

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 19 January 2012

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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.	38 Beverley Rise Ilkley LS29 9DB- 11/02047/HOU [Approve] – page 1	Ilkley
2.	80 Whin Knoll Avenue Keighley BD21 2HX - 11/04156/HOU [Approve] – page 7	Keighley Central

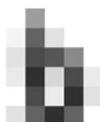
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Portfolio:
Environment and Culture

Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley)

11/02047/HOU

19 January 2012



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ITEM NO. : 1

LOCATION:

**38 Beverley Rise
Ilkley
LS29 9DB**

19 January 2012

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

Application Number:
11/02047/HOU

Type of Application/Proposal and Address:
A full retrospective application for the retention of a single storey rear extension at 38 Beverley Rise, Ilkley, LS29 9DB.

Applicant:
Ms Samantha Holden

Agent:
David Bruce

Site Description:
The application dwelling is a detached property constructed of blockwork render and natural stone, surmounted by a tile roof. The dwelling has been previously extended at the rear with a single storey flat roof extension approved in 1980 (80/70954/FUL). A single storey pitched roof extension has also been constructed to the rear of the property and it is this extension which forms the subject of this application.

Relevant Site History:
02/02769/FUL-Erection of conservatory to rear of property-Granted-25.11.2002

80/70954/FUL-Kitchen - Study -Utility Room- Granted-16.07.1980

11/00288/ENFUNA-Extension- Case Pending

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated on the RUDP.

Proposals and Policies
Relevant policies are:
UR3 – Local Impact of Development
D1 - General Design Considerations

Further supplementary planning guidance is contained in the adopted, Revised House Extensions Policy.

The Draft National Planning Policy Framework:
The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Ilkley Parish Council

Publicity and Number of Representations:

The application was originally publicised by neighbour notification letters with an expiry date of 15th June 2011. The original application description was "proposed pitched roof to replace existing flat roof over sun-room and modification to windows". Following a site visit it became evident that the previously approved sun room had been completely demolished in order to allow for the construction of the new extension. The description was therefore revised to "Demolition of existing extension and construction of new sun room with pitched roof", in order to accurately reflect the nature of the proposal.

It should also be noted that the original submitted drawings were not accurately to scale and therefore a full revised set of drawings drawn with an accurate scale were requested, which were received by the local planning authority on 20th July 2011.

Following the revision of the description and the submission of accurate scale drawings a further round of publicity was undertaken by neighbour notification letters. The expiry date for comments was 28th September 2011.

5 letters of objection were received in connection with the application in total, one of which was anonymous. Three of the objections submitted were from the same household. A further objection was received from a Ilkley Ward councillor who requested that the application be referred to the Keighley Area Planning Panel if recommended for approval.

Summary of Representations Received:

Material planning objections are summarised as follows:

- The extension is contrary to polices No.1 and No.5b of the Revised House Extensions Policy.
- The initial application description incorrectly described the nature of the development.
- Inappropriate design
- Inappropriate scale
- Overshadowing
- Loss of light

Consultations:

Ilkley Parish Council- Recommended approval of the application.

Summary of Main Issues:

1. Visual Amenity
2. Residential Amenity
3. Other Issues Raised by Representations

Appraisal:

Visual Amenity

In terms of materials the proposed extension is considered to be acceptable as the submitted plan indicates that the extension is constructed of blockwork render and surmounted by a tile roof in keeping with the application dwelling. The West facing elevation of the extension incorporates a large area of glazing set within a UPVC framework with bi-folding doors at the lower level and further UPVC windows within the gable above. The extension also incorporates UPVC soffits and a UPVC barge board. The proposed use of white UPVC is also considered to be acceptable as it is in keeping with the white UPVC window frames of the existing property, compliant with policy No.1 of the Revised House Extensions Policy.

In terms of its size and scale the proposed rear extension is considered to be acceptable. The submitted plan indicates that the extension has depth of 6 metres and a width of 5.8 metres with a ridge height of 4.2 metres. The extension is surmounted by a pitched roof the ridgeline of which is set down from the eaves of the host dwelling, approximately level with the sills of the first floor windows. As such the extension is considered to achieve a subordinate appearance in relation to the host property and is compliant with policies No.1 and No.2 of the Revised House Extensions Policy and Policy D1 of the Replacement Unitary Development Plan.

