within the Council’s revised House Extensions Policy has also been taken into account.

**Parish Council:**

Silsden Parish Council : No call for application to be referred to Panel but Parish Council consider this application to be overdeveloped for the plot.



**Publicity and Number of Representations:**

The application was publicised by individual notification letters to neighbours. Publicity expiry date = 24.09.2009.

Six representations were received, three were from residents within Bradley Rise, one from a previous occupant of the property, one from the original designer of the housing development on Bradley Rise.

One objection is from a Ward Councillor.

A different ward Councillor has also requested the application be determined by the Planning Panel if Officers recommend the application for refusal.

**Summary of Representations Received:**

1. Previous proposals for extensions have been found unacceptable.
2. The extension would be out of keeping with the surrounding properties due to its scale. It would create serious overburdening of the neighbouring property.
3. The extension would ruin the occupancy of a neighbouring property at 14 Bradley Rise as the gable end will be approximately 5 metres in front of the main bedroom window. As the property exists it is very visible, a much larger extension and nearer to the boundary will block out at least two thirds of the window causing loss of outlook and overshadowing of garden areas. The proposal needs to be seen from inside the property to appreciate its full affect.
4. Extension would be too dominant and overpowering, its elevated position would cause overlooking to properties opposite.
5. Housing on Bradley Rise was designed to provide spacing between houses with no one property being over dominant. Not one house in the street has been built over the existing garage. This proposal will destroy original design concept of housing development on Bradley Rise.
6. Disruption, mess/noise and traffic caused during construction.
7. Concerns about potential for future business use of the extension owing to its size.

**Consultations:**

Not applicable.

**Summary of Main Issues:**

1. Design and appearance.
2. Impact on Neighbouring Occupants.
3. Highway Safety and other implications.

**Appraisal:**

**Proposal**

The proposal is for a two storey side extension to this detached house extending the existing single storey garage at the side of the property out by 1.3 metres and adding an additional floor above the garage to create an additional 1<sup>st</sup> floor bedroom with en-suite facilities and walk-in wardrobe.

**Design and appearance**

The extension is proposed to be built in matching materials and is considered to be of a design which is generally in keeping with the style of the original dwelling. The roof of the extension would be the same height as that of the original roof of the house. As this is not a

semi-detached property, a set back to the extension is not necessary as it is not necessary to maintain the symmetry of a pair of semi-detached dwellings. The proposal, in design terms is acceptable and appears balanced with the proportions and style of the original house.

There is a slight rise in gradient from the cul-de-sac head of Bradley Rise so the house sits slightly higher than the street. It is acknowledged that the extension would close the gap between No 14 and No 12 Bradley Rise and comment about the space between dwellings to the original design of this development are acknowledged. However, it is not considered that the loss of space between houses would be so serious as to justify refusal of the application on grounds of any significant loss of local character.

The design and appearance of the extension are therefore considered to be acceptable and it will not result in any significant harm to the character of the street. In this respect the proposal is considered to accord with the design policies of the Replacement Unitary Development Plan.

### **Impact on Neighbouring Occupants**

The nearest neighbouring property is 14 Bradley Rise which has a garage incorporated at ground floor level with the living space of the property at first floor level where there is a bedroom window. The neighbouring property is set behind the application property and has been built at an angle to the street so that the window faces towards the position of the proposed extension and the drive and garden at the side of the neighbour's property abut the application site where the side extension is to be located.

The gap between the existing property and the west side boundary would be reduced from 3.07 metres to a gap of 1.77 metres from the proposal to the west side boundary. This would mean that the nearest habitable room window to the front elevation of No 14 Bradley Rise would be within 6 to 7 metres of the side wall of the extension. The main concern is the height and proximity of the extension in relation to No 14's garden and front habitable window and the impact of this in terms of dominance and loss of outlook. Because the extension sits along the side boundary of the property it is agreed that it would unduly dominate the outlook from No 14. The proposal would need to be set back by at least 4 metres in order to be acceptable in terms of not encroaching on the outlook from the front facing first floor bedroom window of No 14 Bradley Rise. It is considered that the extension would appear overbearing and adversely affect the residential amenity of the neighbouring residents.

There is an existing hedge along part of the west side boundary which offers screening between the rear gardens of No 12 and No 14. However, this hedge is beyond where the proposed extension is to be located and so it would provide no benefit in terms of mitigating the impact on the neighbour's outlook. The extension would increase the height of the existing garage by 4.5 metres and the extension would run 8.5 metres in length, all of which will be closer and visible from the habitable room window of No 14 Bradley Rise.

The agent submitted an assessment which had been made using the Building Research Establishment 'Site layout planning for daylight and sunlight' (A guide to Good Practice) to identify the impact of the extension on the daylight reaching the nearest first floor bedroom window of No 14 Bradley Rise. This indicates that even with the proposed extension at No 12 Bradley Rise there will be no encroachment on the amount of daylight to the interior of No 14 Bradley Rise.

Although the agent has submitted the above light survey, which is to measure the amount of natural light received by a window, the application does not address the previous reason for refusal in 2003 which was not based on the effects on daylight, as such, but on the grounds that the extension would be over dominant, over bearing and a visually intrusive structure.

With regard to the objections from other neighbours, it is not considered that the proposed extension will cause significant overlooking of any of the homes or gardens opposite. The front window overlooks the wide turning head of the cul de sac and is some distance from any private residential amenity space or windows. No 9 Bradley Rise – the property opposite - is over 25 front metres away. There are no habitable room windows to the gable end or rear elevation of the extension to cause any overlooking to the rear amenity space of 14 Bradley Rise or any other residential property.

### **Highway Safety and other issues**

Although, neighbours have raised concerns about the disruption likely during construction of the extension, it is not accepted that this would be an unusually large construction project, and there would seem plenty of space within the site or the adjacent highway to manage construction without undue harm to neighbours or road safety.

With regard to neighbour concerns about business use of the premises, it is not considered that the extension, which adds a 4<sup>th</sup> bedroom to the property, includes any unusual features or accommodation that could support any business activity that would not ordinarily be tolerated within a domestic dwelling.

