

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 18 September 2019

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	7 Westcliffe Avenue Baildon West Yorkshire BD17 5AD - 19/01546/FUL [Approve]	Baildon
B.	78 Bradford Road Shipley West Yorkshire BD18 3DL - 19/02972/HOU [Approve]	Shipley
C.	9 Yew Croft Kings Road Ilkley West Yorkshire LS29 9AF - 19/02425/VOC [Approve]	Ilkley
D.	96 Kings Road Ilkley West Yorkshire LS29 9BZ - 19/02147/HOU [Approve]	Ilkley
E.	Keepers Barn Ridge Lane Silsden West Yorkshire BD20 9JD - 19/01774/HOU [Approve]	Craven
F.	Airedale Barn Bradford Road Sandbeds Keighley West Yorkshire BD20 5NP - 19/02954/FUL [Refuse]	Keighley East

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

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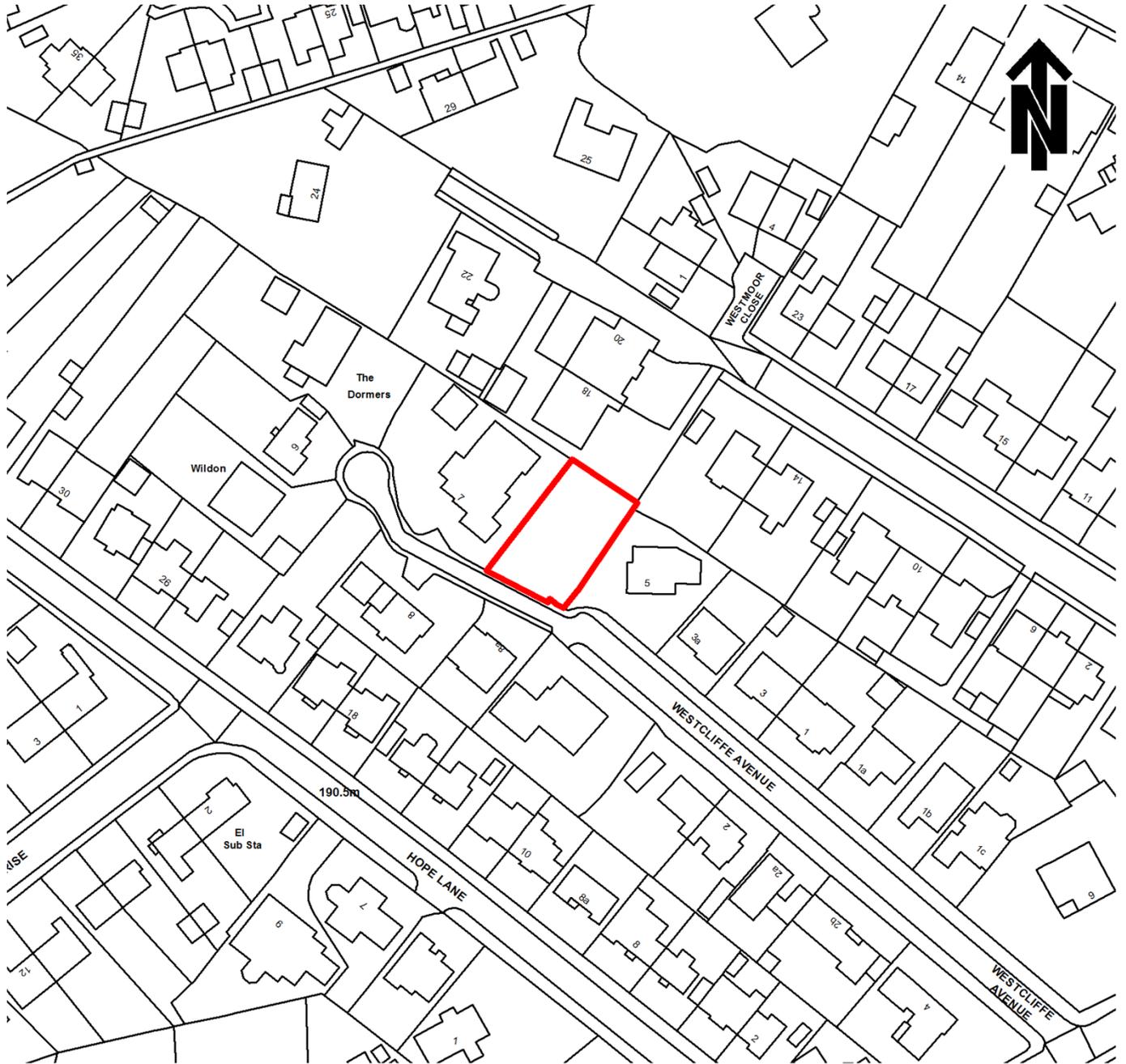
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

19/01546/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**7 Westcliffe Avenue
Baildon
BD17 5AD**

18 September 2019

Item: A
Ward: BAILDON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/01546/FUL

Type of Application/Proposal and Address:

Full application for construction of a two storey detached dwelling on land at 7 Westcliffe Avenue, Baildon, BD17 5AD.

Applicant:
Mr Ken Miller

Agent:
NCA Associates Ltd

Site Description:

No 7 Westcliffe Avenue is a split level detached bungalow dating from the 1930s and constructed with a white rendered finish. It is located towards the head of a residential cul de sac leading off West Lane. Land levels rise towards the head of the cul de sac and consequently No 7 is set at a higher level relative to No 5 which is a two storey house to the east. The width of the cul de sac narrows at this point. There is a mix of housing styles along Westcliffe Avenue which has been subjected to infill development over the years. Most recently there has been the construction of a detached 2 storey dwelling at 8A Westcliffe Avenue across the road. The land proposed for development of the house comprises a large, level side garden set at a lower level relative to the existing property.

Relevant Site History:

11/01241/FUL: Detached dormer bungalow and garage. Approved 6.5.2011
08/06767/OUT: Detached house Application was withdrawn 12.2.2009

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan Allocation:

The site is not allocated for any specific land-use in the RUDP.

Core Strategy Policies

The Council adopted the Core Strategy on 18 July 2017 and so policies contained within it now carry significant weight. The following Core Strategy Policies are relevant to the consideration of this application:

- DS1 - Achieving Good Design
- DS3 - Urban character
- DS4 - Streets and Movement
- DS5 - Safe and Inclusive Places
- HO5 - Density of Housing Schemes
- HO6 - Maximising use of Previously Developed Land
- SC9 - Making Great Places
- TR2 - Parking Policy
- HO9 - Housing Quality

Parish Council:

Baildon Town Council says it has no comments to make.

Publicity and Number of Representations:

7 individual objections received (from five neighbouring households).

Summary of Representations Received:

1. The development will overshadow and overlook neighbouring properties especially No 5 Westcliffe Avenue given that this house is at a lower level than the site.
2. Access problems may occur as the upper end of Westcliffe Avenue is overcrowded as the road narrows at this point.
3. Garden infills should be kept to a minimum to protect wildlife and for future generations.
4. The road is unsuited for additional construction traffic.
5. The build is close to the neighbouring boundary and could result in structural issues.
6. Loss of view and outlook from the neighbours at No 8A on the opposite side of the road.
7. Overlooking to neighbouring properties and gardens to the rear.
8. The build could disturb residents who work irregular shift patterns.
9. Development could affect local surface water drainage.
10. Proposed property is out of scale with neighbouring developments.

Consultations:

Drainage Section - No objections raised but if it is the intention to dispose of surface water using soakaways the developer should provide the results of percolation tests and subsequent design details (in accordance with Building Research Establishment Digest No 365), to this council for comment, prior to surface water drainage works commencing on site.

Summary of Main Issues:

Background and principle of development
Design and impacts on visual amenity
Effects on the amenities of occupiers of adjacent land
Highway safety/car parking
Other Matters Raised by Representations

Appraisal:

Background and principle of development

Although private residential gardens are not within the definition of previously developed land, the NPPF places great emphasis on delivering more land for housing and infill development within established residential areas will be an acceptable source of such land providing that the development of such sites does not harm the character of those established residential areas. Such sites will often be in sustainable locations with good access to existing local facilities. Indeed, there is a long history of infill developments along Westcliffe Avenue, and a variety of house styles, materials and ages of property are in evidence.

In principle, therefore, construction of an appropriately detailed and scaled new dwelling on this garden plot would not have an adverse impact on the character or appearance of the immediate locality. Most importantly, planning permission has been previously granted for a detached dormer bungalow on the plot (11/01241/FUL). Although this 3 year permission has now lapsed there have been no material changes in circumstances or policies to warrant an alternative view and the applicant sought pre-application advice, the officer response to which broadly supported the principle of limited housing development provided that any scheme did not have an adverse impact on the amenities of near neighbours.

Although objections are raised regarding loss of space for wildlife, the site is a conventional lawn, it has no protective designations and there is no evidence of any intrinsic value for biodiversity.

Design and impacts on visual amenity

The proposal is for a detached 4-bedroom dwelling with an integral garage. The house would be a conventional two storeys in height – rising to a ridge set 8.3 metres above the ground level.

The previous permission 11/001241/FUL approved a lower dormer bungalow, of around 6 metres in height, but this alternative development would also be acceptable. The size of the plot allocated to the new house is commensurate with the plots of neighbouring dwellings and so the proposed two storey dwelling could be comfortably accommodated within this infill plot without causing material harm to local character.

The dwelling design and appearance and the use of an off-white rendered finish and grey coloured roofing tiles are all considered acceptable given the mixed variety of suburban house styles along the cul de sac. Use of an off white render would harmonise with the two dwellings to either side. It is intended to retain the existing dense hedge to the side boundary with No 5 which will assist in providing a mature landscaped setting for the new development.

Design, form, scale and materials are all compatible with the area and there will be no conflict with design policies DS1, DS2, DS3 or SC9 of the Core Strategy Development Plan Document.

Effects on the amenities of occupiers of adjacent land

The main issue for officers has been about the impact of the proposed dwelling on the amenity of the two adjacent neighbours. It is recognised that because of the land levels, the proposed house would be set above the ground level of No 5 Westcliffe Avenue. But this is also a two storey house and the submitted section drawing illustrates that whilst the proposed new dwelling will stand above its level, it will form a natural progression of buildings stepping down along the slope of the cul de sac.