In terms of the design of the extension it is considered that the extensive use of glazing in the West elevation has been included with a contemporary appearance in mind. However this is slightly at odds with the thick profile of the soffits and the UPVC barge board of the extension. This is however considered to be a minor design issue and is not sufficient to warrant the refusal of the application, particularly in light of the location of the extension at the rear of the property where it does not form a prominent feature within the street scene of Beverley Rise. As such the design of the extension is considered to be acceptable and is compliant with policy D1 of the Replacement Unitary Development Plan.

Residential Amenity

In terms of its impact on residential amenity of neighbours the proposed single storey rear extension is considered to be acceptable. The submitted plan indicates that the extension has a depth of 6 metres, eaves height of 2.8 metres and a ridge height of 4.2 metres. The extension is separated from the common boundary of 40 Beverley Rise by a distance of 1 metre and from the North Elevation of the property by a further 1 metre. The rear wall of 40 Beverley Rise is setback by 2.8 metres in relation to the rear wall of the application property. However in light of the separation distances and given that the eaves height of the extension is modest the proposal is not considered to result in any adverse overbearing implications on the occupants of 40 Beverley Rise. It is noted that the roof of the extension rises to a ridge height of 4.2 metres however this is not considered to result in any adverse overbearing implications as the ridgeline of the extension is inset from the boundary of 40 Beverley Rise by a distance of 5 metres and is positioned beyond an original two storey projection at the rear of the application property.

The extension is located due North of 40 Beverley Rise and therefore no adverse overshadowing implications are foreseen.

The submitted plan indicates that the extension is separated from the common boundary of the house to the north of 36 Beverley Rise, by a distance of 7 metres. In light of the dimensions of the extension and the aforementioned separation distance no adverse overbearing or overshadowing implications are foreseen.

The extension includes a habitable room window in the North-facing elevation however as the North boundary of the site is occupied by an existing 1.8 metre close boarded timber fence no adverse overlooking implications are foreseen. To the West elevation the extension includes large glazed bi-folding doors however these look on the rear amenity space of the application dwelling which is approximately 25 metres in length. The South facing elevation of the extension does not contain any habitable room windows and therefore no adverse overlooking implications are foreseen for occupiers of 40 Beverley Rise.

In light of the above appraisal no adverse overbearing, overshadowing or overlooking implications are foreseen and the extension is therefore not considered to result in any adverse residential amenity implications. The proposal is therefore compliant with policy UR3 of the Replacement Unitary Development Plan and supplementary planning guidance contained within the Revised House Extensions Policy.

Other Issues Raised by Representations

A public comment received states that the extension is contrary to policy 5B of the Revised House Extensions Policy (1994). Policy 5B states:

“Where there is a dwelling located alongside the boundary of the property being extended then permission will not normally be granted for single storey extensions which exceed 3 metres in depth, or for two-storey extensions which project beyond a 45 degree line taken from the edge of the nearest habitable room window of any adjacent dwelling”.

In respect of single storey rear extensions policy 5B could not be rigidly applied in this case as Class A, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows for single storey extensions to be constructed up to a depth of 4 metres to the rear of detached houses without needing planning permission. It is noted that the proposed extension has a depth of 6 metres however as the above appraisal has raised no adverse visual amenity or residential amenity implications the depth of the extension is considered to be acceptable in this instance.

The second aspect of Policy 5B relates to two storey extensions to the rear of detached dwellings and is therefore not applicable in the consideration of this application.

Conclusion

For the reasons set out above the application is recommended for approval.

Community Safety Implications:

None foreseen

Reason for Granting Planning Permission:

The single storey rear extension is considered to relate satisfactorily to the character of the application dwelling and the surrounding street scene. The impact of the extension on neighbouring properties has been assessed and it is considered that it does not have any significant adverse effect upon their residential amenity. As such the extension is considered to be in accordance with policies UR3 and D1 of the Replacement Unitary

Development Plan and supplementary planning guidance contained within the Revised House Extensions Policy.

