
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 5TH February 2015

**Subject: Appeal by Lady Elizabeth Hastings Estate Charity
against the refusal of planning permission for four dwellings on land at Jewitt Lane,
Collingham, Leeds, LS22 5BA.**

The appeal was dismissed – Ref. 13/03881/FU

Electoral Wards Affected:

Harewood

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

Members are asked to note the following appeal.

1.0 BACKGROUND

- 1.1 The application was considered at Plans Panel on 27th March 2014. Members resolved not to accept the officer recommendation that planning permission be granted. The application was reported back to Plans Panel on 17th April 2014 with three reasons for refusal which the Plans Panel resolved to accept. The proposal was refused on the basis of the harm to the living conditions of the occupiers of the neighbouring houses in Hollybush Green, the unsuitable location for housing from the standpoint of accessibility and the harmful impact of this on the character of the area.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 Three main issues were highlighted by the Inspector; firstly, whether the living conditions of the occupiers of the neighbouring houses in Hollybush Green would be adversely affected. Secondly, whether this is a suitable location for housing from the standpoint of accessibility, and thirdly, whether the character and appearance of the area would be adversely affected.

3.0 SUMMARY OF COMMENTS

Whether the living conditions of the occupiers of the neighbouring houses in Hollybush Green would be adversely affected

- 3.1 The Inspector noted that the separation distance between the existing dwellings on Hollybush Green and the proposed dwellings exceeded those recommended in the Council's residential design guide 'Neighbourhoods for Living' (SPG) and appreciated that the scheme incorporates what the appellant termed 'significant allowance' for the topography. Nevertheless, the Inspector found that the relationship between the land and the neighbouring properties do not sufficiently mitigate the harmful impact upon neighbouring residential the amenity. The Inspector highlighted that, due to the difference in levels No's 23 to 29 Hollybush Green in particular would be subject to a considerable degree of overlooking, this is notwithstanding the additional 'allowance', and as a result there would be a serious loss of privacy in the neighbour's homes and gardens.

- 3.2 The Inspector also found that the proposed 1.8m close boarded boundary fence along the shared boundary with the dwelling of Hollybush Green is likely to form a somewhat oppressive feature in its own right. Because of the difference in levels, both the fence and the mass of the dwellings themselves would appear over-dominant.

Whether this is a suitable location for housing from the standpoint of accessibility

- 3.3 The Inspector noted that whilst none of Collingham's facilities are close to hand, the site is not unduly remote. However, given considering the provisions of CS Policy T2, the Inspector had reservations about elements of its accessibility.
- 3.4 There are two means of access to the site; the public footpath that runs through the site leading to Hollybush Green and from Jewitt Lane. Highlighting various limitations of the footpath that runs through the site, the Inspector did not regard it as providing a satisfactory pedestrian access.
- 3.5 The Inspector also found significant limitations to the means of access provided via Jewitt Lane. The Inspector noted that Jewitt Lane serves a good number of dwellings. However, highlights that it has no dedicated footpath alongside it and therefore there is the potential for pedestrian/vehicular conflict.
- 3.6 Due to the deficiencies highlighted, the Inspector was not satisfied that the accessibility for pedestrians and those with impaired mobility would be safe and secure and found the proposal contrary to CS Policy T2. He noted that these limitations makes the site's suitability for housing questionable.

Whether the character and appearance of the area would be adversely affected

- 3.7 The Inspector considered that, despite the loss of the hedging and shrubs close to the access point, a good deal of the hedging and associated trees will remain and additional planting is proposed. Therefore, the scheme will not compromise the semi-rural quality of this part of Jewitt Lane.

Conclusion

- 3.8 The Inspector concluded that the accessibility to the site is poor and therefore the site is not suitable for housing and that the proposal will harm amenity of the residents of Hollybush Green by way of overlooking and dominance. The Inspector

found that there would be no material harm to the visual amenity resulting from the loss of vegetation close to the access point.

4.0 DECISION

4.1 The appeal was dismissed

5.0 IMPLICATIONS

5.1 Members are asked to note that even though the separation distance between the proposed dwellings and the neighbouring dwellings exceeded the recommended guidelines provided in SPG Neighbourhoods for Living, the Inspector found that this did not mitigate the harmful impact upon neighbouring residential amenity by way of overlooking and dominance. The implication of this is that the recommended minimum distance guide provided within the SPG Neighbourhoods for Living should be taken only as guidance and there is some flexibility to require greater separation distances between buildings if circumstances deem it necessary.

