

**REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE
MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON
25 SEPTEMBER 2008**

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SUMMARY STATEMENT – PART TWO

Applications recommended for approval

The sites concerned are:

8	Butler House, Butler Lane, Baildon	(page 29)	Baildon
9	14 St Philip's Way, Burley in Wharfedale	(page 34)	Wharfedale

Christopher Hughes
Assistant Director Planning

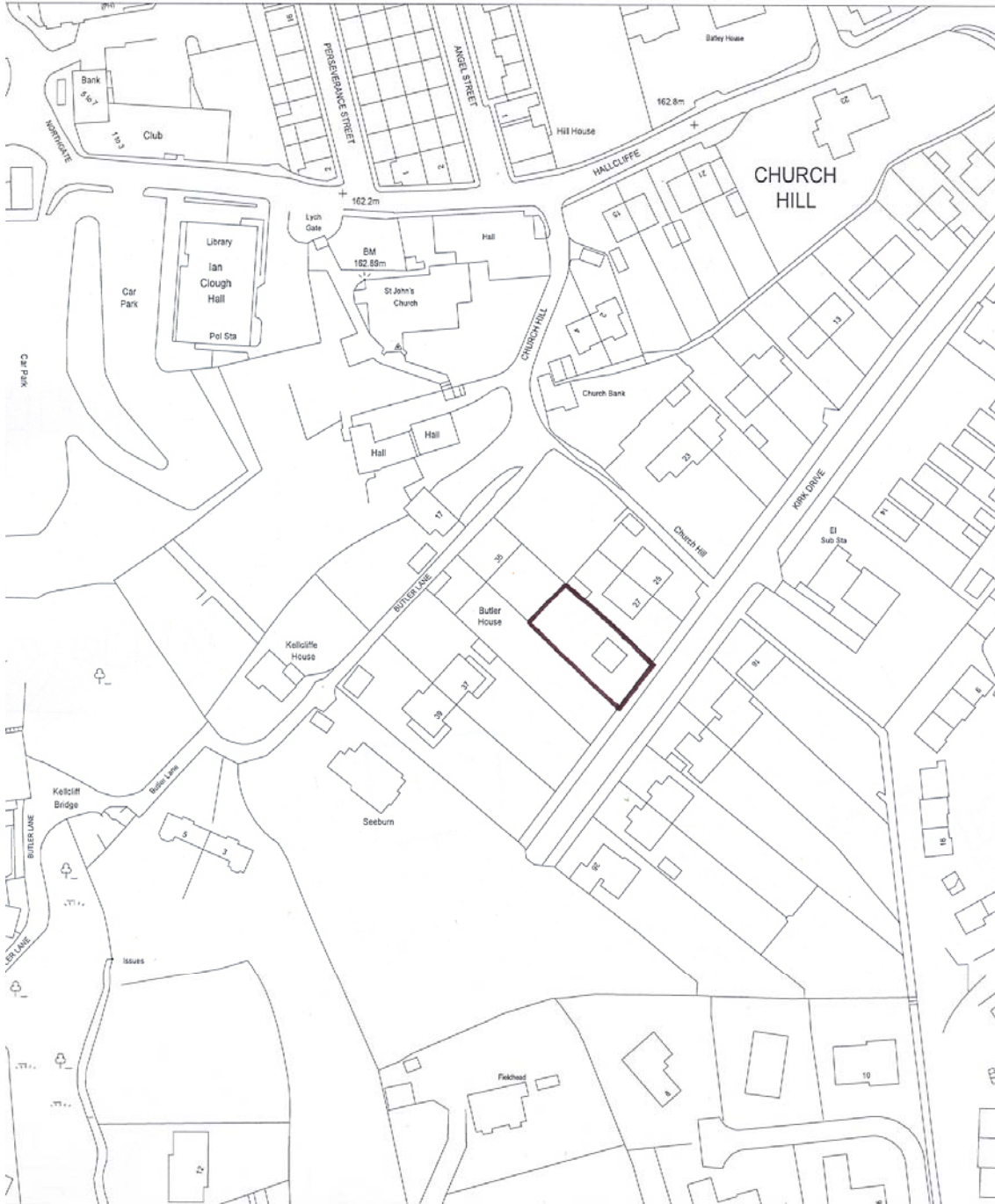
Portfolio
Environment

Report Contact: Ian Wilson
Phone: (01274) 437038
E-mail: ian.wilson@bradford.gov.uk