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with the approved amended plans listed below:

Drawing No.1- Existing and Part Proposed Elevations

Untitled, Unreferenced drawing- illustrating proposed elevations, sections and roof plan.

Floor Plan- Scale 1:50

Received by the Council on 20.07.2011

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

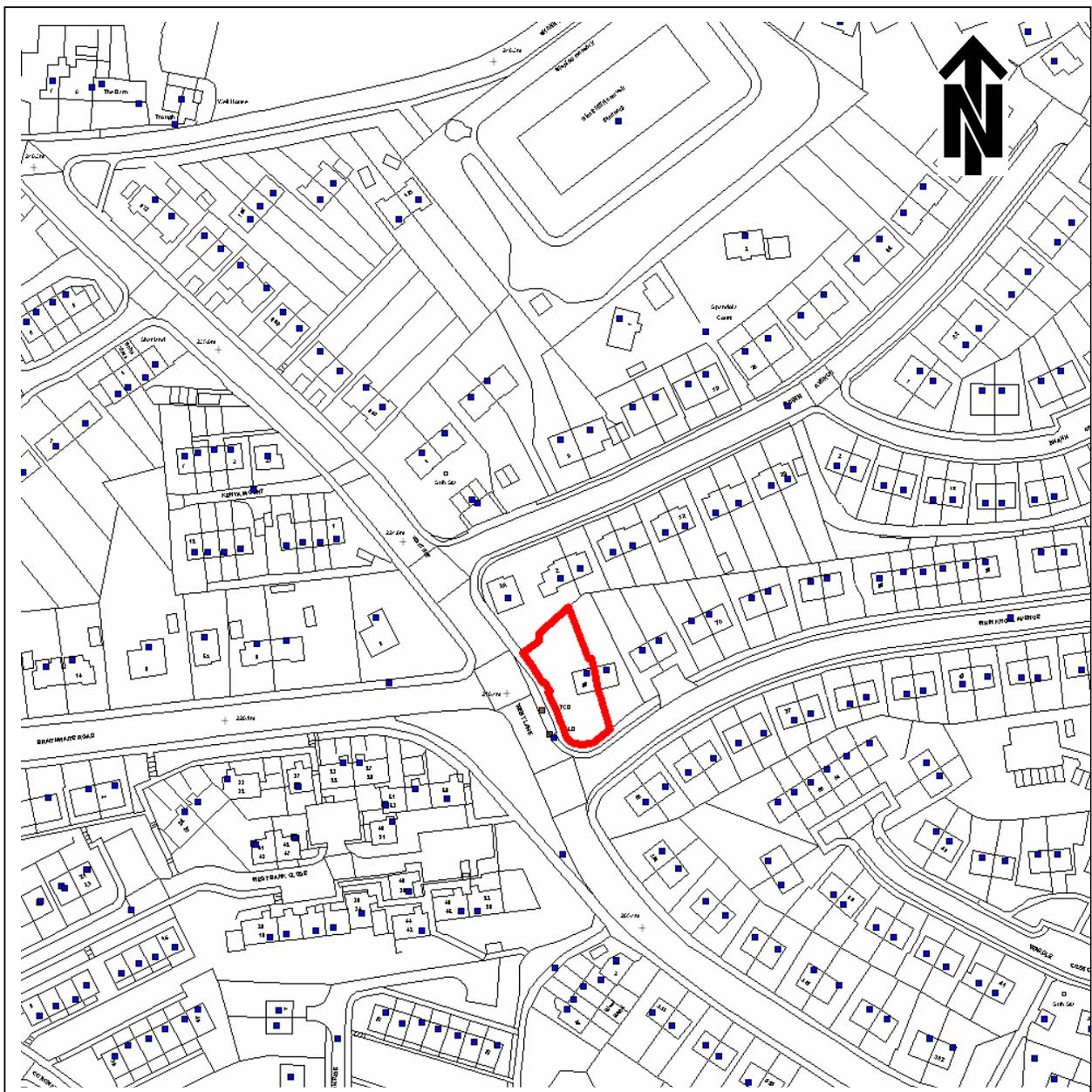
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the North or South elevations of the extension without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley)

11/04156/HOU

19 January 2012



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ITEM NO. : 2	LOCATION: 80 Whin Knoll Avenue Keighley BD21 2HX
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19 January 2012

Item Number: 2
Ward: KEIGHLEY CENTRAL
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
11/04156/HOU

Type of Application/Proposal and Address:
Householder application for proposed development at 80 Whin Knoll Avenue, Keighley BD21 2HX, comprising the construction of a single garage to the side and retention of a driveway, turning area and boundary wall.