### **Conclusion**

In conclusion, although considered acceptable in other respects, it is considered that the extension would have a significant and unacceptable impact on the outlook and daylight of the neighbouring property at 14 Bradley Rise, particularly the front facing 1<sup>st</sup> floor bedroom window and from parts of the garden. This is consistent with the reason for refusal of the 2002 application for a similar extension, and the problem arises because of the manner in which the neighbouring property is set at an angle and faces towards the site of the proposed extension. As such it is considered that the proposal is contrary to Policy UR3 and D1 of the RUDP.

### **Community Safety Implications:**

There are no apparent community safety implications.

### **Reasons for Refusal:**

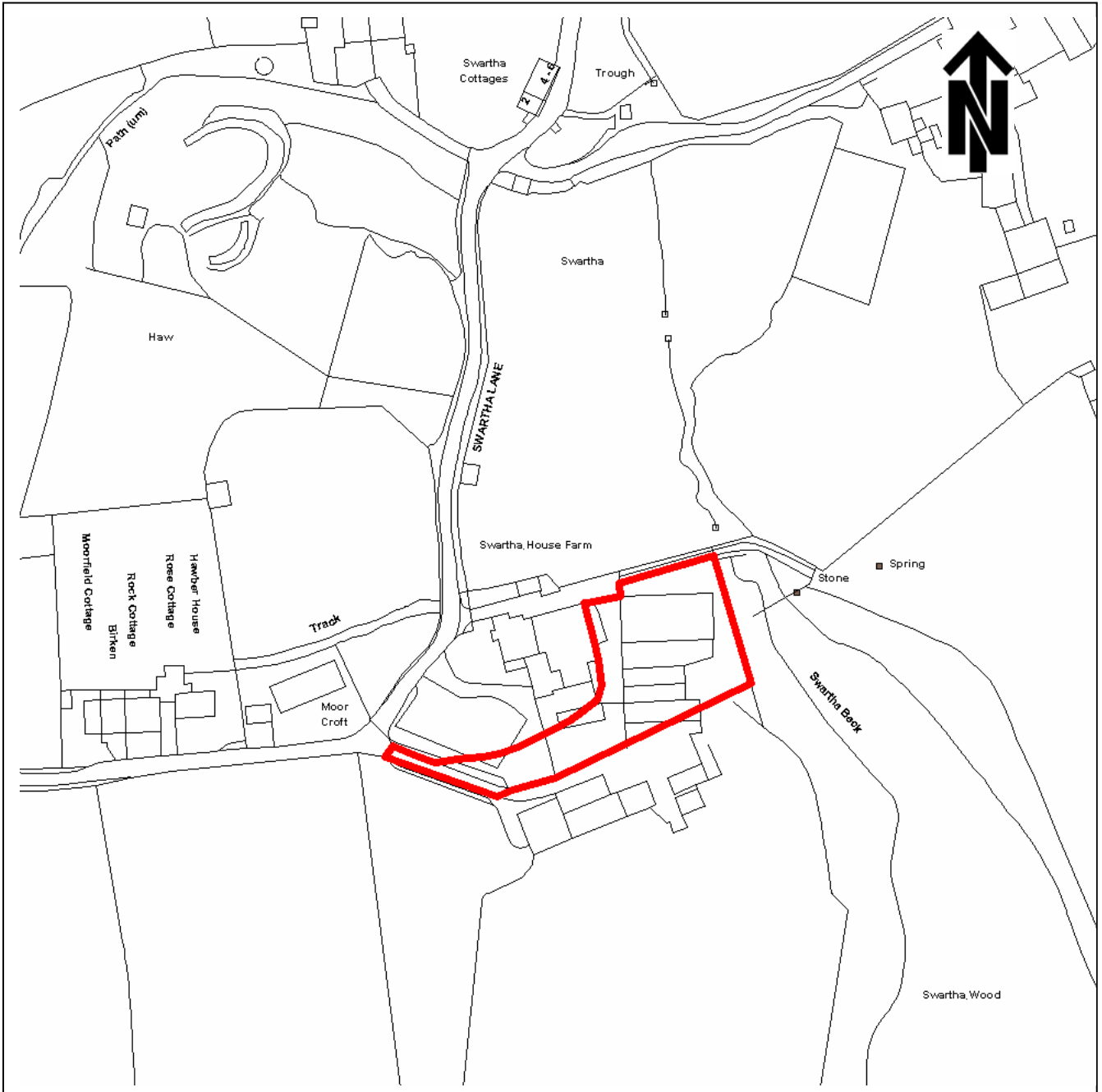
The proposal would be harmful to neighbouring occupiers' amenity by reason of its size and siting. Specifically the two storey side extension would result in an over dominant, over bearing and visually intrusive structure in close proximity to the bedroom window of No 14 Bradley Rise resulting in a significant loss of outlook to the detriment neighbouring occupiers' amenity. Consequently the proposal is considered to be contrary to Policy 1 of the Council's approved House Extensions Policy and Policy UR3 of the adopted Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley)**

**09/04089/FUL**

12 November 2009



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**LOCATION:**

**Swartha House Farm  
Hawber Lane  
Silsden**

**ITEM NO. : 4**

**12 November 2009**

**Item Number: 4**  
**Ward: CRAVEN**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
**09/04089/FUL**

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

Full application for the demolition of farm buildings and construction of two houses and garages including alterations to vehicular access at Swartha House Farm, Hawber Lane, Silsden, Keighley.

**Site Description:**

The site comprises a group of farm buildings situated in open countryside on the hillside north east of Silsden. There is a traditional stone house and an attached stone barn set at right angles to Hawber Lane. Grouped around it is a collection of low rise farm buildings and a number of concrete hardstandings with access via an unmade track. Those buildings to be demolished and replaced as part of the application proposals are built of red brick. The site is surrounded by open fields but is situated adjacent to the small hamlet of Swartha. The site is within the approved Green Belt and the type of landscape is described as "Enclosed Pasture" by the Airedale Landscape Assessment. The countryside around the site consists of undulating slopes with a relatively open aspect; displaying many of the characteristics of the upland pasture.

