



## Report of the Chief Planning Officer

### NORTH & EAST PLANS PANEL

Date: 7<sup>th</sup> APRIL 2016

**Subject: 15/06291/FU – Construction of house and detached garage, demolition of existing garage and outbuildings and new car port to existing house at 32 Main Street, Thorner, Leeds. LS14 3DX**

**APPLICANT**

Mr and Mrs Ian Percy

**DATE VALID**

28th October 2015

**TARGET DATE**

23<sup>rd</sup> December 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 specified conditions:**

Proposed method of

- 1) Time Limit
- 2) Plans to be approved
- 3) Materials – Sample Panel of Waling and Roofing Materials
- 4) Obscure glazing to side facing windows
- 5) Removal of asbestos from site
- 6) Drainage details
- 7) Tree protection and Tree Surgery Method statement
- 8) The local planning authority shall be notified where unexpected significant contamination is encountered.
- 9) Any soil or soil forming materials brought to site shall be tested for contamination and suitability for use.
- 10) Archaeology

### 1.0 INTRODUCTION

1.1 The application is brought to Plans Panel in response to a request from Councillor Rachael Procter who wishes the Panel to consider the impact the proposal will have on the amenity of neighbouring properties.

## **2.0 PROPOSAL**

- 2.1 The applicant seeks permission to erect a detached house and garage in the garden of the existing application property and to demolish existing outbuildings and the construction of a new car port to serve the existing house. The proposed house will be set to the rear (north) of the application property. It will consist of a two storey and single storey element. The two storey element will measure approximately 8.5m wide by 10m deep by 8.6m tall to the ridge and 5.5m tall to the eaves measured from ground level. The single storey element set to the rear (north) of the proposed dwelling will measure approximately 8.5m wide by 6.7m deep 4.2m tall to ridge and 2.3m tall to eaves measured from ground level. The proposed double garage will measure approximately 6m wide by 6m deep by 4.2m tall to ridge by 2.5m tall to eaves measured from ground level. The proposed car port will measure approximately 6m wide by 6m deep by 4.2m tall to ridge and 2.5m tall to eaves measured from ground level.
- 2.2 The LPA are mindful in considering this application of a similar application at 58 Main Street which was refused but appealed and allowed. Application 14/00960/FU refers.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The application relates to a two storey, coursed stone, gable roofed, residential dwelling in modest size and scale and simple form and style that reflects the village vernacular, when viewed from the front. The property appears to have had later transverse hipped roof projections erected to the rear in a contrasting style to the front and original dwelling which are apparent when viewed from the rear. The property stands just back off the highway in a long narrow strip typical of burgage plots originally put together to form crofts and tofts which on the north side of the Main Street stretch back to Mill Beck and reflect a much older street and settlement pattern. The application property has side access drive to garages at the rear and a good sized, well treed garden. It is this large garden that it is proposed to site the application property as backland infill development.
- 3.2 The property stands at the core of Thorner, a village that began its development in the medieval era, although it is believed to be on the site of a much older settlement. There are a number of listed buildings in the High Street, some in close proximity to 32 Main Street. Neighbouring properties are generally of stone but there is a variation of styles that is indicative of the organic development of the village over time. Generally properties are two storey with varying eaves heights adding variation to the roof scape. Historically, the village has developed along a ribbon style development, though latterly modern housing has been developed in estate form to the north east and south east of the village. At the general location of the application property there have been have been a number of residential dwellings added behind the Main Street over time.
- 3.3 The site is also located within the Thorner Conservation Area and identified as being within Character Area 1 (Main Street and back lanes) within the Thorner Conservation Area Appraisal.

## **4.0 RELEVANT PLANNING HISTORY**

No previous relevant planning history.

## 5.0 PRE-APPLICATION ADVICE

- 5.1 Prior to the submission of the application the applicant approached the Local Planning Authority for pre-application advice. It was considered that based on the plans presented the LPA would be unlikely to support the proposal. However, this was based on a different design which has since changed since the advice was given.

