



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 1st October 2015

Subject: 15/03918/FU – Variation of condition 2 (approved plans) of planning permission 13/03241/FU to allow minor material amendments to east, south, west and north elevations at, Conkers, The Ridge, Linton, Wetherby

APPLICANT	DATE VALID	TARGET DATE
Mr and Mrs Bedford	1 st July 2015	26 th August 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. Time Limit;
2. Plans to be approved;
3. Materials as agreed;
4. Boundary treatment implemented as agreed;
5. Levels implemented as agreed;
6. Landscaping details implemented as agreed;
7. Protection of trees/hedges/bushes;
8. Continued compliance with the agreed construction method statement;

1.0 INTRODUCTION

- 1.1 This application seeks to make small changes to the design of a house that was granted planning permission in early 2014. As will be outlined below the changes are considered to be acceptable and thus the application is recommended for approval.

- 1.2 The application was brought before Panel on 27th August and a Members' site visit took place the same day. Members were concerned about the impact of the development upon near neighbours and requested that full details of proposed landscaping be brought back before Panel Members. Revised plans have now been received that include information with regard to landscaping, levels and boundary treatments. The receipt of these plans has been publicised.

2.0 PROPOSAL:

- 2.1 A large, modern dwelling was granted permission in February of 2014. The house had a pastiche neo-classical design and was 7 bays in width with a hipped, slate roof. The house had a central portico and a forward projecting bay to the eastern side of the property. A link-detached garage projected forward of the house to the western side. Two dormers were included to the rear as were two, balanced chimneys one beside each dormer.

- 2.2 The proposed changes are as follows:

- the forward projecting garage to be increased by 0.7m in length;
- hard landscaping associated with the garage (eg bins store and retaining walls) to be set 0.7m closer to the road;
- two windows to the ground floor dining room to be omitted;
- one ground floor window to the eastern elevation omitted;
- a ground floor bay to the rear relocated and enlarged;
- full height glazing to the rear truncated and replaced by two smaller windows;
- roof lights added to the rear of the garage link;
- one balcony enlarged at first floor level to the rear of the dwelling;
- two new side facing windows serving first floor bedrooms added to the eastern elevation;
- two side facing first floor windows removed from the western elevation;
- one of the rear chimneys is to be moved to the eastern side elevation.
- submission of a full landscaping scheme, including boundary treatments.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site used to house a large detached bungalow set within a large sloping garden. Works are well commenced on site and the house as partially built includes amendments which are sought as part of this permission.

- 3.2 The site occupies the corner plot on the southern side of The Ridge. The road borders its northern and western frontages. The site rises from east to west and the previous was set down at a lower level than the garden. The plot is characterised by mature and dense planting to its boundaries. A large driveway with a wide entrance opens up the front boundary.

- 3.3 The Ridge is a single street enclosed by the green belt between Linton and Wetherby. Although plot sizes do vary the majority of dwellings are set within large grounds and the area has a verdant, semi-rural character. The majority of dwellings appear to date from the mid-late twentieth century however a new built property lies just to the north of the host. There is a mixture of architectural styles

and scales but the houses are generally two stories (but there are a number of bungalows along the road) and set back to some degree from the road frontage. Several garages within the vicinity project forward of the principal elevations of the dwelling. Mature landscaping and informal road verges are strong characteristics of the road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/03241/FU Replacement detached house, attached triple garage with accommodation over
Approved
- 14/9/00069/MOD Replacement detached house, attached triple garage with accommodation over - NON MATERIAL AMENDMENT to 13/03241/FU for approval to drawings P1, P2 and P3 as revised.
Approved (see 5.3 below)
- 14/9/00255/MOD Replacement detached house, attached triple garage with accommodation over- NON MATERIAL AMENDMENT to 13/03241/FU
Refused
- 14/02669/COND Consent, agreement or approval required by conditions 3, 4, 5, 6, 7 and 8 of Planning Application 13/03241/FU
Interim decision (3 and 8 discharged; 4, 5, 6 and 7 not discharged)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The initial planning application was subject to significant negotiation. In its original form the application was to be recommended for permission. Councillor Robinson requested a Senior Officer Review and this concluded that the proposed house was unacceptable. Particular criticisms were raised in respect of the overall scale of the proposed dwelling and that as a consequence of this and its prominent siting it unduly imposed itself on the streetscene and would be a visually dominant addition to the streetscene.
- 5.2 As consequence the scheme been amended to reduce its height (by approximately 2.5m and the house was shown to be set further down into the site further reducing its impression of height). Front dormers were removed and also the extent of the projection and massing of the proposed garage was lessened. The applicant also agreed to the principle of a landscaping scheme to the front to help soften the impact of the house and to reinforce its landscaped setting.
- 5.3 Further to the grant of planning permission two non-material amendment applications have been submitted. The first was approved as this sought to remove two windows and thus was a minor change which would not harm neighbours. The second was refused as this included an increase in the garage size, balconies to the rear and additional side facing windows. These were considered to be material changes and thus the application could not be dealt with as a non-material amendment.