**Relevant Site History:**

97/02642/COU – Change of use from agricultural building to stabling and construction of all weather exercise area – Withdrawn.  
06/00844/FUL – Demolition of redundant farm buildings, conversion of existing barn attached to the farm two houses and erection of garages – Granted 2/2/07.  
06/05215/FUL – Convert redundant farm buildings to 4 live/work units – Granted 3/5/07.  
07/01730/FUL – Demolition of agricultural building and conversion/extension of agricultural building to form one live/work residential unit – Granted 3/7/07.

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

***Allocation***

The site is situated within the Green Belt defined by the RUDP Proposals Map.

***Proposals and Policies***

UR3 – Local Impact of Development  
D1 – General Design Considerations  
GB1 – Development in Green Belt  
GB4 – Conversion of buildings in Green Belt  
TM2 – Impact of Traffic and its Mitigation  
TM19A – Traffic Management and Road Safety  
NE3/3A – Landscape Character

**Parish Council:**

Silsden Town Council raised no objections on the condition that only the two new builds are built on the site and that the previous grant for six live/work units is withdrawn. The Town Council wish to address Panel in support of the proposals.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters and site notice the statutory period of publicity expiring on 8<sup>th</sup> October 2009.

One representation letter has been received prompted by the Councils publicity. This is supporting the application.

Submitted with the application was a petition in support consisting of thirty four signatures, from twenty one households. Eight of these households had also written separate representation letters which were again submitted with the application rather than in direct response to publicity.

**Summary of Representations Received:**

All of the representations submitted with the application support the proposal as the writers consider it is a reduction in the number of previously approved converted live work units. Thus reducing traffic and the need for highways alterations.

**Consultations:**

Drainage Section – Proposed drainage to soakaways needs to be subject to percolation tests to prove suitability of the ground conditions for this method. Note that a public sewer crosses the site (although is not affected by the new houses)

Highways Development Control – The proposal is a reduction in the number of units from the previous approvals and retains the existing access to Swartha House Farm. The access to the 2 new dwellings is shown on the submitted plans as being improved in width, radius, visibility and surfacing as well as the provision of a turning area to accommodate service vehicles. The Council's Highway Officer therefore raises no objections to the proposals from a highway point of view subject to the following conditions:

- No development shall take place until the access shown on the approved plan has been provided and the sight lines shown have been cleared of all obstructions to visibility exceeding 1m in height above the adjacent carriageway and retained as such.
- The areas to be used by vehicles including parking and turning areas shall be surfaced, sealed and drained before the development is brought into use and thereafter retained to the satisfaction of the Local Planning Authority.

LDF Team - The site is in the Green Belt and Policy GB1 states that very special circumstances would be required for permission for development to be granted. From the information included with the application it is not obvious that special circumstances exist. There is a previous permission on the same site for the conversion of farm building to residential and a lot of representations on this current application say it is preferable to the older proposals. However, the new application is for complete new build and not conversion and Policy GB1 is in place to strictly control development within the green belt so the Council would be correct in refusing the application.

Rights of Way - The plans submitted by the applicant incorrectly depict the route of Public Footpath No. 39 (Silsden) as this is not the legally recorded route of the public right of way. The legally recorded route runs along the track immediately to the north of Swartha House and the barn and must not be obstructed in any way. The proposed site plan shows two proposed obstructions to Public Footpath No. 39. One is a stone wall across the path to the north of the proposed new garages. This wall seems to be at least partially within the red outlined area and the Rights of Way Officer objects to this part of the proposed plans. The other obstruction is a new stone wall and gate across the path between the existing shed and the barn conversion. Gates that have not been authorised by the Highway Authority are obstructions to the right of way and must be discussed with the Council's Rights of Way Section.

West Yorkshire Ecology - The demolition and conversion of the farm buildings present on the site requires a bat survey, which complies with the Minimum Standards for Bat Surveys in West Yorkshire. Also recommend that the shelter belt planting should be a mixture of native shrubs and canopy trees and should be linked by woodland or hedgerow to the nearby Swartha Wood Bradford Wildlife Area. This would constitute an enhancement for biodiversity for the development as required by PPS9.

**Summary of Main Issues:**

1. Principle of inappropriate development in the Green Belt.
2. Whether there are any very special circumstances.
3. Impact on Landscape Character.
4. Impact on Neighbouring Occupants.
5. Impact on Highway Safety.

**Appraisal:**

Background to the proposal

Previous planning permissions 06/05215/FUL and 07/01730/FUL authorised conversion of two brick-built farm buildings at Swartha House Farm to form a total of 5 "live/work" units. These permissions expire in May and July 2010. (A further permission has authorised conversion of a more traditional barn attached to the existing farmhouse to two dwellings but is unaffected by the new application.)

The proposal now submitted is for demolition of the two brick built farm buildings previously approved for conversion and their replacement by two new detached houses and a garage block. The proposals include alterations to the existing unmade access from Hawber Lane which are less extensive than the improvements accompanying the previous applications, but are acceptable to Highways DC Officers given the reduced number of dwellings.

The proposed dwellings would be of traditional appearance, two storeys high and are proposed to be built in reclaimed natural stone walling and artificial stone slates.

Principle of inappropriate development in the Green belt and whether there are any very special circumstances

The site is in an area designated as Green Belt on the Replacement Unitary Development Plan Proposals Map (the RUDP). National Planning Policy Guidance in PPG2 on "Green Belts" and Policy GB1 of the RUDP set out a strong presumption against inappropriate development in the Green Belt except in very special circumstances. The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open and the most important attribute of green belts is their openness.

The two new-build detached houses now proposed are not for required for agriculture or any of the other limited purposes deemed appropriate in the Green Belt under established policy. Two new houses and a garage block would therefore constitute inappropriate development in clear breach of Green Belt restrictions and Policy GB1 of the Replacement UDP. The development would fail to preserve the openness of the Green Belt and conflict with the purposes of including land in the green belt which include checking the unrestricted sprawl of large built up areas and safeguarding the countryside from encroachment.

Whether there are very special circumstances

Officers consider that the applicant has not established that very special circumstances exist that would outweigh the harm to the Green Belt that would arise from this proposal.

