



## Report of the Chief Planning Officer

### PLANS PANEL NORTH AND EAST

Date: 27 November, 2014

Subject: Application 14/02147/FU – detached house to garden site 143 Selby Road, LS15 7JG

#### APPLICANT

Mr Roop Singh

#### DATE VALID

14 May, 2014

#### TARGET DATE

9 July, 2014

#### Electoral Wards Affected:

Temple Newsam

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION: REFUSE PERMISSION for the following reasons:

1. In the opinion of the local planning authority it is considered that the proposed development would by reason of its siting, house type and scale, when viewed in context with the existing dwellings on Selby Road, appear as an incongruous development adversely conflicting with the established residential character of the area thereby resulting in harm to the visual amenity of the site and wider street scene. As such the development is contrary to Policies P10 of the adopted Core Strategy (2014), saved Policy GP5 of the Unitary Development Plan Review (2006) and the City Council's Supplementary Design Guide "Neighbourhoods for Living" and the guidance contained in the National Planning Policy Framework 2012.
2. In the opinion of the local planning authority it is considered that the proposed dwelling would by reason of its scale, siting, overall height and orientation when viewed in context with its proximity to surrounding properties result in a loss of privacy and overshadowing. Specifically a loss of privacy for the future occupants of the development from being overlooked; and overshadowing of Nos 1 and 3 Willow Well Road thereby adversely affecting their living conditions and standard of residential amenity. As such the development conflicts with Policies P10 of the adopted Core Strategy (2014), saved Policy GP5 of the Unitary Development Plan Review (2006)

and guidance contained in Leeds City Council's Supplementary Design Guide "Neighbourhoods for Living".

3. In the opinion of the local planning authority it is considered that the siting of the vehicle access point in relation to the position of a road traffic sign on the adjacent public footpath would result in impaired visibility for drivers of vehicles exiting the site onto Selby Road. In addition, the proposed off-street parking provision is substandard in terms of its dimensions and its ability to achieve satisfactory turning manoeuvres within the site. As such the development may lead to vehicle conflict on a congested dual carriageway, Selby Road. As such the proposed development would prejudice the interests of highway safety for pedestrians and other road users alike. The proposed development is therefore contrary to Policy T2 of the adopted Core Strategy (2014), saved Policy GP5 of the Unitary Development Plan Review (2006) and the guidance contained in the City Councils SPD the Street Design Guide.

## **1.0 INTRODUCTION:**

- 1.1 The application is presented to Plans Panel at the request of Councillor Michael Lyons on the basis that the scheme warrants discussion with Members of the Plans Panel.

## **2.0 PROPOSAL:**

- 2.1 The proposal is to erect a two storey, 2 bedroom detached dwelling to the garden area of No 143 Selby Road. In addition, a formal patio area would be created for the existing dwelling. Two off-street parking spaces are proposed for the new dwelling, with one parking space retained for the existing property. The dwelling would be constructed to a rendered finish with the main aspect facing towards Selby Road, two blank side gables, and a doorway and first floor bathroom window to the rear elevation.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is situated to the north side of Selby Road close to the junction with Willow Well Road. The site comprises a two storey semi-detached house constructed to a painted white rendered finish with garden areas to the front and south west side of the dwelling. The entrance door and two first floor windows face the side garden area to the existing dwelling which includes a small patio area. The front aspect of the existing dwelling faces Selby Road and includes two windows (one ground floor, one first floor). The topography of the area slopes downwards in a north westerly direction consequently the side garden is set below the level of the existing house and patio. The site is bounded by mature hedging to the Selby Road frontage, its south east boundary and to the shared boundary with No 141 Selby Road to the north-west. The rear (north east) boundary of the site has a mixture of wooden fencing and informal landscaping features.
- 3.2 The existing semi-detached houses do not have a typical configuration which results in the adjoining dwelling (No 143A) having a ground floor window overlooking the patio and garden to the site, with a smaller window at first floor level. A group of four terrace houses numbered in Willow Well Road are situated to the north east with their rear gardens backing onto the site. There is a dropped crossing on Selby Road serving the site across a wide footway. There is a directional sign in front of the south west corner of the site. Selby Road is a dual carriageway with a grassed central reservation.