5.4 There have also been discussions regarding conditions and some have been discharged. Rather than imposing planning conditions requiring the submission of boundary details and a landscaping scheme, these details are provided as part of this current planning application. The details include alterations to the front, rear and side boundaries, levels details and landscaping proposals.

5.5 During the consideration of this application a balcony has been removed from the scheme.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was initially advertised by site notice and neighbour letter.

6.2 Linton Parish Council raised concern regarding overlooking and non-compliance with the approved plans.

6.3 Objections have been received from 7 properties on The Ridge with concerns raised regarding overlooking, boundary treatments and the process/procedure of a minor-material amendment application.

6.4 Following the Panel meeting on 27th August, revised plans have been submitted which include details of levels, sections through the site and details of proposed boundary treatments.

6.5 The occupants of Nithbank (to the side) have written to support the proposals and have discussed the scheme with the applicants. In particular, the neighbours consider the external chimney breast to be a nice feature; the additional windows do not affect their privacy; the slightly larger balcony does not affect them; the removal of the overgrown Cypress trees along the side boundary is welcomed and re-planting will still retain privacy; the removal of the fence and replacement with a stone wall to the side boundary is welcomed, as is the front boundary wall. The neighbours also wish to clarify that at no point did they ever object to any of the proposals for this site, and are in full support of the development which will enhance the look of The Ridge, with quality materials and design.

6.6 The occupants of South Breeze (to the rear and where Members visited on the previous Panel site visit) have also met with the applicants following the Panel meeting. Concerns are still maintained over loss of privacy. It was agreed that the boundary wall between Conkers and South Breeze needs improving in order to maintain and improve privacy. Concerns are raised over the types of evergreen conifers proposed to be planted along the boundary, and that they will not be tall enough to protect privacy. Other trees proposed are deciduous and there will be gaps in between. Concerns are also raised over the removal of the conifers which involves grinding out the stumps with the decomposition of the roots taking place over a number of years which may impact on the foundations of the wall and the existing garage, leading to subsidence. Concerns are also raised over the long term maintenance of the trees and their height. No reference is made within the letter to the alterations to the house and garage.

7.0 CONSULTATIONS RESPONSES:

7.1 None

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

Local Planning Policy

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

<u>SP1</u>	Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.
<u>H2</u>	Housing on non-allocated sites must not exceed local infrastructure capacity.
<u>P10</u>	Seeks to ensure that new development is well designed and respect its context.
<u>P12</u>	Seeks to ensure that Leeds' landscape character is retained.
<u>T2</u>	Seeks to ensure that new development does not harm highway safety.
<u>G8</u>	Seeks to ensure that important species and habitats are preserved.

The following saved UDP policies are also relevant:

<u>GP5:</u>	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
<u>BD5:</u>	Seeks to ensure new development protects amenity.
<u>LD1:</u>	Seeks to ensure the quality of good development.

National Planning Policy

- 8.3 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.
- 8.4 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.
- 8.5 Section 7 (design) of the NPPF is relevant to the consideration of this application.

