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**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 23<sup>rd</sup> January 2014**

**Subject: 13/04234/FU: Single Storey Dwelling to Garden of Old Parsonages, Main Street, East Keswick, LS17 9EU.**

**APPLICANT**

Mr C Brown

**DATE VALID**

19<sup>th</sup> September 2013

**TARGET DATE**

14 November 2013

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**Electoral Wards Affected:**

**Harewood**

Yes

Harewood  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Time limit
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. Sample of all walling and roofing materials to be submitted.
4. Construction of stonework shall not be commenced until a sample panel of the stonework to be used has been approved in writing by the Local Planning Authority.
5. Areas used by vehicles to be laid out, surfaced and drained.
6. Existing trees on site shall be protected during the construction period.
7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.
8. Hard and soft landscaping works shall be carried out in accordance with the approved details.
9. If, within a period of five years any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place.
10. Details of all new walls and fences shall be submitted.
11. Details of contractors parking and loading and unloading of materials and equipment shall be submitted.

12. Local Planning Authority to be notified in writing immediately where unexpected significant contamination is encountered during any development works.
13. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use.
14. The gradient of the drive shall not exceed 1 in 12.5 (8%).
15. Details of proposed works at new access point to be submitted.
16. The proposed access will be made 3.3m wide.
17. Planning permission to be obtained before any extensions, garages (not shown on the approved plans) are erected.
18. The roof lights proposed in the western elevation shall be obscure glazed.
19. Details of existing and proposed ground levels to be submitted.

## **1.0 INTRODUCTION**

- 1.1 This application is brought to Plans Panel at the request of Councillor Rachael Procter who has also requested a site visit. The Councillor is concerned that the proposed dwelling will have a harmful impact on the character of the Conservation Area.

## **2.0 PROPOSAL**

- 2.1 The application seeks permission to construct a dwelling within the garden area of the residential garden of the Old Parsonage. The single storey structure will be positioned close to the western boundary of the site and a new access will be constructed off Moor Lane. The site, which has a steep gradient, will be excavated to allow the dwelling to sit at a lower level aligned to the neighbouring garage.
- 2.2 The dwelling will be oriented to face the side garden of the application site with its side elevation facing the highway. The element of the extension that will face the highway will measure 5.3m in width whilst the rear elevation of the structure will measure 9.5m wide. The dwelling will have a maximum depth of 14.5m and will be 4.6m in height. The walling and roofing materials as well as the mortar joints and mix are proposed to match the existing Old Parsonage.
- 2.3 Two extensively pruned TPO trees are proposed to be removed.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The Old Parsonage is a large detached stone built Grade II listed dwelling located within the village of East Keswick. The Old Parsonage is constructed of dressed stone and a Welsh blue-slate roof and is located within a large plot with private amenity space to the side and rear. The dwelling is accessed off Main Street located to east. The side garden fronts Moor Lane to the south and the garden area stretching up to Lumby Lane to the north. The site is enclosed by shrubs and hedges with a stone wall with hedges above positioned along the Moor Lane frontage. An outbuilding which has been converted to an annex is located to the front of the site with a tennis court located to the south of the dwelling facing Moor Lane. The site features a number of trees some of which are protected by a Tree Preservation Order (TPO). The site occupies an elevated position above Moor Lane.
- 3.2 The site is located within the East Keswick Conservation Area and is predominately residential in character with dwellings located to the north and west of the site. The East Keswick Village Design Statement states that, although the village contains many buildings of varying design, construction and appearance, the overall

impression of the village is gained from the older houses built of stone and these may be said to determine the essential character of the village. The Village Design Statement sets out that all listed buildings within the village, including the Old Parsonage, to make a positive contribution to the character of the area.

