

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Keighley) held on Tuesday 3 August 2010 in the Council Chamber, Keighley Town Hall

Commenced 1000  
Concluded 1055

### PRESENT – Councillors

CONSERVATIVE	LABOUR
Clamp	Lee
Ellis	Abid Hussain
Gibbons	Dredge

Apologies: Councillor Greaves

### Councillor Lee in the Chair

### 10. DISCLOSURES OF INTEREST

Councillor Ellis disclosed a personal interest in Minutes 18(iv) and 18(v) for matters relating to Unit 2, Vale Lane Garage, Vale Mille Lane, Haworth and Unit 3, Vale Lane Garage, Vale Mill Lane, Haworth as the premises were owned by the mother of his grandson and his daughter also runs the adjoining business, but as the item was only for noting he took full part in the discussion and voting on this item.

**ACTION:** *Assistant Director, Corporate Services (City Solicitor)*

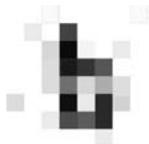
### 11. MINUTES

**Resolved -**

**That the minutes of the meeting held on 12 May 2010 be signed as a correct record.**

### 12. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



### 13. PUBLIC QUESTIONS

There were no questions submitted by the public.

### 14. 16 WESTWOOD RISE, ILKLEY

Ilkley

Householder application for the construction of a raised patio to the rear of 16 Westwood Rise, Ilkley (retrospective) – 10/01678/HOU.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Ilkley Parish Council was of the view that the proposed screening on the East side was an attempt to address the concerns of neighbours at number 14 but that this screening would still be extremely high and overbearing. Whilst it was recognised that the lowering of the decking on the North side was an attempt to address concerns of neighbours, the decking would still be overlooking and overbearing to neighbouring properties on Panorama Drive and 14 Westwood Rise. The Parish Council had recommended that the decking on the North side should be lowered significantly with steps leading down to it from the patio at the North West corner.

Three representations were received which included a request from a Ward Councillor for the application to be referred to the Panel. Following amendments to the scheme, the proposal was re-advertised by neighbour notification letters with an expiry date of 17 May 2010. Two letters were received which included a further request from a Ward Councillor for the application to be referred to the Panel. A summary of representations received were as outlined in Document "C".

The Strategic Director, Regeneration reported that the proposed patio was considered to relate satisfactorily to the character of the existing dwelling, adjacent properties and the setting of the Conservation Area. The impact of the patio upon the occupants of neighbouring properties had been assessed and it was considered that it would not have a significantly adverse effect upon their residential amenity. As such this proposal was considered to be in accordance with Policies BH7, UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extensions Policy. He therefore recommended approval of the application subject to the conditions as outlined in Document "C".

Members made the following comments:

- Each application should be considered on its merits.
- For clarification purposes, was it illegal to put in a retrospective planning application?
- It was best to ask the local planning authority rather than the builder about planning permission.
- Concerns were expressed about the degree of overlooking of No. 14 Westwood Rise.
- If it was too high then the fence would be unsightly.
- The application may not be illegal but we should be aware of the message that approval of the application would send out.
- The application would be overbearing to No. 14 next door.

A Ward Councillor was present at the meeting and made the following points:

- The patio was illegal and would still be obtrusive to the next door neighbour.
- The fence was near 2.8 metres height and the neighbour would have to look at this high structure.
- The raised patio was overbearing and would overlook the neighbour's property.
- He recommended that the application be refused.

A Parish Councillor was present at the meeting and made the following points:

- The Parish Council did not like retrospective planning applications as they normally came from people who had previously ignored advice.
- The Parish Council was of the view that the proposed construction of a raised patio to the rear of 16 Westwood Rise would not have obtained planning permission if the application had been previously submitted.
- There would be overlooking of neighbouring properties.
- The fence was overbearing and was a high structure west of No. 14 Westwood Rise.
- She supported the view of the Conservation Officer in respect of the visual impact of the development.
- If the application was granted then the planting arrangements should be strengthened and a lower structure should be considered.