SPDs/SPGs

- 8.6 Neighbourhoods for Living; Linton Neighbourhood Plan (unadopted)

9.0 MAIN ISSUES

- 1) Procedure/Process
- 2) Design and Character
- 3) Neighbour Amenity
- 4) Landscape

10.0 APPRAISAL

Procedure/Process

- 10.1 Concern has been raised locally regarding the Minor Material Amendment process with residents commenting that a full planning application should be submitted. Concern has also been raised regarding the fact the building works do not comply with the approved plans.
- 10.2 The planning process includes a number of mechanisms which allows changes to be made to a development following approval. A new full planning application can be submitted, but in many cases this is not required. Where a development remains substantially the same and only small changes are requested then either a non-material amendment or a minor material amendment application will likely be appropriate. Non-material amendment applications are suitable for very minor changes (such as the omission of approved windows) which do not affect material matters such as design or amenity. These applications are often not advertised to neighbours and are considered at an officer level. Minor material amendment applications are for changes which are small but which could have a material impact – ie they may affect design or neighbours. These applications are advertised to neighbours, treated as a planning application and essentially grant a second planning permission.
- 10.3 Neighbours are concerned that because a non-material amendment for changes similar to those now applied for was refused, the minor-material amendment should also be refused. However, the non-material amendment was refused not because the works were unacceptable but because they went beyond non-material changes and raised issues which were of concern to officers and neighbours during the first planning application. The minor-material application which has been submitted allows officers and neighbours to fully consider the changes and thus the process is correct and reasonable.
- 10.4 It is noted that the works which are proceeding on site are not in accordance with the approved plans. The current application seeks to regularise these unauthorised changes as well as add others such as a rear balcony. Whilst it is always unfortunate when applicants knowingly undertake unauthorised works the application must be considered on its merits against the development plan and its retrospective nature can have no bearing. As will be outlined below the application is considered to be acceptable in policy terms and thus will be recommended for approval.

Design and Character

- 10.5 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.

- 10.6 The application which is under consideration makes three main changes to the design of the dwelling. Two of these relate to the garage, which is being projected closer to the roadside and the roof of the link section is being raised in height. This has the consequence of increasing the visual prominence of the garage within the streetscene and diluting the sense of separation between the house and garage. The third main change to the design of the house is the relocation of the chimney from within the property to the east side elevation. The other changes which are proposed such as the creation/relocation of bay windows and alterations to the glazing pattern do also affect the balance and character of the property, albeit to a lesser degree.
- 10.7 The judgement which then needs to be made is whether the changes cause harm to visual amenity. The enlarged garage may be considered a somewhat retrograde step as this element was reduced in size during negotiations on the first application in order to lessen the mass and prominence of the dwelling. However, this said, the enlarged garage does remain smaller than first applied for and the 700mm increase is not so significant that a refusal would be warranted. This is also the case for the increase in the height of the link roof and the other changes. The relocation of the chimney and the alterations to the glazing pattern dilute the design of the dwelling and make it less attractive, however this is not to a degree which would warrant refusal.
- 10.8 As such the application is acceptable in this regard.

Neighbour Amenity

- 10.9 Core Strategy Policy P10 notes that developments should "[protect] ... residential and general amenity through high quality design that protects and enhances... useable space, privacy...and satisfactory penetration of sunlight and daylight. Saved policy GP5 notes that extensions should protect amenity and policy BD5 notes that "all new buildings should be designed with consideration given to both their own amenity and that of their surroundings".
- 10.10 As outlined above changes are being made to the location and quantum of windows within the new property; local residents are concerned about the impact of the changes upon the amenity of near neighbours with overlooking of Nithbank and South Breezes specifically mentioned.
- 10.11 Nithbank is set to the east side of the application property and is a single storey dwelling set at a slightly lower level. As approved there is a separation distance of approximately 12-13m between the two properties (10.0m to the common boundary) and both primary and secondary windows look toward the neighbouring house and garden areas. The changes introduce an additional bedroom window within the side elevation. This additional bedroom window is not considered to be harmful as a secondary window a distance of 7.5m is required to the boundary, a distance which is achieved. As initially submitted the application included a balcony, however as this did not meet the required distances to the boundaries with neighbours this has been removed. It is also noted that a dense planted screen has historically been present on this boundary. Landscaping conditions were imposed on the first application and these have not been adequately discharged.