3.3 The mature brick built semi-detached houses to the north side of Selby Road (numbered 113 -143) form a robust nominal building line each with a consistent set back from the public footpath, and each with a gap between their side boundary's and gable elevation providing access to the rear garden areas. The area is predominantly residential in character, although only a short distance from the Halton District Centre to the south east.

#### **4.0 PLANNING NEGOTIATIONS:**

4.1 In 2012 the applicant submitted a pre-application enquiry for a similar scheme. Officers responded that the proposal could not be supported on grounds of harm to the interests of visual amenity and residential amenity. A view was also expressed that due to the limitations in terms of the scale and location of the site that is unlikely the site could accommodate a separate dwelling regardless of scale and design. The applicant submitted a formal planning application in 2013 which was subsequently refused on similar grounds to the current proposal. The applicant did not appeal the refusal of planning permission and re-submitted the current proposal earlier this year. The applicant requested advice on how a separate dwelling could be accommodated on the site, however Officers concluded that this could not be achieved and still accord with the City Councils adopted policies and supplementary residential planning guidance. Officers advised the applicant that as an alternative there may be scope to extend the existing property. The applicant was advised that the application would be refused under delegated Officer powers unless a Ward Member requested the application to be determined by the Plans Panel.

#### **5.0 RELEVANT PLANNING HISTORY:**

Application Ref: 13/01021/FU – Laying out of access road and erection of 3 bedroom detached house with detached garage. Refused 27 June 2013.

Application Ref: 07/01161/OT – application for a detached dwelling. Refused 11 May 2007.

PREAPP/12/00497 - officers unable to support the proposal on grounds of Principle / character; and amenity – future occupants and neighbouring residents.

#### **6.0 PUBLIC/LOCAL RESPONSES:**

6.1 The application was publicised by neighbour notification letters forwarded to immediate neighbours dated 20 May 2014. In addition, a site notice was posted adjacent to the site dated 30 May 2014.

5 letters of representation have been received in response to the public notification process objecting on the following grounds:

- Visual amenity and character
- Loss of privacy from overlooking
- Overshadowing
- Over development of the existing site
- Principle
- Highway safety – lack of parking, access onto Selby Road
- Loss of light
- Land stability / drainage
- Impact on property value

- Disruption during the construction process

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

- 7.1 The Coal Authority: No objection in principle however the applicant should be advised regarding potential hazards due to the historic coal mining legacy of the area.

Highway Development Services: objection on grounds of substandard turning area for vehicles within the site. In addition, due to its width, vehicles have been observed parking on the existing foot way, the proposal has the potential to exacerbate this issue.

### **Non-statutory:**

- 7.2 Yorkshire Water: Identified that the public sewer network does not have the capacity to accept any additional discharge of surface water from the existing site.

Flood Risk Management – expressed concerns over drainage of the site. The use of soak-a-ways would not be permitted and appropriate measures should be implemented to ensure that surface water run-off targets are met.

Contaminated Land – Officers advised that there are two potential sources of contamination in the area, however no information has been submitted to address these matters, together with the absence of a Desk Study report.

## **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.

### **Development Plan**

As of 12 November 2014 the development plan comprises the following:

The Leeds Core Strategy (Adopted November 2014)  
Saved UDP Review Polices (2006) included as Appendix 1 of the Core Strategy  
The Natural Resources and Waste Plan NRWLP (adopted January 2013).  
Any Neighbourhood Plan (once adopted).

- 8.2 The application site has no specific allocation within the Core Strategy Plan Area.

The following policies are considered to be of relevance:

#### **Policy P10 Design**

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

#### **Policy H2**

Relates to new housing development on non-allocated sites.

#### **Policy T2 Accessibility Requirements and New Developments**

## Saved Policies (Appendix 1 Core Strategy)

Policy GP5 – relates to general amenity considerations including environmental intrusion and highway safety.

Policy BD5 – relates to consideration of the impact of a development on its surroundings.

