



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 31<sup>st</sup> October 2013

**Subject: 13/02896/CA Demolition of two storey side/rear extension, detached garages, kennels enclosures and outbuildings; and**

**13/02897/FU new three storey side extension to 1 Sandhill Villas and erection of one detached dwelling at,**

**1 and 2 Sandhill Villas, Sandhills, Thorner, LS14 3DJ**

#### APPLICANT

Mr and Mrs Brown and Ms Bolton

#### DATE VALID

27<sup>th</sup> June 2013

#### TARGET DATE

8<sup>th</sup> November 2013

#### Electoral Wards Affected:

Harewood

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION: REFUSE permission for 13/02897/FU the following reason(s):

1. The Local Planning Authority consider that the proposed detached dwelling is inappropriate development within the Green Belt as it falls outside the list of exceptions to the restrictive approach to development within the Green Belt detailed in local and national policy. The Local Planning Authority also consider that the new dwelling by virtue of its size, scale and siting harms the openness and character of the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and as no very special circumstances have been demonstrated the proposal is considered contrary to the aims and intentions of policy N33 of the Leeds Unitary Development Plan (Review) 2006 as well as guidance contained within the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed new driveway serving 2 Sandhills Villas and the new dwelling is unacceptable as it exceeds

the maximum suggested gradient for a driveway. As such the driveway is considered to be substandard and is therefore harmful to highway safety, contrary to policies GP5 and T2 of the Unitary Development Plan Review (2006) and guidance contained within Supplementary Planning Document Street Design Guide.

**RECOMMENDATION: Approve permission for 13/02896/CA subject to the following Conditions:**

1. Time limit;
2. Plans to be approved;
3. Making good to match existing.

## **1.0 INTRODUCTION**

- 1.1 These applications seek permission to demolish kennels, garaging and extensions and erect a three storey side extension to 1 Sandhill Villas, dormers to both properties and a detached dwelling to the side of 2 Sandhill Villas. These applications follow a refused scheme in 2012 for the erection of four houses. The previous application was refused as new housing within the Green Belt is inappropriate development and there were no very special circumstances to justify the development. A second reason for refusal focused on concerns regarding design and character.
- 1.2 As will be outlined below although the scale of development has been reduced and concerns regarding the design resolved, the construction of new dwelling within the Green Belt remains inappropriate development and in the absence of very special circumstances the application is, in principle, unacceptable. Highway concerns regarding the gradient of the proposed driveway also remain unresolved.
- 1.3 The application is brought to Panel at the request of Councillor Anne Castle due to local support for the scheme, the potential to enhance the village and its Green Belt location.
- 1.4 The following report includes a full and detailed analysis of the authority's interpretation of National Green Belt Policy. This is included due to changes to the appeal system in which a 'fast-track' process will mean the authority is no longer able to submit a supplementary appeal statement but must rely solely on the contents of delegation and panel reports.

## **2.0 PROPOSAL**

- 2.1 The application can essentially be split into three elements. These are:
  - the demolition of existing buildings;
  - the residential extensions to the existing dwellings; and
  - the new build dwelling.
- 2.2 The demolition involves the removal of an existing two storey extension, a double garage and kennels at number 2 Sandhill Villas. The extension is a flat roofed addition which lies to the side/rear of the house whilst the garage lies to the side of the site and has a shallow pitched roof. The kennels are located in the rear garden and extend for much of the curtilage. These are low slung buildings constructed from concrete and other utilitarian materials. A detached double garage at 1 Sandhill Villas will also be demolished.

- 2.3 The additions which are proposed to the existing dwellings are a two storey side extension to number 1 Sandhills and dormers to the rear of numbers 1 and 2. The extension is a two/three storey gabled addition to the side of the property which is subordinate to the main dwelling and inset from both the front and rear walls. This is a brick built structure with a slate roof. The dormers would be located to the rear and are small, peaked roof additions with largely glazed frontages.
- 2.4 The new build property is located to the side of 2 Sandhill Villas and is a redbrick property with a gabled, slate roof. The house would include a bay window to the front.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is located to the south of Thorner Village and within the Conservation Area. Sandhills is a small hamlet which is detached from the main village of Thorner. A cluster of dwellings to the north of the site forms a small ribbon development and then additional houses are situated in a more dispersed arrangement as the land continues to rise above the village. The ribbon of houses is set lower than the application site and the application property is part of the more dispersed housing. Thorner has a mixed palate of materials; locally quarried sandstone is predominant within the historic core, although Victorian and Arts and Crafts dwellings to its outskirts are more often constructed of brick.
- 3.2 The existing pair of semi-detached properties are Victorian villas constructed of brick and with a gabled slate roof. The houses retain their historic character and features such as mullioned bays, decorative heads to the windows, dentils and chimneys all contribute to their positive appearance. The houses are set back from the highway behind front gardens. A low brick wall topped with open railings forms the boundary with the highway verge. There is a significant gradient within the site with the land falling away to the rear by approximately 2.0m, with this difference being over 4.0m to the very rear points of the gardens.
- 3.3 The property is located within the Green Belt and the surrounding area has an agrarian character. The boundaries of the site are largely formed by hedging and vegetation with some mature trees to the side boundary of 1 Sandhills.