An objector was present at the meeting and made the following points:

- He circulated a photograph taken from the conservatory at 14 Westwood Rise.
- The scale of the new development in respect of the original house was huge and it would be 8-10 metres to the back of the original property.
- He did not object to a single storey structure but to a patio that was added on.
- If he had known that there were proposals for a patio then he would have objected.
- The fence screening would be about 2.8 metres and the fence would be 3.2 metres above his patio ground level.
- This was the third plan submitted and he was quite tired of this whole process.
- The proposal would continue to be overbearing and overlooking to No. 14 Westwood Rise.
- There should be a condition stating that the ground work should be returned to its original height.

The agent to the applicant was present at the meeting and made the following points:

- There had not been any intention to break any planning laws.
- I was advised I did not need planning permission.
- Our bedroom looks over other properties.
- Our estate was not in any way a private estate.

The Strategic Director, Regeneration responded to Members, Parish Councillors and objectors' comments and made the following points:

- The patio would only be illegal if the Council took enforcement action. It was an unauthorised structure.
- The overlooking of 14 Westwood Rise, Ilkley was not significant.
- The applicant had made some substantial amendments.

- It was not illegal to put in a retrospective planning application.
- It would be better to say "that the land below the patio should be restored to existing ground level".
- It was not valid to refuse planning permission as a form of punishment.

The Council's legal representative confirmed that submission of a retrospective planning application was not illegal and was not a material planning consideration.

**Resolved –**

**That the application be refused for the following reason:**

**The formation of the raised patio area has an overbearing impact on No. 14 Westwood Rise due to its height above existing ground levels. It has an adverse effect on the amenity of occupiers of that adjoining property contrary to Policy UR3 of the Bradford Replacement Unitary Development Plan.**

**ACTION: Strategic Director, Regeneration**

**15. 2 SPRINGFIELD MOUNT, ADDINGHAM**

**Craven**

Full application, as amended, for the demolition of the existing dwelling and the construction of two detached dwellings at 2 Springfield Mount, Addingham – 10/00953/FUL.

The Panel agreed that as a representative from the Parish Council was not present at the meeting to object to the application then the planning code of conduct should be followed and the decision in respect of the above application should be delegated to the Strategic Director, Regeneration.

The Strategic Director, Regeneration confirmed that his decision would be to grant planning permission as per officer recommendation.

**Resolved –**

**That the decision in respect of the above application be delegated to the Strategic Director, Regeneration and that it be noted that this would be to grant planning permission as per officer recommendation.**

**ACTION: Strategic Director, Regeneration**

**16. BEECHWOOD, 2 ST NICHOLAS ROAD, ILKLEY**

**Ilkley**

Full application for the construction of an extension to Beechwood, 2 St Nicholas Road, Middleton, Ilkley – 10/01849/HOU.

The Strategic Director, Regeneration gave a presentation setting out the proposals and plans detailing the layout. He reported that Ilkley Parish Council considered the proposal was over development of the site contrary to the character of the original dwelling which would result in a negative impact on a key view within the conservation area. Two

representations had been received objecting to the application. The summary of representations received were as outlined in Document "C".

The Strategic Director, Regeneration reported that the proposed extension formed a sympathetic extension to the host dwelling, which did not represent a significant detrimental impact on neighbouring amenity or the character or appearance of the Middleton Conservation Area. As such it was deemed in accordance with Policies UDP3, UR3, D1, BH7, NE4, NE5 and NE6 of the RUDP. He therefore recommended approval of the application subject to conditions as outlined in Document "C".

Members made the following comments:

- Were any commercial issues in respect of the application a material planning consideration?
- If the extension impeded the view of neighbours would all the trees be pulled down?
- Might it be possible to obscure a window?
- How many peoples views would be restricted by one house?
- The development would be in keeping with neighbours.