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

- 4.1 13/00009/FU - Single storey dwelling to garden plot: Withdrawn.
- 4.2 09/04434/EXT- Extension of time for change of use involving alterations of barn to two bedroom carer's accommodation. (Approved)
- 4.3 31/431/04/FU - change of use involving alterations of barn to two bedroom carer's accommodation. (Approved)
- 4.4 31/426/04/FU – 4 bedroom detached house with detached double garage: Refused in November 2004 due the impact on neighbours, trees and highway safety.
- 4.5 H31/209/81/- Laying out of tennis court with 2.74m high fence to rear of detached house. (Approved)

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The redline boundary shown on the original plans included land to the side of proposed dwelling with inadequate provisions being made for a usable private garden. Therefore, through negotiations the red line boundary was revised to include land to the rear of the proposed dwelling.
- 5.2 Following comments made by the Conservation Officer concerning the design of the roof, negotiations were held and it was agreed that the scheme should be revised so that the dwelling features three distinct roofs which gives the development a much more rural appearance.

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

- 6.1 The application has been advertised by site notice as affecting the setting of Listed Building and the character of a Conservation Area (posted 04.10.2013). The application was also advertised in the Boston Spa and Wetherby News (published 10.10.2013).
- 6.2 The Parish Council raises no concerns relating to the scheme.
- 6.3 7 objection letters have been received raising the following comments;
  - The proposed new access will raise highway safety and traffic issues.
  - The dwelling will have a negative impact on the character of the Conservation Area.
  - The removal of trees and hedges will have a harmful impact on the character of the Conservation Area.
  - A telegraph pole will have to be moved to accommodate the new access. The plans do not show where the telegraph pole will be relocated.
  - The proposal will set a precedent for developing the other areas of the garden.
  - The proposal will overshadow neighbouring dwelling (Heath Cottage).
  - The proposal will affect the light into the commercial property located opposite the site.

- The proposal will affect the business opposite the site by reduce parking and causing disturbance during the construction period.
- The proposal will raise overlooking concerns.
- The proposal will harm local wildlife.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways- No objection

7.2 Land Contamination- No objection, subject to conditions.

7.3 Mains Drainage- No objection, the comments made by Mains Drainage concludes that the drainage issues can be dealt with by the Building Inspector as part of the Building Regulations approval process.

7.4 Conservation- at the pre-application stage the proposal had three distinct roofs which gave the development the character of a typical ancillary outbuilding, the loss of this feature gives the proposal more of a bungalow feel. The Conservation Officer recommends that the scheme should be slightly amended to reflect this comment. Furthermore, it is considered that Historic map regression shows a previous garden subdivision in this area, with the new plot layout conforming to this. Therefore, the proposal shouldn't adversely affect the setting of the listed building.

7.5 Landscape Officer- the two Lime trees proposed to be removed are covered by the early 1970s Wetherby RDC TPO. Both trees have been severely pollarded and have been cut back. Both trees are mature to over mature and would require regular pollarding to maintain them. There is adequate space for suitable re-planting should these trees be removed and appropriate species/size and position of the new trees should be agreed in advance. Something along the lines of Hornbeam, at heavy standard size, planted towards the frontage, would be acceptable. The Sweet Chestnut and the Maple to the north of the proposal are significant trees but are far enough away to not be an issue post occupancy.

## **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) which is supplemented by supplementary planning guidance and documents. The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extract of coal prior to construction.

### 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:

- Policy GP5 - refers to development proposals should seek to avoid loss of amenity.
- Policy BD6 – refers scale, form and detailing
- Policy H4 - refers to housing on other sites not identified in the UDP.
- Policy N12 - refers to urban design

- Policy N13 - refers to the design of buildings having regard to the character and appearance of their surroundings
- Policy N19 – states that all new buildings or extensions in Conservation Area should preserve or enhance the character or appearance of the area.
- Policy BD5 – refers to amenity issues.
- Policy BD6 – refers to extensions and alterations.
- Policy LD1 – refers to landscape provisions
- Policy T2- New development should not adversely affect the highway network:

#### Supplementary Planning Guidance/Documents

- 8.3 Neighbourhoods For Living: A Guide for Residential Design in Leeds was adopted as Supplementary Planning Guidance by the Council in December 2003.
- 8.4 Street Design Guide Supplementary Planning Document (Main Report) was adopted in August 2009 and includes guidance relating to highway safety and design.
- 8.5 East Keswick Village Design Statement (VDS) was adopted as Supplementary Planning Guidance by June 2002.

