



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 25th September 2014

Subject: APPLICATION: 14/01937/FU – Demolition of existing bungalow and erect detached house with double garage at 67 Ling Lane, Scarcroft.

APPLICANT

Mr & Mrs C Womack

DATE VALID

16 April 2014

TARGET DATE

30th September 2014
(Agreed Extension)

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on permission.
2. Plans schedule.
3. Materials to be as per amended plans.
4. Arboricultural method statement.
5. Tree Protection.
6. Landscaping/Landscaping implementation.
7. Details of extent, height and materials of proposed terraces/patio areas.
8. Any unexpected contamination to be reported and addressed.
9. Parking areas to be formed and drained prior to occupation.
10. Maximum driveway gradient.
11. Windows to east and west gables to be non-opening/obscure glazed to level 3.
12. No additional windows to be inserted in east or west side elevations.
13. Details of screen to balcony to be agreed and installed prior to occupation and retained thereafter.

1.0 INTRODUCTION

- 1.1 This report relates to an application for planning permission to replace an existing detached bungalow at 67 Ling Lane Scarcroft with a two storey detached dwelling. The application follows approval of application reference 13/01241/FU also for the demolition of the existing bungalow and erection of a detached two storey dwelling.
- 1.2 The application is brought to Plans Panel at the request of Ward Councillor Rachael Procter. The application was deferred at the 24th July 2014 meeting of Panel to allow for a site visit. The application was not put to the subsequent 21st August meeting of Panel, in order to allow an objector further time to consider additional information submitted on levels to address their concerns on the lack of such information, and in order to allow freedom of information requests from an objector to be responded to.

2.0 PROPOSAL

- 2.1 The existing bungalow is to be demolished and a two-storey replacement dwelling, of a different design to that which was approved under 13/01241/FU, is proposed by way of replacement. The dwelling is to be clad in natural stone to the front and most of the side elevations, under a blue slate roof with a through colour render to walls to the rear. The front boundary wall is proposed to be cleaned and repaired.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a mid-late twentieth century gabled bungalow with a forward projecting gabled garage. The property is constructed of stone with a concrete tiled roof. It is located to the south side of Ling Lane. Open Green Belt land lies beyond the southern boundary, with a portion of the rear garden included within the Green Belt designation. The application property sits to the western end of a run of similarly designed and scaled bungalows. A Listed Building, Beacon Hill, is located in excess of 30m to the west, beyond an open plot on which an application for outline planning permission is currently under consideration under application reference 13/03141/OT. That application has been advertised as affecting the setting of the Listed Building, however, this application is not considered to impact upon its setting.
- 3.2 Although there is some commonality of scale and form within the immediate vicinity Ling Lane is characterised by large, often ostentatious houses, set within generous and verdant plots. There is no uniform style, with each house displaying individual design characteristics. Recent years have seen a large number of comprehensive redevelopments, particularly to the western end of Ling Lane, which have often resulted in dwellings of a larger scale within plots. Properties are however usually set back from the highway edge behind relatively open front boundaries, and this adds to the verdant character of the area, giving Ling Lane a semi-rural feel despite the suburban appearance of many of the dwellings. This sense of space is furthered by dwellings retaining space to their sides and being set back in their plots. These gaps and the generous frontages are important to the spatial character of the area.
- 3.3 Although the majority of front boundaries remain relatively open there has been a trend in recent years for higher, more enclosed front boundaries, and several have been erected without planning consent. However, the LPA has been successfully enforcing against these, and successful in resisting applications for such structures.

The front boundary of the application dwelling is enclosed by a wall with a metal gate.

- 3.4 The main amenity space of the application site is set to the rear of the dwelling, where a large domestic garden is enclosed by a mix of fencing and vegetation. There is a gradient difference within the site, with the land falling away gently to the south. Blanket TPO orders protect all vegetation to the west which lies within the grounds of Beacon House, and also along the frontage with Ling Lane which captures a mature Lime Tree to the front of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/01241/FU Demolition of existing bungalow and erection of detached house – Approved 14.06.13. Between 1990 and 2011 various applications for planning permission for alterations and extensions to the original bungalow were approved.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions took place in February 2014 and the scheme was revised to reflect initial informal officer comment. Following submission the following further amendments to the proposals have been secured through negotiation:

- 5.2
- i) Hipping of the roof to bedroom 5 which faces Number 65 to the east;
 - ii) Deletion of two rooflights and one window from the gable which faces Number 65 to the east;
 - iii) Cutting back of the face of the dormers above the garage block facing west so that they are less dominant;
 - iv) Lowering of part of the ridge line of the front elevation, reducing the mass and height of the roof section facing Number 65 to the east, thus improving also the proportions of the main body of the dwelling when seen from Ling Lane;
 - v) Reduction in the eaves height of the front gabled entrance feature and reduction in size of the window opening in it to reduce its dominance;
 - vi) Removal of the proposed wall to the north of the garages to protect T1 protected tree.
 - vii) Plan demonstrating that the rooflights to the east elevation of the garage block are above eye level.

