



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 01st October 2015

Subject: 15/04649/FU – Demolition of existing stable block, garage and outbuildings. Alterations to detached house approved under 13/04348/CLP (lawful development certificate granted for side, rear and front extensions, roof alterations and erection of outbuilding), along with a reduction in hardstanding area and erection of an annex and detached garage, at Reighton House, Moor Lane, East Keswick, Leeds, LS17 9ET

APPLICANT

Mr P Fox

DATE VALID

03rd August 2015

TARGET DATE

28th September 2015

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. Commencement of development and demolition of outbuildings within agreed timescale.
2. Accordance with approved plans.
2. Landscaping scheme to be submitted within 3 months.
3. Landscaping to be implemented in the first planting season following substantial completion.
4. Approval of materials including sample panel (garage/annex).
5. Tree protection measures prior to demolition of building 'C'.

1.0 INTRODUCTION

- 1.1 A certificate of lawfulness for a proposed development (CLP) relating to the property was granted for side, rear and front extensions, roof alterations and erection of an outbuilding under application reference 13/04348/CLP. Works commenced, but with the removal of the roof of the house, officers deemed that the CLP was not followed because the extent of demolition went beyond what was authorised by it. Members received a report on the unauthorised works at the November 27th 2014 meeting of the North and East Plans Panel and Members visited the site earlier that day. The Officer recommendation was that the works be monitored on-site and that no action be taken if the resultant dwelling was of the same design and form as that shown on the plans approved under 13/04348/CLP. Members resolved that Counsel's opinion be sought on whether or not a breach had occurred, and if so what enforcement action could be taken, and if not, when would a breach occur, and what action could then be taken. It was resolved that a further report setting out this information be presented to the January 2015 meeting of Panel. The Panel also resolved that it be noted it would like to see the submission of a planning application in this case.
- 1.2 A further report was duly placed on the 08th January 2015 North and East Plans Panel Agenda but the report was withdrawn to enable the issues raised to be investigated further. A report was brought back to the 05th February 2015 Panel meeting with an exempt appendix. At that meeting it was resolved to note the report and that Members were minded to consider enforcement action, but reserved their position. It was also resolved that the Chief Planning Officer undertake discussions with the developer on an alternative scheme, as part of a planning application, and that a further report be submitted to Panel in due course. Discussions on an alternative scheme were duly held and the scheme arrived at is as set out under the current application which is the subject of this report.
- 1.3 The application proposes the alteration and extension of a dwelling in the Green Belt, together with a detached garage and annex, that are considered to result in disproportionate additions that would impact on openness, and it therefore represents inappropriate development in the Green Belt. The harm by way of inappropriateness would be compounded by a limited impact on openness. The cumulative harm under the proposed development is, however, considered to be less than that which could arise under permitted development rights. There is little reason to doubt that what could be built as permitted development would actually be built and Officers consider that because what the application proposes is to be preferred in terms of its impact on the Green Belt, as opposed to the fall-back position, the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify approval of the development. Because very special circumstances are considered to exist the application is consequently recommended for approval.

2.0 PROPOSAL

- 2.1 Certificate of lawfulness application reference 13/04348/CLP proposed side, rear and front extensions, roof alterations, the demolition of the hay store and erection of an outbuilding. The current application shows the same works, but over and above the works granted under the CLP, the application proposes the relatively minor realignment of the family room, the extension of the existing detached stable block, and the construction of a single storey timber framed garage to the front of the site. An existing block-work built stable and garage block are to be demolished to facilitate this. The application also proposes a reduction in the amount of hardstanding and landscaping proposals.