## 6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was advertised as affecting the setting of a conservation area with the positing of a site notice on 13<sup>th</sup> November 2015 and publication in the Boston Spa and Wetherby News on 12<sup>th</sup> November 2015. A number of neighbours were also notified by letter dated 28<sup>th</sup> October 2015.
- 6.2 1 and 2 Prospect Court and 38 Main Street have expressed concerns in respect of missing information and plans, the impact on the conservation area, trees and neighbour amenity, application property and in respect of overlooking.
- 6.3 ID Planning (Acting on behalf of 1 and 2 Prospect Court) raise concerns in respect of the submitted plans, the tree report, bins, site drainage, the impact on the conservation area, the impact on trees, impact on neighbouring development, access for emergency vehicles.
- 6.4 **Thorner Parish Council** have indicated that they neither support nor object to this application. They have expressed concern in respect of trees, damage to listed buildings, private amenity and the proposed materials.

## 7.0 CONSULTATION RESPONSES

- 7.1 **Contaminated Land:** No objections subject to the imposition of conditions.
- 7.2 **Highways:** No objections.
- 7.3 **Flood Risk Management:** Support the application subject to the application of conditions relating to a feasibility study into the use of infiltration drainage methods, surface water drainage works and SuDS features. The analysis shall contain the results of soakaway tests and an appraisal of various infiltration drainage methods that could reasonably be employed on the site. If disposal of surface water via infiltration is not feasible, disposal to culvert/sewer may be acceptable at a greenfield discharge rate.
- 7.4 **West Yorkshire Archaeology Advisory Service:** No objections provided that a pre-commencement condition is imposed requiring implementation of a programme of archaeological recording.
- 7.5 **West Yorkshire Fire Service:** No objections subject to compliance with Building Regulations 2000 in particular (B5).

## 8.0 PLANNING POLICY

- 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 Core Strategy sets out that “Leeds has a number of high profile sports venues that attract major events. In principle, the Council supports improvement at its major sporting venues, such as Headingley Carnegie Stadium and Elland Road...” (para. 4.7.10). The following Core Strategy policies are relevant:

- H2 New housing development.
- P10 Seeks to ensure that new development is well designed and respect its context.
- P11 seeks to ensure that the historic environment, consisting of archaeological remains, historic buildings, townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and enhanced, particularly those elements which help to give Leeds its distinct identity.
- T2 Seeks to ensure that new development does not harm highway safety

The following saved UDP policies are also relevant:

- GP5 Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD2 The design of new buildings should enhance views, vistas and skylines.
- BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.
- N19 All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area by ensuring that:
- i. The siting and scale of the building is in harmony with the adjoining buildings and the area as a whole;
  - ii. Detailed design of the buildings, including the roofscape is such that the proportions of the parts relate to each other and to adjoining buildings;
  - iii. The materials used are appropriate to the environment area and sympathetic to adjoining buildings. Where a local materials policy exists, this should be complied with;
  - iv. Careful attention is given to the design and quality of boundary and landscape treatment.

### 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 Sections 72 and 66 of the (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) identifies the general duty with respect to any buildings or other land located within a Conservation Area. Parliament requires the decision-maker to give considerable importance and weight to the preservation or enhancement of the character or appearance of a Conservation Area. Moreover, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.6 Manual for Streets (Dept of Transport)  
Lays out guidance from the Association of Chief Fire Officers in respect of operating requirements for pumps attending the scene of a fire.

8.7 Relevant Supplementary Planning Guidance/Documents: Householder Design Guide

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 details;
- iii) architectural features;
- iv) boundary treatments and;
- v) materials.

Extensions or alterations which harm the character and appearance of the main dwelling or the locality will be resisted.

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

Thorner Conservation Area Appraisal

8.8 The site is located within Character Area 1 (Main Street and back lanes) within the Thorner Conservation Area Appraisal and Management Plan. Almost all of the properties fronting onto Main Street are identified as Positive Structures within the CAAMP, while there are some listed buildings further away from the site also fronting onto Main Street. There are no listed buildings that lie adjacent to the application site. The CAAMP notes that the area around Main Street is Thorner's historic centre and the focal point of activity within the village. The appraisal also recognises that there is some backland form of development in that it notes that

Main Street has an almost continuous historic street front, with residential properties (including small cottages and large villas) being dotted between converted farm structures. The CAAMP also resists inappropriate forms of infill development. The predominant material is locally quarried sandstone with traditional roofing materials including slate pantiles and stone slates.

#### Thorner Village Design Statement

- 8.9 Located within Character Area 1. Buildings fronting Main Street are mainly traditional vernacular buildings constructed in stone and set back of the footway. They preserve the medieval pattern of relatively narrow frontages on both side with long burgage plots to the rear.