- 10.12 Following the Panel meeting on 27th August and site visit, further plans to show the difference in levels and proposed boundary and planting treatments has been provided to be agreed as part of this planning application. This includes the removal of the 1.8m high boundary fence and conifers and replacement with a 1.8m stone wall and new planting set slightly off the boundary. The occupants of Nithbank do not object to these proposals, and indeed are fully supportive of the applicants proposals. The difference in levels will be dealt with by the stone wall acting as a part retaining structure and the land graded back to the level of the house (maximum 30 degree slope). There is a level difference of approx. 2.5 – 3.0m between the ground level adjacent to the side gable of the new house and the level along the side boundary with Nithbank. The submitted drawing indicates that fill material from the excavation of the site will be used to build levels up towards the boundary and the land graded back towards the house, as shown on the submitted section. The neighbours of Nithbank are fully supportive of this and it is considered that the proposals would not be harmful to the living conditions of the occupants of Nithbank.
- 10.13 South Breeze is set to the rear of the application property with its main garden area immediately adjoining the rear boundary of the application property. As was noted when permission was first granted for the new house, although a larger dwelling obviously increases the potential for the overlooking of neighbours, a separation distance of 14m to 18m was considered sufficient to mitigate any harmful impact. The balcony which is now proposed will increase the potential for overlooking as, unlike the small previously approved, this structure is large enough to allow seating. As such this should be considered a principle living space and as outlined within Neighbourhoods for Living a minimum distance of 10.5m is required. As the balcony is elevated at first floor level it is usual practice for the authority to require a greater distance, with approximately 3.0m added for each additional floor. As such a minimum distance of 13.5m is required. The balcony is set approximately 17m from the common boundary and exceeds the required distance. As such, with alterations to the boundary wall and replacement tree planting as proposed, the distances retained between the amended house and the boundary with South Breeze are considered sufficient to ensure that no significant harm is caused.
- 10.14 As such it is considered that the proposal complies with policy P10 of the Core Strategy and policies GP5 and BD5 of the Unitary Development Plan as well as advice contained within Neighbourhoods for Living.

Landscape

- 10.15 Core Strategy policy P12 seeks to ensure that Leeds' landscape character is preserved. Saved UDP policy LD1 also notes that sufficient space should be allowed around buildings to enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings.
- 10.16 As outlined above the boundaries of the site are formed by mature and dense planting. Strong landscaping is a common feature of boundaries along The Ridge and is important to the semi-rural character of the area. The retention of strongly planted boundaries is important to ensure both the amenity of near neighbours as well as retaining the character of the area. The loss of vegetation around the site would not be acceptable; hard landscaping would also cause concern.
- 10.17 As shown on the proposed landscaping plan there is an intention to manage the boundaries of the site over a number of years and gradually remove the existing

vegetation and replace with alternative species. To the southern boundary with South Breeze and the eastern boundary with Nithbank the conifers will be gradually replaced with a mix of coniferous and evergreen species, several of which will be planted at a height of 4-4.5m. An evergreen shrub mix will also provide good understory coverage. This programmed of managed implementation over a ten year period will ensure that an appropriate level of screening is maintained throughout and that neighbouring privacy is maintained.

- 10.18 The front boundary will be formed by a 1.0m wall with Beech hedging behind which is consistent with the existing boundary as well as others within the streetscene. The proposed gate will be approximately 1.8m in height and is a open galvanised gate painted black (not a solid paneled gate) structure which is set back into the site. Although this is a little unusual within the street, where gates are not a common feature, the set back into the site is sufficient to ensure that the gate does not overdominate the street or create an overly defensive residential environment.