- 5.3 The agent has confirmed that they are agreeable to a further extension in time to allow for consideration by Plans Panel at the 25th September 2014 meeting.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice on 2nd May 2014. Immediate neighbours of the site were notified in writing. In response letters of objection have been received from 2 local residents. Comments made include the following main points:

- Part of the east elevation has been reduced, but the dwelling remains larger overall than the existing bungalow, in terms of height and mass, and this would be harmful to neighbouring residential amenity;
- From the street the proposed dwelling would dwarf the remaining bungalows, reduce spacing between dwellings, and would have an overbearing impact on Number 65;
- The replacement of a bungalow with a substantial two storey dwelling is out of keeping with the character of the area, contrary to SPG guidance;

- The proposed outdoor terraces would be create noise and disturbance and would be harmful to neighbouring residential amenity;
- Bungalows were built on the south side of Ling Lane to address concern in the 1970's over the need to protect south facing views of dwellings on the north side.
- All the first floor windows and the balcony to the rear would result in a loss of privacy for neighbours – if approved a condition should require screening;
- Rooflights and windows to the east elevation would result in a loss of privacy;
- Protection should be given to trees on neighbouring property;
- Additional planting to the eastern boundary should be required
- There is a lack of detail surrounding levels – the application dwelling is on higher ground than the neighbouring dwelling;
- Some neighbouring conifers will need to have their crowns reduced and this will further reduce privacy.

6.2 Scarcroft Parish Council comment: *“The Parish Council were disappointed to see an application to change a bungalow to a house, when feedback from the Neighbourhood Development plan had shown that there was a high demand for bungalows in the village.”*

7.0 **CONSULTATIONS RESPONSES:**

7.1 Contaminated Land – Summary: The historical search has not revealed the presence of any previous use of the land which may have caused contamination and therefore no site investigation is required on this site. We have no objections subject to conditions with regard to any unexpected contamination found during construction.

7.2 Flood Risk Management – Summary: No objections - the site is located in flood risk zone one and there is no history of flooding in the area.

7.3 Transport Development Services – Summary: The proposal is a like for like development which will use the existing vehicular access. Subject to conditions regarding parking provision and access gradient there are no objections.

8.0 **PLANNING POLICIES:**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Local Planning Policy

8.2 The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013). Relevant policies contained in the UDPR are listed below:

BD5: Design considerations for new build.

GP5: General planning considerations.

GP11: Sustainable development.

H4: Residential developments on unallocated sites.

LD1: Landscaping schemes.

N12: Urban design.

N23/N25: Landscape design and boundary treatments.

N24: Development proposals next to Green Belt/corridors.

T2: Accessibility issues.

T24: Parking guidelines.

Supplementary Planning Guidance/Documents:

- 8.3 SPG13 Neighbourhoods for Living (adopted)
Street Design Guide (adopted).

Emerging Core Strategy

- 8.4 The Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Co-operate. The Core Strategy progressed to formal hearing sessions which were held in the autumn 2013 and the spring of 2014. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. More recently the final modifications have been publicised with a further period of consultation. The Inspector's report has now been received. Significant weight can now be attached to the policies of the Draft Core Strategy as amended by the main modifications.
- 8.5 In this case the Draft Core Strategy would not indicate in principle that permission ought to be withheld. Core Strategy Design Policy P10 (Design) is relevant.

National Planning Policy Framework (NPPF)

- 8.6 This NPPF sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. In this case the following sections are broadly relevant:

Achieving sustainable development

6. Delivering a wide choice of high quality homes

7. Requiring good design

9. Protecting Green Belt land

10. Meeting the challenge of climate change, flooding and coastal change

11. Conserving and enhancing the natural environment

Decision-taking

9.0 MAIN ISSUES

- 9.1 The main issues in the consideration of the proposed dwelling are:

- Green Belt
- Principle of development
- Residential Amenity and Privacy
- Highway Considerations
- Character of the Locality and Design
- Protected Trees
- Protected Species

10.0 APPRAISAL

Green Belt

- 10.1 As noted above (Site and Surroundings) part of the garden of the application site is located within the designated Green Belt. The proposal does not however seek to extend the residential curtilage and no part of the development is within the Green Belt. The proposal does not therefore have any policy implications in this regard.

