



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 14th January 2016

Subject: Application number 15/06698/FU – Demolition of existing bungalow and construction of two detached dwellings at 5 Prince Henry Road, Otley, LS21 2BE

APPLICANT

Mr Billy Milner

DATE VALID

6th November 2015

TARGET DATE

1 January 2015

Electoral Wards Affected:

Otley & Yeadon

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

APPROVE, subject to the specified conditions.

1. 3 year time limit on full permission.
2. Development in accordance with the approved plans
3. Submission and approval of external walling and roofing materials.
4. Sample panel of stonework.
5. Sample panel of brickwork.
6. Full details of boundary treatments.
7. Submission of Phase II site investigation.
8. Amendment of remediation statement.
9. Submission and approval of verification reports.
10. Submission of details of imported soil.
11. Vehicular areas to be laid out, surfaced and drained.
12. Details of footpath crossing to be provided.
13. Gates to open inwards.
14. Roadside boundary to not exceed 1m in height.
15. Implementation of landscaping scheme.
16. Submission of landscape management plan.
17. Protection of trees, hedges / shrubs during construction.
18. Preservation of retained trees, hedges / shrubs.

19. Requirement to replace any failing trees/ hedges/ shrubs within 5 years of approval
20. No hard surfacing of front gardens.
21. No insertion of windows.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel in response to a request from Councillor Downes who objects to the application as he feels it is inappropriate to demolish a perfectly good detached house that is in character with the street scene to replace it with something out of character, inappropriate and cramped.

2.0 PROPOSAL:

- 2.1 This application seeks full planning permission for the demolition of an existing bungalow on the site of 5 Prince Henry Road, Otley and its replacement with 2 detached dwellings. The proposed new dwellings would be 2 storeys. One would have 3 bedrooms and the other 4 bedrooms. Parking for 3 cars would be available on the driveway to the side of each property. One of the properties would be constructed of brick and the other stone and render.
- 2.2 The application follows on from a previous application (14/04798/FU) which was refused under delegated powers in October 2014 for the following reasons:

“The Local Planning Authority considers that the proposed dwellings would have an adverse impact upon the character and appearance of the locality. This would be due to the loss of an open area of garden land which contributes positively to the street scene and character of the area. Additionally, the creation of a cramped new development and the loss of mature boundary treatment would result in further harm to the spacious character and visual amenity of the existing street scene. The proposal is therefore contrary to policies contrary to UDP Policies GP5, BD5, N12 and N13 of the Leeds Unitary Development Plan (Review) 2006, Core Strategy Policy P10 and to the guidance contained in Supplementary Planning Guidance Neighbourhoods for Living, as well as to the guidance set out in the National Planning Policy Framework.”

“The Local Planning Authority considers that inadequate off-street parking on the driveways to the front of the proposed dwellings is proposed. Prince Henry Road is a narrow road with a high level of on-street parking occurring at certain times of the day. The proposal would result in additional pressure for on-street parking whilst removing the availability of such parking. The proposal is therefore contrary to policies GP5 and T2 of the Leeds Unitary Development Plan (Review) 2006 and to Core Strategy Policy T2.”

- 2.3 An appeal was subsequently submitted and during the appeal process the issues relating to car parking were satisfactorily clarified and this matter was therefore not contested at appeal.
- 2.4 The appeal was dismissed in April 2015.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies within an established residential area that contains a mixture of house styles and types, ages and materials and comprises of the dwelling and garden for 5 Prince Henry Road. The existing dwelling is a modest brick and rendered detached bungalow that is set within a generously sized plot. Despite its

generous size, the existing property is set slightly further back from the road frontage than most other properties in the street and therefore relies on the land to the side in respect of its outlook and for external amenity space.

3.2 Access to the site is currently taken to the left hand side of the plot (when facing) and is a shared vehicular and pedestrian access. The driveway runs along the side of the dwelling and leads to detached timber garage. The main garden area is to the south of the dwelling and is primarily laid as lawn.