A Parish Councillor was present at the meeting and made the following points:

- There would be a detrimental effect on the key view in respect of the Middleton Conservation Area.
- The views of neighbours would be blocked.
- It was important to enhance the conservation area.
- Large houses can be detrimental to the conservation area.

An objector was present at the meeting and made the following points:

- He referred to the restricted height of the property and of a covenant which he accepted was not a concern of the Panel.
- Bungalows were ideal for older people but not for larger families.
- He had no animosity towards the applicant as they were a nice family and he was only objecting on planning grounds.
- He had been told that the application was to extend the child's bedroom but the extension had become a lot larger.
- He questioned why the applicant wanted a three car garage and suggested that this could be in respect of a commercial venture.
- In October 2006 the Planning Inspector had refused the previous application.
- The proposed extension would have a harmful effect.
- The property had been purchased in 2007 and there had been suggestions that the house would be enlarged.

The applicant was present at the meeting and made the following points:

- The reason for the application was to extend her house for her growing family.
- The property was not a bungalow as it had two bedrooms and a bathroom upstairs.
- The surrounding houses were very tall.
- She did not intend to sell her property and move away.

The Strategic Director, Regeneration responded to Members, the Parish Councillor's, the objector's and the applicant's comments and made the following points:

- There were no objections from the Conservation Officer or the Tree Officer.
  - The purchase or selling of the applicant's property was not a material planning consideration.
  - He recommended approval of the application.

### **Resolved –**

**That the application be approved for the reasons and subject to the conditions as set out in the Strategic Director, Regeneration's technical report (Document "C").**

**ACTION:** *Strategic Director, Regeneration*

**17. ENFORCEMENT ENQUIRIES CLOSED BY THE PLANNING MANAGER  
(ENFORCEMENT & TREES)/SENIOR ENFORCEMENT OFFICER  
AS NOT EXPEDIENT TO PURSUE**

- (i) 1 Russell Street, Keighley Keighley Central

Change of use from B2 use to A2 use – 10/00143/ENFCOU.

Date Enforcement File Closed: 9 June 2010.

- (ii) 1 Russell Street, Keighley Keighley Central

Fascia board to estate agents extends over sills of first floor windows – 10/00144/ENFADV.

Date Enforcement File Closed: 14 July 2010.

- (iii) 11 Grove Mill Drive, Keighley Keighley East

## Breach of planning condition – 09/01017/ENFCON.

Date Enforcement File Closed: 26 June 2010.



Change of use – 10/00306/ENFCOU.

Date Enforcement File Closed: 14 July 2010.

- (v) 18 Barley Cote Avenue, Riddlesden, Keighley Keighley East

Fence – 10/00557/ENFUNA.

Date Enforcement File Closed: 7 July 2010.

- (vi) 42A The Grove, Ilkley Ilkley

Sign – 09/01341/ENFADV.

Date Enforcement File Closed: 14 July 2010.

**(vii) 44A Main Street, Addingham**

Craven

Removal of two trees from within Addingham Conservation Area without consent - 10/00343/TPOCN.

Date Enforcement File Closed: 25 June 2010.

**(viii) 99 Emily Street, Keighley**

Keighley Central

Outbuilding – 10/00426/ENFUNA.

Date Enforcement File Closed: 7 July 2010.

**(ix) Gingerbread Mill, Hainscliffe Road, Keighley**

Keighley East

Not built in accordance with the approved plans – 10/00639/ENFAPP.

Date Enforcement File Closed: 14 July 2010.

**(x) Rose & Co Apothecary, 84 Main Street, Haworth**

Worth Valley

Works to a Grade II Listed Building – 10/00562/ENFLBC.

Date Enforcement File Closed: 14 July 2010.

**(xi) The Cornmill, Corn Mill Lane, Burley in Wharfedale, Ilkley**

Wharfedale

Approximately 8 trees removed without authority from a conservation area - 10/00454/TPOCN.

Date Enforcement File Closed: 21 June 2010.