- 2.2 The existing detached garage/stable block is to be demolished. Its cubic content is stated as being 410.6 cubic metres. The proposed garage is of 262 cubic metres. The proposed alterations to the family room and retained stable building result in cubic content additions of 9.5 cubic metres and 43.5 cubic metres respectively. The annex remains as shown under the certificate of lawfulness issued. Overall, therefore, the application proposes a net reduction in volume of 95.6 cubic metres over and above the certificate of lawfulness scheme and a reduction in the spread of development. The application also proposes landscaping works.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a two storey detached dwelling set to the western edge of East Keswick on the southern side of Moor Lane. It is located within a ribbon of other residential development and is set within the Green Belt. The site is not located in a conservation area.
- 3.2 The dwelling was of mid 20th century construction and clad in random stone, loosely speaking in an 'arts and crafts' style, though of a later period. The original dwelling had a steeply pitch roof clad in pan tiles. The existing glazing style was a mixture of modern plastic windows with mock lead features, some square, some rectangular, and some circular. Some windows had timber lintels, some had stone, and a number of first floor windows had shutters.
- 3.3 The property has an extensive residential curtilage which extends to the front, rear and both sides. Towards the rear is a lawned garden area while towards the western side is a wall garden area. To the front are a driveway and a number of mature trees. To the eastern side of the curtilage are 3 domestic outbuildings which are physically accessible from the main house. These comprise a large garage and stables which accommodates the domestic parking for the house. On the front of this building is the electricity meter belonging to the house. The 2 storey stable block also contains the gas boiler to the dwelling. A redundant hay store/barn is located towards the south eastern part of the curtilage. The applicant also owns the adjoining field to the rear, but this is not regarded as domestic curtilage.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/00927/UHD3 – Investigation of unauthorised alterations to dwelling at Reighton House.
- 4.2 13/04348/CLP Certificate of Proposed Lawful Use for part two-storey, part single-storey rear extension, single storey extension to both sides, porch to front, erection of ancillary outbuilding to rear, re-facing of existing front elevation of dwelling with natural coursed stone and natural stone roof tiles and alterations to existing stables – Approved 12.02.14.
- 4.3 12/05239/CLP Certificate of proposed lawful development for two storey rear and single storey side extensions and detached outbuilding – Withdrawn.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following Panel's resolution at its meeting of the 05th February 2015 the applicant, noting Member's wish for a planning application to be submitted, has worked with Officers, who have negotiated the submitted scheme. Officers have negotiated a reduction in the overall cubic content from that which could be built under the

certificate of lawfulness scheme, a reduction in the spread of development and a reduction in the amount of hardstanding, together with significant landscaping proposals. Discussions have also taken place in respect of the design so that it reflects that of the village.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by site notice, which was posted on site on the 21st August 2015 and through advertisement in the local press on 20th August 2015. The publicity advertised the application as departure. In response one letter of support has been received. Comment made therein is summarised as follows:

- The property was run down for several years.
- The proposal could improve the area.
- The applicant has done all they can to satisfy the requirements of the Council as local planning authority.

6.2 East Keswick Parish Council has no objection to the application.

6.3 Ward Councillors have been consulted on the application. In response no comment has been received to date.

7.0 CONSULTATIONS RESPONSES:

7.1 None

8.0 PLANNING POLICIES:

Development Plan

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 Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006), and the Natural Resources and Waste Development Plan Document (2013).

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

- P10 Seeks to ensure that new development is well designed and respects its context.
- T2 Seeks to ensure that new development does not harm highway safety.

8.3 The following saved UDP (Review) 2006 policies are also relevant:

- GP5 Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD5 Seeks to ensure new development protects amenity.
- N33 Seeks to restrict inappropriate development in the Green Belt.
- LD1 Relates to detailed guidance on landscape schemes.

Relevant Supplementary Planning Guidance

8.4 Householder Design Guide (HDG): Leeds City Council Householder Design Guide was adopted on 1st 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.

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.

HDG3 All extensions, additions and alterations within the Green Belt should represent limited development and should not harm the character, appearance and openness of the Green Belt. In order to be considered as limited development all existing and proposed extensions should not exceed a thirty percent increase over and above the original house volume. Development proposals which exceed thirty percent or which harm the character, appearance or openness of the Green Belt are considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and will be resisted unless very special circumstances are demonstrated.

8.5 East Keswick Village Design Statement – The character of the village is strongly influenced by the road network. The village has successfully incorporated a wide variety of architectural styles. New development and extensions should reflect the scale and massing, architectural details and materials of the village.

National Planning Policy

8.6 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.

8.7 Paragraph 196 of the NPPF states that the planning system is plan-led and that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (paragraph 210). 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 are to the policies in the Framework then the greater the weight that may be given to them.

8.8 The NPPF introduces a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the

development plan without delay; and where the development plan is absent, silent or relevant policies out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted (for example in this case where land is designated as Green Belt (footnote 9)).