4.0 RELEVANT PLANNING HISTORY:

4.1 14/04798/FU - Demolition of existing bungalow and construction of two detached dwellings – refused October 2014. Subsequent appeal dismissed April 2015.

4.2 PREAPP/15/00703 – Demolition of existing bungalow and construction of two detached dwellings. Officers recognised that the size of the dwellings had been significantly reduced in scale and that 2 individual designs were now proposed. Bearing in mind these amendments and the Inspectors comments Officers were generally supportive of the proposal. These issues are discussed in more detail in the Appraisal section below. Ward Members were consulted on the pre-application enquiry with Councillor Campbell querying the rationale for demolishing a perfectly good house and requesting written measurements on the plans.

4.3 Application 12/01980/OT sought outline planning permission for a detached dwelling within the garden of 7 Prince Henry Road. This was refused in July 2012 on the grounds of the impact it would have on the character of the area.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Since the submission of this application the applicant has provided a layout plan with measured dimensions and has also revised the landscape scheme to replace an English Oak originally proposed for the front boundary with a Birch.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notices posted on 17 November 2015 and neighbour notification letters dated 11 November 2015. To date (17 December 2015) 13 representations have been received.

6.2 12 of the representations received object to the application. The objections raised are summarised as follows.

- Application 14/04798/FU refused 2 dwellings on the site. This proposal is not significantly different.
- There was a refusal for a dwelling at 7 Prince Henry Road.
- Will adversely affect neighbouring amenity due to invasion of privacy, overshadowing / loss of light and loss of outlook.
- Character of area is spacious plots. Proposal crams in 2 properties and will be over dominant and not in keeping with locality.
- 2 storey houses are out of character with bungalows in the area.
- Houses are not proportionate to the space around them.
- The design fails to reflect the 1930's design of existing properties.
- Will impact on views from neighbouring properties.
- Will devalue neighbouring properties.
- Noise disturbance during construction and from an additional occupied dwelling.

- No dimensions on plans.
- Demolition of a bungalow is wrong and unacceptable especially as the Minister for Planning says more bungalows are needed.
- Otley has a shortage of properties for older people and a larger than average older population.
- Concreting over gardens is an environmental issue; adversely affecting the water table and waterways.
- When the bungalow was bought it needed minimal repairs, now it is in a state of disrepair but this is not a reason to demolish it.
- Mature trees and hedges have been felled to allow for the proposal.
- It will damage trees on neighbouring properties.
- The proposed trees will compromise living standards in the new dwellings.
- Parking is already a problem on the street and insufficient parking is shown. It will cause more traffic issues.
- Driveways are insufficient width.
- Visibility from the driveway to plot A is a hazard.
- No details of materials are given.
- It is within 50m of a conservation area.

6.3 One of the other letters received states that they have no objections to the principle of what is proposed provided the builder is honest in their proposals and landscaping. They have concerns about the landscaping that has been removed from the site.

The other 2 letter support the application. The comments made are summarised as follows.

- The previous concerns have been addressed.
- 2 houses will make the street more attractive as the current dwelling needs updating.
- The houses will fit in as there is a mix of properties on the road.
- The houses are now different in design and similar to the house opposite, which is a modern design.

6.4 Councillor Downes objects to the application as he feels it is inappropriate to demolish a perfectly good detached house that is in character with the street scene to replace it with something out of character, inappropriate and cramped.

7.0 CONSULTATION RESPONSES:

7.1 **HIGHWAYS:** The proposal raises no specific road safety concerns and adequate off-street parking is to be provided. Conditions are recommended relating to vehicle spaces to be laid out, the footpath crossing, gates to open inwards, frontage boundary to not exceed 1m in height.