### **4.0 RELEVANT PLANNING HISTORY:**

H33/166/83/	Application for established use certificate for the use of dwelling house and outbuildings as dwelling house and boarding kennels at 2 Sandhill Villas <b>Approved</b>
H33/221/88/	Outline application to erect 3 bedroom house with detached garage to garden at 1 Sandhill Villas <b>Withdrawn</b>
12/02360/FU	Demolition of flat roofed extension, kennels, outbuilding and garages and erect four houses with car parking <b>Refused</b>
12/02361/CA	Conservation Area Application to demolish flat roofed extension, kennels, outbuilding and garages <b>Approved</b>

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The plans have been revised during the course of the application to address concerns regarding design and impact upon the character of the conservation area.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been advertised neighbour notification letter, site notice and newspaper advert.
- 6.2 Councillor Castle has offered support to the scheme noting that if approved the existing business use would cease and the development would enhance the entrance to the village.
- 6.3 Two local residents have expressed support for the scheme, although one raises concerns regarding overlooking. No addresses have been supplied with the support letters.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Contaminated Land: Note that a phase 1 desk top study is required;  
Mains Drainage: Express no objection to the scheme but note that sustainable drainage methods could be incorporated;  
Conservation: Express no objection to the scheme;  
Highways: Express no objection to the scheme.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD.

### Local Planning Policy

- 8.2 The Leeds Unitary Development Plan (Review 2006) is the development plan for the whole of the Leeds district. Relevant planning policies in the Leeds Unitary Development Plan (Review) 2006 are listed below:

- GP5: Development proposals should resolve detailed planning considerations.
- BD6 Gives advice in relation to extensions to residential properties which states that extensions should respect the scale, form, detailing and materials of the original building.
- BD5: All new buildings should be designed with consideration given to both their own amenity and that of their surroundings
- N13: The design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings.
- N18A: Presumption against demolition of positive structures within a conservation area.
- N18B: Demolition within a conservation area should not be given unless a redevelopment scheme has been approved.
- N19: Development within a conservation area should preserve or enhance the character of appearance of the conservation area.

- N24: Development proposals which abut the Green Belt should assimilate into the wider landscape
- N25: Boundaries of sites should be designed in a positive manner, using walls, hedges, or railings where appropriate to the character of the area. All paving materials should accord with the character of adjacent buildings and surrounding areas.
- N33: Provides a list of when development might be not inappropriate within the Green Belt
- T2: New development should not adversely affect the highway network:

#### Householder Design Guide SPD:

- 8.3 Leeds City Council Householder Design Guide was adopted on 1<sup>st</sup> April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

- HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:
- i) The roof form and roof line;
  - ii) Window detail;
  - iii) Architectural features;
  - iv) Boundary treatments
  - v) Materials;

#### Emerging Local Development Framework Core Strategy

- 8.4 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination commenced in October 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.

#### Policy P10: Design

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles:

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality;
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight;
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views;
- (iv) Car parking, cycle, waste and recycling storage are integral to the development;
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion;
- (vi) The development is accessible to all users.

#### National Planning Policy Framework

- 8.5 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. In respect of heritage local planning authorities are encouraged to sustain and enhance the historic environment. In respect of the Green Belt authorities should regard the construction of new buildings as inappropriate and significant weight should be given to harm to the Green Belt.