The very special circumstances put forward by the applicant and supported by the people making representations are that the proposals for new houses would be preferable to conversion of the existing brick outbuildings approved under the previous applications in that:

1. The new buildings would occupy a smaller footprint and a smaller volume than the existing farm buildings on the site.
2. The existing brick buildings approved for conversion are unattractive and the new houses would be more appropriate to the area because they would be built in stone.
3. There would be fewer dwellings on the site and so there would be fewer traffic movements on local roads and this has allowed the specification of the access road to be reduced.
4. The applicant has offered to undertake new woodland planting in 3 new areas on the farm holding shown on a submitted plan.

Comments on the very special circumstances

The proposals for converting the redundant brick farm buildings were accepted because, at that time and on the basis of evidence submitted by the applicant, they were deemed to fulfil the requirements of RUDP Policy GB4 and the national policy supporting conversion of existing buildings in Green Belt areas contained in PPG2 on "Green Belts". This guidance is clear that, provided the conversion can be accomplished without requiring major or complete reconstruction or enlargement, the re-use of existing buildings in the Green Belt will not prejudice their openness since the buildings are already there. Allowing two new-build detached houses is clearly a completely different proposition and does not comply with national or RUDP Green Belt Policy.

It is accepted that the two existing farm buildings are of unremarkable, functional appearance but they are unobtrusive and are single storey in height. The two houses, whilst of lesser physical footprint, are both shown as taller two storey structures that would be more apparent as suburbanising features in the countryside. It is not agreed that the new houses are of any significant design merit. There is some resemblance to traditional barns but the design of some of the most prominent elevations, appears somewhat "suburban" in character. In particular, the scattered layout does little to maintain a tight grouping of buildings on the site and any gains derived from a reduction in the physical extent of building on the site are negated by the impact of the two extensive domestic curtilages around each of the dwellings which include the areas presently occupied by buildings. It is considered that the two houses would have a materially greater impact than the present use of the site on the openness of the Green belt and a detrimental suburbanising effect on its character.



It is not considered that there would be any significant highway gains in terms of the reduction in the number of dwellings. The previous approvals were for a total of 5 dwellings in the converted buildings. This application seeks permission for 2, with the standard and specification of the access being reduced accordingly. Previously, there appear to have been no issues in terms of the capacity of the surrounding highway network to accommodate 5 dwellings – the issue was ensuring adequate visibility and manoeuvring space at the site entrance. The same highways leading to the site presumably coped with the farm traffic previously generated by agricultural use of the buildings. It is therefore not accepted that 3 less dwellings on Hawber Lane would be a significant gain sufficient to justify approving development that is contrary to normal restrictions on inappropriate development in the Green Belt.

It is acknowledged that the planting of additional woodland would improve the visual amenity of the Green Belt and (subject to use of native species) could enhance its wildlife value. However, PPG2 makes it clear that the achievement of such objectives for land in the Green Belt should not be at the expense of its openness or the purposes of including the land in the Green Belt - such as safeguarding the countryside and preventing the encroachment of urban sprawl.

There is particular concern about the establishment of a precedent at Swartha House Farm. The District's Green Belt contains countless farmsteads that include redundant, often unsightly farm buildings where a similar case for building 3 and 4 bedroom detached houses to replace them and planting additional woodland could also be presented. It is important that a precedent for a rash of small housing developments replacing redundant farm buildings across the District's Green Belt is not set here.

Officer advice has to be that the applicant has not presented the very special circumstances that would be necessary to justify building 2 detached houses on this Green Belt site contrary to well established policy. Constructing two new houses and a garage block would be inappropriate development in the Green Belt and its approval would be contrary to Policy GB1 of the Bradford RUDP and national guidance in PPG2.

#### Impact on Landscape Character

The landscape policy guidelines in the Airedale Landscape Character Assessment state that this landscape type is moderately sensitive to further development and any new development must be carefully designed to link it to existing building groupings and utilize existing woodlands and hedgerows. The proposal is to replace functional low rise, agricultural structures with two storey detached houses. Whilst some woodland planting is proposed further away, there is little in the proposed layout to attempt to mitigate the more immediate effects of the houses or their gardens on the character of the surrounding rural landscape. The suburban character of the layout and style of the houses and the lack of any firm or detailed proposals for on-site planting that might be used to better integrate new housing with the existing farm group and landscape features are such that it is not considered that these proposals preserve or enhance local landscape character. The scheme instead would create two houses that would appear as incongruous features harmful to landscape character.

#### Impact on Neighbouring Occupants

The proposal is not considered to affect neighbours amenities due to the Councils spatial separation requirements being satisfied. The proposed barn conversion attached to Swartha House will be situated approximately 22m from House B in a corner to corner situation. This alignment will prevent any overlooking occurring between these two dwellings. The front

windows of House A will be a minimum of 18m from the rear garden boundary of the proposed barn conversion, therefore no undue overlooking will occur. No overshadowing will occur as the new houses would be a significant enough distance from any other dwellings. It is therefore considered that the proposal will have no adverse affect on the residential amenity of neighbours and complies with Policy UR3 of the RUDP.

#### Impact on Highway Safety

The proposal proposes a reduction in the number of units from the previous approvals (06/00844/FUL, 06/06215/FUL and 07/01730/FUL) and retains the existing access to Swartha House. The proposals for improving the access have been toned down compared with the previous permissions, but this is acceptable to the Council's Highway Officer as the number of dwellings is being reduced. The access to the 2 new dwellings is shown on the submitted plans is being improved and achieves satisfactory width, radius, visibility and surfacing as well as the provision of a turning area to accommodate service vehicles. It is therefore considered that the access will not affect the safe flow of traffic on Hawber Lane.

#### Obstruction of the right of way

The Rights of Way Officer advises that the line of the public footpath to the north of the property does not follow the correct legal alignment and that the submitted layout includes certain boundary walls and gates that would cause obstruction of the legal route - unless a formal diversion is granted. It is not considered that these obstructions are particularly significant aspects of the proposed development and Rights of Way legislation could be used to prevent the obstructions shown on the submitted drawings being erected. It is not proposed to add obstruction of right of way as a reason for refusal of the planning application but it would need to be taken into account as a material consideration should approval be granted or should a refusal be subject to a subsequent appeal.