7.2 **DRAINAGE:** Flood Risk Management has been consulted on this application but to date no comments have been received. However, they did comment on the recent pre-application enquiry, advising that the site is located in flood risk zone 1 and there is no history of flooding in the vicinity. Their records indicate there are no watercourses or drainage assets within the site. Anyone wishing to develop this site should follow the surface water hierarchy part H3 of The Building Regulations 2000 revised 2002 edition and infiltration drainage should be investigated initially to see if methods such a soakaway can drain the surface water for the site. If tests show that this isn't feasible the surface water will discharge to the combined main sewer in Prince Henry Road.

8.0 PLANNING POLICIES:

National Policy

- 8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.
- 8.2 In respect of design it states that "good design is indivisible from good planning" and Local 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".

Local Policy

- 8.3 Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.4 The Development Plan comprises of the Core Strategy, saved policies of the UDP (2006) and the Natural Resources and Waste Local Plan.

The Core Strategy (CS) was adopted by the Council on 12 October 2014. Relevant CS Policies:

- H2 allows for new housing on unallocated sites where there is no adverse impact on the capacity of existing transport, education and health infrastructure.
- P10 relates to design and requires new development for buildings and spaces, and alterations to existing, to be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.
- P12 aims to conserve and enhance townscapes and landscapes.
- T2 requires new development to be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

Relevant Saved Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
 - BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.
 - LD1 requires development proposals to protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.
- 8.5 The Natural Resources and Waste Local Plan (NRWLP) was adopted by the Council on 16 January 2015. Policy Land 2 is relevant:
- Policy Land 2 relates to development and trees and requires development to conserve trees wherever possible and introduce new tree planting. Where tree removal is agreed in order to facilitate development, suitable tree replacement should be provided on a minimum three for one replacement to loss. Such planting should be on site as part of an overall landscape scheme.

8.6 Supplementary Planning Guidance/ Documents

- Neighbourhoods for Living

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway safety

10.0 APPRAISAL

Principle of development

- 10.1 The site is not allocated within the emerging Site Allocations Plan. As such the proposal for residential use on the site should be assessed against policy H2 which relates to housing development on non-allocated sites. This contains 3 criteria:
1. the number of dwellings should not exceed the capacity of local infrastructure,
 2. the location should accord with accessibility standards, and
 3. Green Belt policy is satisfied.
- The site is not within the Green Belt and the location does accord with accessibility standards detailing distances to local amenities, transport links, schools and employment. The scale and form of the development is such that it is not considered to put any undue pressure on local infrastructure including the highway network, schools and health services.
- 10.2 The proposal is therefore considered to comply with policy H2 and is acceptable in principle subject to other material planning considerations.
- 10.3 In addition to the above, it should be noted that the NPPF specifically excludes domestic garden curtilages from the definition of previously developed land. As such, the site should be regarded as Greenfield. While this does not in itself preclude development, it does mean that there is no presumption in favour of its development. The Local Planning Authority therefore has a responsibility to make an assessment of relevant factors, for example, the impact of the proposal on the character of the area.
- 10.4 In this case, the impact on the character of the area is a key consideration and the previous application was refused as it was considered that it would have an adverse impact on the character and appearance of the locality. This was due to the loss of an open area of garden land which contributes positively to the street scene and character of the area, as well as the proposal resulting in a cramped, over-developed site with the loss of mature boundary treatments.
- 10.5 However, in the decision of April 2015, the Inspectorate found no reasons to preclude the principle of garden development on this site. They did, however, agree with the Council's viewpoint about the over-development of the site and the adverse impact it would have on the character of the area. These issues are discussed in more detail in the 'visual amenity' section below.

Visual amenity

- 10.6 Prince Henry Road has a varied character in that no 2 properties are identical in their design. There is a mixture of semi-detached and detached properties; bungalows and 2 storey houses; and a variety of materials have been used.
- 10.7 The previous proposal would have resulted in two large detached properties being sited in close proximity. The total separation between the two was 3m; with each of

the proposed dwellings only 1.4m from the common boundary to divide the two curtilages. There was also less than 2m retained to outer side boundary of each plot.

