

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020.

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Subject:

This is a householder planning application for the construction of single and two-storey extensions on the rear elevation of 4 Margerison Crescent Ilkley, plus a dormer window on the front elevation.

Summary statement:

The extensions are proposed to a mid C20th semi-detached house in a residential cul-de-sac in Ilkley. A number of objections have been received raising numerous issues, but the proposed rear extensions are judged to accord with the Council's adopted Householder SPD and present subservient and sympathetic additions to the property that will not harm the amenity of any neighbouring occupiers. The dormer is also within Householder SPD design guidelines. Indeed it has been further reduced in width in response to comments from objectors so it is better balanced with the proportions of the existing house.

Subject to the suggested conditions the application is recommended for approval.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a householder planning application for the construction of extensions to the rear of the property, plus a front dormer window. The property is 4 Margerson Crescent, Ilkley, LS29 8QZ

2. BACKGROUND

Attached as Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

N/A

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section

149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The property is located in an established residential area in a sustainable location. The extensions and dormer would represent improvements to the accommodation it will offer to future occupiers and there are no sustainability implications for the Council.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There will be no significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no Community Safety Implications

8.5 HUMAN RIGHTS ACT

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

There no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS

There are no 'not for publication' documents.

10. RECOMMENDATIONS

It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

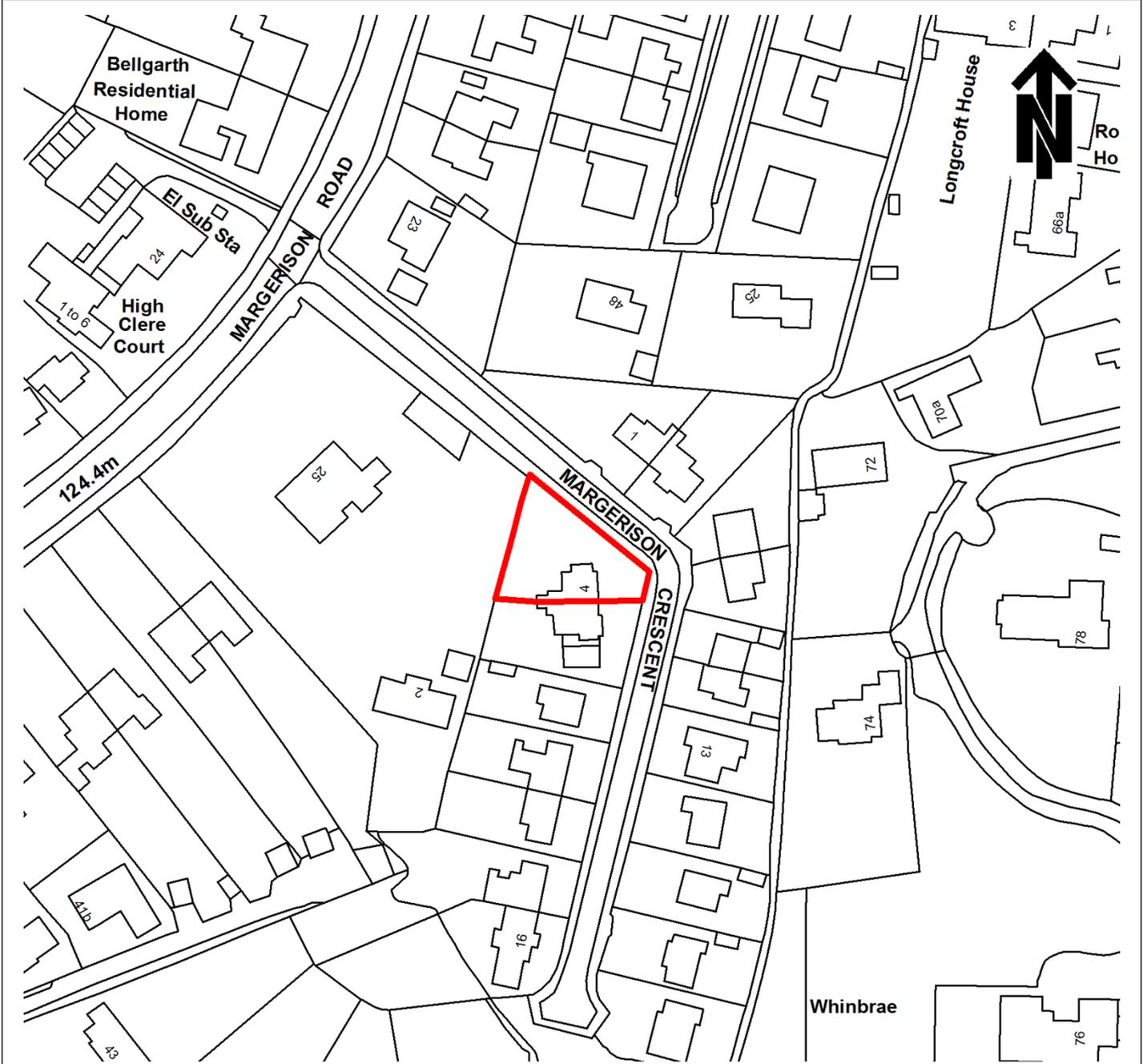
11. APPENDICES

Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS

The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document
Householder SPD

20/01167/HOU



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**4 Margerison Crescent
Ilkley LS29 8QZ**

Appendix 1

Ward: Ilkley (ward 14)

Recommendation:

To grant planning permission subject to conditions

Application Number:

20/01167/HOU

Type of Application/Proposal and Address:

Householder planning application for construction of a single and two storey rear extension and a front dormer window at 4 Margerison Crescent, Ilkley, LS29 8QZ.

PROCEDURAL NOTE : The plans tabled for consideration indicate the proposed creation of 2 off-street parking spaces on the curtilage at the side of the dwelling house. Although they have attracted objections, these hard standings can be formed under permitted development rights conveyed by Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. As the parking spaces can be formed without needing planning permission from the Council they are not being considered as part of this planning application.

Applicant:

Mr Fred Rathmell

Agent:

Mr Mark Throp

Site Description:

The application property is a rendered, semi-detached dwelling under a tiled roof. It is located in a residential area in the Ben Rhydding suburb on the east side of Ilkley. The cul de sac slopes upwards and No 4 is close to a sharp bend in the road. The garden levels drop to the north of the application plot. The two semi-detached houses are not of similar design and the adjoining house has a large flat roofed extension at the side. The street is lined by a variety of dwelling types mostly built around the same time - in the mid C20th.