Representations

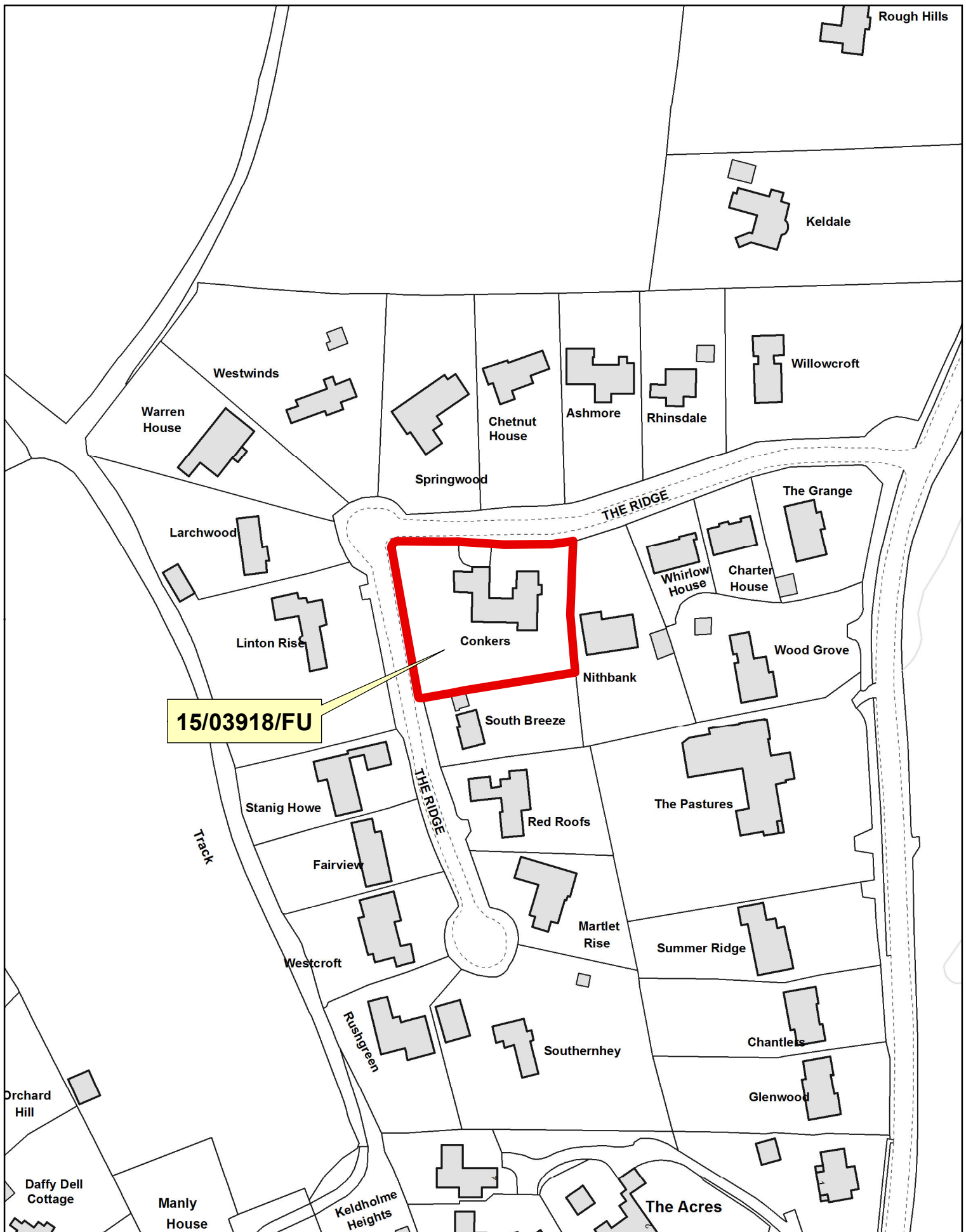
- 10.19 All material considerations raised through representations have been discussed above. It is noted that some concerns have been raised about on-street parking and the disturbance from the build process. A construction management plan has been agreed which shows all construction parking within the site; enforcement officers are involved with the site and non-compliance with this management plan will be raised with the applicants.