### **9.0 MAIN ISSUES**

- 1) Green Belt/Principle of Development
- 2) Design and Character/Conservation Area
- 3) Highway Safety
- 4) Residential Amenity
- 3) Representations

### **10.0 APPRAISAL**

#### Green Belt/Principle of Development

- 10.1 The application site is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of Green Belt are their openness and their permanence. Paragraph 89 of the NPPF notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF also states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 10.2 Paragraph 89 of the NPPF, like Policy N33 of the UDP, provides a list of circumstances in which the construction of new buildings in the Green Belt might be considered not inappropriate. There is a subtle difference between the two lists with the NPPF including at bullet point 6 the following exception:
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 10.3 As the UDP does not include any policy which equates to bullet point 6 of the NPPF and indeed is silent on this matter, there is a degree of conflict between the Development Plan and the NPPF. This therefore does marginally reduce the weight which can be applied to policy N33, however where the text of the policy remains in conformity with the NPPF it's weight is not diminished.
- 10.3 In considering this application it is helpful to split the scheme down into two separate elements. The first is whether the residential extensions proposed to 1 and 2 Sandhill Villas can be considered not disproportionate and in accordance with policy HDG3 of the Householder Design Guide. The second is whether the new dwelling proposed to the side of 2 Sandhill Villas can be considered to be caught by bullet point 6 of the NPPF quoted above. If the extensions are disproportionate or the new house is not considered to be redevelopment of a previously developed site then the proposals represent inappropriate development in the Green Belt and should be resisted unless very special circumstances are demonstrated.
- 10.4 The main issues in relation to this application are therefore;
- (i) whether either element of the proposal constitutes inappropriate development in the Green Belt as set out in the Development Plan and having regard to national policy framework set out in the NPPF. This document advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and;
  - (ii) if it is inappropriate development, whether the harm, by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- 10.5 The proposed extensions to 1 and 2 Sandhill Villas do not raise significant concern. Policy N33 of the UDPR which notes that approval will only be given for limited extension, alteration or replacement of existing dwellings. This represents the wording of the superseded PPG2, however the difference between 'limited extension' and 'not...disproportionate' is semantic only and both documents clearly seek to restrict inappropriate development within the Green Belt. The NPPF and UDP provide no guidance on how to interpret what constitutes disproportionate or limited extensions, however the Householder Design Guide notes that approximately a thirty percent increase over and above the volume of the original building is considered to be a reasonable interpretation of limited extension (HDG3). In order to be considered acceptable development within the Green Belt, extensions should not only be limited but should not harm the openness of the Green Belt.
- 10.6 The Design and Access statement which has been submitted with the application suggests that the volume of the proposed side extension to number 1 is approximately 30% of the original dwelling. The existing double garage to the side of the property is to be demolished as the cumulative volume of both structures would exceed the 30% threshold. It should also be noted that there is a large play structure within the rear garden which has not been included with the calculations as although this is strictly an ancillary structure with a mass and volume it is essentially temporary and will be removed in time. As such the side extension and dormers are considered to represent limited development as outlined within the Design Guide. Because the property has reached the limit of not inappropriate development within the Green Belt were consent to be granted the LPA would consider removing permitted development rights for further extensions and outbuildings.

- 10.7 Turning then to consider the matter of the openness of the Green Belt. The side extension and dormers which are proposed are relatively modest additions to the properties, and although their presence will have a marginal impact upon the openness of the Green Belt this will not be so sufficiently harmful that the extensions represent inappropriate development. As such the domestic extensions to 1 and 2 Sandhill Villas are considered to comply with the aims and intentions of local and national planning policy.
- 10.8 The proposed new dwelling raises significant concerns. Here the main issue is whether the land associated with the application can be considered a 'previously developed site' and thus caught by bullet point 6 of the NPPF. There is no definition of a previously developed sites within the NPPF and the authority has no local policy which provides definition or clarity. The applicant suggest that as 2 Sandhill Villas is a site which has previously been developed (through the business use associated with the kennels), its complete or partial redevelopment is permitted by bullet point 6. The authority do not agree with this interpretation of the NPPF and this reasoning is outlined below.
- 10.9 To understand the phrase previously developed sites in the manner the applicants suggest, ie to understand the words in their conventional, vernacular sense - this is a site, it has been developed, therefore it can be redeveloped – is too simplistic and too loose an interpretation. To accept this understanding of the phrase would be contrary to the well established principles of the control of development within the Green Belt and would also make other elements of the NPPF wholly redundant. This interpretation therefore is considered to be flawed.
- 10.10 Using the phrase in this simple, general manner would mean that it must have exactly the same meaning as previously developed *land*. Previously developed land is defined within the NPPF. Page 55 of the Annex 2 Glossary defines this to be:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