The ridge of the existing house is 198.02 AOD; the proposed house ridge will be at 197.92 AOD and the neighbouring dwelling at No 5 is 195.04 AOD. These variations reflect the sloping nature of the cul de sac and the existing stepped arrangement of roof lines along the cul-de-sac would be maintained by this additional infill development.

The submitted sections indicate a comfortable relationship to the split level bungalow at No 7 Westcliffe Avenue. The proposed dwelling would not cause any significant dominance, overshadowing, overlooking or loss of amenity for existing and future residents of that property. The submitted section drawing shows that a 25 degree line can be drawn from the habitable windows in the facing side of this bungalow indicating that this side should not suffer a significant loss of light/ outlook. The new dwelling will not have any habitable windows in its side facing future occupiers of No 7 which would also retain sufficient amenity/garden space for its future occupiers.

A revised section drawing has been submitted to show that the dwelling would similarly not impinge on a 25 degree line when drawn from the mid-point of the facing first floor windows in the neighbouring two storey house at No 5 Westcliffe Avenue. This dwelling is set at a lower level relative to the site but these windows are partly screened by the dense hedge along the joint boundary. Although the new dwelling would be visible from these windows it is not considered that it would appear unduly dominant, or overshadow or materially be harmful to the outlook from this neighbouring dwelling.

The proposal also meets the spacing standards as set out in the Householder SPD as regards distances to plot boundaries. There is 7m retained between the rear elevation and the boundary to a neighbouring garden to 18 Westmoor Avenue and in excess of 17m between the front-facing windows and those to No. 8A Westcliffe Avenue on the opposite side of the road.

A refusal on grounds of loss of amenity through overlooking could not therefore be upheld. It would, however, be prudent to remove permitted development rights (1) for Part 1, Class A to E enlargements and alterations and (2) to remove permitted development rights to subsequently introduce windows to the two side elevations - in the interests of the amenity and privacy of existing residents. It is relevant that these conditions were imposed on the 2011 permission.

Subject to this, the proposed development would accord with Policy DS5.

Highway Safety and car parking

Although located on a narrow cul de sac, adequate space can be provided within the site for 2 vehicles to be parked, and turn, clear of the highway and Highway Officers previously raised no objection to the formation of a new access onto the highway when the previous application was approved in 2011. Although the carriageway narrows beyond No 7 towards the head of the cul-de-sac, traffic speeds and vehicle movements along the length of Westcliffe Avenue are generally low. No conflict with Policy DS4 or TR2 of the Core Strategy Development Plan Document is envisaged.

Drainage

The application form indicates an intention to connect foul and surface water to the exiting mains in the street. The Council's Drainage team has flagged up requirements should soakaways be used for surface water disposal but are satisfied that issues as to surface water drainage can be adequately dealt with by a condition reserving such details for subsequent agreement.

Consideration of other representations

As discussed above, the proposed dwelling would meet the Council's spacing standards in terms of separation distances between habitable room windows of existing dwellings neighbouring the plot.

The formation of a new residential unit is unlikely to give rise to conditions that would be severely prejudicial to pedestrian and highway safety and it is noted that planning permission for a dwelling on this site has been previously approved without any highway objections.

It is acknowledged that there may be some disturbance during any construction project however this is likely to be of a limited duration. The LPA is mindful of the fact that residents have been subjected to recent building works on neighbouring plots however this would not constitute a material planning reason to withhold consent for this scheme.

It is acknowledged that gardens have been removed from the definition of previously developed land but this does not mean that the development of garden plots is unacceptable in principle. There are no protective ecology or heritage designations relevant to the site. The size of the plot is similar to others on Westcliffe Avenue and this street has a history of garden infill development. The character of the local area should not therefore be compromised by this proposal.

Community Safety Implications:

None apparent.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission

Planning permission has been previously granted on the site for residential development and there have been no material changes in circumstances or planning policy considerations. The proposed development would result in the creation of an additional dwelling in an established residential area which would add to the local housing stock without having an adverse impact on local character, highway safety, biodiversity, or the amenities of neighbouring residents. The proposal is considered to accord with relevant Policies DS1, DS3, DS4, DS5, HO5, HO6, SC9 and TR2 of the Council's adopted Core Strategy Development Plan Document.

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 permitted shall be constructed using external facing and roofing materials as specified on the hereby approved drawing number 03C received by the Local Planning Authority on 8.4.2019.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

3. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced with a porous material and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

4. Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved by the local planning authority.

These details shall be based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce the development's effect on the water environment. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate to be agreed with the Lead Local Flood Authority.

The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no alterations comprising the addition of further windows, including dormer windows, or other openings shall subsequently be formed in the side elevations or roof planes of the dwelling hereby permitted without the express written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

19/02972/HOU



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78 Bradford Road
ShIPLEY
BD18 3DL

18 September 2019

Item: B
Ward: SHIPLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/02972/HOU

Type of Application/Proposal and Address:

Householder Application for proposed front and rear dormer windows, with a part two and single storey rear extension at 78 Bradford Road, Shipley, BD18 3DL.

Applicant:
Mr Hamid Farooq

Agent:
Mr Jeff Redmile

Site Description:

The application property is a natural stone built, mid-terraced dwelling, with a slate tiled roof and white upvc windows. The property has an existing small dormer window on the front. The dwelling is part of a row of terraced houses many which already have flat roof box style front and rear dormer windows. The row of houses includes a small hotel and it faces onto the busy main Bradford Road (A650). An unnamed service road is situated behind the terrace. The site is not located within a conservation area (Article 2 (3) land), nor is it a listed building. There are no listed buildings or other heritage assets within the vicinity that would be affected by the proposal.

Relevant Site History:

19/03415/PNH – Prior notification application for a single storey rear extension. Pending consideration as of Thurs 22nd August 2019

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design

DS3 – Urban Character

DS5 – Safe & Inclusive Places

SPD08 – Householder Supplementary Planning Document

Parish Council:

None

Publicity and Number of Representations:

The application was advertised via neighbour notification letters to adjoining neighbouring premises.

11 Objection Comments received, including from a Ward Councillor.

Summary of Representations Received:

1. Proposal is inconsiderate to heritage and the terraced look of the properties and inconsiderate to the neighbouring properties.
2. Single storey rear extension will cause loss of light and rear extensions will not be subservient to the house. Extension will look “incongruous”. Proposal will have unsympathetic and dominating extension, too deep and too wide.
3. Dormers are too large and will overbear on rest of the terrace. Also requested application is referred to panel.
4. Concerned work has already started and application will cause “mayhem”.
5. The front dormer should be pitched rear dormer too big and dormer windows out of character with this Victorian terrace.
6. Concerns that the dwelling is intended to be used for multiple flats or bedsits by the applicant. Various concerns relating to this potential change of use being noise pollution, parking, what kind of people will be moving in etc.
7. Lack of parking is the main concern and also concerned that development will allow property to become a bedsit.
8. Rights to air are breached.
9. Extension will touch the boundary wall, is too dominant and will overbear,
10. Rear dormer “defies all regulations”. Harm to Victorian Terrace and extension should not be full width.

The Ward Councillor refers the application to panel for determination.

Consultations:

None deemed necessary.

Summary of Main Issues:

Impact on Local Environment
Impact on Neighbouring Occupants
Impact on Highway Safety
Other Planning Matters Raised

Appraisal:

Procedural matter

Since the proposal was received on 12 July 2019 amendments have been made to the proposal with revised plans submitted on 20 August 2019. These are in response to some of the objections received. The revised plans reduce the width of the single storey and first floor extensions at the rear of the house so that they will not encroach onto the adjoining neighbour's (No 80 Bradford Road) land.

Design/Impact on Local Environment:

Front dormer

The proposed front dormer window enlarges the width of the existing dormer but its dimensions will still comply with the design guidance in the Council's Householder Supplementary Planning Document. The proposed front dormer window will measure an acceptable 3.00 metres in width and will be situated 0.80 metres from the boundary of the roof on either side. The front dormer will also be positioned back from the eaves and down from the ridge of the host dwellings roof. The sides will be faced in matching slate materials, with no cladding visible from the principal elevation.

The proposed front dormer will represent a satisfactory addition to the host dwelling and will not represent a visually harmful feature.

Several objection comments have raised concerns regarding the front dormer window, stating discontent with its size and impact on the heritage of the terraced street. As previously noted, the application site is not within a conservation area, nor is it a listed building. Therefore there are no material considerations regarding the impact on heritage or the historic environment.

The front dormer accords with adopted design guidance and there is no need for it front to have a pitched roof or be reduced in width. There are several flat roof box style front dormer windows already present on this street, including one at No.80 Bradford Road. The proposed front dormer window complies perfectly with all the relevant design guidance and design policies DS1 and DS3. It will not appear as prominent or visually intrusive on the roofline of this building.

Rear dormer

The rear dormer window, as a roof enlargement, would actually benefit from permitted development rights under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. So whilst neighbour objections that this dormer would be contrary to design guidance due to its width are understood, the dormer window can be lawfully constructed without the requirement of planning permission.

Rear extension

The proposed rear extension is mostly single storey but above the ground floor part, the applicant proposes to build outwards by 1.2 metres from the back wall of the house to create an extension at 1st floor level.

The proposed extension will be constructed of matching walling and roofing materials, with a lean-to pitched roof. The extension will have a window and door that align with those on the first floor above.

The ground floor part of the rear extension would measure project outwards by 3.00 metres, the width is 4.60 metres, height to Eaves - 2.50 metres, height to Ridge - 3.50 metres.

The proposed single storey rear extension will appear as a sympathetic and subordinate addition to the host dwelling. It is also worth noting that there are rear extensions and protruding rear features on two other properties along this row of terraced houses.

The proposed part first floor rear extension will measure: Depth – 1.20 metres, Width – 4.60 metres. This part would also be constructed of matching walling and roofing materials, with a lean to pitched roof that continues from the pitch of the existing roofline. The extension will have two windows that align with those on the ground floor below.

The first floor part of the extension would also appear as a subordinate addition to the host dwelling. Although the extension will be visible from public view, it is not considered it will appear as visually prominent or incongruous.

Although many of the objections have raised concerns over the design and appearance of the rear extensions; stating that this feature will appear as “dominant”, “oversized” and “unsympathetic”. The extensions subservient in scale and are appropriately designed. The rear extensions allow improved accommodation whilst not appearing visually prominent. The proposed rear extensions will not present any harm to the visual amenity of the local environment. The proposal will comply with policies DS1 and DS3 of the Core Strategy Development Plan Document and the adopted Householder SPD.