### 9.0 MAIN ISSUES

1. Principle of development / Use
2. Visual amenity and character
3. Impact on residential amenity
4. Highway implications
5. Others

### 10.0 APPRAISAL

#### Principle of development

- 10.1 In terms of its principle when assessed against national planning guidance - the National Planning Policy Framework (NPPF), the site represents a green field site. However, this does not exclude the site from being developed providing a proposal does not harm the character of the site or the area; does not adversely impact on neighbouring properties; and can be accessed without compromising the interests of highway safety. As is explained in more detail below the proposal would prejudice the residential character of the area, adversely impact upon neighbouring properties and prejudice the interests of highway safety, consequently the principle of development is not acceptable.

#### Visual amenity and character

- 10.2 The proposal is for a detached house to a site that site forms part of a pair of semi-detached houses constructed to a painted white rendered finish that are cottage style in appearance, in contrast to the brick built semi-detached houses with 2 storey bay window features situated to the west of the site numbered 113 to 141 Selby Road. Whilst the two styles of blocks of semi-detached houses differ in design and finish each block displays a consistent appearance in terms of its scale, and overall height. In addition, as the topography of the area rises in a south easterly direction the existing blocks of houses step up in height in a gradual and consistent manner. In contrast, the proposal would introduce a detached house representing a built form of narrower proportions and an overall height that fails to maintain the continuity with the neighbouring properties (Nos. 139/141 and 143/143A Selby Road). To achieve a development in keeping with its immediate surroundings would require a larger plot of land than that of the application site. As such, it is considered that the proposed development would introduce an alien form of development in terms of its scale, massing and height when viewed in context with its immediate surroundings representing over development resulting in harm to the visual amenity of the site and established residential character of the area.
- 10.3 The site would also result in the sub-division of the garden to No.143 Selby Road. This dwelling would be left with little private amenity space of its own and its spatial setting would be at odds with that which prevails in the locality. This serves to emphasise that this constitutes an overdevelopment of the site.

### Impact on residential amenity

- 10.4 The existing property (with its adjoining semi-detached house) are situated to a corner plot at the junction of two roads. This may have influenced their rather unorthodox layout and internal configuration. The site property has two main aspects, one directly facing onto Selby Road and the other (north-west) side elevation facing the development site. This elevation extends to the north east corner of the site and includes the entrance door to the property with two small ground floor window openings and two larger windows at first floor level. The adjoining property abuts this elevation and also includes a large ground floor window and a smaller one to the first floor. These windows have an unrestricted view of the development site.
- 10.5 The rear gardens to the terraced houses on Willow Well Road abut the north east boundary of the site. The garden areas are only 6m in depth which is shallower than the minimum standard contained in the Councils adopted residential design guidance (NFL). As a consequence the first floor rear elevation windows to Nos. 1 and 3 Willow Well Road will overlook the rear garden to the proposed dwelling, which itself will have a substandard depth of only 6m.
- 10.6 In light of the above the site will be overlooked from two sides resulting in a loss of privacy for the future occupants of the proposed dwelling thereby being prejudicial to their living conditions and residential amenity in general.
- 10.7 Due to its siting, scale and overall height when viewed in context with the orientation of the site, the proposed development would result in overshadowing of the houses and rear garden areas of Nos. 1 and 3 Willow Well Road and the windows to the north-west side elevation of No. 143A Selby Road. As such, the proposed development would have an adverse impact on the living conditions of the occupants of houses living adjacent to the site thereby being prejudicial to their residential amenity.

### Highway implications

- 10.8 Highway Officers have commented that the configuration of the two parking spaces and turning area is considerably below the required dimensions for vehicles to manoeuvre in a safe and satisfactory manner. In addition, the single parking space retained for the existing property is also substandard in its dimensions. Furthermore, the presence of a freestanding highway information sign has the potential to restrict visibility for vehicles exiting the site
- 10.9 These concerns may result in vehicles parking on the footway and/or reversing out onto Selby Road which is a heavily traffic' dual carriageway heading out of Leeds towards to the Halton District Centre, and the national motorway network in Colton. It is considered therefore that the proposed development would prejudice the interests of highway safety for pedestrians and other road users alike.