Applicant:
Mr M Saleem

Agent:
AA Planning Services

Site Description:
The existing property is a semi detached house with a pebble dash finish situated at the junction of West Lane and Whin Knoll Avenue in a predominantly residential area of Keighley. The site slopes steeply, with the house being sited at a considerably higher level than Whin Knoll Avenue. The property is accessed by a recently built driveway to the side which leads to a paved turning area behind the house. To the front, the land has been raised and a retaining wall of artificial stone has been erected on top of the original smaller natural stone wall retaining the front garden. Within the site are two other boundary walls, built of blockwork. Surrounding residential development comprises semi detached houses of similar design and appearance. The property is not listed and is not situated within a conservation area.

Relevant Site History:
05/08044/FUL Two storey side extension and single storey rear extension GRANT
23.12.2005

09/05655/HOU Retrospective planning application for driveway and proposed garage.
REFUSED 19.01.2010

10/00448/HOU Retrospective application for driveway, boundary wall and garage REFUSED
30.03.2010

Replacement Unitary Development Plan (RUDP):
Allocation
The site is unallocated on the RUDP Proposals Map.

Proposals and Policies
Relevant policies are:
UR3 - The local impact of development
D1 – General design considerations

Additional supplementary guidance is contained in the Council's approved, revised policy documents on House Extensions.

The Draft National Planning Policy Framework:

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Keighley Town Council objects to the development on grounds of the application property being on a junction with West Lane leading to the potential for accidents when cars are entering and exiting the site, and the proposed garage being beyond the building line in West Lane.

The Town Council has asked that the application be referred to the Area Planning Panel.

Publicity and Number of Representations:

The application was publicised by letter to occupiers of adjacent premises. Expiry date for comments was the 3rd October 2011.

No representations from neighbours have been received.

Summary of Representations Received:

Not applicable.

Consultations:

Keighley Town Council (see above).

Summary of Main Issues:

- i) impact on the local environment;
- ii) impact on neighbouring occupants;
- iii) impact on highway safety.

Appraisal:

Background circumstances

The application is for retrospective permission to regularise unauthorised development at the property which is the construction of the driveway and the increased height of the wall across the front garden. It also seeks permission for a new garage behind the house which has not yet been built.

Two previous applications have been refused on the grounds that the height and materials of the wall fronting Whin Knoll Avenue, are such that it forms an obtrusive feature in the street scene and is detrimental to visual amenity. There was also concern about inadequate information on the adequacy of this wall given that it is retaining the raised ground levels. There is no information to assess whether the wall is capable of retaining the weight of earth behind it, in order to ensure that passing pedestrians and drivers are not exposed to unnecessary risk. Also there was concern about surface water run off from the drive into Whin Knoll Avenue.

A further reason for refusal was that the relative positions of the garage and turning area within the site and the size of the turning area itself are such that the turning area would be difficult to use which in turn will lead to vehicles having to reverse on to the highway at the junction of Whin Knoll Avenue and West Lane to the detriment of highway safety.

An enforcement investigation in relation to the unauthorised development has been opened and enforcement action authorised. An Enforcement Notice has not yet been served pending determination of this application.

To resolve the previous reasons for refusal, the proposals have been amended to show the garage rotated 90 degrees to ensure the rear turning area can be used to access it and make it less likely that vehicles reverse out into Whin Knoll Avenue.

To resolve the dominant appearance of the heightened wall, the retaining wall that has been erected will be remodelled so the top section is set back 1000mm into the rising ground to reduce its impact on the street scene. In this way the new wall would not act as a retaining wall and so potential danger to passers by is removed.

An additional drainage channel is shown added to the driveway to intercept and prevent excessive runoff from the drive to the highway.