- 10.11 Had it been the intention of the NPPF for bullet point 6 to apply to any and all previously developed land, then the phrase previously developed land would have been used. The fact that it has not been used is important. This phrase previously developed land has a clearly understood meaning and is defined within the NPPF. The fact that the NPPF uses previously developed *sites* in reference to the Green Belt, rather than more general previously developed land means that there is a subtle but significant difference in the meaning and interpretation of the two phrases.
- 10.12 It is also clear from bullet points 4 of paragraphs 89 and 90 that the phrase previously developed sites cannot have the same meaning as previously developed land. Bullet point 4 of para 89 allows for:
- “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;”



whilst bullet point 4 of para 90 allows for:

“the re-use of buildings provided that the buildings are of permanent and substantial construction.”

- 10.13 If the meaning of previously developed sites is to be understood as having the same meaning as previously developed land then neither of these exceptions would be required. Applying the more general interpretation of previously developed sites would not only allow for the replacement of a building as outlined in paragraph 89, but it would in fact allow for the replacement of a building which was materially larger than the one it replaces. This general interpretation of previously developed sites would therefore make bullet point 4 redundant.
- 10.14 This is also the case with bullet point 4 of para 90. If the general interpretation were accepted then there would be no need to allow for the re-use of buildings within the Green Belt, nor to specify that the buildings need to be of permanent and substantial construction. The definition of previously developed land does not require there to be permanent structures. So if the more general interpretation of previously developed sites (ie as akin to previously developed land) is applied then this would make bullet point 4 of paragraph 90 redundant. It would not be necessary to specify that buildings within the Green Belt can be reused, nor to specify that the buildings must be of permanent and substantial construction. The more general interpretation would allow land to be redeveloped regardless of whether there were permanent and substantial buildings.
- 10.15 It is therefore clear that the more general, vernacular understanding of the words gives a meaning that the phrase simply cannot bear. To interpret the phrase as synonymous with previously developed land would mean that any area of land, of any size or scale within the Green Belt which is previously developed can now be wholly redeveloped. This interpretation is contrary to the well established principles of the control of development within the Green Belt in which the aim is to keep land free from development and permanently open. If the phrase previously developed sites means the same as previously developed land then this would be a fundamental and wholesale change to the control of development within the Green Belt, and would also mean that the NPPF itself is inconsistent and contradictory.

#### Previously Developed Sites

- 10.16 It is therefore necessary to consider what the meaning of previously developed sites may be. In considering this it is reasonable to look to Annex C of the superseded PPG2 which outlined the concept of major developed sites. The text of bullet point 6 of paragraph 89 is clearly derived from paras C3 and C4 of PPG2 which make reference to the “limited infilling at major developed sites” (C3) and also whether “they are redundant or in continuing use, the complete or partial redevelopment of major developed sites” (C4). Both paragraphs C3 and C4 note that infilling and redevelopment should have no greater impact on the purposes of including land in the Green Belt and also that redevelopment should contribute to the objectives for the use of land in Green Belts.
- 10.17 The language of bullet point 6 of the NPPF is so similar to that of Annex C that it is reasonable to assume the intention of the bullet point is also similar to that of Annex C. The general thrust of Annex C was to allow limited infilling or the partial or complete redevelopment of major developed sites. These were substantial sites (factories, collieries, hospitals etc) where additional development could secure wider

benefits. This benefit could be through jobs or economic development if the site was still in use, or if the site were redundant then through improvements to the quality and character of the environment. Paragraph C3 noted that limited infilling at major developed sites “may help to secure jobs and prosperity” whilst paragraph C4 noted that the complete or partial redevelopment of major developed sites “may offer the opportunity for environmental improvement”.

- 10.18 In choosing the phrase *previously developed sites* rather than *major developed sites* it is clear that the NPPF does not intend bullet point 6 to carry exactly the same meaning as Annex C and that the choice of language may signal some change in the forms of development which may be considered as exceptions to the restrictive policy on Green Belt development. However, as outlined above this change in language cannot signify the wholesale abandonment of well established Green Belt principles with the result that the NPPF itself is contradictory.
- 10.19 The authority suggest that there needs to be some consideration of scale. The use of the phrase *previously developed sites* means that it may no longer be necessary for a site to be of the scale of a hospital or colliery for its redevelopment to be considered not inappropriate. Crucially though it must still be of a scale where redevelopment would bring about significant environmental improvements. To allow the phrase to permit the *carte blanche* redevelopment of any *previously developed* land within the Green Belt would be a unreasonable interpretation of policy.

