
Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 15th August 2013

Subject: APPLICATION 12/04571/FU – One detached dwelling at 21 Park Lane, Rothwell, Leeds, LS26 0EY

APPLICANT

Mr S Otley

DATE VALID

29 October 2012

TARGET DATE

24 December 2012

Electoral Wards Affected:

Rothwell

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions.

1. Time limit on full permission
2. Plans to be approved
3. Samples of wall / roof materials to be submitted
4. Sample panel of brickwork
5. Samples of surfacing materials to be submitted
6. Details of fencing and / or walls to be submitted
7. Maximum driveway gradient
8. Vehicle space to be laid out
9. Unexpected contamination
10. Importing soil
11. Submission and implementation of landscape details
12. Protection of trees / hedges / bushes
13. Preservation of retained trees / hedges / bushes
14. Replacement trees / hedges / bushes
15. Removal of pd rights for extensions and outbuildings
16. Removal of pd rights for first floor windows

- 17. Bat boxes
- 18. Bat protections / mitigation
- 19. Construction practice
- 20. Construction hours
- 21. Door and window details to be submitted

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Councillor Golton who considers it appropriate to be presented to Panel to ensure that the neighbouring residents feel that they have had a fair hearing.

2.0 PROPOSAL:

- 2.1 This application seeks full planning permission for a detached 4 bedroom dwelling within the rear garden of 21 Park Lane, Rothwell. The proposed property is single storey with rooms in the roof and will measure 3m to eaves and 6.7m to ridge. Its floor plan is an 'L' shape and light to the upper floor will be provided via dormer windows and a window in one of the gable ends. It will be constructed of brick with a tiled roof.
- 2.2 Vehicular access to the site is via the existing driveway to 21 Park Lane. 2 parking spaces will be provided for both the existing and proposed new dwelling (4 spaces in total), along with space to enable turning within the site.
- 2.3 The application is the resubmission of an earlier application which was withdrawn as it was considered to be unacceptable. The previous dwelling proposed was substantially larger (significantly larger footprint, 3 storeys, attached garage) and of a much grander design.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site forms part of the rear garden of 21 Park Lane, a large detached property dating from the 1920s that is set within a generous plot. The site is generally level and is currently primarily lawn with a number of trees within it.
- 3.2 It is situated within an established residential area and is bordered by residential properties to the north, north east, south west and west. To the south and east is Springhead Park.
- 3.3 The site lies within the Rothwell Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/04498/FU – 5 bedroom detached house with attached garage – withdrawn 13 January 2012.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Subsequent to the withdrawal of application 11/04498/FU a number of informal pre-application meetings took place to discuss the placing of a dwelling on this site. These focused on developing a scheme that protected existing trees and preserved the character and appearance of the conservation area.

- 5.2 Since the submission of the current application the applicant, at the request of the Planning Officer, has revised the proposal by reducing the size of the dwelling to increase the distance from trees to be retained.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was initially advertised by site notices posted on 9 November 2012, in the Yorkshire evening post on 15 November 2012 and by neighbour notification letters dated 31 October 2012.

- 6.2 6 letters of objection were received as a result of this. The comments made are summarised as follows.

- It will overlook 17, 19 and 25 Park Lane – property and garden.
- It will adversely affect the outlook from 25 Park Lane as they will look at a house not greenery.
- It will overshadow numbers 19 and 17.
- It will dominate neighbours.
- It will reduce security to the rear of 23 Park Lane as trees are to be taken down.
- Previous plans were overturned.
- The conservation area should be conserved.
- Number 21 is one of the most impressive properties on Park Lane, if not Rothwell.
- The proposed dwelling is unsympathetic to the mature properties on both sides.
- It will detract from the character and appearance of the area.
- The design is out of character.
- A reduction in the size of the garden will not be compatible with the character of the area.
- The loss of trees and impact on retained trees will be environmentally intrusive.
- It will impact on wildlife in the area.
- Bats are present in the area.
- No other properties have a shared drive.
- Covenants exist to prevent more than 1 dwelling per plot.
- There is already congestion on Park Lane.
- There have been a number of bad decisions on property building in the area in the last few years.
- There are inaccuracies in the planning application forms (e.g. it is visible from public land but the 'no' box has been ticked) and in the arboricultural report (e.g. it states trees are not visible from public vantage points, this is not true).