**Resolved –**

**That the reports be noted.**

**ACTION: Strategic Director, Regeneration**

**18. ENFORCEMENT MATTERS**

**(i) 17 Lister Street, Ilkley**

Ilkley

Unauthorised timber shed to the front of the property which was situated within the Ilkley Conservation Area.

Enforcement Action to remove the shed was authorised on 7 July 2010 as it was considered that the shed had introduced an unsympathetic and incongruous feature within the street scene, detracting from the character and appearance of the original building and the visual amenity of the street scene – 09/01506/ENFUNA.

**(ii) 174 Highfield Lane, Keighley**

**Keighley Central**

A single storey extension had been erected to the rear of the property. The extension was considered to have an adverse impact on the neighbouring property as a consequence of its size and scale. Despite representations from the Council the owner had not submitted a retrospective application or removed the structure.

Enforcement action had therefore been authorised - 09/01258/ENFUNA.

**(iii) 19 Lister Street, Ilkley**

**Ilkley**

Unauthorised timber shed to the front of the property which was situated within the Ilkley Conservation Area.

Enforcement Action to remove the shed was authorised on 7 July 2010 as it was considered that the shed introduced an unsympathetic and incongruous feature within the street scene, detracting from the character and appearance of the original building and the visual amenity of the street scene – 09/01508/ENFUNA.

**(iv) Unit 2, Vale Lane Garage, Vale Mill Lane, Haworth, Keighley      Worth Valley**

Vale Lane Garage was granted change of use to classic car sales in 2005, the property had recently been divided into 3 separate units and unit 2 was now being used for motor vehicle repair. The use of the unit for vehicle repairs was considered to have an adverse impact on the amenity of the neighbouring residential properties due to the noise and nuisance arising from such a use. Despite representations from the Council the owner/occupier had not submitted a retrospective application or ceased the use.

Enforcement action had therefore been authorised.

**(v) Unit 3, Vale Lane Garage, Vale Mill Lane, Haworth, Keighley      Worth Valley**

Vale Lane Garage was granted change of use to classic car sales in 2005, the property had recently been divided into 3 separate units and unit 3 was now being used for motor vehicle repair. The use of the unit for vehicle repairs was considered to have an adverse impact on the amenity of the neighbouring residential properties due to the noise and nuisance arising from such a use. Despite representations from the Council the owner/occupier had not submitted a retrospective application or ceased the use.

Enforcement action had therefore been authorised.

**Resolved –**

**That the reports be noted.**

**ACTION:    *Strategic Director, Regeneration***

**19. DECISIONS MADE BY THE SECRETARY OF STATE**

**APPEAL ALLOWED**

**(i) 60 Skipton Road, Ilkley**

**Ilkley**

Formation of a balcony at first floor level to rear - Case No: 09/03655/HOU.

Appeal Ref: 10/00048/APPHOU.

## **APPEALS DISMISSED**

(ii) **36 Broadlands, Keighley**

Keighley Central

Retrospective application for construction of detached private single garage to front - Case No: 10/00334/HOU.

Appeal Ref: 10/00092/APPHOU.

(iii) **84 Wheatley Lane, Ilkley**

Ilkley

Demolish existing garage and replace, kitchen, dining room with bedroom over and further extension to existing reception room - Case No: 09/04887/HOU.

Appeal Ref: 10/00051/APPHOU.

(iv) **Barn House Farm, Street Lane, Morton, Keighley**

Keighley East

Construction of porch to property - Case No: 09/05231/HOU.

Appeal Ref: 10/00090/APPHOU.

(v) **Intake Laithe Farm, Oldfield Lane, Oldfield, Keighley**

Worth Valley

Unauthorised siting of a caravan - Case No: 08/00989/ENFUNA.

Appeal Ref: 10/00010/APPNF.

(vi) **Thorn Bank, Occupation Lane, Keighley**

Keighley West

Construction of 2 two storey detached houses - Case No: 09/03401/FUL.

Appeal Ref: 10/00035/APPFUL.

## **Resolved –**

**That the decisions be noted.**

## **NO ACTION**

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Committee.**

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