#### **Community Safety Implications:**

The proposal poses no apparent community safety implications and is considered to accord with Policy D4 of the Replacement Unitary Development Plan.

#### **Reasons for Refusal:**

1. The proposed development would be sited in an area of open countryside defined for green belt purposes on the Replacement Unitary Development Plan (RUDP) and subject to the guidance contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). Within such areas it is both national and local planning policy to severely restrict inappropriate development other than those limited exceptions as specified in RUDP Policy GB1 and PPG2. The proposal for two new houses and a garage block represents inappropriate development that would be harmful to the openness of the green belt and the purposes of including the land in it. The Local Planning Authority considers that very special circumstances that would warrant an exception to this policy have not been presented. The development would be contrary to Policy GB1 of the Replacement UDP and guidance in PPG2.
2. The proposed development would harm the visual amenity of the Green Belt and adversely affect the character of this part of the Airedale Landscape Character Area, as defined by Policy N3 of the Replacement Unitary Development Plan, by introducing a suburban scatter of new housing and domestic curtilages on the site and no proposals are included within the submitted site layout for appropriate landscaping and screening that would integrate the development into its surroundings. The

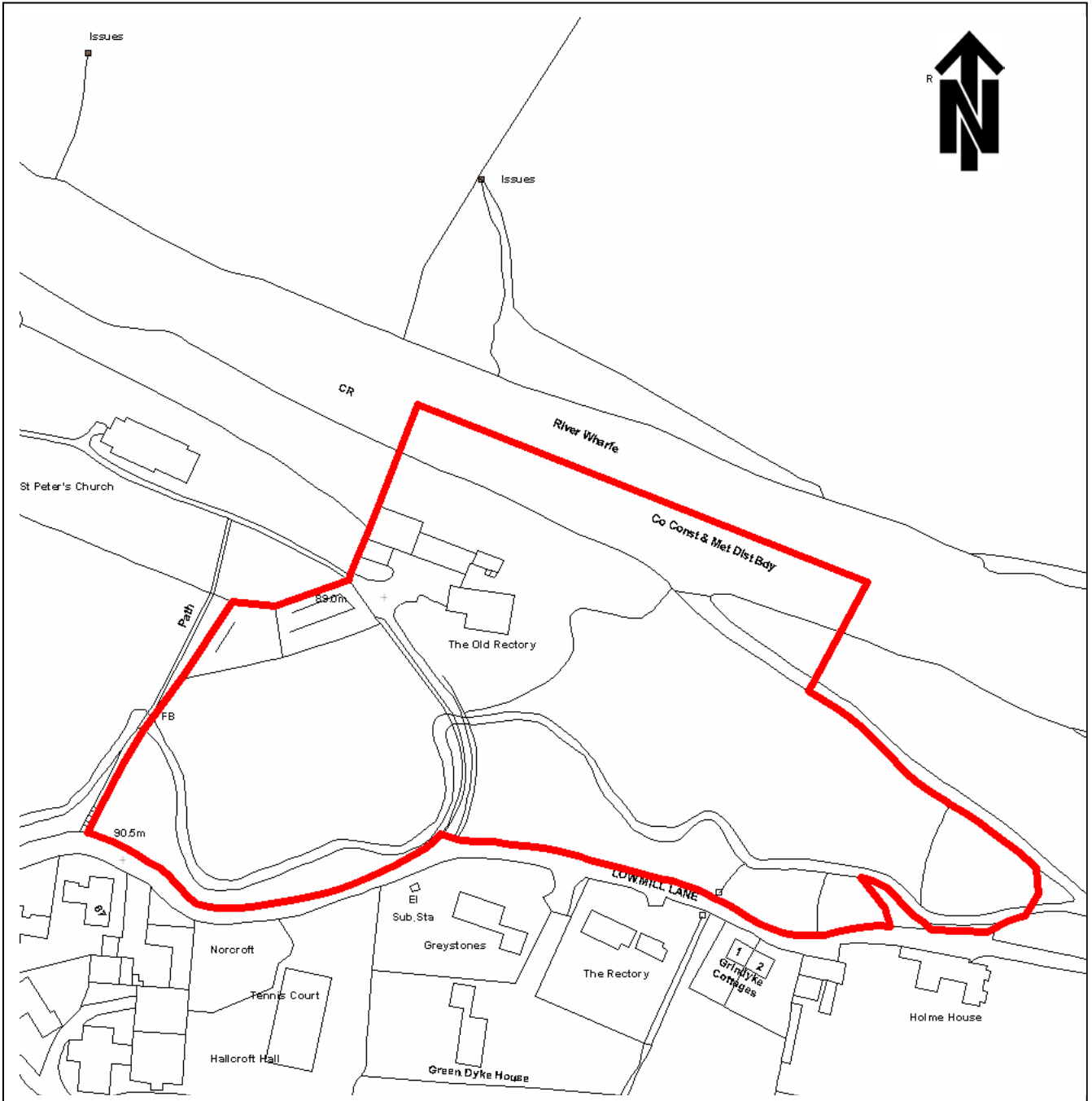
proposal would be contrary to Policies NE3 and NE3A of the Bradford Replacement Unitary Development Plan.

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Area Planning Panel (Keighley)

09/03787/HOU

12 November 2009



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LOCATION:

ITEM NO. : 5

**The Old Rectory  
Low Mill Lane, Addingham  
Ilkley**

**12 November 2009**

**Item Number: 5**  
**Ward: CRAVEN WARD**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**The application has been referred to panel at the request of a Ward Councillor**

**Application Number:**  
09/03787/HOU

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

Full application for the re-construction of an out-building to form garaging at the Old Rectory, Low Mill Lane, Addingham.

**Site Description:**

The Old Rectory is an imposing Grade II listed Georgian-era house occupying a ridge of land projecting between Town Beck and the River Wharfe on the eastern side of Addingham. The Grade I listed St Peters Church occupies the same ridge of land to the west. The site comprises the dwelling, a Grade II listed barn just behind the Rectory, and a small outbuilding which is the subject of these applications. The outbuilding is a low stone structure with a stone slate roof presenting a blank elevation to views from the south. The western gable of the building forms part of the boundary wall between the site and the adjoining church yard. Records indicate that the building was originally a cart store. The site is within the Green Belt and the Addingham Conservation Area, and adjoins a Scheduled Ancient Monument.