Impact on Neighbouring Occupants:

The front dormer window will not result in any direct overlooking of neighbouring habitable room windows or private external amenity space and it would replicate a relationship common within the street scene. The front dormer window will have a relationship that is identical to the nine front dormer windows already present on this row of houses.

As noted above the rear dormer window can be constructed without prior approval, so a refusal based on any impact of this dormer window would serve little purpose. Notwithstanding, it is not anticipated that the dormer window represents a significant threat to neighbouring amenity, and there are many similar dormer windows within the locality.

The proposed single storey rear extension will measure 3.00m in depth which complies with Householder SPD design guidance relating to the normally acceptable depth of extensions to terraced and semi-detached dwellings. The extension will not have any significant overbearing impact on the neighbouring properties due to this. The proposed extension will not have any side windows or windows that will face directly onto any habitable room windows on neighbouring properties, therefore there is not potential for overlooking at close quarters or loss of privacy.

The proposed first floor part of the rear extension will only extend 1.20 metres in depth. Due to this modest size, there will be no overshadowing or loss of light caused to windows in the adjoining neighbouring properties. Assessed against Householder SPD guidance, the first floor extension will not impinge on a 45 degree angle line drawn from the nearest habitable first floor window in the adjoining neighbouring properties. The 1st floor extension will also not have any side windows or windows that will face directly onto any habitable room windows on neighbouring properties, therefore there is not potential for overlooking at close quarters or loss of privacy.

The proposal will not cause any significant harm to the residential amenity of the neighbouring occupants. The proposal will comply with policy DS5 of the Core Strategy Development Plan Document and the adopted Householder SPD.

Impact on Highway Safety:

A number of objectors have also raised concerns about parking provision, some of these stemming from the concern (discussed below) that the property will become bedsits or be used for multiple occupancy flats. However, there are no changes to existing parking and there is no evidence that the proposed dormers and relatively modest extensions would have an impact on the use of the service road that runs behind the row of terraced houses. Therefore, the proposal has no adverse impact on highway safety.

Other Planning Matters:

As stated above, comments regarding the extensions encroaching onto adjoining properties has been addressed by amended drawings.

There have been several comments from the objectors implying that the application dwelling is intended to be used as bedsits or multiple occupancy flats and that disruption and nuisance and parking problems will result from such a change of use.

However, this is not reflected in the drawings which show a conventional family house layout. The application is submitted as a householder one - for the extension and alteration of a single dwelling house, and no application has been submitted for a change of use.

Therefore this application can only be assessed as such, not considering the speculated proposed use of the extended dwelling. If the applicant wants to use the property as bedsits or as multiple flats, this would amount to a material change of use that will need a separate permission and which would be subject to possible enforcement action should an unauthorised change of use actually occur.

Although several objectors refer to the proposals being contrary to the heritage of the Victorian terrace, the terrace is not protected by any heritage designations. As noted above, the design and proportions of the dormers and rear extensions accord with normal design guidance in the adopted Householder SPD.

The potential for disruption caused to the adjoining neighbouring properties through the construction process is raised in objections. All property improvement work, including improvements to houses that do not need planning permission, has potential to create some disruption but this issue is better addressed through more relevant legislation and is not a material planning consideration.

Community Safety Implications:

The proposal has no community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission

The proposed dormer windows and part two and single storey rear extension will not represent any harm to the visual amenity of the local environment. Furthermore the enlarged parts of the dwelling will pose no significant threat to the residential amenity of the neighbouring occupants. The proposal complies with policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document and the adopted Householder Supplementary Planning Document. The Local Planning Authority recommends this application for approval.

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. Notwithstanding details shown on the approved drawings the dormer cheeks and non-glazed sections of the face of the rear dormer window shall be clad using vertically hung slates of similar colour and finish to the existing roof slates.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 of DS3 of the Core Strategy Development Plan Document

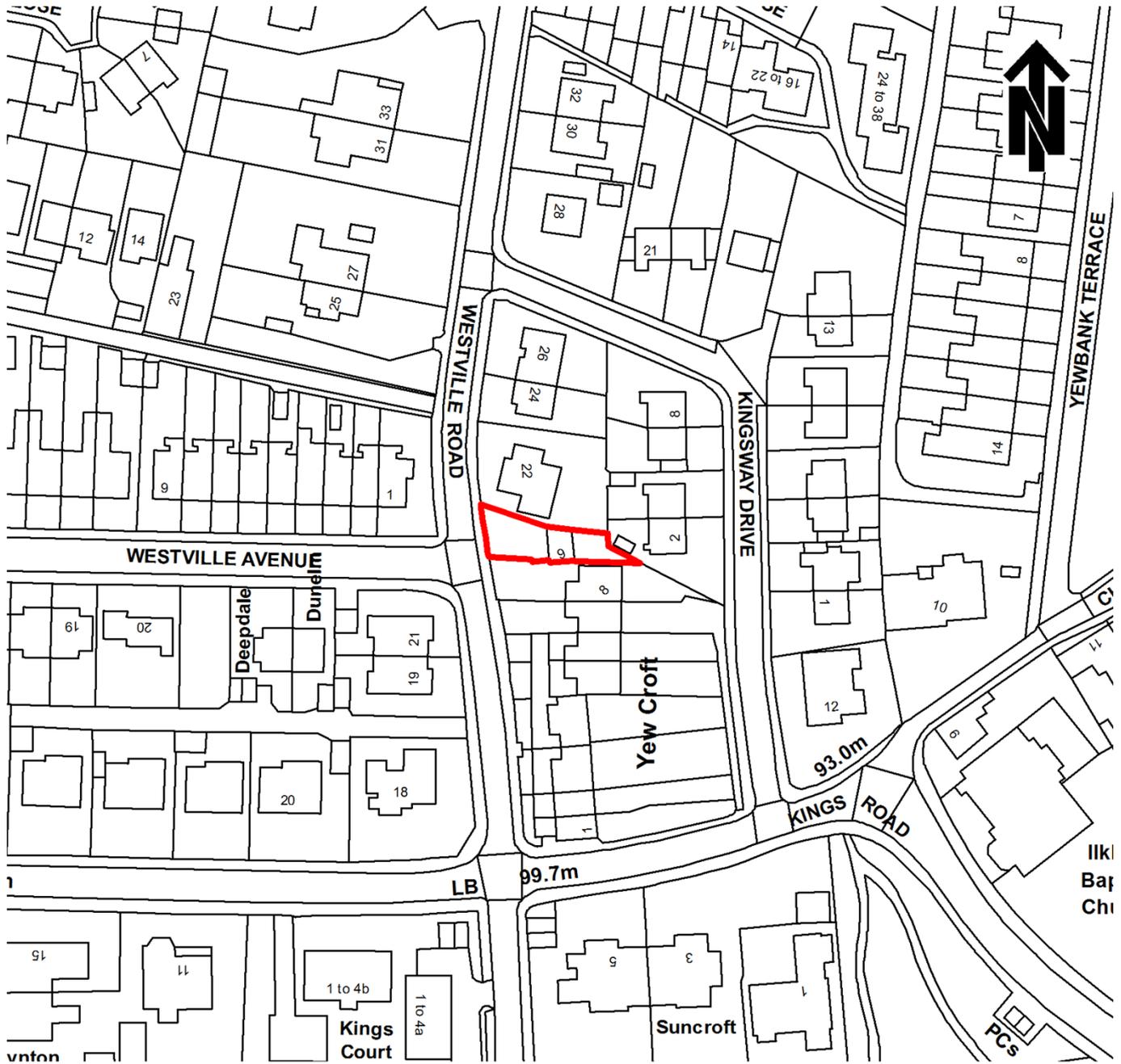
3. The development hereby permitted shall be constructed using external facing and roofing materials to match the existing building as is specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

19/02425/VOC



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9 Yew Croft
Kings Road
Ilkley LS29 9AF

18 September 2019

Item: C

Ward: ILKLEY

Recommendation:

TO GRANT PERMISSION FOR A VARIATION TO CONDITION 3 OF PERMISSION 19/01082/HOU

Application Number:

19/02425/VOC

Type of Application/Proposal and Address:

A Variation of Condition application in respect of Condition 3 of permission 19/01082/HOU.

The amendment is to allow a lower cill height for two windows at second floor level on the side elevations of the approved extension at 9 Yew Croft, Kings Road, Ilkley, LS29 9AF.

Applicant:

Mr Timothy Holmes

Agent:

Mr Brian Soppitt

Site Description:

9 Yew Croft is an unusual three storey detached house between Westville Road and Kingsway Drive, a short distance west of Ilkley town centre. The existing building appears to be earlier than the surrounding properties, it has traditional features such as slate roof, some stone elevations, but a quirky form in relation to the surrounding buildings. Despite some unsympathetic alterations, the house still makes an interesting contribution to the street scene and the setting of the Ilkley Conservation Area, the boundary of which abuts the site.

Relevant Site History:

19/01082/HOU: Extension and refurbishment of a three storey dwelling with basement. Granted - 06.05.2019

18/01286/FUL: Demolition of an existing three storey detached dwelling with basement and construction of a new dwelling. Withdrawn - 24.05.2018

11/01221/HOU: Rear extension. Granted - 16.05.2011

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework was updated in February 2019 and is a material planning consideration on any development proposal. It says the purpose of the planning system is to contribute to the achievement of sustainable development, explaining that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

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

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents.

The site is un-allocated in the Replacement Unitary Development Plan. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS5 - Safe and Inclusive Places

EN3 - Historic Environment

Parish Council:

Ilkley Parish Council recommends an approval.

Publicity and Number of Representations:

Neighbour notification letters advertised. The publicity expired on 27th June 2019.

6 letters of objection have been received.

Summary of Representations Received:

The concerns raised by neighbouring occupants are with regard to the increased ability to overlook from a window with a lower cill toward the garden area. This would result in loss of privacy to an area used by occupants.

Objectors see no reason why the existing condition should be altered as it was added to prevent overlooking.

Consultations:

None deemed necessary.