Principle of Development

- 10.3 The application relates to the redevelopment of an unallocated residential plot, situated within a ribbon of houses to the west of Scarcroft Village on Ling Lane. As such Policy H4 of the UDPR is relevant. This states that residential development of sites not identified for housing can be permitted, provided that they are demonstrably sustainable and will not overburden infrastructure. Although not in a particularly sustainable location, a replacement dwelling could not be said to overburden local infrastructure. In principle therefore the proposal is supported under UDPR Policy H4 and guidance contained within Section 6 of the NPPF.
- 10.4 In light of the above policy support the principle of the redevelopment of the site for the construction of a replacement two storey dwelling was approved under application reference 13/01241/FU. This approval remains extant and in light of these considerations the proposed development is therefore acceptable in principle.

Residential Amenity and Privacy

- 10.5 Arguably the key issue in this case, allied to that of the impact on the character and appearance of the locality which is considered below, is that of the impact of the amended design on neighbouring residential amenity and privacy. The occupants of Number 65 to the east are especially concerned about the additional mass of the dwelling proposed to the east elevation and loss of privacy due to the inclusion of a first floor, rooflights and a rear balcony. A further objector raises concerns over the impact on Number 65. Both consider the proposal to be overbearing.
- 10.6 UDPR Policy GP5 states that “development proposals should seek to resolve detailed planning considerations and should seek to avoid loss of amenity. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted”. Core Strategy Policy P10 (Design)(Criterion (ii)) requires that development protects the visual, residential, and general amenity of the area.
- 10.7 Following receipt of objection the agent was asked to consider what they could do to reduce the impact of the amended design on the adjacent dwelling. In response they deleted two rooflights and one staircase window from the east elevation. Whilst the agent did not believe they gave rise to any actual loss of privacy, they accepted officer advice that they could give rise to a perceived loss of privacy. In considering the impact of the proposed dwelling and also in seeking to address the concerns of objectors, the agent also introduced a hip to the roof to bedroom five, thus removing a gable close to the boundary with Number 65. They also reduced the height of the main body of the dwelling proposed closest to them.
- 10.8 Broadly speaking the east gable of the proposed dwelling would be 7m or more from the west gable of Number 65 (and some 3m from the boundary). This is the same separation afforded under the approved proposals under 13/01241/FU. The ridgeline of the proposed transverse garage block (which has the media room above and which faces Number 65) measures 7.8m high. The eaves height of this section of the

building scales off at 4.5m. Beyond the garage block the ridge of the main body of the house rises to 9.25m, though it is not until some 14m from the neighbouring dwelling at Number 65 that it begins to rise. The highest part of the proposed dwelling close to Number 65 is the first floor bedroom 5, which has a blank gable, and which following negotiation has a hipped roof. The eaves height of this element scales off at 5.5m.

- 10.9 Following the introduction of a hip to the roof of bedroom 5, and the lowering of the ridge height of the main body of the dwelling closest to Number 65, it is considered that whilst larger than the approved dwelling (which had a more stepped ridgeline linking the garage block to the main dwelling and was lower), the proposed dwelling would not be overbearing upon the neighbour by virtue of its massing, scale or form. It is not considered that the proposed dwelling would result in any unacceptable loss of evening sunlight.
- 10.10 Following the deletion of the stairway window from the east elevation and reduction in the number of rooflights from 5 to 3 (and demonstration that they are high level openings), and subject to conditions to require prior approval of the precise detail of the privacy screen to the proposed balcony and removal of rights for further window openings, the proposed dwelling would not give rise to any unacceptable loss of actual or perceived privacy. To further safeguard to neighbouring privacy and amenity however windows to the east and west gables ought to be required by condition to be obscure glazed, fixed and non-opening. Subject to these further safeguards the proposal would not prejudice the consideration of outline application reference 13/03141/OT to the west of the site.
- 10.11 Following deferral at the 24th July 2014 meeting the agent submitted additional information detailing sections through the site and the neighbouring dwelling No 65. Copies of this plan have been provided to objectors, who had initially commented on the absence of any information with regard to levels. The plan describes a levels difference of no more than a metre. This additional information does not lead officers to any different view on the impact of the dwelling on residential amenity and privacy, which remains that it is as equally acceptable as the approved dwelling in these regards.