**Relevant Site History:**

- 07/03037/FUL and 07/30338/LBC - Construction of first floor to existing flat roofed annexe, construction of orangery to side and glazed link to rear and conversion of existing barn to swimming pool. Granted
- 08/01752/LBC – Removal of existing roof in order to replace defective roof structure, replacing existing slates and installation of two new conservation rooflights. Granted
- 08/02158/FUL - Retrospective permission for use of land as a temporary car park and temporary removal of main access gate pillar to allow construction vehicles to enter the development site. Granted
- 08/02159/LBC - Temporary removal of main access gate pillar to allow construction vehicles to enter the development site. Granted
- 08/05854/LBC - Structural repairs to interior comprising replacement of beams, joists, floor boards and lintels
- 09/00932/LBC - Internal joinery, alterations to partition walls and staircases, re-opening window apertures, closing and re-opening existing external doorways. Granted
- 09/02766/FUL and 09/02768/LBC - Extension of temporary permission for car park (1456.0m<sup>2</sup>) created within site boundary and the temporary removal of main access gate pillar to allow construction vehicles to enter site. Granted
- 09/04342/HOU and 09/04343/LBC - Amendments to entrance gateway (development in the curtilage of a listed building). Pending consideration

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

***Allocation***

The site is within the Green Belt and the Addingham Conservation Area.

***Proposals and Policies***

UDP3 - Quality of the Built and Natural Environment

UR3 - Local Impact of Development

D1 - General Design Considerations

BH1 – Change of use of listed buildings

BH4 - Alterations to listed buildings

BH4A – Setting of listed buildings

BH7 - Development in a conservation area

GB4 – Conversion and change of use in the Green Belt

GB5 – Extension and alteration of Buildings in the Green Belt

NE10 – Protection of Natural Features and Species

NE11 – Ecological Appraisals

PPS 9 – Biodiversity and Geological Conservation

**Parish Council:**

No objections.

**Publicity and Number of Representations:**

Neighbour notification letters, site notice and a notice in the Ilkley Gazette giving an overall expiry of 08.10.09. No representations have been received.

**Summary of Representations Received:**

None.

**Consultations:**

Design and Conservation

The existing outbuilding appears to have existed since at least 1830 and may well be contemporary with the barn of 1806. Records seem to indicate use as a cart store, some of the outbuildings being used as an ancillary agricultural use to the Rectory. The building currently has a very subservient and discrete presence on the site, presenting a blank wall to the south and a minimal gable projecting above the wall of the graveyard.

The proposed changes will result in the building being far more apparent in its context, drawing attention to its presence and use. Its relationship with the neighbouring listed buildings will be significantly changed, becoming more dominant. The Conservation Officer does not consider that the proposal maintains the setting of the listed buildings.

There are also concerns over the impact within the conservation area. The current gable to the graveyard is very discrete. The higher gable will be more apparent and will impact on the character of the graveyard and setting of the church.

**Summary of Main Issues:**

- Impact of the alterations on the setting and special interest of the Listed Building and the setting of the adjacent listed buildings, including the Grade I listed St Peter's Church.

- Impact of the development on the character and appearance of Addingham Conservation Area.
- Bats.

### **Appraisal:**

The Grade II listed Old Rectory is currently undergoing a process of major refurbishment and a first floor addition and an orangery have already been constructed in accordance with applications approved in 2007. In addition, conversion of the existing Grade II listed barn to form a swimming pool is in progress.

The new applications for planning permission and listed building consent relate to a small existing outbuilding positioned to the north west of the house - adjacent to the barn. The applicant is proposing to raise the height of the building and convert it to garaging for the dwelling. The proposed conversion will involve raising the roof by approximately 1m and introducing two large double garage doors into the southern elevation, which is presently blank. This elevation faces towards the highway.

The outbuilding is within the curtilage of the listed building and so both planning permission and listed building consent are required to permit its alteration and extension.

The principle issue is the appropriateness of the alterations and extension to the character of this very sensitive site and the setting of the Grade II listed buildings comprising the Old Rectory and the adjoining barn, and the impact on the setting of the adjacent Grade I listed building – St Peter's church, and the churchyard.

### Impact on the listed buildings and conservation area

The Council's Conservation Officer considers the existing building to be a historic feature within the curtilage of the listed Old Rectory, and advises that the proposals to raise its height and turn it into a garage would not be appropriate to the setting of the adjacent listed buildings (the Old Rectory itself, the barn and the Grade I listed St Peter's Church) and would not preserve or enhance the character or appearance of the Conservation Area within which it is situated.

At present the roofline of the building is just visible above the boundary wall at the eastern end of the graveyard. It is therefore largely unnoticed from within the churchyard. The increased height would make the building much more prominent in views from the churchyard - to the detriment of the setting of this Grade I listed building. The proposed large garage door openings in the south wall, by virtue of their size and proportion, would draw considerable attention to themselves and have an undesirable domesticating effect on what is presently a simple, functional stone outbuilding. This would be to the detriment of its character and the setting of the group of buildings of which it is part. The impact of the proposals on the historic environment is considered disproportionate to the need for garaging at the site.

The proposed development is therefore considered contrary to harm the conservation area and the setting of the listed buildings contrary to Policies BH1, BH4 and BH7 of the RUDP.

### Bats

West Yorkshire Ecology recommended that a bat survey be conducted on the building. Given its character and the location close to excellent habitat and foraging grounds (the site is adjacent to the River Wharfe, broadleaved woodland and pasture). This survey has now

been conducted and found that a small number of common pipistrelles were roosting in cracks in the mortar work on the eastern gable of the building. A good number of foraging bats were also noted in the area. Whilst this survey was undertaken at a sub optimal time of year the activity noted clearly indicates that bats were still active. It is therefore considered that the results of the survey (which included a through examination of the building and an emergence survey) are reliable. The ecologists concluded that the roost was of "low conservation value" and that the proposed development would have a low impact. These conclusions are based on English Natures "Bat Mitigation Guidelines 2004".