Summary of Main Issues:

1. Background
2. Proposal explained
3. Impacts on residential amenity
4. Impact setting of the Ilkley Conservation Area

Appraisal:

1. Background

In 2018, an application (18/01286/FUL) proposed demolition and rebuilding of 9 Yew Croft. This was strongly opposed by neighbours, Ilkley Parish Council, Civic Society and Ward Councillors. There were strong calls for the retention of the existing building. After negotiation with officers, and in the light of the objections, the owner withdrew the 2018 application.

A new scheme for the extension and refurbishment of the three storey dwelling was subsequently submitted in 2019. This application (19/01082/HOU) was approved under officer delegated powers. The approved scheme involved the adaptation of the existing house to provide a three bedroom dwelling over the three floors. To improve the layout at each level, an enlargement was proposed projecting out towards Westville Road. This cleverly designed projection included a contemporary flat roofed extension at ground floor level to accommodate an integrated Kitchen/Dining/Living space. Above the contemporary ground floor part, a more conventional looking extension was proposed to allow for two larger bedrooms to be created at 1st and 2nd floor levels.

The approved plans indicated two windows to the side elevations of the extension at second floor level, both serving Bedroom 2. The height of the cill level of these windows measured 1.7metres when scaled on the plan. Read in combination with the accompanying Design and Access Statement which stated that: 'the profile of the existing roof and the inset of the extension from the neighbouring boundaries prevents overlooking from the high cilled windows set between the two roof slopes'. The case officer assumed that this implied that the windows serving this room would be high cilled – at 1.7 metres. A standard condition (Condition 3 of the permission) was therefore imposed to require that the cill level of the windows remained at the height that had been scaled off the drawing.

Condition 3 says:

"The windows in the side elevation of the dwelling serving bedroom 2 on plan TH/26 hereby permitted shall be installed such that there is a minimum internal sill height above finished floor level of 1.7 metres.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy DS5 of the Core Strategy Development Plan Document."

2. The Proposal

Following the planning approval, it has come to light that the agent's plans had been distorted during the scanning process and the reference to the "high cill" in the Design and Access Statement referred to a cill level at a height 1.2 metres as opposed to a more standard cill of 900mm. The agent is unhappy with the requirement of Condition 3 for a higher cill height because setting the cill at 1.7 metres above floor level would not give the bedroom a very pleasant outlook or provide good standards of amenity for future occupiers.

This request has therefore been submitted to vary the condition to allow the side windows to have a cill height at 1.2 metres. The architect says this is what his design for the interior had always envisaged.

Externally, there will be no changes to appearance arising from the requested variation since the error is due to a plan distortion/scaling error. Therefore the only matter for consideration is the impact on neighbouring amenity as a result of a lower cill height.

3. Impacts on residential amenity:

The windows in question look northwards towards a bungalow at 22 Westville Road and southwards onto the front garden of an end terraced house – 8 Yewcroft.

Views from the window facing north towards 22 Westville Road would be towards the rooftop of this property and the views would be on an angle toward the front garden area which faces onto and is visible from Westville Road. The side wall of the approved extension is set inside the site, 1.5 metres from the side wall of the existing dwelling which will restrict views eastward from the window toward the private garden area. It is therefore not considered that a 1.2 metre cill height as opposed to 1.7 metres would compromise the privacy of occupiers of 22 Westville Road.

South of the site is a row of terraced properties along Yew Croft located between Kingsway Drive and Westville Road. A small access track west of the dwellings called 'Yew Croft' provides a pedestrian access point for properties 1-7 Yew Croft. The garden areas west of these properties therefore have limited levels of private amenity space. 8 Yew Croft, the end terrace adjoining the application property does not benefit from this access track and the garden of this property extends all the way up to Westville Road.

The wall of the approved extension is again set inside the plot - 1.5 metres from the main side wall of the house. This would restrict opportunities for views from the bedroom back towards windows in 8 Yew Croft and its most immediate private amenity area. A lower cill level would allow some views toward the western part the garden, but the application dwelling already has two existing windows in the south gable elevation facing the garden of 8 Yew Croft. Therefore there is already a degree of overlooking possible from 9 Yew Croft.

The agent contends that the degree of overlooking from the window in the extension will not be any greater than that which is currently possible and the design of the windows with the low rising roof and the cill level at 1.2 metres, which is higher than a more conventional cill height (approx. 90cm), is as such that amenity of the neighbouring occupants will not be so severely compromised.

Given the constraints at the site and efforts to design an extension to meet the needs of the occupants and overcome the concerns previously raised with the full demolition of 9 Yew Croft, the windows proposed to this relatively small room would significantly help to improve the living conditions for the person(s) using the room, not least by allowing a greater level of light and outlook. The standard of amenity of future inhabitants of 9 Yew Croft is also an important material consideration.

Having reviewed all the circumstances and taking on board the layout of the site and the existing relationship between the application dwelling and neighbouring properties, it is considered that the lowering of the cill of the windows in bedroom 2 to a height of 1.2 metres would not result in such a significant degree of overlooking, above and beyond the existing circumstances. On this basis, a variation of the condition 3 to permit the lower cill level originally intended by the architect can be supported. It would satisfy the requirements of policy DS5 of the Core Strategy Development Plan as regards maintaining standards of amenity for existing and future occupiers.

4. Impact on setting of the Ilkley Conservation Area:

The site abuts the Ilkley Conservation Area. The proposal must therefore be assessed against the Council's duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 in relation to preserving or enhancing the character or appearance of the conservation area – including its setting. The impact from the extension and alterations of 9 Yew Croft on the setting of the conservation area was carefully considered in the previous application. The issues arising from this VOC application arise as a result of a distorted plan and there will be no changes to the approved elevation drawings. Consequently, the proposal put forward in this application will have no impact, at all, on the setting of the Ilkley Conservation Area.

There is no conflict with policy EN3 of the Core Strategy Development Plan, or NPPF objectives in relation to the setting of heritage assets. The proposal continues to accord with the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The site abuts the Ilkley Conservation Area. The proposal must therefore be assessed against the Council's duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 in relation to preserving or enhancing the character or appearance of the conservation area – including its setting. The impact from the extension and alterations of 9 Yew Croft on the setting of the conservation area was carefully considered in the previous application. The issues arising from this VOC application arise as a result of a distorted plan and there will be no changes to the approved elevation drawings. Consequently, the proposal put forward in this application will have no impact, at all, on the setting of the Ilkley Conservation Area.

There is no conflict with policy EN3 of the Core Strategy Development Plan, or NPPF objectives in relation to the setting of heritage assets. The proposal continues to accord with the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission

A reduction of the cill height of the windows located in the side elevation of Bedroom 2 will not materially harm the amenity of the two neighbouring occupants. The view from these windows would not face directly toward the windows in the neighbouring properties or their most immediate private amenity space. Where direct overlooking toward the garden areas can be obtained, in particular toward 8 Yew Croft, the degree of overlooking is not any greater than can currently be achieved from the existing side gable windows. It is therefore considered that the proposal complies with the relevant policies of the Core Strategy Development Plan Document.

Conditions of Approval: Condition 3 varied to say:

The windows in the side elevation of the dwelling serving bedroom 2 hereby permitted shall be installed such that there is a minimum internal cill height above finished floor level of 1.2 metres.

Reason: To limit an excessive increase in overlooking of adjacent properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

All other conditions from the original planning approval are also required to be added to the 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 permitted shall be constructed using external facing and roofing materials as specified on the hereby approved drawing number TH/30 dated December 2018 on approved application 19/01082/HOU.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

3. Notwithstanding the details shown, the windows on the side elevations (north and south) of the Oriel window which is to be located on the east elevation of the dwelling hereby approved shall be glazed in obscure glass. Thereafter, these windows shall be retained with obscure glazing.

Reason: To prevent overlooking and loss of privacy to occupiers of adjacent properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

4. All new areas of hardstanding within the site shall be formed using porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the dwelling, and the surfaces shall thereafter be retained in this form as long as the additional dwelling is in use.

Reason: In the interests of securing satisfactory sustainable drainage and to accord with Policy EN7 of the Core Strategy Development Plan Document.

5. The works to the boundary wall hereby permitted shall be constructed using natural stone facing materials that shall be sized and coursed to match the stonework of the existing building.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

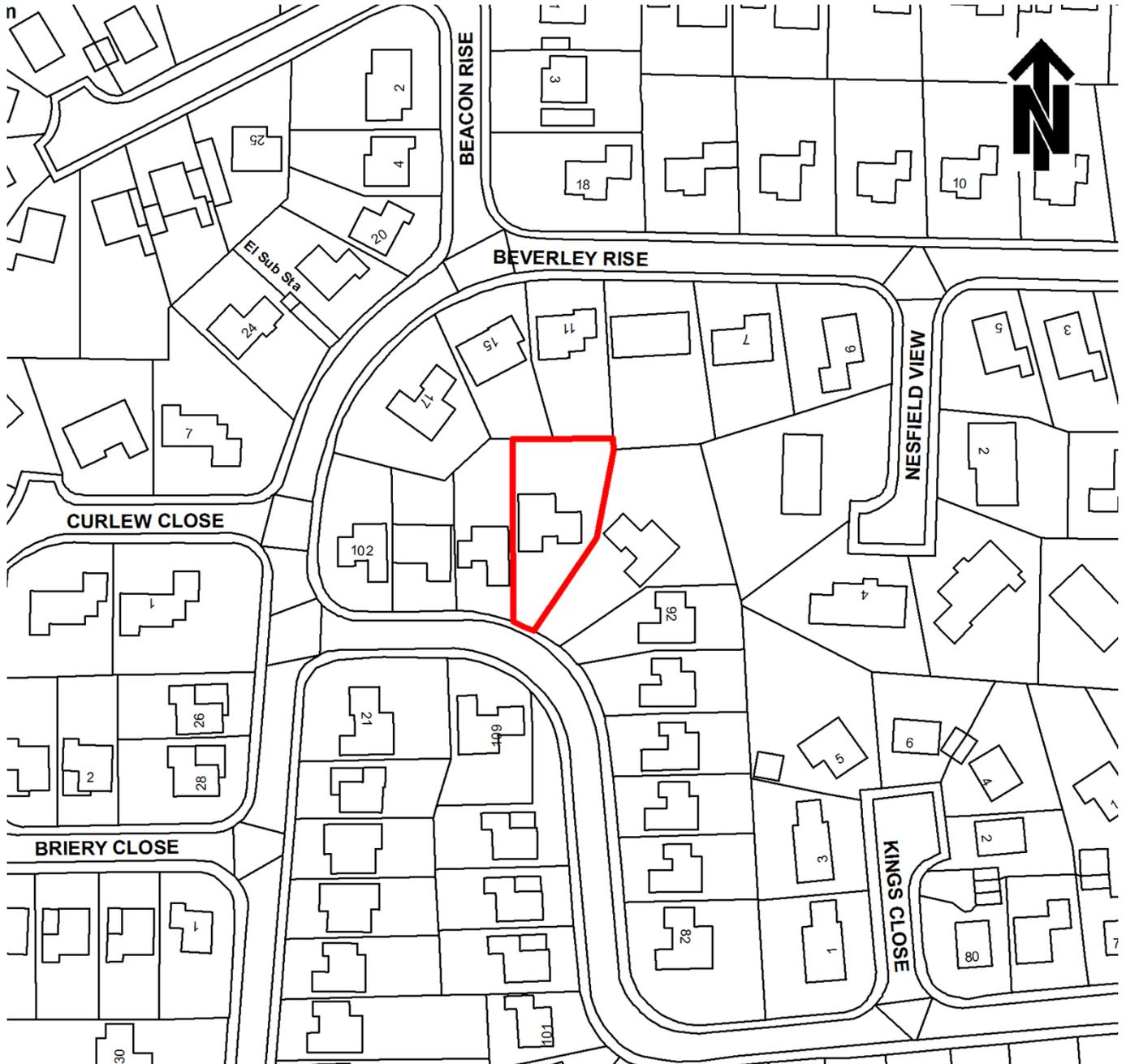
6. All new glazing to this building shall be recessed by 100mm.