Relevant Site History:

No previous planning applications are recorded.

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated for any specific land-use in the Bradford RUDP.

Proposals and Policies

Core Strategy:

DS1 Achieving Good Design

DS3 Urban Character

DS5 Safe and Inclusive Places

DS4 Streets and Movement

TR2 Parking Policy

The adopted Householder Supplementary Planning Document is a material consideration.

Town Council:

Ilkley Town Council recommends refusal until all road safety issues are properly addressed. The proposed driveway entrance is on the bend of the road meaning that there will be little or no visibility from the proposed driveway entrance. It has reservations about how road safety will be managed during construction works and there is a need for a proper road safety plan during the construction works. The construction vehicles will need to turn in the road and the road at this point is narrow, with the turning point being tiny and on a bend on a hill. No reference is made to materials proposed to be used for the driveway. The Parish Plans Committee recommends use of permeable surfaces.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters. This publicity period expired on 02 May 2020. Twelve representations of objection have been received.

Summary of Representations Received:

Highway safety problems will be caused:

Concerns raised with regard to the location of the new drive on the bend of Margerison Crescent due to poor visibility and the narrow nature of the road.

When the drive was removed from the plans, this led to objections that the site has no drive at all; and that off-street parking should be required for a larger 4-bed dwelling.

Concerns are also raised due to lack of construction plan and information as regards how delivery vehicles will manoeuvre in this narrow street. Photos have been provided of current parking issues in Margerison Crescent.

The dormer window is not appropriate:

The dormer proposed at the front would be out of character and will be overbearing and over-dominant. There is not enough head room to accommodate the dormer. The dormer should be to the rear roof slope. Overlooking from the window will occur.

Rear extension will cause overlooking

Concerns raised with regard to overlooking from the windows in the extension.

Other matters:

Over-development of the site.

No location for bins shown on plan.

Require clarity on height of hedge.

Internal works have already commenced.

Disturbance during construction.

Consultations:

None deemed necessary.

Summary of Main Issues:

1. Principle of the development
2. The drive/off-street parking
3. Impact on built environment (Design, Scale & Appearance)
4. Impact on neighbouring Occupants
5. Highway safety
6. Other Issues raised in representations

Appraisal:

1. Principle of the Development:

The site is unallocated for any specific land-use in the Bradford RUDP. The site is not in a conservation area or affected by other restrictive designations and so there are no objections in principle to extensions to this dwelling house. However, the extensions need to meet other planning considerations and the objectives of the NPPF and the Core Strategy.

2. The proposed drive/off street parking:

The existing house does not have any off-street parking facilities or a garage. The application plans proposed to create a new drive to the front of the dwelling. As noted above, this raised a number of objections from local residents that, being close to a bend, car drivers using the car spaces created would have restricted visibility and so they would cause highway safety problems.