However, in line with the guidance contained within PPS9 the local planning authority must seek to ensure that any development is carried out in such a way as to mitigate against harmful impacts, replace the roost on a like for like basis and maximise opportunities for the enhancement of biodiversity within the proposed development. Whilst a general methodology has been suggested by the ecological consultant, no specific proposals for roost replacement and enhancement have been made by the developer.

If this application was to be approved, it would be necessary to impose suitable conditions to require agreement of a methodology for conversion to ensure this proceeds in a manner that did not prejudice bats (eg providing for temporary alternative roost boxes) and for measures to be incorporated to ensure that bats could still use the building and that roosting potential is preserved and enhanced where possible (eg bat tubes and bat tiles).

**Community Safety Implications:**

No apparent community safety implications.

**Reasons for Refusal:**

The existing building is of a simple functional design and its low height is such that it presently has a subservient and discrete presence on the site presenting a blank wall to the south and a minimal gable projecting above the wall of the graveyard of the Grade I Listed St Peters Church to the west. The proposed development would have a negative impact on the character of the building by increasing its dominance in views from the church yard and introducing uncompromising domestic characteristics in the form of double garage doors. The proposal would be to the detriment of the setting of the adjacent listed buildings and would not preserve or enhance the character and appearance of the Addingham Conservation Area within which the site is located, contrary to Policies BH1, BH4 and BH7 of the Bradford Replacement Unitary Development Plan.

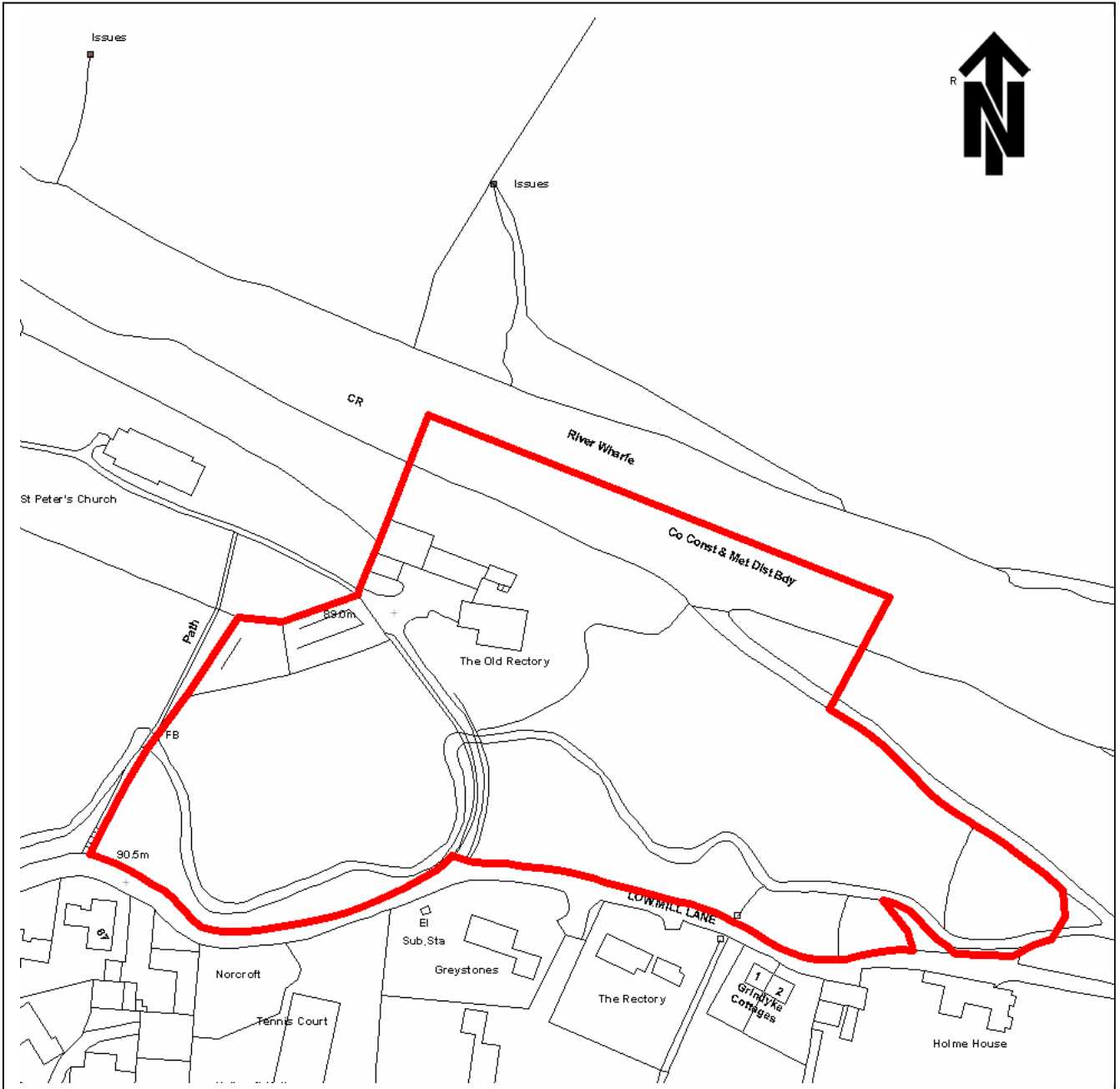
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Area Planning Panel (Keighley)

09/03788/LBC

12 November 2009



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ITEM NO. : 6	LOCATION: <b>The Old Rectory Low Mill Lane, Addingham Ilkley</b>
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**12 November 2009**

**Item Number: 6**  
**Ward: CRAVEN WARD**  
**Recommendation:**  
**TO REFUSE TO GRANT LISTED BUILDING CONSENT**

**Application Number:**  
09/03788/LBC

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

Listed building consent application for the re-construction of an out-building to form garaging at the Old Rectory, Low Mill Lane, Addingham.