Improvement Area
Environment & Waste Management

SHIPLEY AREA PLANNING PANEL

DATE
25 September 2008



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ITEM No. 8

LOCATION

BUTLER HOUSE, BUTLER LANE, BAILDON

DATE: 25 SEPTEMBER 2008

ITEM NO: 8

WARD: BAILDON (1)

RECOMMENDATION: TO GRANT PLANNING PERMISSION

APPLICATION NUMBER: 08/03723/FUL

Type of Application/Proposal and Address: Construction of contemporary split-level detached bungalow on land adjacent to Butler House and 27 Kirk Drive Baildon.

Site Description: An existing detached double garage occupies the site of the proposed new dwelling, on land adjacent to number 27 Kirk Drive.

Levels fall across the site towards Kirk Drive, with the existing garage excavated into the slope.

Kirk Drive consists of a mixture of property types, detached; semi detached and bungalow properties of varying ages are located in the immediate area. To the northeast and elevated above the site is number 27 Kirk Drive, a mid 20th century semi detached bungalow in brick with concrete tiles to the roof.

To the north west and located at a higher level is the grade II Listed Butler House and Baildon Conservation Area. The long front garden area of Butler House runs along the southwestern boundary down towards Kirk Drive.

The site and adjacent garden area to Butler House contain a number of mature trees protected by TPO.

Relevant Site History:

07/07992/OUT - Construction of 3/4 bedroom detached dwelling with integral garage in grounds of Butler House with access to Kirk Drive - Withdrawn

Replacement Unitary Development Plan ("RUDP"): Proposals and Policies

The site is unallocated on the Replacement Bradford Unitary Development plan (2005) (RUDP).

Relevant Policies

UDP1 – Promoting Sustainable Patterns of Development

UR2 – Promoting Sustainable Development

UR3 - Local Impact of Development

D1 – General Design Considerations

H5 – Residential Development of Land

H7 – Housing Density - Expectation

TM12 – Parking Standards for Residential Developments

Parish Council:

No response received

Publicity and Number of Representations:

This has been done via neighbour notification letters, with an expiry date of 28.07.2008 and site notice with an expiry date of 15.08.2008

The Council has received 12 letters of representation in objection to the proposal, one from a local councillor and one from the local MP.

Summary of Representations Received:

Overshadowing

Overlooking

Out of Keeping

Impact on a Listed Building

Impact on Trees

Traffic and Parking

Consultations:

Drainage – No objection subject to separate drainage systems being provided within the site boundary, discharge to any existing drainage system to be proven hydraulically and structurally adequate, results of percolation test results to be submitted for approval for the proposed soakaways; and development being undertaken in such a way that overland surface water patterns are not altered to the detriment of adjacent landowners.

Heritage and Conservation – No objections, subject to the deletion of proposed parking spaces at Butler House.

Trees – No objection subject to condition regarding protective fencing and replanting.

Main Issues:

The main issues to be considered in this case relate to i) principle of development, ii) amenity considerations, iii) impact on Listed Building, street scene/visual amenity, iv) trees and v) traffic and highway safety.

Appraisal:**Principle of Development**

Policy H5 of the RUDP supports the principle of building dwellings on previously developed land providing the proposal would not conflict with other RUDP Policies. Additional dwellings within this established residential area would conform to surrounding uses. Further, the principle of development satisfies sustainability objectives, representing an appropriate use of a 'brown field site' within the urban area and with access to existing infrastructure. As such, the principle of development is considered to be acceptable under policies UDP1, UR2, and H5 of the RUDP.