- 6.3 Due to concerns about the proposal, the plans were revised and further neighbour notification letters were sent out on 22 April 2013. As a result of this 3 further letters of objection were received. It should be noted that the writers of these 3 letters all commented on the original proposal. The comments made re-iterate the initial objections with the following being the key points raised.

- Such a proposal is a huge mistake.
- It will completely affect the neighbouring way of life, especially privacy. The new build will also be overlooked.
- Wildlife will be affected.
- The proposal is causing much stress and upset to neighbours.
- Security will be affected.
- Increased traffic.
- Neighbouring outlook adversely affected.
- Property prices devalued.

- Revisions still double the number of bedrooms on the site.
- Dwelling style not in keeping.
- Significant tree removal.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultations

- 7.1 Highways has no objections subject to conditions relating to laying out of vehicle spaces and driveway gradient.

Non-Statutory Consultations:

- 7.2 Flood Risk Management has no objections and advise that the drainage requirements can be adequately dealt with through Building Regulations.
- 7.3 Environmental Protection has no objections but advise that construction hours should be restricted to 8am to 6pm Monday to Friday and 9am to 1pm on Saturdays.

8.0 PLANNING POLICIES:

National Policy

- 8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.

Local Policy

- 8.2 Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

- 8.3 Relevant Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations.
- BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.
- N12 states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention.
- N13 requires all new buildings to be of high quality and have regard to character and appearance of surroundings.
- N19 requires development to preserve or enhance conservation areas.

- T2 relates to highways and states that development proposals should not create new, or exacerbate existing, highway problems.
- H4 relates to residential development on sites not identified for that purpose.
- T2 states that development proposals should not create new, or exacerbate existing, highway problems.
- T24 parking provision to reflect the guidelines set out in UDP Appendix 9.
- LD1 requires development proposals to protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

Supplementary Planning Documents

8.4 Neighbourhoods for Living.
Guideline Distances from Development to Trees.
Rothwell Conservation Area Appraisal and Management Plan

9.0 MAIN ISSUES

1. Principle
2. Character and appearance of the Rothwell Conservation Area
3. Residential Amenity
4. Highways

10.0 APPRAISAL

Principle

10.1 The application site lies within an established residential area and is unallocated in the adopted UDP. Policy H4 relates to residential development on unallocated sites. It is considered that the proposal does not conflict with this policy given the site is within an established residential area and the proposal would not adversely affect the character and appearance of the area (see 'visual amenity' section below).

Character and appearance of the Rothwell Conservation Area

10.2 The application site lies within the Rothwell Conservation Area. Conservation areas are areas of 'special architectural or historic interest, the character of which it is desirable to preserve or enhance'. As such any proposals for development need to *preserve or enhance* the character and appearance of such areas.

10.3 It is considered that the proposal will have limited impact on local character as the proposed building is situated to the rear of the site, behind existing development (it is set back 46m from the site boundary with Park Lane), and as such will not be readily visible from the public domain. Limited views of the dwelling may be visible between the properties on Park Lane but given the location and set back of the proposed dwelling it will not be a prominent feature within the street scene.

10.4 Given its location to the rear of the site the proposed dwelling is close to the boundary with Springhead Park. However, the area of Springhead Park that it is adjacent to is an area of woodland and as such it will be screened in views from the main park areas.

10.5 The design of the building is considered appropriate to its setting in terms of its appearance, scale and materials. Whilst the properties in the area primarily date from the 1920s / 30s there are a number of properties from other eras. As such it is considered that a property that does not necessarily reflect the existing dwelling on the site can be appropriate, especially given that it will not be dominant within the

street scene given its location. It is considered that the design of the dwelling (e.g. roof pitch, materials, window details) will sit harmoniously with its neighbours and the existing property on the site. Given the location of the site within a conservation area, timber windows are considered to be more appropriate. A condition requiring timber windows is therefore recommended.