- 10.8 In respect of the previous proposals for this site, the Inspectorate was specifically concerned about the width of the dwellings to the size of the plots, with the dwellings filling almost the entire width with no room to retain or reinforce existing planting to the side boundaries. This together with the removal of the frontage hedge would, in their view create a harsh and dominant development. They also found the almost identical designs to be out of character.
- 10.9 It is considered that the revisions to the proposal that form this current application overcome the previous concerns. The proposed dwellings are now significantly smaller, allowing not only greater spatial separation between them but also to the side boundaries. This will allow for the retention and provision of landscaping to the front of the site whilst still providing adequate off-street parking. The proposed dwellings will now be situated 4.2m apart with 3.9m retained to the outer side boundary on plot A and 4.3m on plot B.
- 10.10 The dwellings are not only smaller now but are also of completely different designs, which is more in keeping with the character of the street scene. The existing street is made up of a mixture of properties in terms of their age, design and materials and it is considered that the scale and design of the dwellings now proposed is reflective of and in keeping with this existing character.
- 10.11 With regard to landscaping, substantial trees, including a copper beech, were removed from the site prior to the submission of the previous application. Further removal of planting to the southern boundary has taken place since the appeal decision. This planting contributed significantly to the visual amenity of the locality and in order to help make up for this loss a landscaping scheme has been submitted with the application. Additional landscaping was not possible with the previous application given the cramped nature of the proposals but given the revisions that have been made it is now possible to provide suitable tree planting to the site frontage. The roadside boundary hedge was previously proposed for removal to accommodate the development. This is now largely retained (a driveway access is to be provided to plot B) due to the revisions to the scheme.
- 10.12 It is considered that, in the interests of visual amenity and the character of the area, as much of the site frontage as possible should be retained as soft landscaping and conditions are therefore recommended to ensure that the roadside boundary planting is retained and that front garden areas are not laid as hard standing for the parking of vehicles.

Residential amenity

- 10.13 A number of objectors have cited concerns regarding loss of outlook, loss of privacy, dominance and overshadowing. However, separation distances between the proposed dwelling and existing neighbouring dwellings are sufficient to mitigate against such problems and comply with the distances set out in Neighbourhoods for Living. For example, there would be 13.2m and 14.2m to the common boundary with properties to the rear on Harecroft Road and 28m and 29m between the rear of the proposed dwellings and the rear of these neighbouring properties. Neighbourhoods for Living recommends a distance of 10.5m to a rear boundary and 21m between properties. Similarly, the property located opposite the site (8 Prince Henry Road) will be 21.5m from the front of plot A and 23.3m from the front of plot

B. This neighbouring property is situated 15m from the front boundary of the application site.

- 10.14 Sufficient amenity would also be afforded to future residents given the layout of the properties and the size of the gardens proposed.