#### Is 2 Sandhill Villas a Previously Developed Site?

- 10.20 The question which remains is whether 2 Sandhill Villas can be considered a *previously developed site*. Officers believe that the answer to this is no. The size of the land holding and the scale of the buildings within it are reasonably modest and not of the scale which would be required for the land to be considered a *previously developed site*. It is a small, individual plot of land and its redevelopment would not secure significant environmental benefits. As such the construction of this new dwelling in the Green Belt cannot be considered not inappropriate development as outlined by bullet point 6 of paragraph 89 of the NPPF.

#### Inappropriate Development and Very Special Circumstances?

- 10.21 Paragraph 89 notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. As the development proposed by the applicant does not satisfy any of the noted exceptions to this restrictive approach to development, the construction of a new dwelling at 2 Sandhill Villas must be considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to harm to the Green Belt. Because the development is inappropriate it is necessary to consider whether any other considerations exist which are sufficient to outweigh the harm through inappropriateness.
- 10.22 In order to be considered very special circumstances the arguments forwarded by an applicant must be particular to the unique application and should not be based upon general planning considerations. The applicant has drawn attention to the fact that the existing kennels and the existing flat roof two storey side extension are to be demolished and that overall there is a net reduction in both volume and spread of development within the Green Belt. The applicant therefore concludes that there will be an improvement to the openness of the Green Belt.

- 10.23 Judgements regarding openness must take account not only of the volume and dispersal of structures within the Green Belt but also their siting, scale, height and massing. The kennels which exist at present are relatively low slung structures which are not readily visible from public space. The level changes across the site mean that they are set lower than the highway and effectively screened from Sandhills with only glimpses of their roofs possible for a short section of the carriage way. This is also the case with the side extension, which is screened on approach from the south by the existing garage and on approach from the north by the dwellings.
- 10.24 Whilst it is acknowledged that any structure will have an impact upon the openness of the Green Belt and that the kennels and extension which exist are a little unsightly, it cannot be assumed that simply because there is a net reduction in volume there is an improvement to openness. The new dwelling which is proposed is a two storey dwelling with rooms with the roofspace which is set to the highest point of the site in a prominent, road frontage location. The new dwelling will be visible on all approaches from the south and would be a significant and noticeable addition with a substantial degree of mass. Its overall height, size and scale would have a more harmful impact upon the openness of the Green Belt than the existing kennels and extension.
- 10.25 It must also be acknowledged that the removal of the existing structures would bring about some marginal environmental improvements, although this improvement would be lessened by virtue of the fact that the kennels and extension are not overly visible. The development would replace poorly designed buildings which cannot be seen with a well designed building which can be seen. This impact is, at best neutral, and considering that the character of the Green Belt is one of openness a large building which reduces openness would consequently harm its character. The potentially marginal environmental improvement does not justify the erection of an additional dwelling which would have a substantial and permanently harmful effect upon the Green Belt.
- 10.26 As such whilst the residential extensions to the dwellings can be considered not inappropriate the erection of a new dwelling within the Green Belt is inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. No very special circumstances have been forwarded which are sufficient to outweigh the harm through inappropriateness and thus the application is not acceptable in this regard.

#### Design and Character/Conservation Area

- 10.26 In assessing the impact of the proposals upon the character of the area there are two elements which need to be assessed. First the demolition of the kennels, extension and garages and secondly the impact of the extensions and the new dwelling.
- 10.27 Although policy N18B notes that demolition within a conservation area should not be approved without an agreed redevelopment scheme, in this instance the loss of the existing structures is not considered harmful to the character of the dwellings nor the wider area. The garages which are present to the two dwellings are neutral structures which neither harm nor enhance the dwellings and their loss would have a neutral impact upon the character of the area. The loss of the extension and kennels would be of marginal benefit to the character of the wider area, although in removing these what appear to be original outbuildings are also to be demolished. These do not make a significantly positive contribution to the character of the conservation area, and thus on balance the demolition of the kennels and consequential loss of the original outbuildings would also have a neutral impact. It is also noted that the

authority has previously granted conservation area consent for this demolition under the previous application.