- 10.6 Although a generously sized dwelling, care has been taken to ensure its overall size and proportions are of a domestic scale whilst at the same time aiming to limit the height to help reduce any impact on visual amenity and also ensure an appropriate relationship with adjacent properties. Space is retained around the proposed dwelling such that there is sufficient spatial separation between it and adjacent dwellings.
- 10.7 Ensuring appropriate space is retained around the property is especially important given there are a number of trees within and adjacent to the site. A number of trees will be removed to enable the development and these have been looked at closely by the Council's Tree Officer, who has visited the site on a number of occasions. It is considered that the trees to be removed are smaller, poorer specimens that do not warrant retention. However, there are some important and significant trees on the boundaries of the site that need to be retained and protected from harm. As a result, revisions to the scheme to reduce the footprint of the dwelling to move it away from existing trees to be retained have been sought. As a result of these revisions it is considered that there will be no harm to retained trees.
- 10.8 In light of the above it is considered that the proposed dwelling sits comfortably within the site and would not be visually intrusive. As such it will preserve the character and appearance of the conservation area and will not be harmful to the visual amenity of the locality. The Rothwell Conservation Area Appraisal makes reference to the contribution to the positive character of the area made by the 20th century houses on Park Lane, and by the garden trees merging this area with the park. The character of this part of the conservation area derives in the most part from the park and it is considered that the proposed dwelling would preserve this character. Nearby the application site on the opposite side of Park Lane, the Council had refused permission for a dwelling to an existing garden in a prominent location fronting onto Park Lane (09/00095/FU), in part due to the harm to local character consisting of houses in relatively generous gardens. This view was not shared by the Appeal Inspector who concluded that there was no harm to local character. By comparison, the current proposal is visually less prominent and in a more spacious setting.

Residential amenity

- 10.9 Given its design and location and the location and design of its neighbours it is considered that the proposed dwelling would not have any adverse impact on the living conditions of neighbouring properties as a result of dominance, overshadowing/loss of light or loss of privacy.
- 10.11 The proposed dwelling is situated to the rear of number 21 and will be 29m from the rear elevation of this property. As such it is considered that there is sufficient separation to prevent any adverse impact as result of dominance and overshadowing. A first floor window will face towards number 21 but, given this will serve a bedroom and is over 18m from the proposed boundary between the properties; it is not considered that overlooking will be an issue.
- 10.12 Concern has been expressed that the proposal will overlook neighbouring properties and gardens, including numbers 17, 19 and 25 Park Lane. It is considered that

care has been taken in the design / layout of the proposal to limit any impact as a result of overlooking and that given the location of the proposed dwelling and the distances involved there will not be any adverse impact in this respect. There are no first floor windows facing towards numbers 17 and 19 and although there are windows facing towards numbers 23 and 25, these neighbouring properties are some distance away (number 23 is 27m plus from the proposed dwelling and number 25 is over 30m away). The first floor windows facing towards these properties are also a minimum of 12m from the common boundary and, given they serve landing and bedroom areas, this exceeds the distance to boundaries recommended in Neighbourhoods for Living (7.5m).

- 10.13 Concern has also been expressed that the proposed dwelling will overshadow and dominate neighbouring properties. Given its size, design and location and its distance from neighbouring properties it is not considered that this will be the case. It is a minimum of 27m from its nearest neighbour and in many cases over 30m away.
- 10.14 In light of the above, it is considered that there will not be any harm to the living conditions of neighbouring properties as a result of dominance, overshadowing and loss of privacy.
- 10.15 It should also be noted that it is considered that adequate space will be provided within the proposed plot for private amenity space and as such sufficient amenity will therefore be afforded to future occupiers. 21 Park Lane will also retain a sufficient area of private garden.

Highways

- 10.16 The access to the proposed dwelling is via the existing driveway to 21 Park Lane. It is considered that the use of this driveway by one additional dwelling will not result in an unacceptable level of additional vehicular movements to and from the site. Two off street parking spaces, along with space for manoeuvring, will be provided for both 21 Park Lane and the proposed dwelling (4 parking spaces in total). As such the proposal is considered to be appropriate in terms of highway safety. It should be noted that Highways has no objections.