***... buildings which are either listed or are considered by the local community to make a particularly important contribution to the character and appearance of the village...require protection from unsympathetic development or redevelopment in order to safeguard the special character of the village.  
(Paragraph 4.2)***

#### Emerging Local Development Framework Core Strategy

- 8.6 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.
- 8.7 The Core Strategy has been the subject of independent examination (October 2013) and its policies attract some weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received (currently anticipated in Spring 2014).The Inspector is due to produce a schedule of Main Modifications by 31 January 2014.
- 8.8 The following draft policies from the Core Strategy are considered relevant to the application:

Spatial Policy 1: Location of new development

H2: New Housing Development on Non-Allocated Sites

H8: Housing for Independent Living

P10: Design

P11: Conservation

P12: Landscape

T2: Accessibility Requirements and New Development

EN1: Climate Change

EN2: Sustainable Design and Construction

#### National Planning Policy

- 8.9 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.10 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.11 Paragraph 50 of the NPPF states that authorities should plan:
- “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should ... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)”
- 8.12 Para 49: Presumption in favour of sustainable residential development.
- 8.13 Para 56: Government attaches great importance to design of the built environment.
- 8.14 Para 58: Policies and decisions should aim to ensure developments:
- function to ensure quality over the long term;
  - establish strong sense of place, creating attractive, comfortable places;
  - optimise potential of site to accommodate development ;
  - respond to local character and history ;
  - create safe and accessible environments;
  - visually attractive (architecture and landscaping).
- 8.15 Para 132: With regards to heritage assets the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

## 9.0 MAIN ISSUES

- Principle of Development
- Design, Heritage and Landscape
- Impact on Residential Amenity

- Highway Safety
- Representations

## 10.0 APPRAISAL

### Principle of the Development

- 10.1 The site does not constitute previously developed land (Brownfield) as the definition of garden areas was revised to exclude land in built-up areas such as residential gardens. Policy H4 of the Unitary Development Plan Review (2006) deals with residential development on unallocated sites and regards developments that lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies.
- 10.2 The application site does not lie within a Main Urban Area but falls within the village of East Keswick which can be regarded as a village with good public transport and road links to commercial centres including Wetherby. Therefore, it is considered that the application site is in a relatively sustainable location.
- 10.3 Given the fact that the site is in a sustainable location and that the scheme is for just a single dwelling, it is not considered that this particular proposal would be harmful to the overall housing policy of the Council in seeking to direct residential development to the main urban areas, brownfield sites and the regeneration areas in particular. In this respect the proposal is considered to comply with the initial parts of policy H4 and therefore the proposal is acceptable in principle provided that it also complies with all other relevant policies.

### Design, Heritage and Landscape

- 10.4 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. This focus on good design is replicated within local policies and the creation of high quality residential development which responds positively to its context is strongly encouraged. The East Keswick Village Design Statement (VDS) highlights that the old stone built agricultural style buildings within the village make the most positive contribution to the character of the Conservation Area and emphasis’s the need for new developments to take reference to these structures.
- 10.5 The dwelling is a single storey structure proposed to be constructed of local stone and will feature a mixture of pitched and hipped roofs. The structure has been designed to appear as a group of typical outbuildings subordinate to the larger Old Parsonage building. Barns and outhouse are generally associated with agricultural and such structures are not alien to East Keswick. Therefore, it is considered that the design of the proposal will tie in with the character of the Conservation Area and will comply with the guidance contained within the East Keswick VDS.
- 10.6 The dwelling will not appear prominent from the street, due to its single storey scale and the high boundary treatment along the frontage. Although, glimpses of the property may be possible from the street through the gap made by the access road, the appropriate design and material of the dwelling ensures that the views of the

structure that are possible will not be detrimental to the character of the Conservation Area.