The applicants took these comments on board and offered to remove the drive from the application proposals. However, this then resulted in objections that the property has no off-street parking at all and that off-street parking should be provided for the 4-bedroom dwelling being created.

Consequently, a further amended plan was submitted to indicate the provision of two off-street parking spaces on the garden at the side of the dwelling, set as far away from the bend in the road as is possible. These alternative spaces have continued to attract objections.

Although the objections are noted, the provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house would be permitted development by virtue of Part 1 Class F to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order, 2015.

As the spaces are now being proposed to the side of house and not on land between a wall forming the principal elevation of the dwelling house and the highway, there is no requirement that such spaces be constructed of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

This element of the scheme does not, in itself, require approval from the Local Planning Authority and so a determination of this by the Committee is not required for the proposed parking spaces.

3. Impact on Built Environment (Design, Scale & Appearance):

Rear extensions:

To the rear, a single storey rear extension is proposed projecting out by 3 metres alongside the boundary with the adjacent semi at 6, Margerison Crescent. Away from the boundary, the extension would be two-storeys in height and this part would extend out to a depth of 4.5metres.

Due to the land levels, the two storey extension will be visible from public vantage points north of the site. However, the extension will be of an appropriate, subservient scale with a lower ridge line than the ridge of the existing house. The extension will be constructed in materials to match the application dwelling.

The development will be located within substantial grounds and a large garden area will remain for future occupiers. The development would not result in over-development of the site as the rear extensions will sit comfortably on the plot. They are unobtrusive and proportionate additions that fully accord with design guidance in the adopted Householder SPD and comply with design policies DS1 and DS3 of the Core Strategy DPD. The extensions will not have a negative impact on the character of the area.

Front dormer:

Margerison Crescent is lined by a variety of house designs and this particular pair of semis is not symmetrical.

The Householder SPD also provides guidance for dormer windows. This property is not in a conservation area and the Householder SPD would ordinarily allow the use of a flat roof dormer window on the front roof slope - with a width of up to 3 metres.

Representations have criticised the addition of a dormer to the front of this house suggesting that there are no other dormer windows at third floor level on the street. However, there are certainly other dormers visible elsewhere on Margerison Crescent as the street includes several dormer bungalows. The Householder SPD does not prevent the addition of dormer windows just because an existing roof or street does not presently have them. The addition of this appropriately designed dormer window on the front roof slope will not have a detrimental impact on the character of the existing house and such a feature is not out of keeping with the character of the street.

In response to the representations and officer suggestions, the applicant has, however, accepted that a 3-metre wide dormer could appear a little imbalanced in relation to other features of the house. The applicants have therefore proposed that the width of the dormer window be reduced to a width of 2.5 metres. The dormer window would now be well balanced with the existing features of the house - it would be set below the ridge, with a gap to the sides of approx. 2.4 metres and 1.6 metres which is well in excess of the SPD guidance recommendations. The sides of the dormer window are to be clad to match the existing roof materials and no cladding is proposed to the front of the dormer window.

The dormer window addition as amended is an attractive feature that will not dominate the roof and which fully accords with SPD Design Guidance. There is no justification, either, for insisting that the dormer window is placed on the roof at the rear. The front dormer window is an appropriate addition that accords fully with the guidance in the Householder SPD and complies with policies DS1 and DS3 of the Core Strategy DPD.

4. Impact on Neighbouring Occupants:

The adjoining dwelling, 6 Margerison Crescent, has a single storey extension at the rear. The proposed single-storey extension to the rear of No 4 would project along the common boundary to a similar depth. The two storey element of the rear extension would be set away from the common boundary and its position is such that it will not result in any significant loss of outlook or cause significant overshadowing to any neighbours. No windows would face from the extensions towards No 6 and therefore there are no concerns regarding loss of privacy or overlooking of that adjoining house.

There is a distance of approximately 7 metres to the rear boundary. There is currently dense vegetation along the boundary which screens the land beyond – which is the only drive to 2 Margerison Crescent. There is no foreseen impact on the occupants of the properties behind No 4 Margerison Crescent due to the separation distances.

There is a distance of approximately 13 metres from the side wall of the extension to the side boundary of the site. Beyond this and separated by the road is 1 Margerison Crescent but there would be no direct window-to-window overlooking and ample distances are maintained to the garden area of neighbouring properties in that direction.