The proposed garage is 3600mm in width and 5500mm in length to the north western side of the parent dwelling. There is one window proposed in the garage to the side elevation.

Impact on Local Environment:

The unauthorised retaining wall is constructed using a reasonable match of stone, or artificial stone. However its location on top of the original boundary wall creates a very oppressive feature to the street and was previously considered harmful to visual amenity. On the amended plans, it is proposed to dismantle this wall and set it back 1000mm from the front boundary to produce an arrangement of tiered walls. This will significantly lessen its impact on the street in terms of the degree of prominence.

The proposed garage will protrude beyond the side elevation of the house and the Town Council objects to this. However, being set well behind the house it will not be intrusive, and the pebbledash finish will match the parent dwelling. The dwelling to the rear, 2a Shann Avenue, is also built abutting West Lane, ensuring that the garage will not go beyond any

strong perceived building line. The amendments have ensured that the garage is now sited such that the rear turning area is more likely to be used and is not difficult to access, as was originally proposed. The garage is subordinate to the parent dwelling. The design and materials of the development are considered acceptable having regard to Policy D1 of the Replacement Unitary Development Plan.

The drive has no adverse implications for visual amenity, but in this application additional drainage has been included to reduce run off onto the public highway.

Impact on Neighbouring Occupants:

The garage would be situated at a lower level than the neighbouring garden at 2A Shann Avenue and screened by a beech hedge along the boundary. The garage roof would project above the boundary hedge but would not overshadow or be of any detriment to the outlook at this property due to the significant difference in ground levels. The window in the garage would not overlook any neighbouring properties as it looks over the driveway of the parent dwelling.

The retaining walls at the front of the property are not considered to affect any neighbours.

The proposal has been carefully assessed and is considered acceptable and would not have any significant impact the amenity of the occupants of neighbouring dwellings.

Impact on Highway Safety:

The new drive has been formed at the junction of Whin Knoll Avenue and West Lane. It is acknowledged that the position of the drive on the junction is not ideal. However, it would serve only one dwelling and in considering previous applications, the main concern was the prospect of vehicles reversing on to the highway at the junction. If vehicles are able to exit in forward gear, potential for accidents would be lessened.

To address this, the position of the garage has been amended to ensure that vehicles using the garage also have full use of the rear turning area, ensuring that vehicles can access and leave the site in a forward gear. The front retaining wall has also been set back 1000mm to increase visibility also reducing the degree of detriment to highway safety.

Adequate space is being retained on site for the parking of at least 3 vehicles clear of the street which would exceed normal requirements for this type of family property.

It is considered that the proposal addresses safety concerns given that it is a domestic drive to just one house.

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.

Reason for Granting Planning Permission:

The proposed development, as amended and subject to appropriate conditions, would relate satisfactorily to the character of the existing dwelling, adjacent properties, and the wider vicinity. The impact of the development upon the occupiers of neighbouring properties has been assessed and it is considered that there would be no significant adverse impact on their residential amenity. Nor would the development result in any unacceptable highway or pedestrian safety issues. The development is therefore considered to comply with Policies

UR3 and D1 of the Replacement Unitary Development Plan and the Supplementary Planning Guidance contained within the Council's Revised House Extension Policy.

Conditions of Approval:

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

Existing and proposed plans and elevations and location plan, drawing number 01 of 02, amendment dated 21.10.11
Proposed wall elevations, drawing number 02 of 02, dated 21.10.11.
Received by the Council on 26 October 2011

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The extension hereby approved shall only be carried out in accordance with the amended plan received by the Council on 26 October 2011 showing the garage orientated with the doors facing the rear turning area, the retaining wall set back 1000mm from the boundary of the property and two land drains in the driveway.

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

4. The land drain shown on the amended plan and measures to intercept surface water run off from the drive shall be installed within 3 months of the date of this permission unless the Local Planning Authority has agreed an alternative timetable for implementation in writing.

Reason : To prevent surface water run off to Whin Knoll Avenue in the interests of highway safety and flood prevention, and to accord with Policies TM19A and NR16 of the Replacement Unitary Development Plan.

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

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