Policy H7 of the RUDP encourages efficient use of land through higher density developments and provides minimum density requirements for new developments. Sites

outside of Town Centres are expected to provide a density of between 30 to 50 dwellings per hectare. It is considered that the proposal represents a more efficient use of land by providing an additional dwelling on a site, which at present only provides a garage facility. Given the adjacent grade II listed, Butler House and the prevailing density of development existing at Kirk Drive, the proposal is considered acceptable in respect of density.

Amenity

The proposed dwelling has been designed to minimise the opportunity for overlooking and overshadowing of neighbouring properties. The height of the proposed dwelling has been kept low with the use of a flat, sedum roof and set into the bank in this excavated site. The proposed dwelling would be located 3 metres from the shared boundary to 27 Kirk Drive where the proposed dwelling would project 2.7 metres above the current ground level at the boundary. Accordingly no issues regarding loss of amenity through overshadowing are foreseen.

Only one window has been included to the elevation facing number 27 and this would serve a bathroom with the plans showing it to be obscure glazed. Windows and openings to the rear elevation of the proposed dwelling would not afford any overlooking of properties to the rear by reason of the change in levels. Similarly no overlooking of the garden area from the southwest elevation would be afforded as there is only a single, high-level window proposed.

The property would be set back from the highway by a distance of close to 7 metres. As such it is not considered that undue overlooking of properties across Kirk Drive (18 & 20) would be afforded from a distance of 24 metres.

Impact on Listed Building

The proposed dwelling has been sympathetically designed to minimise intrusion into the garden space of Butler House and into views of the Listed Buildings from Kirk Drive. The design and Conservation team have been consulted and suggest that the proposed dwelling would represent an improvement in the setting of the Listed Building compared with the current detached double garage. The proposed dwelling is modern in design, however the street scene within which it would be located is varied. It is considered that the proposed dwelling would sit comfortably within the naturally sloping site and the use of split levels, iroko board and a sedum roof would help to blend the new dwelling into surrounding garden and vegetated areas.

Trees

The Councils Arboricultural Officer has assessed the proposals and tree survey submitted with the application and has no objection to the proposed scheme subject to condition being attached with regards protective fencing and replanting.

Traffic and Highway Safety

The proposed dwelling provides two off street parking spaces in line with required standards. Whilst the loss of the garage would result in a lack of off street parking for Butler House parking on street at Church Hill and a large frontage on Kirk Drive is unrestricted. Whilst objection has been received raising concerns with regards to an

intensification of on street parking, it is not considered that the proposal would result in conditions prejudicial to highway safety.

Conclusion

For the reasons noted above, and despite the receipt of objections, it is considered that the proposal represents appropriate development that – with appropriate conditions – would adequately protect the residential, visual and general amenities of the site and the surrounding area. Accordingly, approval is recommended subject to the conditions set out below.

Community Safety Implications:

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

Reasons for Granting Planning Permission

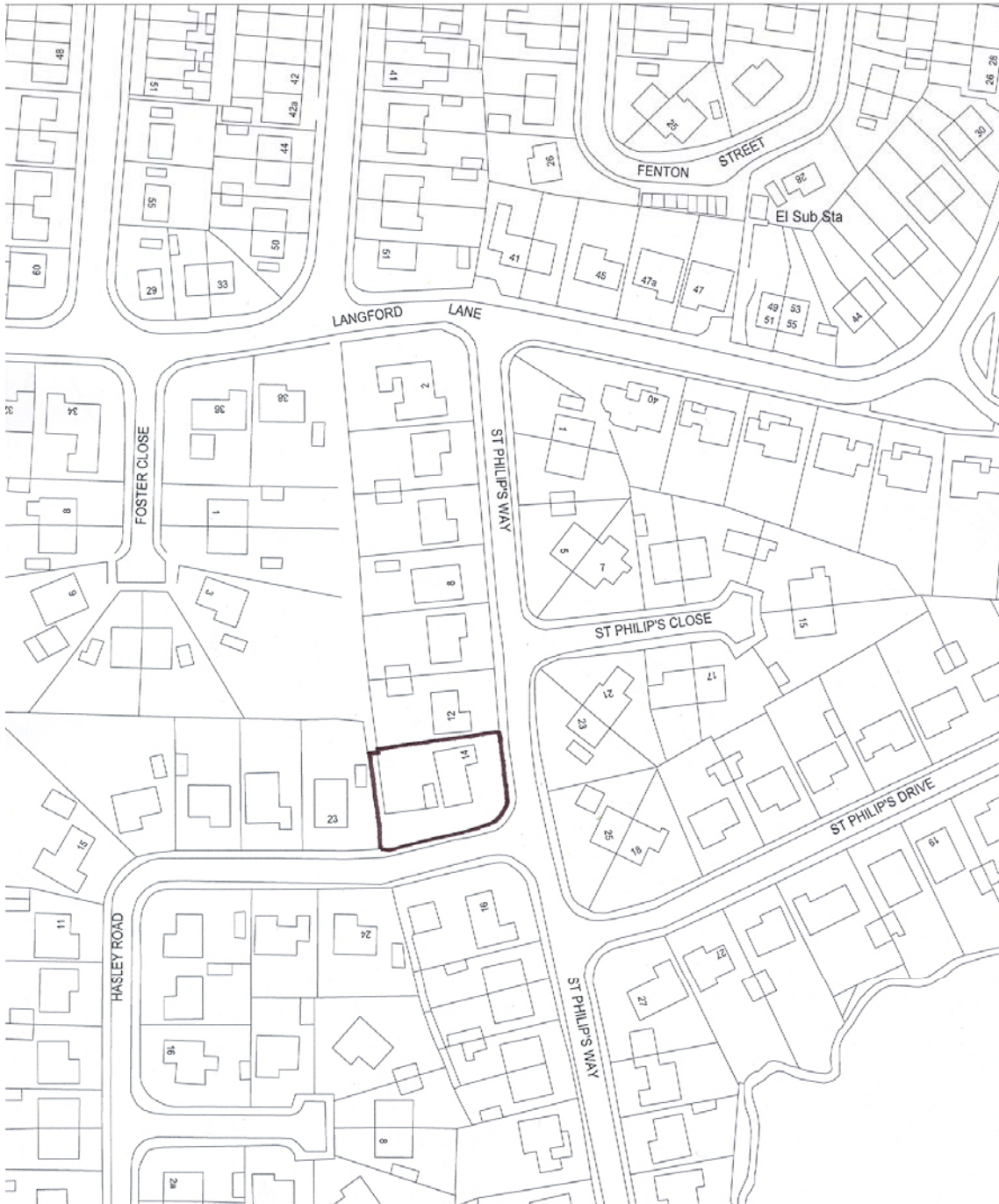
It is considered that the proposed dwelling is acceptable in terms of its impact on the setting of a listed building, the character of the adjoining conservation area, residential amenity and traffic safety and acceptably accords with the provisions of the Replacement Unitary Development Plan Policies UDP1, UR2, UR3, D1, H5 and TM12.

Conditions of Approval:

1. 3-year time limit on commencement of development.
2. Sample materials to be submitted and agreed in writing by the LPA prior to commencement of development.
3. Provision of domestic parking before use commences.
4. Development to be undertaken in such a manner as to not alter overland surface water flow patterns to the detriment of adjacent landowners.
5. Separate Drainage required within site boundary
6. Details regarding soakaway to be submitted to and approved by the LPA prior to commencement of development
7. Protective fencing – trees
8. Tree removal and replanting scheme required

SHIPLEY AREA PLANNING PANEL

DATE
25 September 2008



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LOCATION

ITEM No. 9

14 ST PHILIPS WAY, BURLEY IN WHARFEDALE

25 September 2008

Item Number: 9

Ward: WHARFEDALE

Recommendation:

TO GRANT RETROSPECTIVE PLANNING PERMISSION

Application No: 08/04545/FUL

Type of Application/Proposal and Address:

Full application for the retention of a wall/fence enclosing the rear garden at 14 St Philip's Way, Burley-in-Wharfedale.