### Others

- 10.10 Both the Councils own Flood Risk Management Team and Yorkshire Water have highlighted the need of the development to prevent any additional surface water run-off due to local issues of sewer capacity. Notwithstanding this both have suggested methods that can achieve this, although the cost of such measures may prove inhibitive for the applicant and development of the site.
- 10.11 Given the likelihood that the application would be refused Officers did not pursue the submission of extensive details relating to Contaminated Land. If the recommendation

is overturned or the applicant is successful at appeal, appropriate conditions would be attached for the submission of the relevant details.

- 10.12 Notwithstanding the issues discussed above the right to light is not a material consideration in the determination of the application.
- 10.13 Whilst it is accepted that the construction of any new dwelling will involve a level of disruption and disturbance for a temporary period, this would not be reasonable grounds to withhold permission to develop.
- 10.14 The concern expressed by a local resident over the potential de-stabilisation of land and buildings is civil matter between respective land owners.

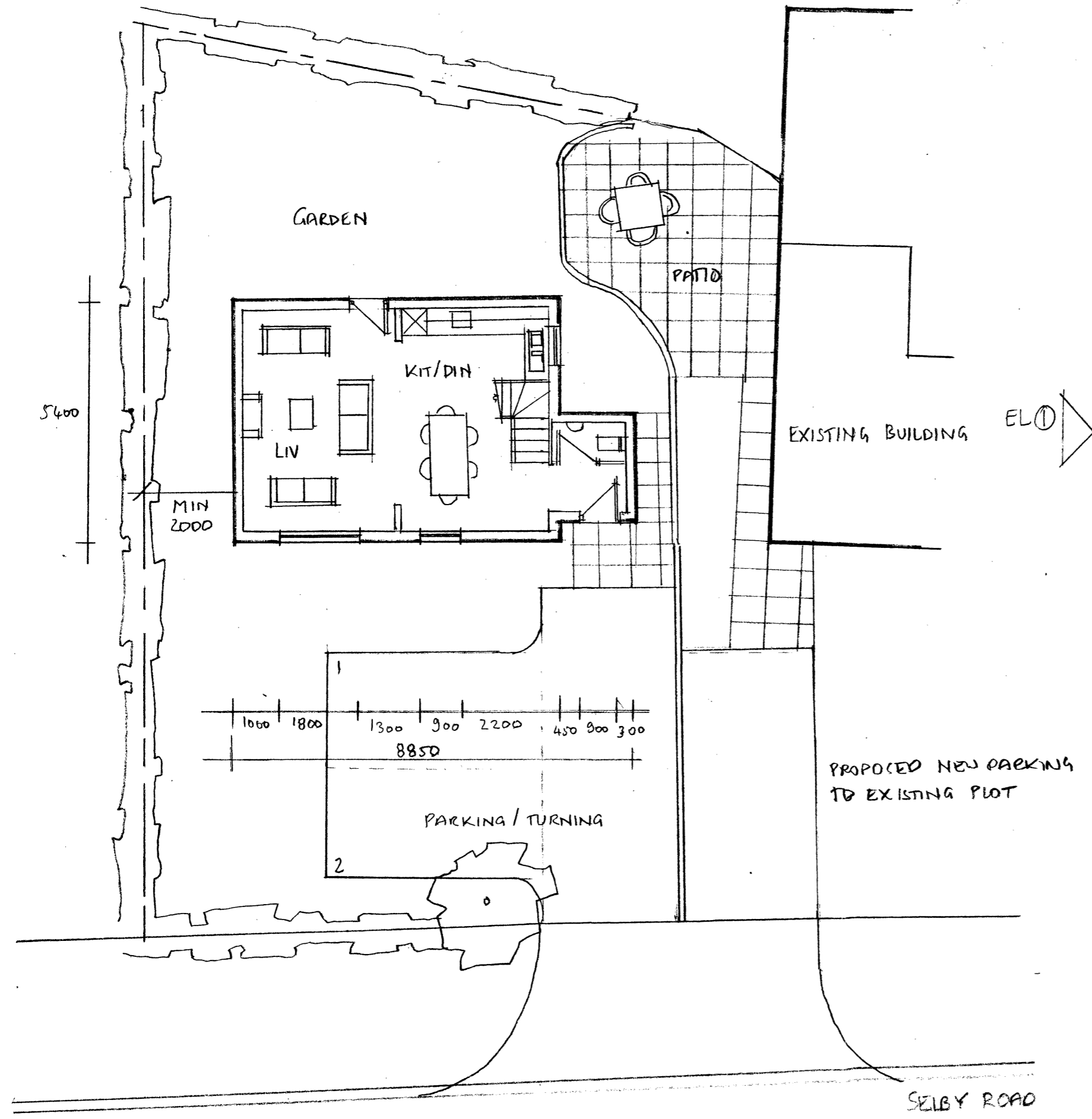
## **11.0 CONCLUSION**

- 11.1 Officers consider the development to result in visual detriment to the character and appearance of the site and the surrounding area. Furthermore, the new dwelling would harm the living conditions of existing residents and future occupants of the site due to concerns relating to overlooking and overshadowing. In addition the proposed development would prejudice the interests of highway safety. As a consequence, the application cannot be supported and is therefore recommended for refusal for the reasons stated.

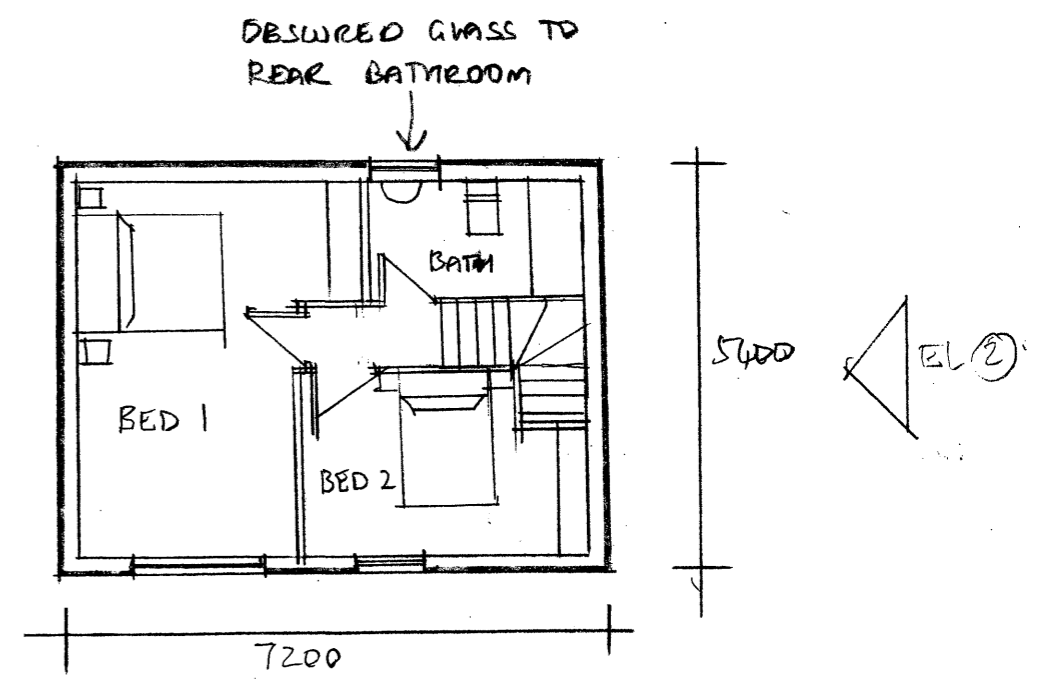
### **Background Papers:**

Application file: 14/02147/FU (13/01021/FU).  
Certificate of Ownership A completed.