Concerns have been raised about the front dormer window causing dominance and overlooking of homes across the street. However, the dormer window would be a small addition that would not impact on the sense of space between buildings. It would be set approximately 10.7 metres from the front boundary of the plot, and with a distance of approximately 25 metres between the new dormer window and the front wall of the properties opposite. This is well in excess of the recommended separation distances. The degree of overlooking from the dormer would be no greater than currently occurs from the existing upper floor windows of the application house.

The extensions and dormer are compliant with policy DS5 of the Core Strategy and will not result in significant harm to the amenity of any occupants of neighbouring properties.

5. Impact on Highway Safety:

Margerison Crescent is an adopted cul de sac with footways either side. The application house currently has no off-street parking and the applicants now wish to

provide 2 off-street parking spaces. Two spaces would meet the maximum parking standards expected by the Council and would clearly represent an improvement to the current situation.

However, objectors oppose the formation of car spaces at the front of the house because they are close to the bend in the crescent. Objectors have also criticised the proposals for not providing any new spaces for what would become a larger house.

The most up-to date plan now shows the proposed provision of a hard standing for two off-street parking spaces served via an opening in the side garden wall. These hard surfaces to the side can be constructed under normal Part 1 Class F GPDO permitted development rights. They are not therefore for consideration by the Committee.

Objectors have also referred to the highway implications of an increase in the size of the dwelling to a 4-bedroom property. However, this would not result in a material intensification of use and would not cause significant effects on the existing transport network. There is no substantive evidence that the cumulative impacts of the development would be severe and, in terms of highway safety, the proposed extensions and dormer raise no serious road safety concerns and would satisfy the relevant objectives in the NPPF and policies TR2 and DS4 of the Core Strategy Development Plan.

6. Other Issues Raised in Representations:

As noted above, numerous objections have been raised against the proposals but many are not relevant to the planning process.

Objectors and Town Council call for the submission and agreement of a construction plan, especially to control parking by contractors and deliveries whilst the extensions are being built.

However, whilst it is appreciated that the narrow width and lack of full turning head in Margerison Crescent will make deliveries and parking by contractors complicated, similar disruption would be caused by general modernisation works and alterations to the interior of the house which are outside the scope of the planning system. Furthermore, the Local Planning Authority has no role to play in the management of the construction project, and would not ordinarily set such a requirement for a home improvement project of such a modest scale. Other similar planning approvals for house extensions on Margerison Crescent have not required a construction plan to be submitted.

The scale and nature of the proposal would suggest that it would be unreasonable to require a construction management plan to be submitted as part of the approval and such a condition would be very difficult to enforce.

Unauthorised parking by contractors and delivery vehicles on the pavements (illustrated in several photographs forwarded to the Council) is a matter for enforcement by the Highway Authority under separate powers.

Objectors say the internal head heights of the attic space are not sufficient to allow for a dormer window but this is a matter for Building Control, not Planning.

Objectors have also complained that some works have commenced already. However, the applicant is perfectly entitled (as is any Householder) to undertake internal works that do not require planning permission or small alterations and extensions that would be permitted development.

Objectors also complain about disturbance during construction. It is inevitable that there will likely be a degree of disturbance but this is only a small scale development proposal and the effects will be temporary. There is national guidance set out by Environmental Health on working hours to help reduce disturbance during construction. Refusing an application on grounds of disturbance during construction would be unreasonable.

The location of the bins is not indicated on the site plan but it is clear that there is ample space on this generous plot to accommodate all necessary waste and recycling bins.

Objectors complain that the intended height of the hedge along the boundary is not indicated. However, the height to which this unprotected garden hedge will be trimmed is a private law matter and is not a matter which could be lawfully controlled under planning powers.

Community Safety Implications:

The proposal does not present any 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 front dormer window and rear extensions are appropriate and sympathetic additions to 4 Margerison Crescent that will relate satisfactorily to the existing dwelling without being detrimental to the amenity of neighbouring occupants. The issues relating the initial location of the drive have been fully considered and the new off-street parking area is relocated to an appropriate location and will be created under permitted development rights. There are no highway safety concerns. On this basis, there is compliance with policies DS1, DS3, DS4, TR2 and DS5 of the Core Strategy, the NPPF and the guidance set out in the Council's adopted Householder SPD.

Conditions of Approval:

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

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

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

Plan Type	Plan Reference	Version	Date Received
Location Plan			24.03.2020
Location Plan			24.03.2020
Site Plan	02		24.03.2020
Existing plans and Elevations	01		24.03.2020
Proposed Site Plan	05	C	03.06.2020
Proposed Plans and Elevations	03	B	03.06.2020
Sections	04	B	03.06.2020

3. The rear extensions hereby permitted shall be constructed using external facing and roofing materials to match the existing building as is specified in 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.