- 10.7 The core of East Keswick is fairly densely developed with no distinct separation distances between buildings or a defined building line. Therefore, it is considered that the proposed positioning of the dwelling close to the western boundary and neighbouring garage is not a particular concern. Furthermore, the main buildings in the immediate vicinity of the site and the neighbouring dwelling directly adjacent (Heath Cottage) are larger structures. Therefore, in this context, the dwelling's subordinate nature will ensure the impact on the special character of the area will not be significant.
- 10.8 As the existing building on the site is Grade II listed, consideration should be given to the impact of the development on the setting and the appearance of the Listed Building. The single storey scale of the proposed dwelling as well as its simplistic design will ensure that the proposal will appear subordinate to the Listed Building and that the setting and appearance of the Listed Building is not overwhelmed by the dwelling. Moreover, the dwelling is positioned at a lower level to the Listed Building as well as its 31m separation distance will further ensure that the setting and the appearance of the Listed Building is not harmed.
- 10.9 The proposal will involve the removal of two TPO trees as well as a section of the front boundary wall and hedge. The TPO trees proposed to be removed have been heavily pruned and as such hold low visual amenity value. The Landscape Officer has assessed the scheme and has accepted that the removal of the trees will not be a significant issue provided that it is offset by planting new trees within the site. Therefore, it is considered that the removal of the trees will not significantly harm the character of the Conservation Area provided a condition is imposed to ensure new trees are planted.
- 10.10 The boundary wall and hedges are an important feature of the Conservation Area. Only a small 3.3m section of this large 35m long wall is proposed to be removed and much of the wall and hedges will be retained. Therefore, it is not considered that the removal of the wall and hedges will have a negative impact on the character of the Conservation Area.
- 10.11 The Conservation Officer has assessed the scheme and has raised no concerns and it is considered that the proposal complies with the NPPF and the East Keswick VDS in so far as its design and layout is considered.

#### Impact on Residential Amenity

- 10.12 In order to be considered acceptable new residential development must result in an adequate standard of living for those occupying the new dwellings. Care must also be taken to ensure that the existing residential amenity of those living close to the development is not unreasonably affected.
- 10.13 It is considered that an acceptable standard of living will be provided for the future occupants of the site and the standard of living proposed falls in line with the guidance provided within the SPG Neighborhoods for Living. The dwelling will be served by adequate off street parking spaces, safe access and adequate private garden space to the rear. Internally, all bedrooms and living space will be served by windows with adequate outlook.



- 10.14 There are no overlooking concerns expected to arise as a result of the development, as there are no windows proposed that directly overlook the neighbouring dwellings or the existing dwelling.
- 10.15 The proposal is not expected to raise concerns relating to overshadowing or over-dominance. The two closets dwellings to the proposal are Rose Cottage and Heath Cottage. It is considered that Heath Cottage will be generally protected by any significant overshadowing or over-dominating consequences, as it has garage located close to the dwelling which will act as an effective protection. Given the differences in ground levels, the dwelling will be set below the ground area of Rose Cottage and only the upper portion of the proposed dwelling and the roof will be exposed from the garden area of Rose Cottage. Therefore, it is considered that the exposed portions of the dwelling will not appear dominant from Rose Cottage nor will it unreasonably overshadow.

### Highways

- 10.16 The Highways Officer comments that, provided the access is 3.3m in width, the proposal will not raise Highway Safety concerns. The access proposed is 3m in width and the recommended width can easily be achieved via conditions. Therefore, it is considered that the proposal will not raise any highway and pedestrian safety concerns.