14/02147 №



SITE + GROUND FLOOR PLAN

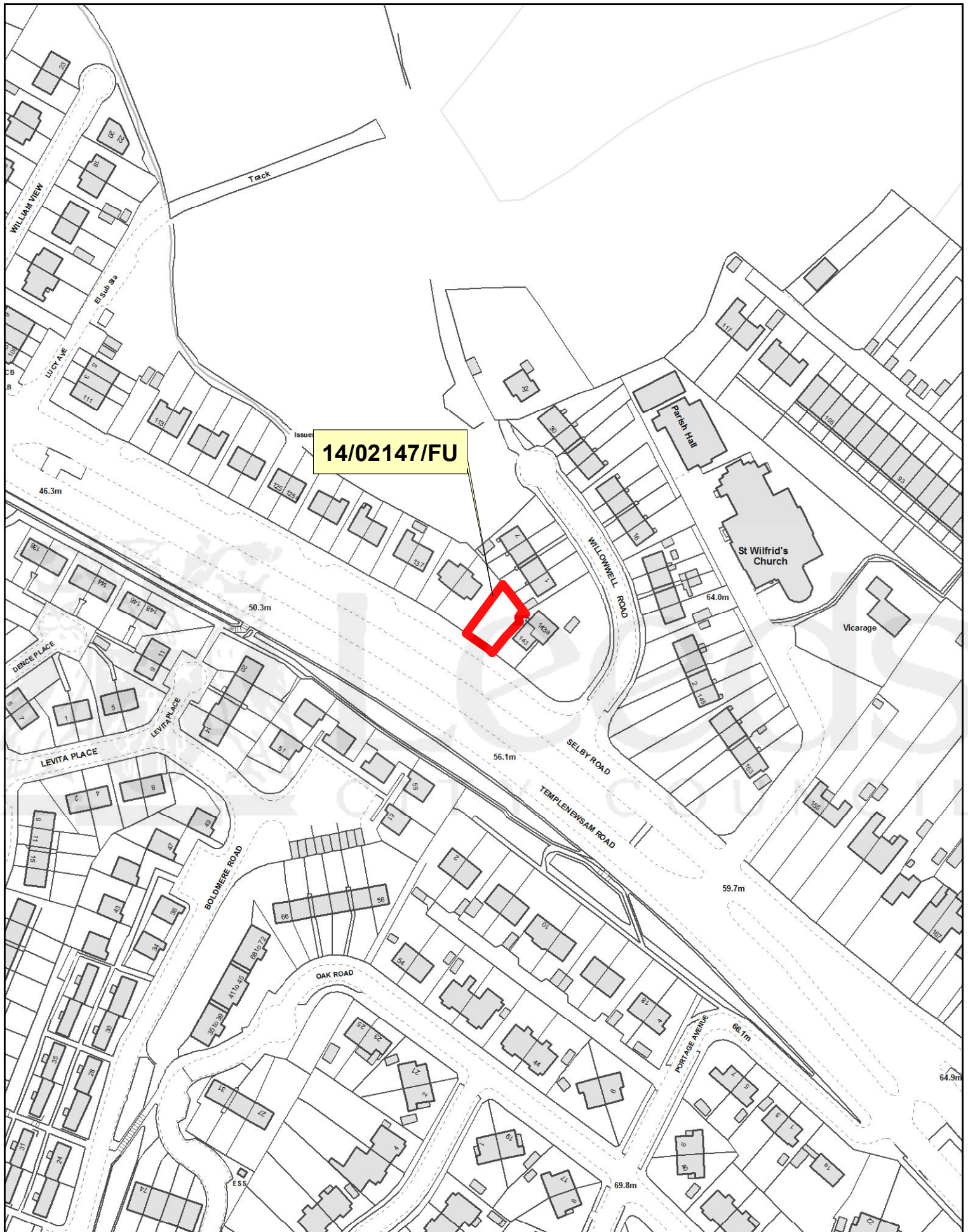


FIRST FLOOR PLAN

FLOOR PLANS

PROPOSED HOUSE  
 113 SELBY ROAD  
 LEEDS  
 SCALE 1:100  
 DRWG NO P2.





14/02147/FU

# NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