8.9 The following sections are most relevant to the consideration of this application:

Section 7 Requiring good design
Sections 9 Protecting Green Belt land

9.0 MAIN ISSUES

- Principle
- Very Special Circumstances
- Design
- Trees
- Residential Amenity

10.0 APPRAISAL

Principle

- 10.1 The property is located within the designated Green Belt. As outlined within the National Planning Policy Framework (NPPF), the essential characteristics of Green Belt are their openness and their permanence. Both saved UDP policy N33 and paragraph 89 of the NPPF state that the construction of new buildings within the Green Belt is inappropriate. Under the NPPF inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances (Para 87). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF para 88).
- 10.2 Both saved UDP policy and national planning policy contain a list of exceptions, whereby development might be considered not inappropriate, as set out under saved policy N33 and paragraph 89 of the NPPF. Saved policy N33 allows for the limited extension, alteration or replacement of existing dwellings (second bullet). The NPPF allows for extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 89 third bullet), and the replacement of a building, provided that it does not result in disproportionate additions over and above the size of the original building (third bullet). In respect of replacement dwellings, saved UDP policy N33 does not include the caveat “not materially larger”, and refers to just dwellings and not buildings, whereas paragraph 89 of the NPPF does both. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework, and that the closer the policies in the plan to the policies in the Framework the greater the weight that may be given. Given that saved UDP policy N33 is not consistent with the NPPF, greater weight is to be given to the wording set out in the NPPF.

- 10.4 With regard to these exceptions, the scale of extension undertaken would clearly be in excess of that which is permitted under paragraph 89 of the NPPF, and clearly beyond the limits set out in the Householder Design Guide which does not allow for extensions in excess of 30 percent of the volume of the original building, or those which would harm the character, openness or appearance of the Green Belt. These works would, necessarily, have an impact on openness but regard has to be had to the works carried out under the CLP. As is set out above, significant weight must be given to this identified harm and the application should only be approved in very special circumstances. Also as set out above, the necessary very special circumstances will not exist unless the harm by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Very Special Circumstances

- 10.5 The proposal reduces the volume of buildings from that which could be built under permitted development rights and were shown to be retained as set out in the certificate of lawfulness granted. This is a fall-back position which can be afforded significant weight in the determination of this application. The application also reduces the amount of hardstanding that would be formed and details areas of landscaping to soften the impact of the proposed works on the character and appearance of the Green Belt.
- 10.6 Significantly, the certificate of lawfulness application detailed the retention of the substantial block built garage and stable building at the front of the site, whereas the proposal allows for its demolition and the construction of a smaller garage building in its place. This is significant because the existing building is seen readily in views from the adjacent public highway, and its replacement with a building that is 63% smaller in volume (262 cubic metres as opposed to 410.6 cubic metres) represents a significant improvement over and above its retention as per the certificate of lawfulness scheme.
- 10.7 Whilst a small amount of additional volume is proposed in the reconfiguration of the family room (+9.5 cubic metres), and the extension of the detached stable building (+43.5 cubic metres), the demolition of the existing garage and stable block and replacement with a smaller detached garage results a reduction in volume overall. The submission calculates the overall reduction in volume terms as being 203.2 cubic metres. In reality, however, this is somewhat less at a 95.6 cubic metres reduction in mass because the hay store was shown as being demolished under the certificate of lawfulness proposals in any event and it should not therefore be double counted. This is, however, still a significant reduction in the amount of mass, and as is discussed at 10.14 will have a significantly lesser impact on openness as a result. Together with the landscaping proposed, it is considered that the application proposes a form of development that is to be preferred to that which was approved and could lawfully have been built under the certificate of lawfulness application.
- 10.8 Whilst the overall amount of development taking place is in excess of policy allowances and harmful to openness, and therefore in policy terms inappropriate development, the current proposals cause less harm to openness than would occur under fall-back position, in the exercise of permitted development rights, as approved under the certificate of lawfulness application. Taken together with the negotiated landscaping proposals, these considerations are considered clearly outweigh the identified harm, and the necessary very special circumstances to justify approval of the application are therefore considered to exist. Consideration of design and residential amenity related considerations and impact on trees are considered below.