Neighbourhoods for Living

Street Design Guide

Leeds Parking Supplementary Planning Document

### **9.0 MAIN ISSUES**

- 1) Principle
- 2) Design and Heritage Issues
- 3) Private amenity of neighbours
- 4) Highway Considerations
- 5) CIL Liability
- 6) Trees
- 7) Access for Emergency Vehicles
- 8) Representations

### **10.0 APPRAISAL**

#### Principle

- 10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Core Strategy seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible.
- 10.2 Thorner is noted as a village settlement with a limited range of services available within the village but which include a primary school, shop and health service clinic. Public transport is also available with a bus services to Leeds.
- 10.3 Policy H2 of the Core Strategy notes that housing on non-allocated sites will be acceptable in principle provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, which it is considered the addition of one dwelling to the wider settlement of Thorner would not. As will be outlined below the application does not raise significant concerns in respect of the spatial character of the area.
- 10.4 As such, the principle of developing the site for one single house is considered to be acceptable, subject to other detailed considerations.

#### Design and Heritage Issues

- 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". Policy P10 and P11 of the Core Strategy seek to ensure that new development is of high quality and is appropriate to its context and this is also reflected in saved UDP policy GP5. It is also important to consider the impact on any listed buildings as well as the impact upon the character and appearance of the Thorner Conservation Area.

- 10.6 In terms of spatial character, the proposal could be regarded as a form of backland development. However, there are numerous examples of dwellings located to the rear of the houses fronting onto Main Street and this is acknowledged within the Thorner CAAMP. Indeed, either side of the site are dwellings which are located to the rear of houses within Main Street, and this is the case for this particular stretch of road within Thorner. It is also worth noting a recent appeal decision to the rear of 58 Main Street, approximately 80m along Main Street to the south west. Here a new dwelling was proposed within the rear garden and refused. In her appeal letter, the Inspector noted that "it seems to me that the open areas to the rear of the houses have been significantly eroded and backland development is a well established feature here." The Inspector further commented that although the proposed house would subdivide the plot, it would occupy only a relatively modest part of the large garden. It was also concluded that it would be generally sympathetic to the overall pattern of outbuildings in the village and commensurate with other permitted examples of infill backland development. The Inspector noted that it would preserve the character and appearance of the Thorner Conservation Area, and cause no harm to the significant of this designated heritage asset.
- 10.7 In assessing the current proposal, given the conclusions reached by the Inspector on a similar case in close proximity to the site, and taking into account the existence of existing backland development, either side of the site, then the proposal is considered to be acceptable as an infill development for one house.
- 10.8 In terms of the scale, design and architectural detailing, this needs to take account of the advice within the VDS and CAAMP. The proposal also needs to consider the impact on the Thorner Conservation Area and impact on any nearby listed buildings. Whilst there are some listed buildings fronting Main Street, there are none adjacent to the application site. The design style, form, size, scale and materials to be used reflect that of Thorner and are in-keeping with the context and purpose of the proposed dwelling. The proposal has a gable frontage and this is consistent with some other properties in the locality. It also seems to limit the impact on neighbours by keeping the ridge line away from the side boundaries. The proposed dwelling would also not be prominent within the streetscene given that it is set well back from Main Street and partly screened by trees. To ensure appropriate materials are used, a planning condition can be applied requiring a pre-commencement sample panel.
- 10.9 The proposed detached garage for the new dwelling and new car port for the existing dwelling are also considered to be appropriate in terms of their siting, scale, design and materials. They will be positioned discreetly behind the existing house and are considered to be sympathetic to the conservation area.
- 10.10 As such, it is considered that the proposal will not harm the character and appearance of the Thorner Conservation Area and will not have a detrimental impact on any listed buildings.

#### Private Amenity of Neighbours

- 10.11 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice is expanded further in policy HDG2 which notes that “all development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted”. Concerns have been expressed by neighbours in respect to overshadowing, overdominance and overlooking.