**Site Description:**

The Old Rectory is an imposing Grade II listed Georgian-era house occupying a ridge of land projecting between Town Beck and the River Wharfe on the eastern side of Addingham. The Grade I listed St Peters Church occupies the same ridge of land to the west. The site comprises the dwelling, a Grade II listed barn just behind the Rectory, and a small outbuilding which is the subject of these applications. The outbuilding is a low stone structure with a stone slate roof. It presents a blank elevation to views from the south. The western gable of the building forms part of the boundary wall between the site and the adjoining church yard. Records indicate that the building was originally a cart store. The site is within the Green Belt and the Addingham Conservation Area, and adjoins a Scheduled Ancient Monument.

**Relevant Site History:**

- 07/03037/FUL and 07/30338/LBC - Construction of first floor to existing flat roofed annexe, construction of orangery to side and glazed link to rear and conversion of existing barn to swimming pool. Granted.
- 08/01752/LBC – Removal of existing roof in order to replace defective roof structure, replacing existing slates and installation of two new conservation rooflights. Granted.
- 08/02158/FUL - Retrospective permission for use of land as a temporary car park and temporary removal of main access gate pillar to allow construction vehicles to enter the development site. Granted.
- 08/02159/LBC - Temporary removal of main access gate pillar to allow construction vehicles to enter the development site. Granted.
- 08/05854/LBC - Structural repairs to interior comprising replacement of beams, joists, floor boards and lintels.
- 09/00932/LBC - Internal joinery, alterations to partition walls and staircases, re-opening window apertures, closing and re-opening existing external doorways. Granted.
- 09/02766/FUL and 09/02768/LBC - Extension of temporary permission for car park (1456.0m<sup>2</sup>) created within site boundary and the temporary removal of main access gate pillar to allow construction vehicles to enter site. Granted.
- 09/04342/HOU and 09/04343/LBC - Amendments to entrance gateway (development in the curtilage of a listed building). Pending consideration.

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

***Allocation***

The site is within the Green Belt and the Addingham Conservation Area.

***Proposals and Policies***

UDP3 - Quality of the Built and Natural Environment

UR3 - Local Impact of Development

BH1 – Change of use of listed buildings

BH4 - Alterations to listed buildings

BH7 - Development in a conservation area

**Parish Council:**

No objections.

**Publicity and Number of Representations:**

Neighbour notification letters, site notice and a notice in the Ilkley Gazette giving an overall expiry of 08.10.09. No representations have been received.

**Summary of Representations Received:**

None.

**Consultations:**

Design and Conservation

Conservation Officer advises that the existing outbuilding appears to have existed since at least 1830 and may well be contemporary with the barn of 1806. Records seem to indicate use as a cart store, some of the outbuildings being used as an ancillary agricultural use to the Rectory. The building currently has a very subservient and discrete presence on the site, presenting a blank wall to the south and a minimal gable projecting above the wall of the graveyard.

The proposed changes will result in the building being far more apparent in its context, drawing attention to its presence and use. Its relationship with the neighbouring listed buildings will be significantly changed, becoming more dominant. The Conservation Officer does not consider that the proposal maintains the setting of the listed buildings.

There are also concerns over the impact within the conservation area. The current gable to the graveyard is very discrete. The higher gable will be more apparent and will impact on the character of the graveyard and setting of the church.

**Summary of Main Issues:**

- Impact of the alterations on the setting and special interest of the Listed Building and the setting of the adjacent listed buildings, including the Grade I listed St Peter's Church.
- Impact of the development on the character and appearance of Addingham Conservation Area.

**Appraisal:**

The Grade II listed Old Rectory is currently undergoing a process of major refurbishment and a first floor addition and an orangery have already been constructed in accordance with applications approved in 2007. In addition, conversion of the existing Grade II listed barn to form a swimming pool is in progress.

The new applications for planning permission and listed building consent relate to a small existing outbuilding positioned to the north west of the house - adjacent to the barn. The applicant is proposing to raise the height of the building and convert it to garaging for the dwelling. The proposed conversion will involve raising the roof by approximately 1m and introducing two large double garage doors into the southern elevation, which is presently blank. This elevation faces towards the highway.

The outbuilding is within the curtilage of the listed building and so both planning permission and listed building consent are required to permit its alteration and extension.

The principle issue is the appropriateness of the alterations and extension to the character of this very sensitive site and the setting of the Grade II listed buildings comprising the Old Rectory and the adjoining barn, and the impact on the setting of the adjacent Grade I listed building – St Peter's church, and the churchyard.

#### Impact on the listed buildings and conservation area

The Council's Conservation Officer considers the existing building to be a historic feature within the curtilage of the listed Old Rectory, and advises that the proposals to raise its height and turn it into a garage would not be appropriate to the setting of the adjacent listed buildings (the Old Rectory itself, the barn and the Grade I listed St Peter's Church) and would not preserve or enhance the character or appearance of the Conservation Area within which it is situated.

At present the roofline of the building is just visible above the boundary wall at the eastern end of the graveyard. It is therefore largely unnoticed from within the churchyard. The increased height would make the building much more prominent in views from the churchyard - to the detriment of the setting of this Grade I listed building. The proposed large garage door openings in the south wall, by virtue of their size and proportion, would draw considerable attention to themselves and have an undesirable domesticating effect on what is presently a simple, functional stone outbuilding. This would be to the detriment of its character and the setting of the group of buildings of which it is part. The impact of the proposals on the historic environment is considered disproportionate to the need for garaging at the site.

The proposed development is therefore considered contrary to harm the conservation area and the setting of the listed buildings contrary to Policies BH1, BH4A and BH7 of the RUDP.

#### **Community Safety Implications:**

No apparent community safety implications.

#### **Reasons for Refusal:**

The existing building is of a simple functional design and its low height is such that it presently has a subservient and discrete presence on the site presenting a blank wall to the south and a minimal gable projecting above the wall of the graveyard of the Grade I Listed St Peters Church to the west. The proposed development would have a negative impact on the character of the building by increasing its dominance in views from the church yard and introducing uncompromising domestic characteristics in the form of double garage doors. The proposal would be to the detriment of the setting of the adjacent listed buildings and would not preserve or enhance the character and appearance of the Addingham

Conservation Area within which the site is located, contrary to Policies BH1, BH4A and BH7 of the Bradford Replacement Unitary Development Plan.

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