Design

- 10.9 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”. Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality avoids loss of amenity.
- 10.10 The original dwelling dates from the 1950's was of random stone with a pantile roof and was composed of a mixture of architectural influences. Some unsympathetic alterations have taken place over the passage of time. The large outbuilding to the front is of render and its form is utilitarian. It is built of painted blockwork with a corrugated sheet roof. The stable block is of similar construction.
- 10.11 The revised treatment of the dwelling has been referenced against the Village Design Statement and the vernacular of the historic village. Architectural features include: the use of reclaimed pitched faced stone in diminishing courses; stone lintels, cills and jambs to the windows; stone porch and eaves detailing to a vernacular design; and stone roofing tiles. The replacement outbuildings (garage and stable block) have been designed to complement the house with the garage being built from a mixture of stone and timber cladding to reflect its rural location. Overall a more cohesive form of dwelling results, which has significant regard to the character of the area. As such it improves on the appearance and character of the dwelling as it originally existed.

Trees

- 10.12 The proposal includes a landscaping scheme with significant native tree and shrub planting to the western and eastern boundaries. With the passage of time this will help filter views of the dwelling and soften its impact in the landscape. The submitted scheme is indicative and a condition is proposed to require the detail and implementation of that planting to be agreed. Conditions should also require tree protection measures to protect trees at the site frontage during demolition and construction works.

Residential Amenity

- 10.13 Saved policy GP5 notes that extensions should protect amenity policy BD6 notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”. Criterion (iii) of Core Strategy policy P10 similarly seeks to protect neighbouring residential amenity and privacy. The house enjoys good separation between its neighbours and the proposal raises no concern in respect of its impact on residential amenity, and is policy compliant in these regards.

11.0 CONCLUSION

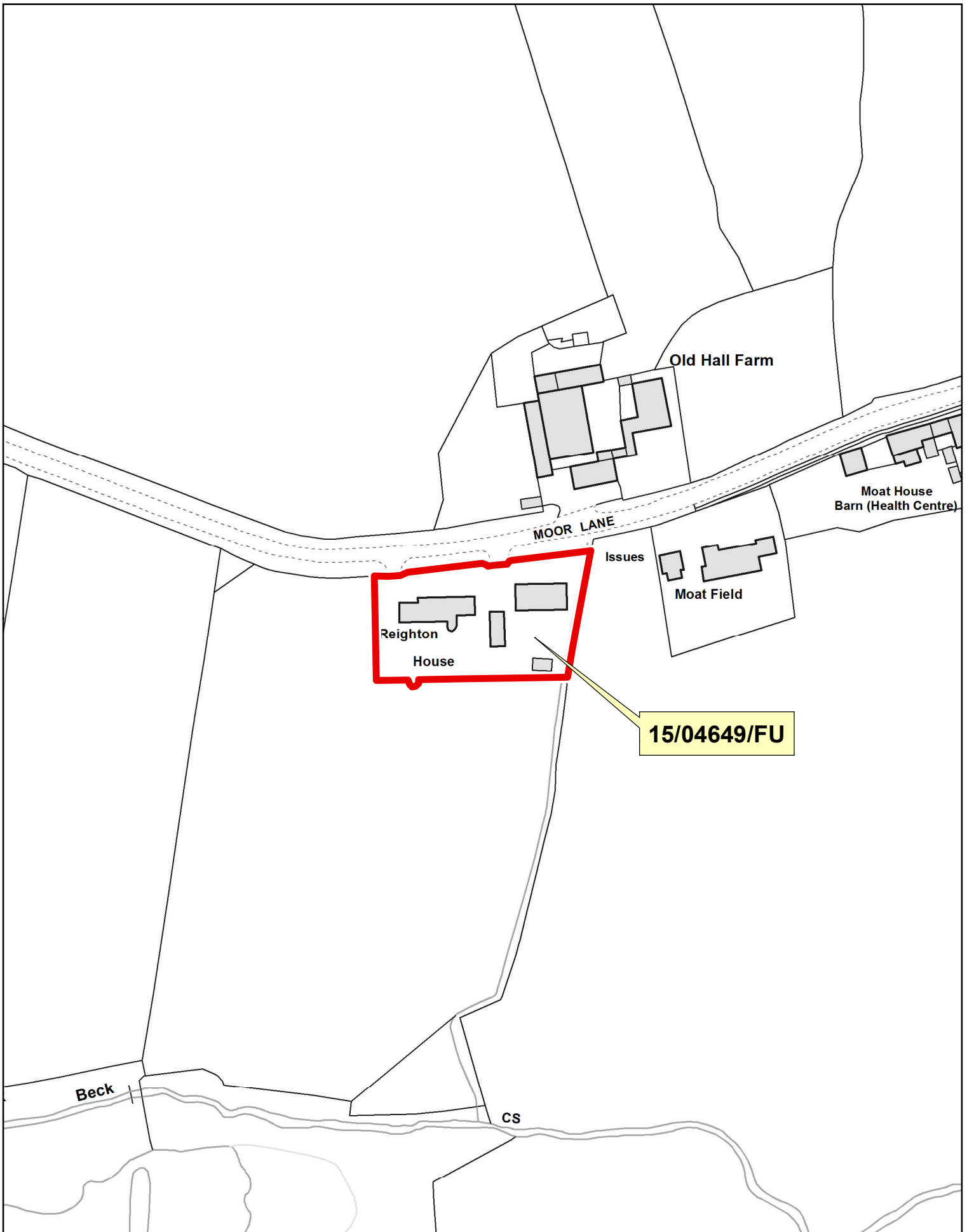
- 11.1 The application proposes additions to the building that are disproportionate, being in excess of Householder Design Guide criteria, and it therefore represents inappropriate development in the Green Belt that would harm openness. In line with national planning policy significant weight must be given to this harm and inappropriate development should only be approved in very special circumstances, which will only exist if the potential harm to the Green Belt is clearly outweighed by other considerations.
- 11.2 In this permitted development rights exist which exceed policy allowances and a certificate of lawfulness has been granted for works that that create a fall-back