Reason: To ensure the appropriate articulation to these elevations and to maintain the character of the building and to comply with policies DS1 and DS3 of the Local Plan for Bradford.

19/02147/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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96 Kings Road
Ilkley
LS29 9BZ

18 September 2019

Item: D
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/02147/HOU

Type of Application/Proposal and Address:

Householder planning application for a two storey side and rear extension reducing to single storey to the side. The proposal also includes a front porch and front garage extension and other ancillary works including an extension to the paved driveway and works to raise the level of the rear garden at 96 Kings Road, Ilkley, LS29 9BZ.

Applicant:

Aiden and Gemma Bartholomew

Agent:

Sharphaw Designs

Site Description:

96 Kings Road is a detached, two-storey house with an attached double-width garage. The surrounding area is a modern suburban estate with wide roads that is characterised by detached houses of similar appearance. Several have been extended. The applicants' house and the neighbouring house at 94 Kings Road are both set well back from Kings Road from which there is a long driveway. Behind the house, a garden falls in level towards the rear boundary which presently is screened by dense vegetation. The existing house has a principal elevation faced in a mix of artificial stone and render. There are dark concrete tiles to the roof.

Relevant Site History:

18/05000/HOU: Provision of enlarged kitchen with master bedroom over, reroof garage to accommodate study, small front extension to garage and new porch, and extending drive and forming turning area to front drive, plus ancillary garden works to rear. Refused - 05.02.2019

Appeal: 19/00052/APP/19. The appeal relates to the above application and was dismissed - 16.07.2019

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework was updated in February 2019 and is a material planning consideration on any development proposal. It says the purpose of the planning system is to contribute to the achievement of sustainable development, explaining that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

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

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents.

The site is un-allocated in the Replacement Unitary Development Plan. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

- DS1 Achieving Good Design
- DS3 Urban Character
- DS4 Streets and Movement
- DS5 Safe and Inclusive Places
- TR2 Parking Policy
- SC9 Making Great Places

Parish Council:

Ilkley Parish recommends refusal of this application. It considers that it is too large an extension, which does not adhere to the principle of subservience. The overall appearance of the extension is contrary to the buildings currently within the surrounding area. The Parish Council also has concerns regarding the overlooking balcony proposed to the rear.

No comments on the amended scheme have been received.

Publicity and Number of Representations:

Neighbour notification letters advertised the application. Publicity period expired on 14 June 2019. Seven letters of objection have been received.

Following the receipt of amended plans, the application was re-advertised. The publicity period expired on 27 July 2019.

Five further letters of objection were received.

Summary of Representations Received:

First set of comments

Application almost identical to previously refused. Has not addressed the reasons for refusal.
Extension is of excessive scale.
Overshadowing will be caused.
Overlooking from extension, balcony and raised garden.
Noise and disturbance will arise from the works.

Second set of comments

All further 5 comments maintained that the amendments fail to address the previous concerns raised (as above).

Consultations:

None deemed necessary.

Summary of Main Issues:

1. Background.
2. Impact on visual amenity.
3. Impact on residential amenity.
4. Highway issues.
7. Other matters raised in representations.

Appraisal:

1. Background

A previous application 18/05000/HOU also proposed significant extensions to this house and was refused in February 2019. The reasons for refusal were as follows:

1. The proposed extension by reason of its scale and design would introduce an unsympathetic and incongruous form detracting from the character and appearance of the original building and the visual amenity of the street scene.
2. The proposed changes in land level in the rear garden area and proposed balcony to the rear of the extension due to their elevated position in close proximity to the boundaries will negatively impact on the amenity of neighbouring occupants by reason of overlooking/loss privacy to habitable rooms and private garden space at close quarters

An appeal against the Council's refusal was dismissed in July 2019. The Planning Inspector agreed that the previous proposals would have dominated the host dwelling when viewed from the street and would not reflect the character of the surrounding area given the large scale of the extension and its unsympathetic design. No concerns were raised by the Inspector with regard to the impact on neighbours' amenity.

Under this new application, the applicant originally submitted a proposal that was almost identical to the previously refused application. However, during the course of the application the agent has submitted amended plans to address the reasons for rejection.

2. Impact on visual amenity

In its amended form, the ridge of the proposed two storey side extension has been set lower so that it is now shown to sit more comfortably below the ridge of the application dwelling. The width of the two storey extension has also been reduced to give better balance with the proportions of the original house.

To the rear, the depth of the two storey extension has also been reduced so this part will now only project 1.5 metres from the rear elevation wall. This has also resulted in a better balanced and more subservient development proposal. As before the materials are intended to match the existing dwelling.

The agent is keen to include the single storey element to the side and retain the front garage extension and porch. Guidance in the Householder SPD would normally advise against substantial front extension except where there is no uniform or distinctive building line. This is clearly the case with this site, since there is not really a distinct alignment of buildings along this particular part of Kings Road. Given that this property is detached and set well back from the frontage, it is considered that the impact of retaining these ground floor elements would not be so significant and the ground floor additions are acceptable as they will continue to maintain the character of the dwelling and its setting.

The key issue with the refused proposal, endorsed by the Planning Inspector, was the need to ensure that the extensions are, in combination, sufficiently subservient and do not overwhelm or destroy the character of the original house. The Inspector advises that this should primarily be achieved through care with the scale of the extensions.

By now agreeing to set the roof of the side extension down below the level of the existing ridge line, this is considered to have been achieved. The amended proposal now follows a key principle of the Householder SPD by appearing as a balanced and sufficiently subordinate addition – this preserving the character of the original detached house.

The ancillary works to raise the land to the rear of the garden do not raise any visual amenity concerns. The proposed small retaining wall will remain set below the existing boundary treatments.

The works indicated on the drawings to enlarge the paved area to the front does not in itself require planning permission on the provision that it is appropriately drained. There are no grounds to object to this aspect of the development.

To conclude, the proposal as amended is considered to have addressed the concerns about design and scale that led to refusal of the previous application and dismissal of the appeal. Although cumulatively this is a large collection of extensions, the development as amended will result in a sufficiently balanced and subordinate addition to the detached dwelling. The degree to which the house is set back from the street will also ensure that the extensions will not be unduly imposing. The amended proposal is now judged to be of a scale and design that would not detract from the character and appearance of the original building and it now complies with policies DS1 and DS3 of the Core Strategy Development Plan.

3. Impact on residential amenity Extensions

The neighbouring house at 98 Kings Road is located east and set forward of the application dwelling. The proposed extension would extend 1.5 metres in depth from the existing rear elevation. Having viewed the application site from this neighbouring site, and noting the degree of separation and orientation, the extension will have very limited impact on the occupants of this neighbouring dwelling in terms of loss of outlook, dominance or loss of light. The distance from the windows in the side elevation facing toward the boundary with 98 Kings Road measures approx. 8.5 metres and the distance from the proposed balcony to this boundary is approx. 10 metres. These distances exceed the recommended guidance distances in the adopted Householder SPD and would ensure that adequate privacy levels can be maintained.

The neighbouring property at 94 Kings Road is located to the east. This house is orientated so its front elevation faces south-west. An attached garage is in closest proximity to the common boundary. Due to the siting and orientation of the neighbouring dwelling, the proposal is not considered to have a significant impact on the amenity of the occupants of 94 since the development will be set away from the main habitable room windows and immediate private amenity space. The development is also unlikely to result in any significant levels of overshadowing above and beyond the existing levels currently experienced. First floor windows in the side elevation facing 94 Kings Road are now shown to be obscure glazed and a solid screen would be evident along the side of the balcony in closest proximity to property with 94 Kings Road. This would prevent opportunities for direct overlooking.

Ancillary works to raise garden level and balcony proposal

The garden level of the site descends quite steeply to hedges along the north boundary. The proposals presented by this application include the levelling of the garden to create a more usable space. This will entail raising its levels by a maximum of 1.2m at the northern extent to bring it in line with the level at the rear elevation of the dwelling.

In the previous application, the LPA had concerns that the land levelling would cause impacts on 11 and 15 Beverley Rise, as well as possibly 98 Kings Road. However, at appeal, the Inspector concluded that the conifers which lined the boundary to the north would provide ample screening at ground level to negate any impact from raising the garden by 1.2 metres, and disagreed that there would be overlooking or a loss of privacy to the two houses to the north. This was also the Inspector's view about the proposed balcony to the rear elevation.

In this new application, the size of the balcony has been reduced in depth compared with the appeal proposal and a separation distance of approx. 7 metres to the rear boundary from the balcony can now be achieved. Nos. 11 and 15 Beverley Rose continue to be divided from 96 Kings Road by this row of mature, tall conifers which appear to be growing from the side of 11 Beverley Rise. The planning inspector advised that this would maintain the resident's privacy given their height and the fact they are evergreen and any pruning or felling would be at their discretion. This would remain the situation in this application.