### Public Representation

- 10.17 Seven objection letters have been received. The issues raised concerning highway safety, on street parking and traffic have been assessed by the Highway Officer who has not raised any objections subject to conditions.
- 10.18 The concerns raised that the dwelling will have a negative impact on the character of the Conservation Area has been addressed in the report and this issues has also been evaluated by the Conservation Officer who has raised no concerns.
- 10.19 The concern raised relating to the removal of trees and hedges and the consequent impact of this on the character of the Conservation Area has been discussed in the report and the issue has also be evaluated by the Landscape Officer who has raised no significant concerns.
- 10.20 A member of the public comments that a telegraph pole will have to be moved in order to accommodate the proposed new access and that the plans do not show where the telegraph pole will be relocated. The removal and relocations of telegraph poles are covered by other legislation and do not require a planning permission. Therefore, as far as this application is concerned, it is considered that this issue is not a material planning consideration.
- 10.21 An objection is raised that approving this scheme will set a precedent for developing the other areas of the garden. All applications are judged on their individual merits and approving this scheme will not necessarily lead to the rest of the site being developed or other garden sites in the area.
- 10.22 The concerns raised that the proposal will overshadow neighbouring dwellings has been assessed in the report. It has been concluded that the proposal will not overshadow neighbouring dwellings.

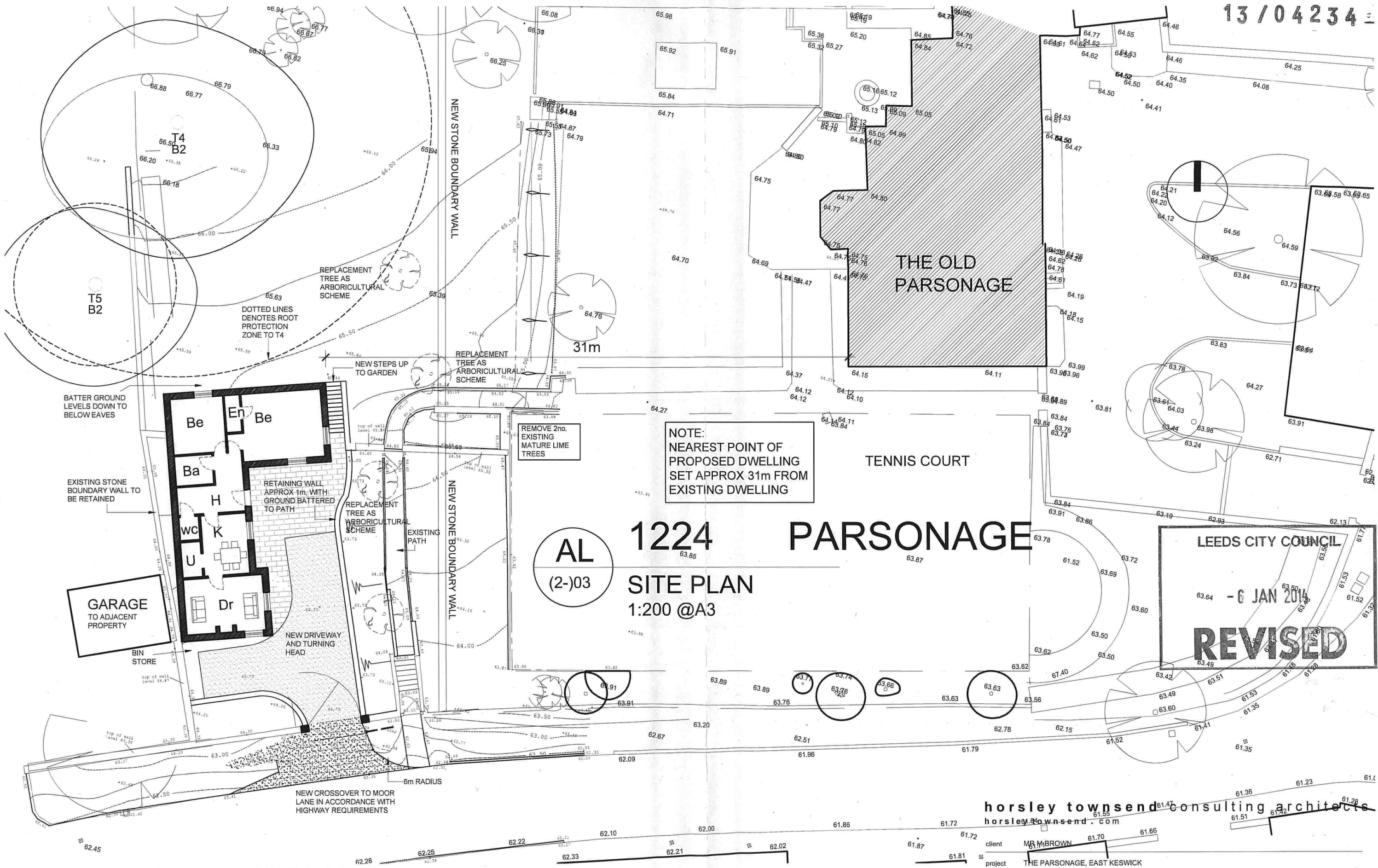
- 10.23 A comment has been made that the proposal will affect the light into the commercial property located opposite the site. Given its modest single storey scale and the separation distance of more than 30m, it is considered that the proposal will not affect natural light into the buildings located opposite the site.
- 10.24 The concerns raised that the proposal will affect the business opposite the site by reduce its parking and causing disturbance during the construction period, is unreasonable. It is not considered that permission for a single dwelling, which will feature its own off street parking space, will significantly affect the neighbouring business premises in anyway. The issues relating to the disturbance that could be caused as a result of the construction works, is noted. A condition will be imposed to ensure appropriate measures are taken to ensure contractors parking and unloading of materials and equipment are carried out in a manner that does not affect neighbouring residents.
- 10.25 The concerns raised that the proposal will raise overlooking concerns has been addressed in the report. There are no windows proposed that directly overlook neighbouring dwellings.
- 10.26 The concern raised that the proposal will harm local wildlife, is noted. There are no known protected species that are likely to be affected as a result of the proposal. Therefore, it is considered that the proposal cannot be refused on this issue.