11.0 CONCLUSION

- 11.1 The application is therefore considered to be acceptable. The changes to the approved dwelling cause insufficient harm to visual amenity to warrant refusal and the impact upon near neighbours is acceptable, with conditions. As such the application is compliant with the relevant policies and guidance and approval is recommended.

Background Papers:

Application files 15/03918/FU
Certificate of ownership: Certificate A signed by the agent



NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

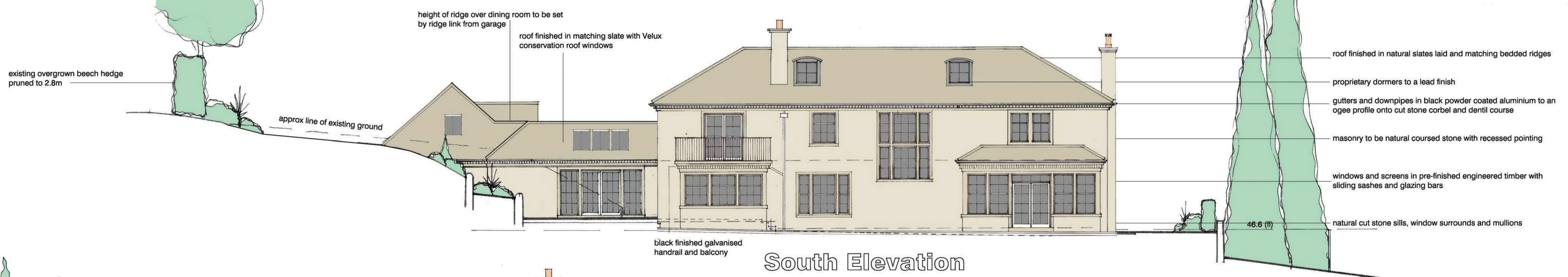




West Elevation



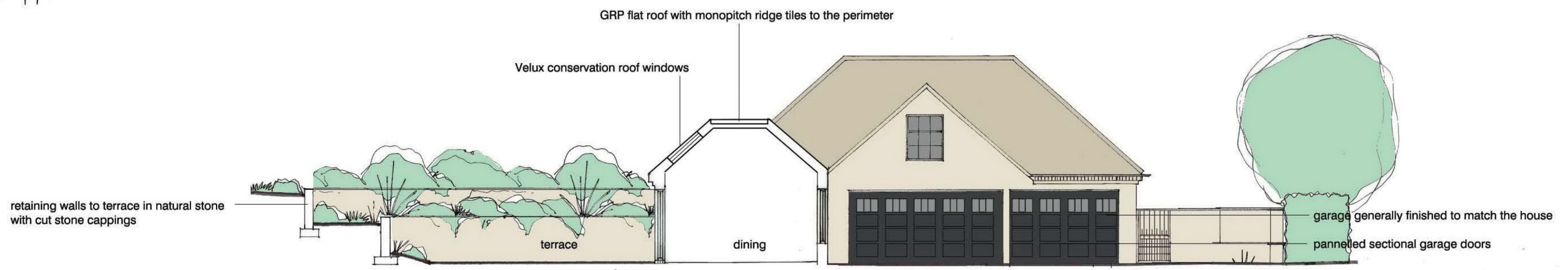
East Elevation



South Elevation



North Elevation from The Ridge

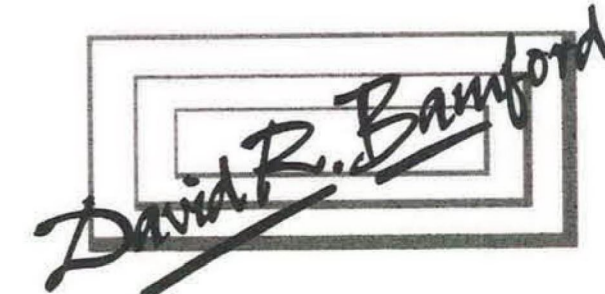


East Elevation / Section

Proposed Replacement House
Material Amendment Plan

Conkers, The Ridge, Linton
for Mr and Mrs Bedford

scale 1 / 100
dwg no p3
©/8/13 revised 25/6/13 revised 26/11/13 revised 2/6/15



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