position. The works contained in the certificate of lawfulness are underway and there is therefore a clear signal of intent and a strong likelihood that the fall-back position would be implemented, as evidenced by the submission and approval under 13/04348/CLP. The proposals represent a scheme that would have a materially lesser impact on openness than the fall-back position, given overall reduction in mass created and the landscape improvements which have been negotiated, in light of Member's earlier resolution.

- 11.3 These considerations are considered to clearly outweigh the potential harm to the Green Belt by way of inappropriateness and any other harm. The necessary very special circumstances therefore exist to justify approval of the application which, as it is acceptable in design terms on its merits and as it raises no amenity or privacy concerns, is consequently recommended for approval. Conditions should however be attached to require tree protection measures to be agreed prior to demolition of the garage and stable block, to ensure fully detailed landscaping proposals are agreed and implemented, and to ensure that new materials are appropriate. A condition requiring the demolition of the garage block and stable should be imposed, in order to ensure that the reduction in cubic content is secured, on which the case for very special circumstances is predicated.

Background Papers:

Application file:	15/04649/FU
Certificate of ownership:	Certificate A signed by the agent
Enforcement file:	14/00927/UHD3
Application file:	13/04348/CLP



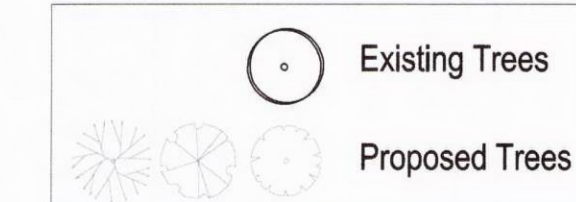
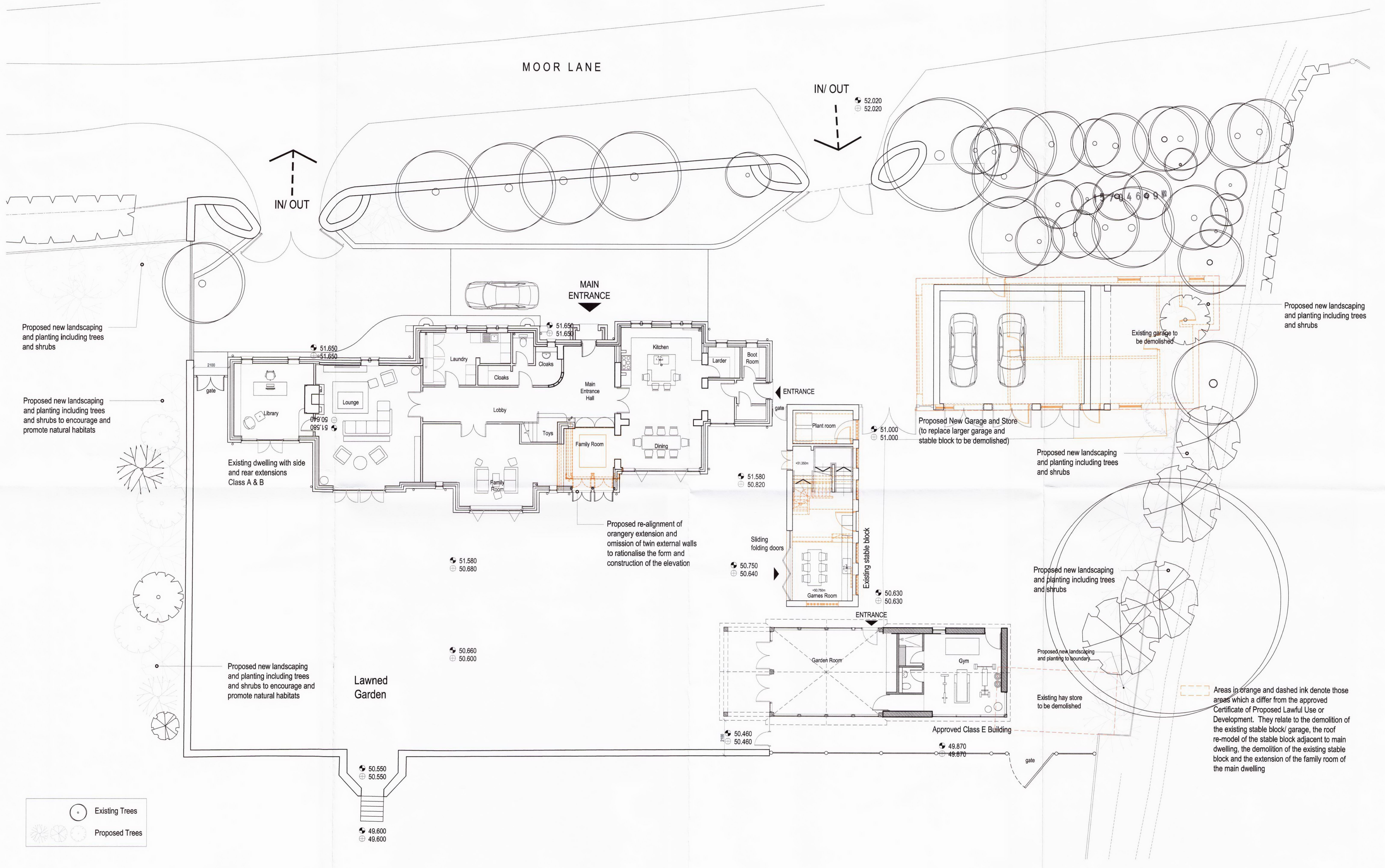
NORTH AND EAST PLANS PANEL

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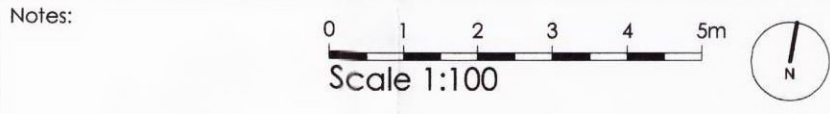
SCALE : 1/1500





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Rev.	Notes	Date	By	Ch.
C	Notes amended	22/07/15	RJG	RJG
B	Notes added	01/07/15	RJG	RJG
A	Notes and volumes added	21/05/15	RJG	RJG

PLANNING

Status: www.enjoy-design.co.uk

Client: MR & MRS FOX
 Project: REIGHTON HOUSE EAST KESWICK, LEEDS
 Title: GENERAL ARRANGEMENT SITE PLAN (GROUND FLOOR)
 Date: 13.05.15
 Scale: 1:100@A1
 Checked By: GM
 Drawing No: SK-150513-01
 Drawn By: RJG
 Revision: C