Highway safety

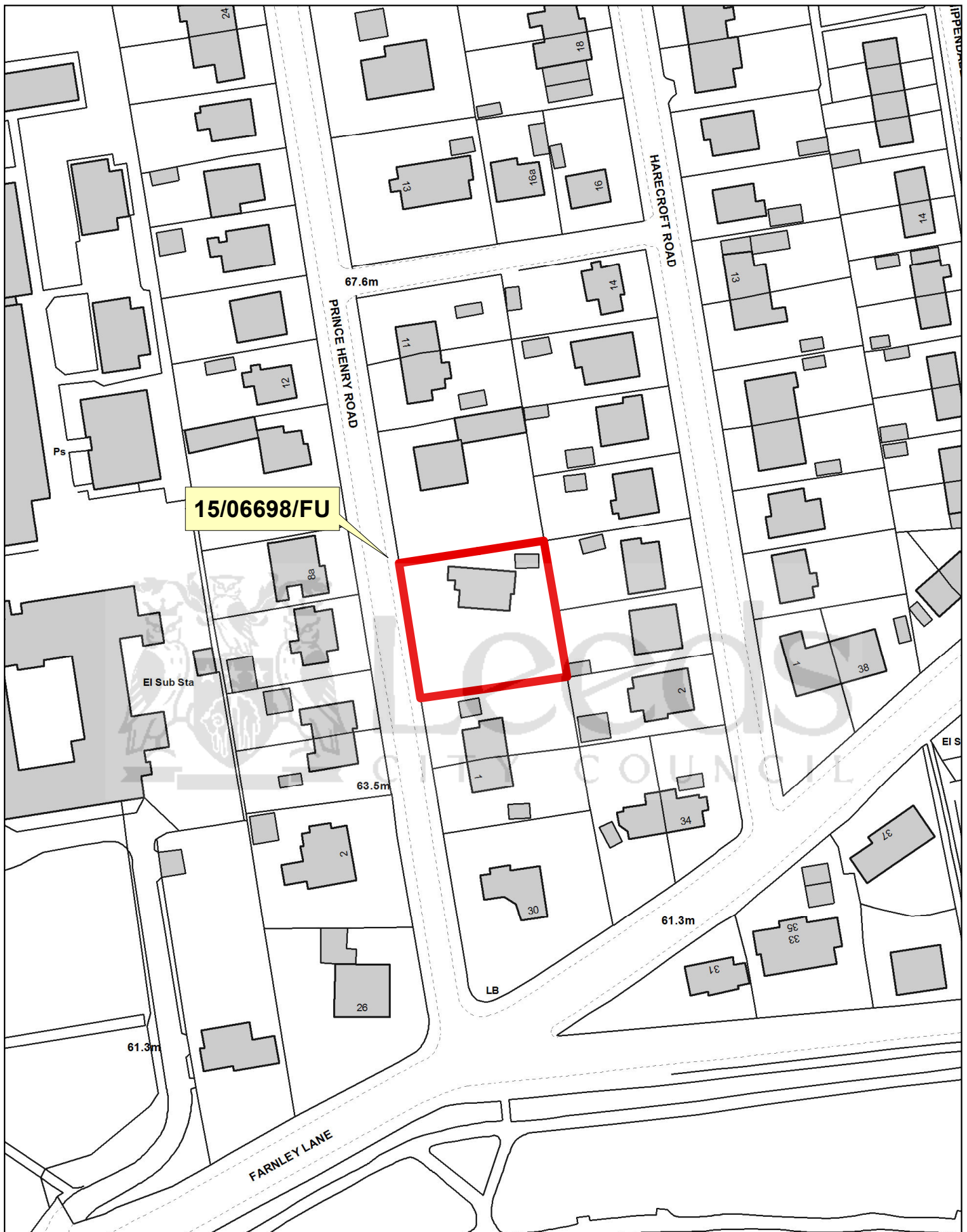
- 10.15 Prince Henry Road is narrow and it is therefore important that adequate off street parking space is provided for each property. Driveways are to be provided to the side of each house and will measure between 3.3m wide and 4.3m wide. The driveway to plot A will measure 17.4m long and to plot B 16.6m long. As such there will be off-street parking for up to 3 cars at each property.
- 10.16 Given the changes to the scheme with the front boundary now retained, it means that the ability for parking on-street to the front of the site is retained more or less as existing. Previously it would not have been possible for on-street parking to be retained in front of the site as this was required to access parking spaces in the front garden areas.

11 CONCLUSION

- 11.1 To conclude, it is considered that the changes made to the proposals for the redevelopment of this site have overcome the previous reasons for refusal. It is considered that this current scheme will be, given its scale and design, in keeping with the established character of the locality and will not be harmful to neighbouring living conditions or highway safety. As such the proposal is considered to comply with the relevant development plan policies referred to in the planning policies section above and the application is therefore recommended for approval, subject to conditions.

Background Papers

- Application files: 15/06698/FU & 14/04798/FU.
- Certificate A signed by applicant.



SOUTH AND WEST PLANS PANEL

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SCALE : 1/1000