Highway Considerations

- 10.12 Transport Development Services have no objection to the proposed replacement dwelling, subject to conditions relating to the maximum gradient of the access and a requirement to form and drain parking areas prior to occupation. The development would meet the parking and highway safety standards set out in the above UDPR policies and SPG's.

Character of the Locality and Design

- 10.12 Section 7 of the NPPF 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*". UDPR Policy GP5 states that development proposals should seek to resolve detailed planning considerations, including design, and should seek to avoid "loss of amenity. Core Strategy Policy P10 (Design)(Criterion (i)) states that proposals will be supported where their size, scale and layout is appropriate to its location, and they respect the character and quality of the external spaces and wider locality. Criterion (ii) requires that development protects the visual, residential, and general amenity of the area.

- 10.13 The proposed dwelling is slightly larger (taller and deeper but not wider) and of a different design to that which was held to be acceptable under application reference 13/01241/FU. Following negotiation he proposed dwelling has a well-articulated roof structure with a chimney stack to the west, and displays a well-balanced appearance facing Ling Lane. The dwelling is within a framework of stone and reconstituted stone window and door surrounds, under a blue slated roof, and with a diminishing vertical hierarchy of window openings. Whilst slightly larger it is not considered that the amended design would be harmful to the character or appearance the locality, as identified above, and its design in context is considered to be acceptable with regard to the aforementioned UDPR Policy, NPPF guidance and SPG's.
- 10.14 The Parish Council express disappointment over the proposed loss of the bungalow, a type of housing they say feedback from the Neighbourhood Plan consultation process shows is in high demand in the village. In considering their comment one must accept that the loss of the bungalow and its replacement with accommodation over two storeys has already been accepted and that the relevant approval remains extant. Secondly, whilst Leeds City Council has agreed the Neighbourhood Plan area, the emerging Neighbourhood Plan has not yet been adopted. Given the stage that the neighbourhood plan is at, coupled with the existence of an extant permission for the demolition of the bungalow, the Parish Council comment is not therefore a consideration to which any significant weight could be given.

Protected Trees

- 10.15 Following negotiations the agent has removed a section of walling from the front of the site which had given rise to concern over the impact on and adjacent protected tree. Subject to the use of conditions to require a method statement and adherence to it is not considered that the development would post a threat to protected trees.

Protected Species

- 10.16 Protected Species and their habitat are protected in law. Implications for them or their habitat is a material consideration. In this case the site is not located within an area known to provide roost opportunities and to require a bat survey in this case would therefore be a disproportionate requirement.

11.0 CONCLUSION

- 11.1 It is considered following the amendments negotiated that the proposed development addresses the main issues raised in the consideration of the application. Namely that, subject to conditions as outlined above, the proposed dwelling as amended would not unacceptably adversely affect neighbouring residential privacy or amenity, the character or appearance of the locality, highway safety, protected trees, or any other interest of acknowledged importance. The application is therefore consistent with the requirements of the policy considerations identified above and Members are therefore requested to accept the officer recommendation to grant permission.

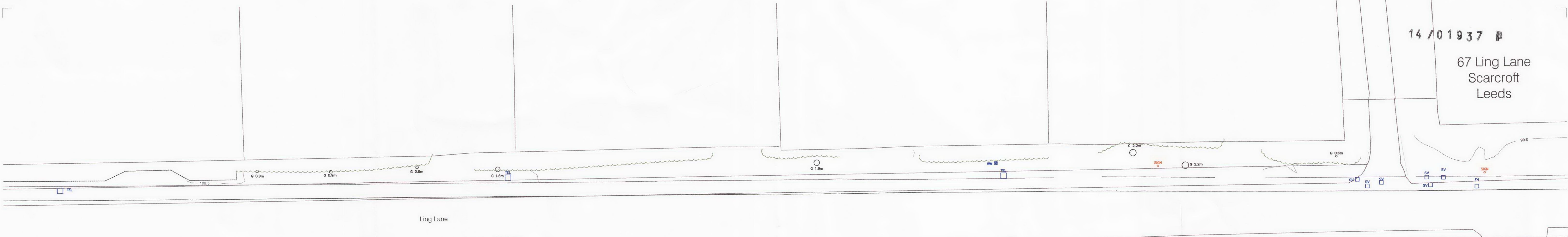
Background Papers:

Application files: 14/01937/FU
13/01241/FU

Certificate of ownership: Signed by the agent on behalf of the applicant as owner