- 10.28 Policy N19 notes that all new buildings and extensions within conservation areas should preserve or enhance the character or appearance of the area. The proposed residential extensions are considered to achieve this aim. The two storey side extension is a modest, subordinate addition which adequately reflects the shape, form and detailed design of the semi-detached pair. The dormers to the rear are also acceptable as whilst these do alter the shape of the roof, the structures are small, well designed additions which reflect Victorian roof alterations and sit well within their broader context.
- 10.29 The new build dwelling is also considered to be acceptable. The new house has been designed to reflect the character of Sandhill Villas and its scale, mass and siting are broadly acceptable. The detail of the dwelling, its proportions, window design and articulation reflect that of the existing houses and thus it will appear appropriate within the wider context of Sandhills. As such the extensions and new dwelling will not harm the character and appearance of Thorner's conservation area.

#### Highway Safety

- 10.30 In order to be considered acceptable in respect of highway safety development proposals must not impede the free and safe passage of cars and pedestrians. The proposed works do not materially change the existing access arrangements to 1 Sandhills, and although secure car parking is being lost there is sufficient land within the site to park two cars clear of the highway.
- 10.31 The existing access point to 2 Sandhill Villas will serve both the existing property and the new build house. A sloping driveway will be constructed between the two dwellings and this at present has a gradient of approximately 1 in 5, which is significantly steeper than the recommended gradient of 1 in 12. A driveway of this steepness raises significant concern in respect of highway safety and thus the application is not acceptable in this regard.

#### Residential Amenity

- 10.32 Policy GP5 (UDPR) notes that extensions should protect amenity and policy BD5 notes that "all new buildings should be designed with consideration given to both their own amenity and that of their surroundings". The proposal raises no significant concerns in respect of the amenity of either the occupants of the new dwelling nor that of existing neighbours.
- 10.32 The new dwelling has adequate garden private garden space and reasonable outlook from all main windows. The property will also not have an unduly negative effect upon the amenity of any near neighbours. The first floor rear facing windows will obliquely overlook the garden of 2 Sandhill Villas however this is a common relationship and one which must be expected within residential contexts and is not unduly harmful. The front windows also retain adequate distance to Intake House which lies opposite the site, and as such no conflict is anticipated.
- 10.33 The proposed extension and dormers are also not considered to be harmful to amenity. The dormers will increase the potential for oblique overlooking of the rear gardens of 1 and 2 Sandhill Villas as well as the new dwelling, however the windows will not afford significantly greater views of the gardens than is presently possible from the rear facing windows, and as such no significant harm will occur. The side

extension does include side windows which face north and one of the objection letters has made reference to these. These windows are located approximately 60m from the nearest residential dwelling and even with the changes in land levels this distance is sufficient to prevent significant harm.

### Representations

10.34 All material planning considerations raised through representations have been discussed above.

## **11.0 CONCLUSION**

11.1 The application is therefore considered to be unacceptable. The construction of a new dwelling within the Green Belt is inappropriate development which is, by definition harmful to the Green Belt. The gradient of the proposed driveway serving 2 Sandhill Villas and the new dwelling is too steep and would be harmful to highway safety. As such the development fails to comply with the aims and intentions of policies N33, GP5 and T2 as well as advice contained within the National Planning Policy Framework, and is thus recommended for refusal.

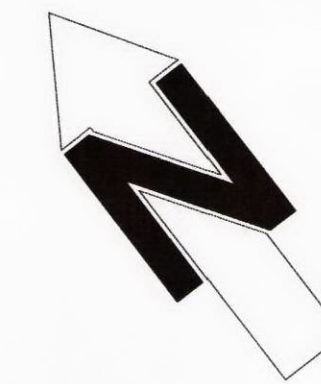
### **Background Papers:**

Application files 13/03029/FU

Certificate of ownership: Certificate A signed: Mr and Mrs Brown and Ms Bolton

REV.	DATE	REVISION	BY	CHK
A	24.05.13	House size reduced	RE	DMC
B	18.06.13	Floor Plan Amendments	AS	DMC
C	28.09.13	Plans Amended with Garages and Landscaping	FV	DMC
D	18.11.13	Detached property amended	RE	DMC

LEEDS CITY COUNCIL  
18 OCT 2013  
**REVISED**



- Legend
- Road
  - Grass
  - Driveway
  - Paths
  - Hedge
  - Trees
  - To be demolished

**studio MAP**  
Architecture and Project Management  
Bridge House  
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CLIENT  
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PROJECT  
1-2 Sandhill Villas  
Thorner  
Leeds