11.0 CONCLUSION

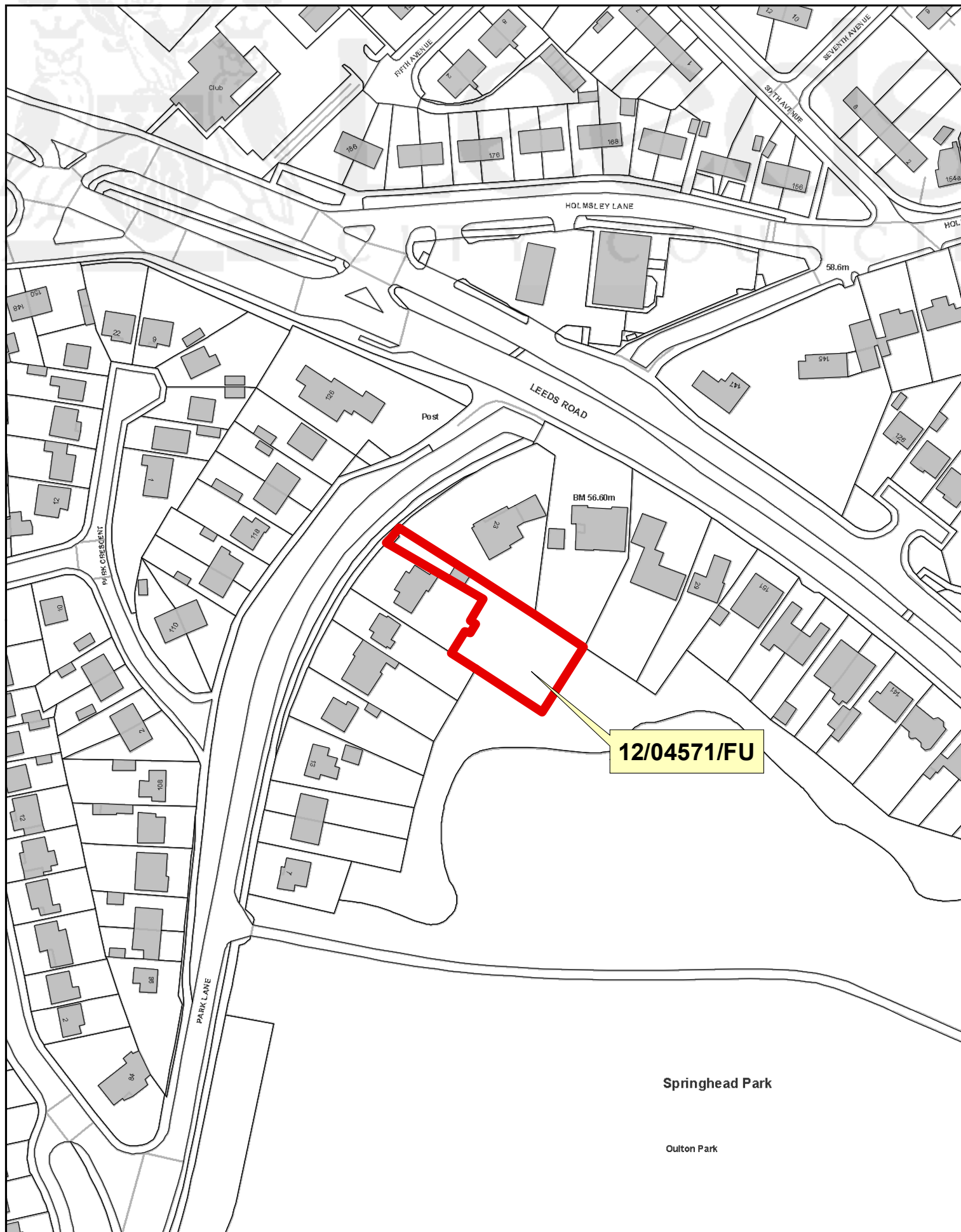
- 11.1 In light of the above it is considered that a dwelling can be placed on the site without resulting in undue harm to neighbouring or visual amenity or the conservation area and Springhead Park, and that the design of the dwelling is appropriate for the locality. Existing trees that need to be retained will be suitably protected. As such the application is considered to be in accordance with relevant UDP policies and approval is therefore recommended.

Background Papers:

Application file 12/04571/FU

History files 11/04498/FU

Certificate of Ownership: signed as applicant.



SOUTH AND WEST PLANS PANEL