Background papers:

Application file: 13/03881/FU

Proposed Residential Development at Jewitt lane, Collingham, Leeds.



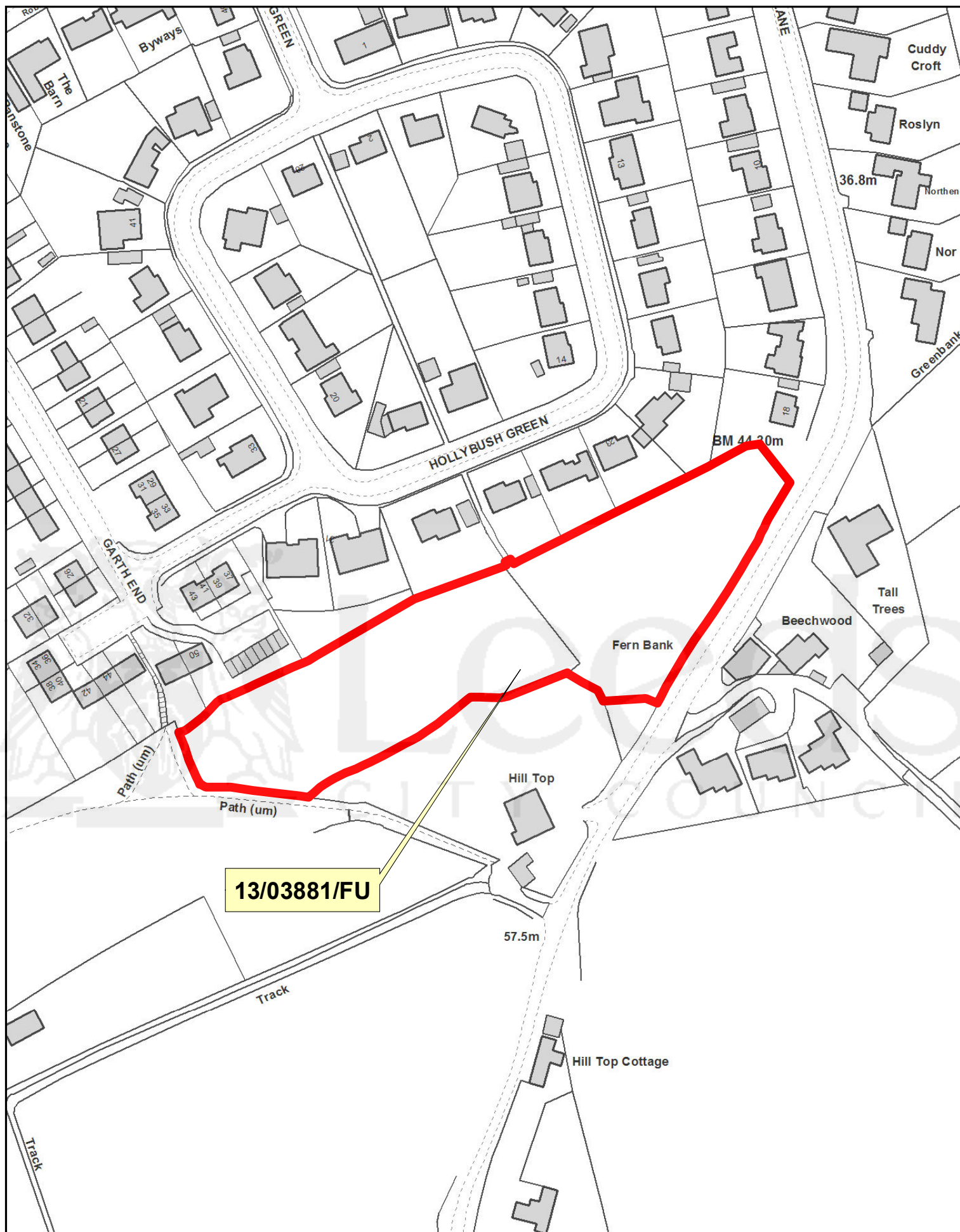
CARTER JONAS

Rev	By	Note	Date
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PROJECT	Jewitt Lane, Collingham, Leeds
TITLE	Proposed Site Layout- Usable Gardens
CLIENT	Carter Jonas
DATE	17.01.13
DWG. NO	Y81:863.06
DRAWN	JD
CHECKED	JD
SCALE	1:500@A3
REVISION	-

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