The boundary between the appeal site and No.98 Kings Road is also lined by thick shrubbery, and while raising the garden level at the northern end of the site could afford views into the next-door garden at this end, the Inspector concluded that it would be no higher than the land when presently viewed from the southern end of the garden. The Planning Inspector continues by stating that the views into neighbouring gardens from ground level are not uncommon and disagreed that this alteration would adversely affect the living conditions of the occupiers of this property. Further, in this current application, the plans suggest the inclusion of a screen along the new side section of the raised garden area which would help to maintain levels of privacy.

To conclude, and in line with the conclusions made by the Planning Inspector, the development would not significantly harm the living conditions of neighbouring residents, and in this sense the proposal would accord with policy DS5 of the Core Strategy Development Plan and paragraph 127(f) of the NPPF which seeks to protect the amenity of prospective and present occupiers.

4. Impact on Highway Safety

No concerns are raised. The site will continue to offer generous off-street parking opportunities. The enlargement of the paved parking area does not in itself require planning consent. However, in the interests of securing satisfactory sustainable drainage and to accord with Policy EN7 of the Core Strategy Development Plan Document, a condition will be added to request that all new areas of hard standing within the site shall be formed using porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the dwelling.

5. Other matters raised in representations

- Noise disturbance during works.

It is likely that some noise and disturbance will occur during the construction of the development but this is a small scale development proposal and the works should not be long lasting. Any disturbance above reasonable levels would be dealt with by the Environmental Health department.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission

The amended plans have addressed the concerns raised by previous larger proposals and now propose a development which is better balanced and subordinate to the main property. The proposal will not be harmful to visual amenity, residential amenity or highway safety and subsequently complies with the policies of the Replacement Unitary Development Plan, the Core Strategy Development Plan Document and the National Planning Policy Framework.

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).

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

2. The balcony shall have a 1.8-metre high solid screen installed along the side (east) boundary as shown on the east elevation proposed elevation drawing rev D, to prevent overlooking of the adjacent residential property, 94 Kings Road, prior to the first use and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of privacy and residential amenity and to accord with policy DS5 of the Core Strategy Development Plan Document.

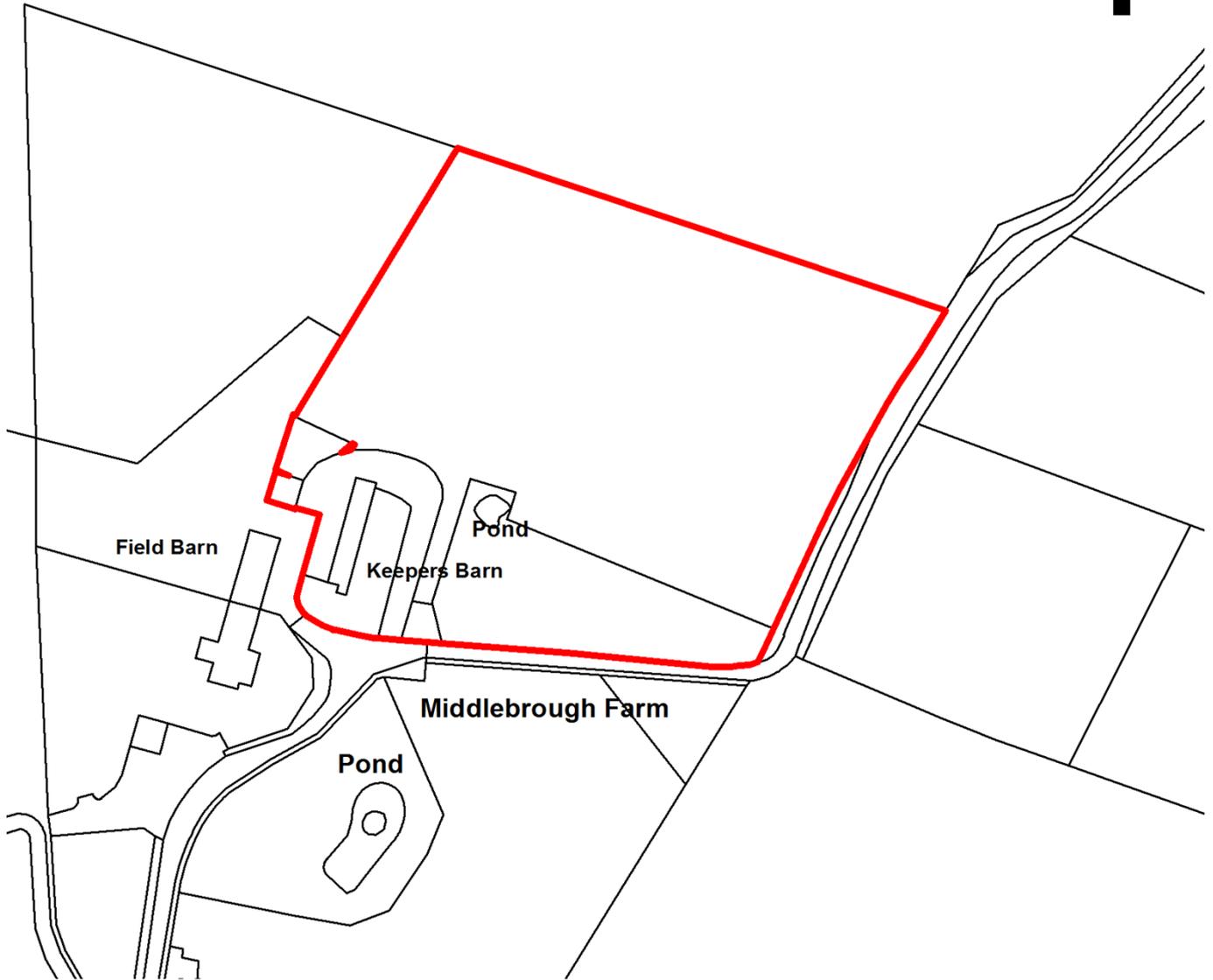
3. Notwithstanding the details on the approved plans, the windows at first floor level in the side elevation of the extension facing 94 Kings Road hereby approved shall be glazed in obscure glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Thereafter, these windows shall be retained with obscure glazing and that method of opening.

Reason: To prevent overlooking and loss of privacy to occupiers of adjacent properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

4. All new areas of hardstanding within the site shall be formed using porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the dwelling, and the surfaces shall thereafter be retained in this form as long as the additional dwelling is in use.

Reason: In the interests of securing satisfactory sustainable drainage and to accord with Policy EN7 of the Core Strategy Development Plan Document.

19/01774/HOU



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**Keepers Barn
Ridge Lane
Silsden
BD20 9JD**

18 September 2019

Item: E
Ward: CRAVEN
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/01774/HOU

Type of Application/Proposal and Address:

Householder application for a single storey rear extension and an outbuilding for use as an indoor swimming pool (retrospective) Keepers Barn, Ridge Lane, Silsden, BD20 9JD.

Applicant:
Ms Karen Millard

Agent:
Not applicable.

Site Description:

The application relates to a detached house that forms part of a group of traditional buildings in the upland countryside above Silsden. It is a two storey dwelling occupying what is understood to have been a former gamekeeper's cottage and attached barn. The dwelling has a long and thin plan form. It is built in stone under a stone slate roof. The site is an isolated location at the top of Ridge Lane surrounded by open fields. There are other properties in the group; however the landscape is generally un-developed, with the majority of buildings being isolated farms, cottages and barn conversions. Despite being in open countryside, the site is not located within the Green Belt. It is open countryside beyond the outer edge of Bradford's Green "Belt". It is not in a Conservation Area, nor is the building or any nearby listed.

Relevant Site History:

00/02341/FUL- Refurbishment and extension of agricultural building and gamekeeper's cottage to provide two 3 bedroom houses with garages- GRANT- 02.01.2001

02/00019/FUL- Erection of garage to previously approved barn conversion- GRANT- 12.03.2002

04/04910/FUL- First floor extension to dwelling- GRANT- 22.12.2004

08/02989/FUL- Construction of single storey extension to provide facilities for disabled person- GRANT- 12.06.2008

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework was updated in February 2019 and is a material planning consideration on any development proposal. It says the purpose of the planning system is to contribute to the achievement of sustainable development, explaining that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

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

Core Strategy Policies

- DS1- Achieving good design
- DS2- Working with the landscape
- DS5 - Safe and Inclusive Places
- EN4- Landscape

Parish Council:

Silsden Town Council: Expresses concerns about precedent, and objects to retrospective applications in general.

Publicity and Number of Representations:

Neighbour notification letters were sent and publicity expired on 4 June 2019.

9 representations of objection were received.

25 representations were received in support of the applicant.

Summary of Representations Received:

Objections are concerned that the development has already been built without planning permission so the Council and neighbours did not have the opportunity to view the plans before it was completed.

The stone does not match the existing building and the windows are far too large and look out of character for an old farmhouse dwelling. Furthermore the flat roof looks totally wrong next to an old building and takes attention away from the quaint rural farmhouses. These additions with flat roofs and reflective windows harm the wider landscape both visually and environmentally, which is a pity, with the materials being inappropriate for the area and the structures being of unnecessary bulk.

Representations in support are that the applicant should be encouraged to update their home to reflect modern lifestyles. In time the stone will weather. It's good to see these old buildings being revived and lived in. They are well built, sympathetic additions to this home.

Consultations:

Rights Of Way Officer - Public Footpath No 6 (Silsden) adjoins the property. The proposals do not appear to physically impact on the public footpath which is separated from the site by the existing boundaries.

Summary of Main Issues:

1. Background and principle of development.
2. Impact on the character and appearance of the landscape.
3. Impact on residential amenity.

Appraisal:

1. Background and principle of development

This retrospective application is for a detached pool house outbuilding to the side, and a single storey extension added to the front of the dwelling. These structures have already been constructed without planning permission. The applicant has expressed regret about this and has explained that she wrongly believed the structures would fall under permitted development rights.

However, complaints were received and an enforcement investigation established they were not within permitted development limitations. The occupants were advised to apply for retrospective permission and this planning application is the result.

The applicant's home, Keepers Barn, is a long, thin, two-storey dwelling house with traditional features. There is a similar neighbouring property to the rear with shared access from Ridge Lane.