TITLE  
Proposed Site Plan

STATUS  
Preliminary

DATE  
Apr' 2013

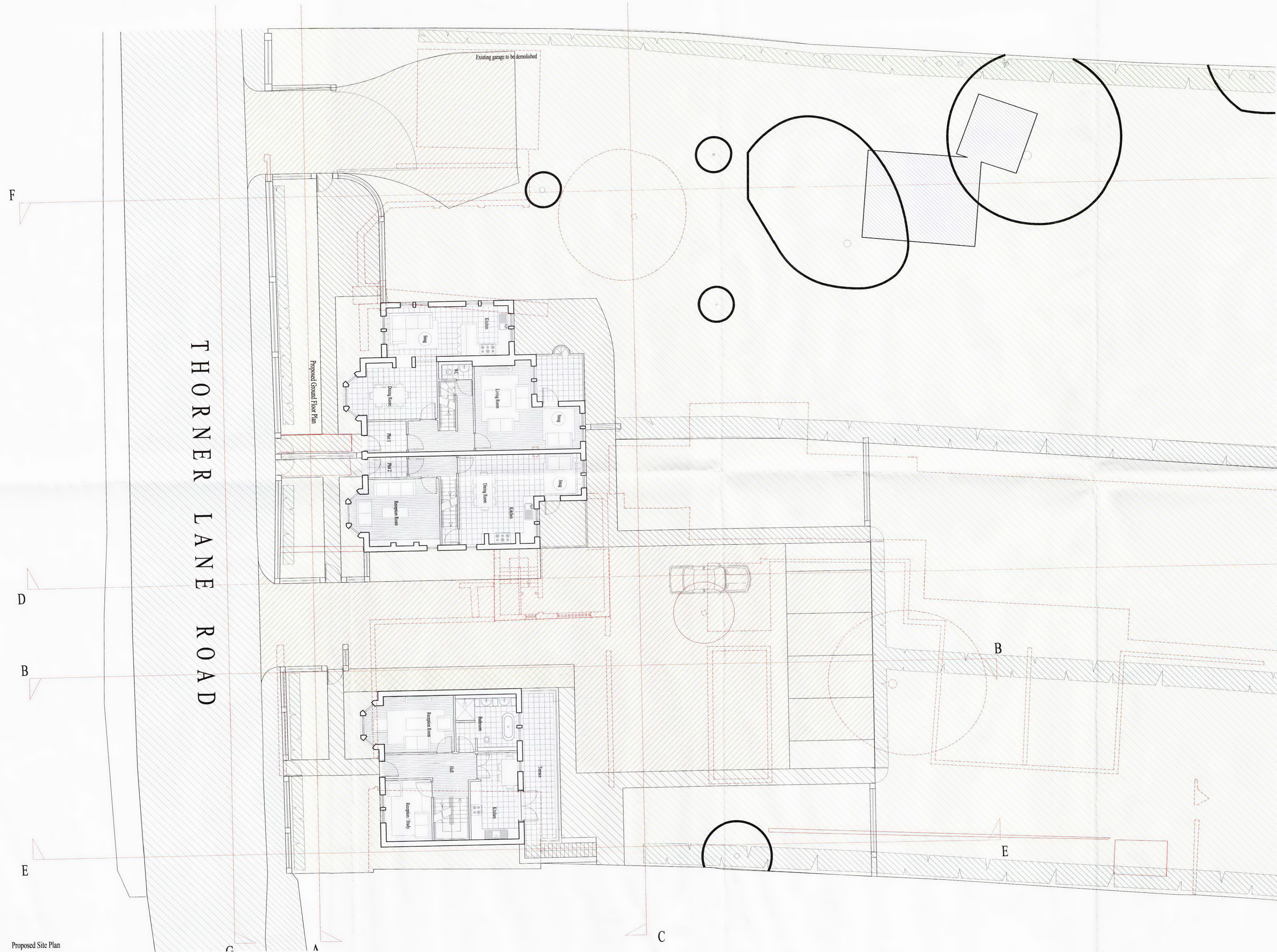
SCALE  
1/100

DRAWN BY  
AS

REVIEWED BY  
DMC

DRAWING NUMBER  
2013 30 21 D

CAD DETAILS  
METS  
CIBAc: \_\_\_\_\_ CIBAc: \_\_\_\_\_ Size: \_\_\_\_\_



Proposed Site Plan



# NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