## **11.0 CONCLUSION**

- 11.1 The applicant seeks permission for the construction of a dwelling in the garden area of a Grade II listed building. It is considered that the proposal is acceptable in principle and will not harm the setting or the appearance of the Listed building, nor is it considered that the proposal harm the character of the Conservation Area. Furthermore, it is considered that the proposal will not have a significant detrimental impact on neighbouring residential amenity or upon highway safety. Therefore, it is recommended that planning permission is granted.

### **Background Papers:**

Application file: 13/4234/FU  
Certificate of Ownership: Signed by Agent Guy Townsend on behalf of the applicant Mr Brown.



**AL 1224 PARSONAGE**  
 (2-)03  
**SITE PLAN**  
 1:200 @A3

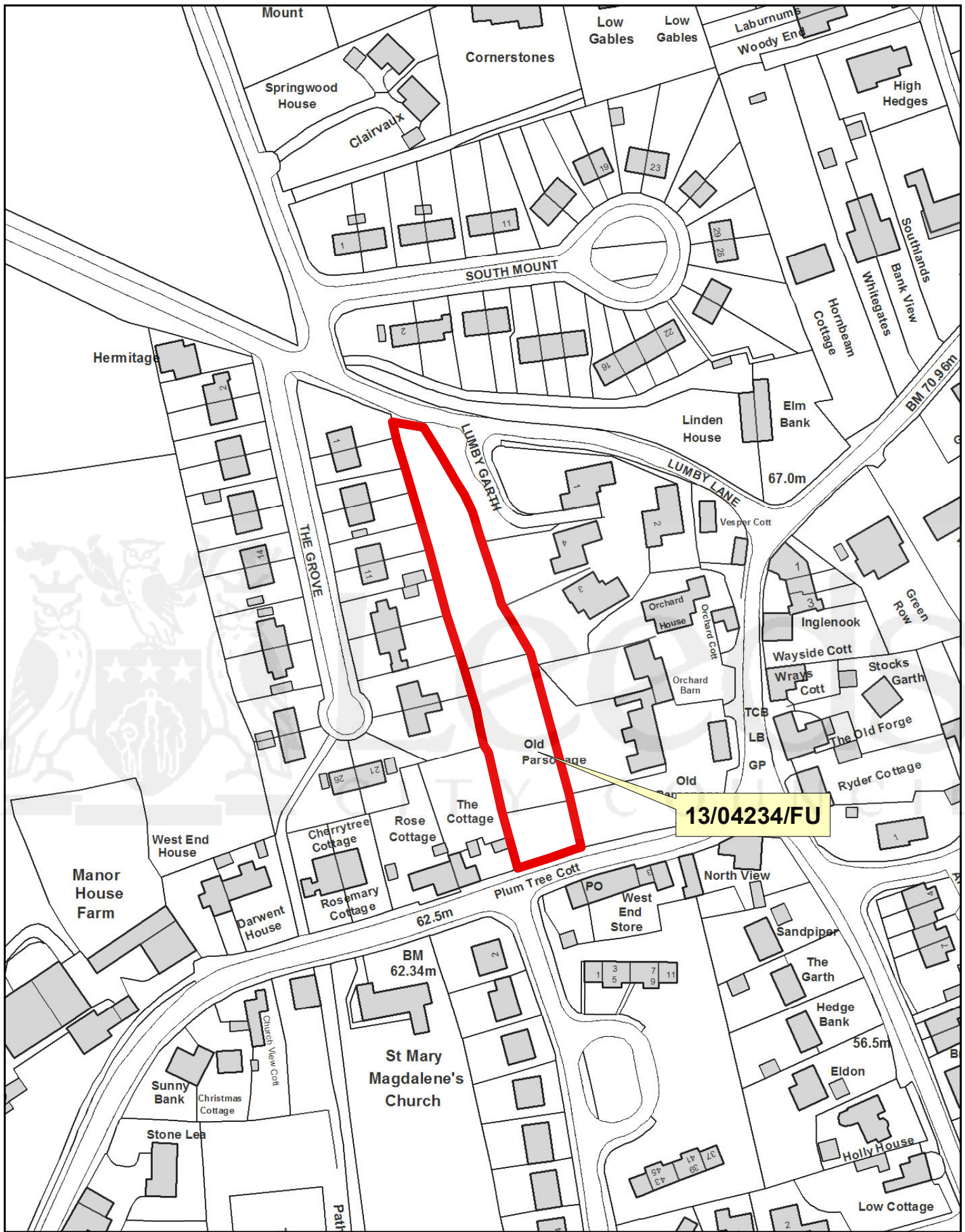
LEEDS CITY COUNCIL  
 - 6 JAN 2014  
**REVISED**

**horsley townsend consulting architects**  
 horsleytownsend.com

client	MR BROWN
project	THE PARSONAGE, EAST KESWICK
drawing	PROPOSED SITE PLAN
date	AUG 2013
scale	AS INDICATED
checked	
job no	1224
drawing no.	AL(2-)03
rev.	AS INDICATED

REV 001	ISSUED FOR PLANNING PURPOSES	06.09.13
REV 002	ISSUED FOR PLANNING PURPOSES, HOUSE PLAN SLIGHTLY AMENDED	06.01.13

**PROPOSED SITE PLAN**  
 1:200 SCALE @A3



# NORTH AND EAST PLANS PANEL