The site is not located within Green Belt land; it is in fact beyond the boundary of the Bradford Green Belt which surrounds the town of Silsden. Some objections suggest that the added buildings are contrary to Green Belt policy. However, this is incorrect. Being beyond the outer edge of the Green Belt this policy does not apply.

Nevertheless, the application site stands in exposed and attractive open countryside and it is important that new development is of a scale and design that respects the high quality landscape within which the existing dwelling is situated.

Officers agreed with some of the objection comments - that although the outbuilding and extension have been built in good quality natural stone, currently, the additions appear incongruous within the landscape, and sit at odds with the rustic old barn buildings. The objectors have correctly pointed out that this is because the stone does not match the existing building and the windows are large and look out of character for an old farmhouse dwelling. Furthermore objectors feel that the flat roofs look wrong set next to an old building and detract from the character of the rural buildings.

The application initially sought retrospective permission for the structures as built. However, following discussions with the officers and engagement of a planning consultant by the applicant, revised drawings have been submitted showing various proposed adaptations which Officers believe will result in a more harmonious proposal.

2. Impact on the character and appearance of the landscape

Both additions have been considered both separately and collectively in order to assess the full impact of the proposal on the surrounding area.

The Extension

While initially described as being to the rear, it is now agreed that the single storey extension has been added to the principal elevation of Keeper's Barn. This is the most prominent part of the house in the landscape and it is visible from Public Footpath No 6 (Silsden) which heads across fields away from the property.

While the extension presently jars somewhat with the traditional linear form of Keeper's Barn, this is to a large extent due to the appearance of the new stone work. Whilst clearly of good quality, the natural stonework is unweathered so it stands out against the mellow, weathered stonework of the old building.

Aside from this, at a height of 3.6 metres and occupying only a relatively small proportion of the frontage, the single storey extension is considered to be a subservient addition that is set against the mass of the existing dwelling. The use of a flat roof rather than a pitched roof is also a change from the traditional vernacular but the flat roof has kept the height of the extension low.

An architect and planning consultant have been engaged by the applicant and, in discussion with officers, adaptations have been agreed whereby the extension structure can be improved so it will be more clearly seen as a distinct and contemporary addition to the existing building. Policy DS1 of the Core Strategy encourages innovative and contemporary design where appropriate, and this would include rural as well as urban contexts.

The revised proposals would add a brise soleil feature to the front of the extension. This subtle change would help soften the harsh lines of the extension and slightly reduce the perceived bulk. It would also provide design continuity with the existing canopy structure that exists along the other part of this elevation.

The applicant has also referred to personal circumstances. In particular, the need for increased space inside the house to give the applicant, her partner and an elderly relative better circulation space to address mobility needs. The narrow width and linear character of the existing building give limited options to extend elsewhere in a manner that would be in keeping with the building. In arriving at this recommendation to approve the extension, some weight has been given to these personal circumstances in accordance with provisions of the Householder SPD and the Equalities Act to take account of disabilities in the planning balance.

The Indoor Pool House

The pool house is a detached outbuilding situated on elevated ground to the side of Keeper's Barn.

Although the pool house is detached from the existing dwelling, it sits within what is generally accepted as its curtilage. The building is 'L-shaped' and flat roofed, with a maximum height of 4.2 metres, a width of 11.7 metres and a depth of 8 metres. The building, as constructed, appears quite functional and, being on land slightly higher than the existing dwelling, the height is emphasised.

However, the presence of detached outbuildings is not uncommon in such traditional farm groups within the upland pastures of this Landscape Character Area. In principle, therefore the presence of a detached outbuilding is not out of keeping with the landscape setting.

The problem is that the pool house has been constructed in natural stone which, whilst of good quality stands out quite prominently in the landscape because it is unweathered. The size of the window openings and use of stark white frames are also such that these appear quite discordant, overly domestic features.

To address the objections about the above, an architect and planning consultant have been engaged by the applicant and have proposed adaptations to add natural timber fin cladding to the main bulk of the pool house; that the white UPVC window frames currently installed will be replaced with aluminium frames with a matt grey finish, and that the largest and most visible window will be partially covered with the timber fin cladding and brise soleil to reduce the jarring effect of this prominent opening.

Officers consider that in combination this treatment will significantly break up the mass of the elevations of the building, reduce the jarring effects of the large white framed window openings and generally reduce the visual prominence against the landscape.

The application of timber cladding is supported in this context as it will give a more "rural" and agricultural feel to the development. In time these materials will weather and complement the mellow stone of the existing farm building. When the cladding is combined with the timber brise soleil to the front elevation; the design and form will appear more cohesive as opposed to the current somewhat disjointed effect.

Some planting is also proposed to be introduced to further screen and reduce the visual impact of the pool house on the surroundings. The use of soft landscaping is an effective way to soften the bulk of the structure and will add to the landscape over time.

Conclusion - Impact on the landscape

This exposed landscape is of high quality and both new structures currently appear as visible and somewhat discordant additions. They have therefore attracted several objection comments. Policy EN4 of the Core Strategy DPD seeks to safeguard the character and quality of the district's landscapes.

However, the various proposals offered by the applicant guided by her consultants will provide suitable enhancements that will tone down the appearance, give a more cohesive effect and lessen the current disjointed relationship with the original traditional building. The darkening of the stonework to the extension will especially significantly reduce its prominence and the brise soleil feature will provide a more cohesive contemporary look that will reflect the adjoining canopies. The addition of timber cladding to the pool house will lend this structure a more sympathetic "rural" appearance, tone down the prominence and break up the massing of the building and reduce its visibility. The proposal to replace the white upvc frames with darker aluminium ones and add a timber brise soleil across the large front window opening will also significantly lessen the present appearance of the large white framed windows when seen from the nearby public footpath.

Finally, the restrictions of the property and the particular needs of the applicant for the additions has been afforded some weight in the planning balance, as allowed for under the adopted Householder SPD.

Subject to the alterations described above, the extension and pool house outbuilding are considered appropriate additions to the original dwelling and they would not have a significant or harmful impact on the wider landscape. They accord with relevant policies DS1, DS2 and EN4 of the Core Strategy DPD.

3. Impact on residential amenity:

The impact of the development on neighbouring occupants has been assessed. The extension does not affect any neighbouring occupiers. It was observed on site that the neighbouring property sits close to the applicant's dwelling and there is already a degree of mutual overlooking. The pool house has a window facing towards the neighbouring property, but this is over 15 metres from the common boundary, and faces an area used for parking and circulation. The pool house is not considered to have any significant adverse effect on residential amenity.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.

The issues with regard to the Act have been considered above, and, as a result, some weight has been afforded to the needs of the occupants. In this case, this is a material planning consideration that is considered to add weight to the case for approval of both features of this application. The Council's adopted Householder SPD also makes provision for such flexibility in appropriate circumstances.

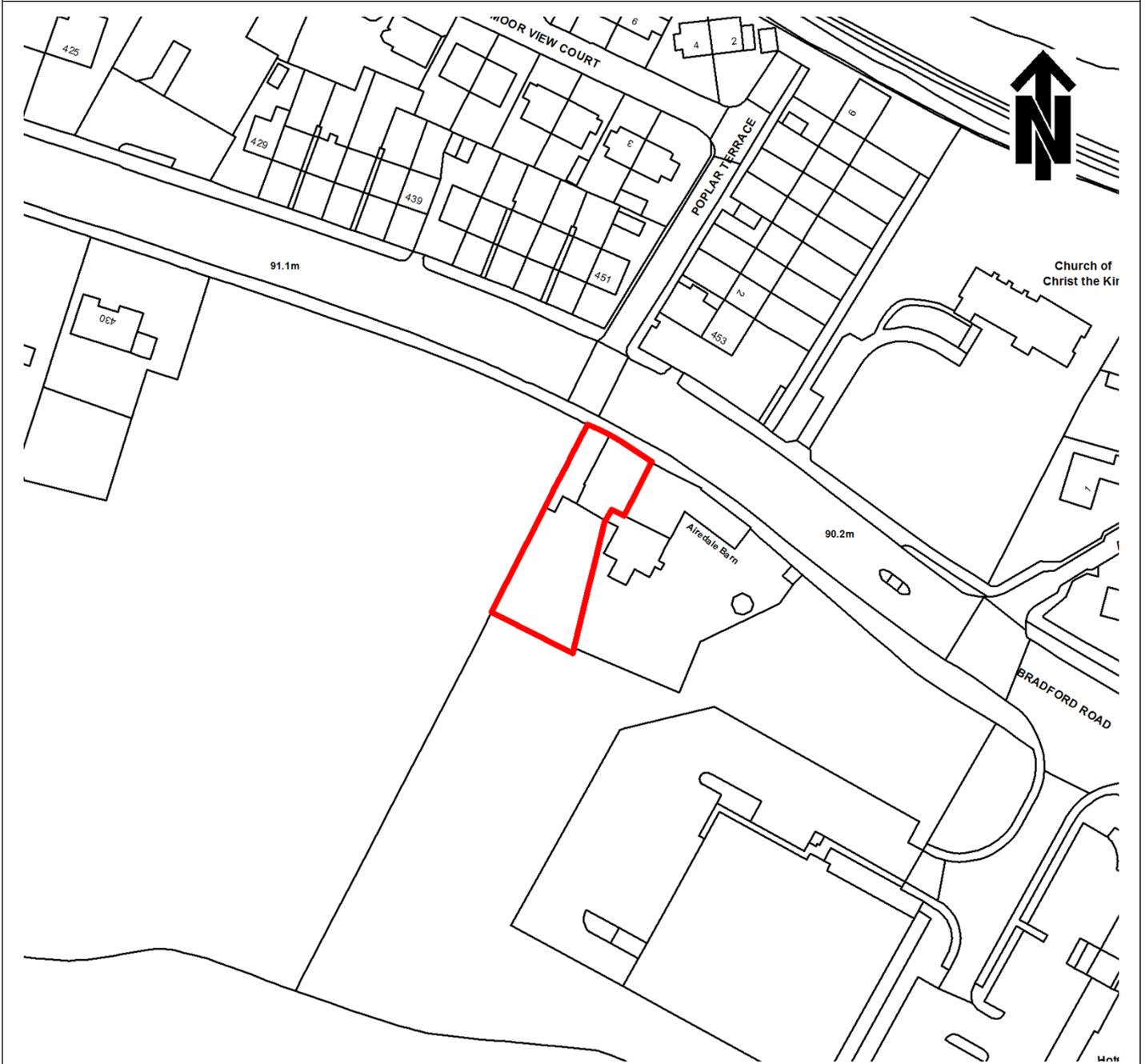
Reason for Granting Planning Permission:

The proposals have resulted in modern additions to this old farm house which although, currently somewhat discordant, are contemporary and innovative. The Council's design policies support such approaches to design which respond to and complement the local environment. The adaptations now proposed by the applicant will mitigate the impacts of the two structures on the landscape and result in a development which is not unduly harmful to the landscape character, or the character of the applicant dwelling, and causes no harm to any neighbouring occupants. The proposal is therefore considered to comply with the relevant policies of the Core Strategy Development Plan Document.