Site Description:

The property is located on a corner plot at the junction of St Philip's Way and Hasley Road and comprises a single storey detached bungalow with a rear extension and a single detached garage in the rear garden with access from Hasley Road. The dwelling house is faced in white render with red brick quoins and the area immediately surrounding the property is typified by red brick bungalows. The property fronts onto St Philip's Way and the frontage and part of the side perimeter to Hasley Road are bounded by a low red brick wall and an immature laurel hedge. The remainder of the boundary to Hasley Road is enclosed by the wall and fence structure subject to this application.

Relevant Site History:

06/04029/FUL Single storey extensions to side & rear – Refused, split appeal decision
08/00507/ENFUNA Enforcement enquiry – wall/fence – retrospective application requested.

Unitary Development Plan Allocation and Policies:

Unallocated on the Replacement Bradford Unitary Development Plan (2005) (RUDP).

Relevant policies are:

UDP3 – Quality of built and natural environment

UR3 – The local impact of development

D1 – General design considerations

D4 – Community safety

TM19A –Traffic management and road safety

Parish Council:

Burley Parish Council have recommended refusal of the application and have requested that it be referred to the Shipley Area Planning Panel if recommended for approval.

Publicity and Number of Representations:

The application was advertised by 5 neighbour notification letters with representations requested by 13th August 2008. 14 representations have been received, all in support of the application.

Summary of representations Received:

- It is not unsightly
- It is in keeping with buildings, walls and fences in this area of Burley-in-Wharfedale
- Only occupies a small part of the properties perimeter
- Makes it neat and tidy when walking past – you can't see the rear garden and items such as washing etc
- The applicants have restored a neglected property into one which is a credit to the area – this has been one of the best improvements
- Wall/fence does not obstruct drivers in any direction
- Objection from the Parish Council is unjust and unreasonable
- Our property has a direct view onto the wall in question – it is aesthetically pleasing and enhanced by careful plating, it is a significant improvement on the previous overgrown and neglected holly bush
- The wall is to the side and rear of the garden only and not to the front
- The wall/fence improves my privacy
- There has been evidence of unsocial pedestrian behaviour in the area and the wall/fence will provide the householder with more security and privacy to which they are surely entitled

Consultations:

None undertaken

Summary of the Main Issues:

- Impact on amenities of neighbours and road users
- Impact on character/appearance of the street scene

Appraisal:

The wall/fence in question totals 1.7m in height and consists of a 0.8m high red brick wall, with 1.8m wide fencing panels atop with brick posts between. Red brick is the predominant building material in the locality and the use of this material is supported. The fence/wall encloses part of the rear amenity area of the property, while the section in front of the existing garage is unbounded and provides off-street parking. The section facing St Philip's Way is set well back from the highway and is approximately 4m long and runs between the side of the house and Hasley Road. The section along Hasley Road runs from east to west and forms the boundary between the property and the pavement. It is approximately 8.5 long.

It is not considered that the fence obstructs highway visibility. Nor are materials and design considered to be out of character with the locality; indeed a neighbouring property has an almost identical wall and fence although this is set back from the highway. The section at 14 St Philip's Way that fronts the highway is relatively short and provides the rear of the dwelling with a degree of privacy currently enjoyed by other properties in the area. The wall/fence as constructed is felt to be sympathetically designed to provide the rear of the property with a level of security and privacy that the occupants can reasonably expect. The 14 positive neighbour representations have been carefully considered and it

is not felt that the development will have a detrimental impact on visual or residential amenity or on highway safety.

For these reasons, it is recommended that retrospective planning permission for retention of the wall/fence be granted.

Community Safety Implications

The proposal accords with Policy D4 and the principles of “Secured by Design” by creating defensible space and a clear definition of public and private areas.

Recommendation: Grant Permission

Reasons for Recommendation :

The development will have no significant adverse effects on local amenity, neighbours or highway safety and complies with Policies UR3, D1, D4 and TM19a of the Replacement Unitary Development Plan.

Conditions:

None