14/01937 #

67 Ling Lane
Scarcroft
Leeds



Ling Lane



LEEDS CITY COUNCIL
06 JUN 2014
REVISED

PLANNING

number	description	date	drawn
c	Planning Revisions	June 14	NO
b	Planning Revisions	May 14	NO
a	Planning Revisions	April 14	NO

Project title
Proposed New Dwelling
67 Ling Lane
Scarcroft
Leeds

Client
Mr & Mrs C Womack

Drawing title
Proposed Site Plan

Job no. 14.01 Dwg no. P-S-02 Rev. b
Scale 1:200 Date Feb 14 Sheet A1

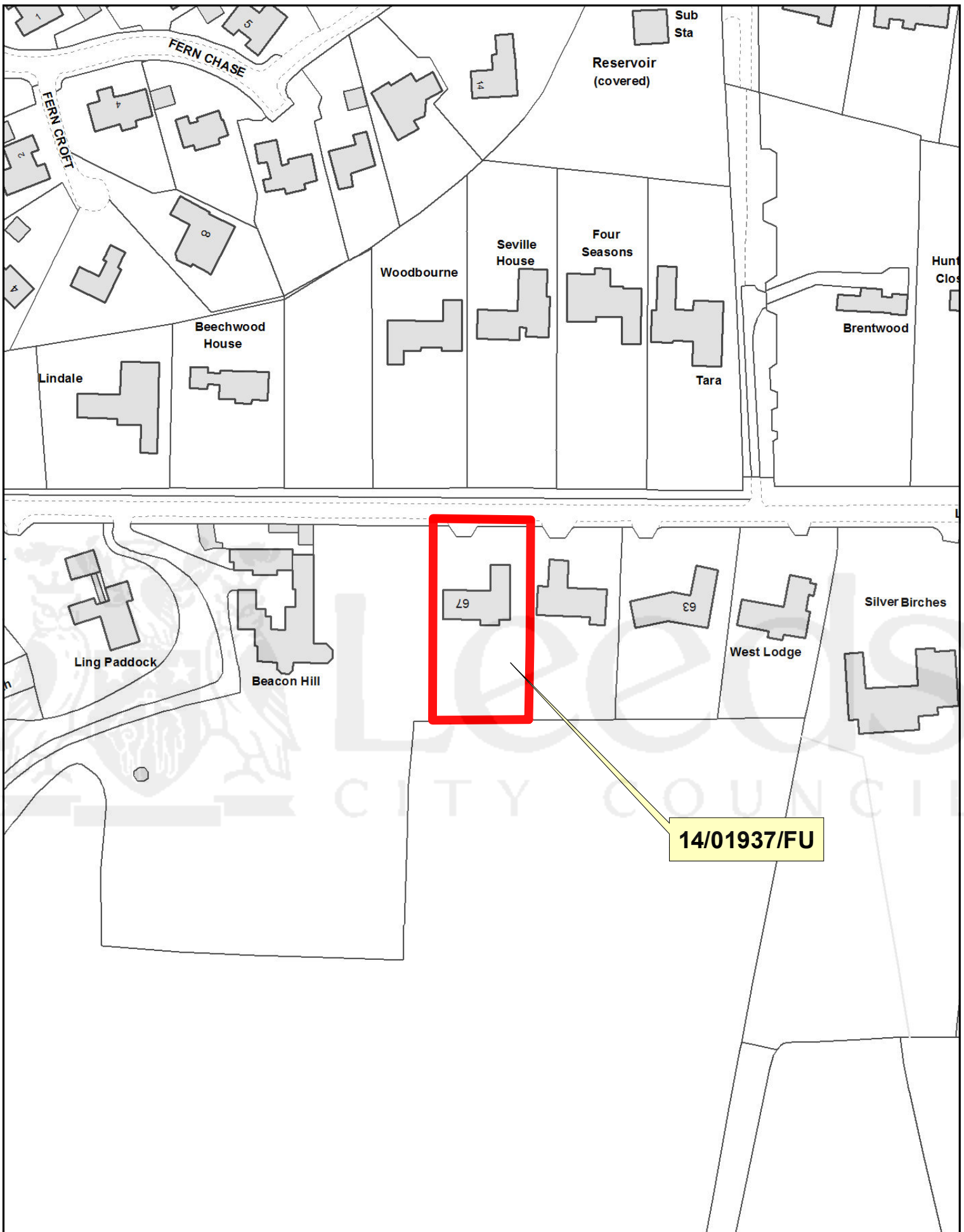
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Proposed Site Plan



NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