19/02954/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**Airedale Barn
Bradford Road
Sandbeds
Keighley BD20 5NP**

18 September 2019

Item: F
Ward: KEIGHLEY EAST
Recommendation:
TO REFUSE PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
19/02954/FUL

Type of Application/Proposal and Address:

Full application for the construction of a three bedroom house utilising the existing access and garage at Airedale Barn, Bradford Road, Sandbeds, Keighley, BD20 5NP.

Applicant:

Mr and Mrs Rock

Agent:

J O Steel Consulting

Site Description:

Airedale Barn is a house on the south side of the main Bradford Road between Riddlesden and Crossflatts. The planning history suggests it was converted to a dwelling in around 1980. Alongside it is an adjoining house - Airedale Farm. The building is faced in render, roofed in stone slates and set at 90 degrees to the main road. The application site is land that is part garden and part tarmac forecourt situated to the west of the existing building. It includes an existing garage building abutting the west boundary, which would be re-used as the garage for the proposed house. A line of trees is along the south edge. Access is via tall gates abutting the boundary with the main road. The whole site is situated within the Green Belt and is bordered by open land to the south and west and a neighbouring garden to the east.

Relevant Site History:

80/63465/FUL - Conversion of Barn To Dwelling (and) Garage. Granted 03.10.1980

80/64171/FUL - Septic Tank Bradford Road Sandbeds Keighley Granted 23.01.1981

19/01251/FUL - Construction of a new dwelling house utilising existing access and garage.
Refused 04.06.2019

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework was updated in February 2019 and is a material planning consideration on any development proposal. It says the purpose of the planning system is to contribute to the achievement of sustainable development, explaining that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

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

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents.

The site is un-allocated in the Replacement Unitary Development Plan. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

- SC7 - Green Belt
- SC9 - Making Great Places
- DS1 - Achieving Good Design
- DS2 - Working with the Landscape
- DS3 - Urban character
- DS4 - Streets and Movement
- DS5 - Safe and Inclusive Places

Parish Council:

Keighley Town Council recommends approval.

Publicity and Number of Representations:

Publicised by neighbour notification letters and site notice.

Two letters of support have been received, including one from a Keighley East Ward Councillor.

A petition signed by the applicant and 6 others is submitted in support.

The Ward Councillor has referred the application to Area Planning Panel for determination in the event of an officer recommendation to refuse.

Summary of Representations Received:

The applicant would have to move due to health reasons if application refused.

Redesign overcomes one of the previous reasons for refusal.

Irregular green belt boundary is contrary to NPPF requirements.

Garage is already in situ and no new access required.

Proposal will have no impact on open countryside and is not visible from public view.

It is designed for on-going medical needs.

Consultations:

Highways – The proposal is unacceptable in its current form. While it is not shown on either the red or blue line on the plan it is assumed that access and parking for Airedale Farm is shared with Airedale Barn. It would be helpful if the applicant could clarify how access to Airedale Farm will be maintained and what access and parking is available to both properties. If the applicant can provide plans which show current parking provision, proposed turning space and additional parking for the new dwelling Highways DC may be able to reconsider current objection.

Drainage – The developer's intention to dispose of surface water using a soakaway is acceptable subject to the developer providing the results of percolation tests (conducted in accordance with Building Research Establishment Digest No 365) and subsequent design details for comment, prior to surface water drainage works commencing on site.

Summary of Main Issues:

Conflict with Green Belt policy
Whether there are very special circumstances
Effects on the amenities of occupiers of adjacent land
Highway safety

Appraisal:

This application proposes construction of a new detached house in the Green Belt.

It follows a previously refused application (19/01251/FUL) for a very similar development of a two storey house.

The previous application was refused for the following reasons:

1. The application site is in the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. This proposed new residential building is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The building is substantial and would cause clear harm openness and be contrary to the purposes of the Green Belt. The development is not one of the exceptions to Green Belt restrictions and the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations. The proposed development is contrary to Core Strategy Policy SC7 and the objectives of the National Planning Policy Framework.
2. The proposed development would overlook at close quarters the private amenity space of the existing property to the east of the site. As such it would be detrimental to the amenity and privacy of existing and future residents and would be contrary to Core Strategy Policy DS5.

This new proposal has been amended to address Reason 2 but it raises the same fundamental conflicts with national and well understood Green Belt planning policy.

Conflict with Green Belt policy

The National Planning Policy Framework says the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and paragraph 143 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Exceptions to Green Belt policy are set out in the National Planning Policy Framework. These include buildings required for uses such as agriculture or outdoor sport, re-use of existing buildings and the limited extension or replacement of existing buildings. Redevelopment of previously developed land is permitted as an exception to Green Belt only if this would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The applicant's proposal would not amount to one of the exceptions to normal Green Belt policy.

The proposal is for a new 2–storey 3 bedroom house which would be placed on open garden land. It would adjoin and re-use the existing garage to provide garaging for the new house but otherwise does not involve any re-use or redevelopment of existing buildings.

Placing a new building on the land could not be accomplished without inevitably having a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing situation and use which is an open, domestic garden area.

The construction of a new detached dwelling would form an encroachment of inappropriate development in conflict with the purposes of Green Belt to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment.

In this case, the effects on openness would be noticeable because the development would be of some size and would extend and intensify the effects of the existing built form. Although supporters say the site is not very prominent, that is not a consideration in respect of Green Belt. The Framework is very clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Reason 1 of the previous permission is not addressed or overcome.

Whether there are very special circumstances

The national Planning Policy Framework says that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Information with regard to Very Special Circumstances is as follows.

Firstly, the agent seems to be suggesting that the Green Belt boundary is out of date, and that that the prime concern of the Green belt boundary in this vicinity was to protect land beyond a copse of trees to the south of the site bounding an industrial site to the east. It seems to be implied from the agent's submission and the comment of the ward Councillor that the boundary of the Green Belt is somehow irrelevant as it no longer follows a recognisable or defensible boundary.

However, by reference to the National Planning Policy Framework the arguments on this point are, if properly understood, is of spurious validity. Being on the west side of Airedale Barn, the application site is not on or very near the edge of the Green Belt. There can be no mistaking the fact that the application site is very firmly within the Green Belt and some way inside the Green belt. So arguments about the irregularity of the actual edge of the Green Belt are simply not relevant.

Second, the Green Belt has existed since the adoption of the Upper Airedale Local Plan as a material consideration in the late 1980's. The National Planning Policy Framework is clear that, once established, "Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term.... Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans".

The site has been included and retained in the green belt via the Development Plan process over the last 30 years because of the importance of this tract of land to the 5 purposes of Green Belt. The Green Belt status can only be set aside and boundaries reviewed via the Development Plan process, not through individual planning applications. No weight should therefore be afforded to implied suggestion that the Green Belt boundary is wrong or "irregular".

Officers have also given consideration to submitted medical evidence. It is clear that a member of the applicant's family has complex medical issues leading to climbing and walking problems. However, the submitted medical reports say specifically that quality of life would be improved with a move to "single level accommodation" and give support to proposals to build a further "single storey house" in the grounds of their current accommodation.

The proposal is for a 3 bedroom house on two storeys. It does not propose a single storey dwelling, and nor are its credentials as a specially adapted dwelling for a person with specific mobility needs particularly obvious from the scheme drawings.

No evidence is provided as regards why provision of accommodation within the existing dwelling is not a feasible option, nor why a specially adapted extension could not provide for personal needs.

Regard has been given to mobility problems of the applicant referred to in supporting submissions, but the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by these considerations. The personal circumstances are not deemed to amount to very special circumstances required by Green Belt policy as they are not unique or exceptional.

The proposal is therefore considered contrary to Core Strategy Policy SC7 and the NPPF.

Impact on Amenities of Occupiers of Adjacent Land

The previous application was also refused because the proposed development would overlook at close quarters the private amenity space of the existing property to the east of the site. There are a number of first floor windows facing onto this private garden area to the east.

However, this aspect has been addressed by amendments to the plan whereby one invasive east facing bedroom window has been removed and a note on the plan confirms other east elevation windows facing towards the neighbouring property would serve bathrooms, staircase and dressing rooms and would be obscure glazed.

The amended proposal is therefore considered in this respect to comply with Core Strategy Policies SC9 and DS5.

Highway Safety

The Council's Highway Officer has queried whether the applicant can provide enough parking provision, turning space and additional parking for the new dwelling, but say that if this can be demonstrated on plan Highways DC may be able to reconsider this objection.

Whilst is not shown on the plan it seems evident from a site visit that the site could provide access, turning and parking for both Airedale Barn and the new dwelling and that a condition could be imposed to agree such details, should approval be recommended. The proposal is not considered to introduce any highway safety issues significant enough to warrant a refusal on highway grounds.

However, this does not diminish the objection on Green Belt grounds.

Community Safety Implications:

The proposal poses no apparent community safety implications and is considered to accord with Core Strategy Policies SC9 and DS5.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.

Regard has been given to mobility problems of the applicant referred to in supporting submissions, but these are not considered to outweigh the conflict with Green Belt by virtue of the harm caused due to inappropriateness. The personal circumstances are not deemed to amount to 'very special circumstances' as required by the NPPF.

Reasons for Refusal:

1. The application site is in the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. This proposed new residential building is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The building is substantial and would cause clear harm to openness and be contrary to the purposes of the Green Belt. The development is not one of the exceptions to Green Belt restrictions and the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations. The proposed development is contrary to Core Strategy Policy SC7 and the objectives of the National Planning Policy Framework.