#### Overshadowing

- 10.12 The proposal has the potential to impact on 2 Prospect Court and 38 Main Street which are houses located either side of the application site to the rear of Main Street.
- 10.13 No. 2 Prospect Court is a two storey detached residence set approximately 5.5m to the side (north east) of the proposed dwelling and is approximately 8.3m tall to the ridge and 5.1m tall to eaves measured from ground level and set at a slightly lower level than the application property. It is likely that the proposed dwelling would cast some shadow on the side (south west) elevation of 2 Prospect Court from midday onwards. It will not impact on the main front or directly on the rear windows although it may cast a shadow on a small part of the rear garden. No. 2 Prospect Court has a generous rear garden and whilst the impact may be uncomfortable in respect of the rear amenity it will not be so significantly harmful as to justify refusing this application. The side facing windows within no. 2 would be regarded as secondary in nature and at 5m from the proposal, daylight will still enter. Whilst uncomfortable, the harm is not so significant that it would justify a refusal of the proposal.
- 10.14 No. 38 Main Street, is a two storey property set to the side (south west) of the proposed dwelling. As such it is likely to experience some overshadowing during the early morning. It is not considered that this would be so harmful that it would justify refusing the application.

#### Overdominance

- 10.15 There is no doubt that the proposed house will have some a visual impact not previously experienced by 2 Prospect Court but the relationship of the proposal is not unusual within the historic core of Thorner. It is not considered that the proposal would have an significant overbearing and dominant impact upon the living conditions of 2 Prospect Court.
- 10.16 There is a tall stone wall between 38 Main Street and the proposed dwelling. As with 2 Prospect Court there is no doubt that it will have some visual impact not previously experienced by 2 Prospect Court but the relationship of the proposal is not unusual within the historic village core of Thorner and the LPA could not use this as justification to refuse the application. It is considered that the proposed dwelling will not have an significant adverse impact on the living conditions of the occupant of no. 38 Main Street.

#### Overlooking

- 10.17 It is proposed to install windows into the side (north east) elevation of the application property which will be orientated towards the side (south west) elevation of 2 Prospect Court. At ground floor level these windows will serve a w.c and utility room. Overlooking will be mitigated as the w.c. window will be conditioned to be obscured. Further, tall shrubs are planted on the common boundary and conditions



will be applied to ensure that these are retained and maintained. The first floor window will serve a bathroom and this will also be obscure glazed.

- 10.18 A tall wall and mature tree planting stands between the 38 Main Street and the proposed property. It is proposed to install windows into the ground and first floor of the proposed property. These will view directly toward the side (north east) elevation of 38 Main Street. Overlooking from ground floor windows will be mitigated by the tall wall. In respect of the first floor windows, the proposed windows will serve bedrooms. These will be approximately 16.5m from a window set in the side (north east) elevation with a window at 38 Main Street. At 16.5m the proposal falls within the distances advised in Neighbourhoods for Living.
- 10.19 In terms of overlooking towards the rear garden of no. 1 Prospect Court, the relationship is considered to be acceptable. The proposed house would not be located directly opposite no. 1 and would be set at an oblique angle. The nearest first floor window would be bathroom and would therefore be obscure glazed. The window to the front bedroom would measure 9m to the rear boundary of no. 1 and would therefore meet the minimum distance of 7.5m required within Neighbourhoods for Living.
- 10.20 In terms of the impact upon the amenities of future occupants of the proposed new house and the retained house at no. 32, the standard of amenity is considered to be acceptable. Whilst the existing house would lose a significant portion of its garden area, the garden area retained is considered to be more than acceptable, taking into account the immediate historic context. In terms of the new dwelling, this would benefit from a substantial rear garden, while the size of the house satisfactorily meets the minimum space standards.

#### Highway Considerations

- 10.21 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the appellants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure. As outlined within the spatial policies of the Core Strategy it is also expected that development is sited within sustainable locations and meets the accessibility criteria of the Core Strategy.
- 10.22 Highways have reviewed the proposal and whilst noting that turning will be tight support the application. The driveway varies between approximately 3.7m wide to 3.2m wide. Whilst this is narrow the driveway is private and has been used as the main and only point of vehicle access by the application property. The LPA are also mindful of the Planning Inspectors comments in relation to a similar development at 58 Main Street in 2015 (14/00960/FU refers) which was allowed on appeal. It is therefore considered that the proposal will not be detrimental to highway and pedestrian safety taking into account and having regard to the historic context of the site.

#### CIL Liability

- 10.23 This development at 232m<sup>2</sup> is CIL liable and is likely to generate a CIL charge.

#### Trees

- 10.24 It is possible to assess the trees by separating them in to 3 groups- firstly, the Sycamore and Willow (T1 &T2) visible from Main street, secondly the trees T3-G13 inclusive and thirdly the trees in the lower half of the existing garden. As previously noted, it will be necessary to clearly indicate via a method statement how the proposal is to be achieved without damaging the trees. This should be possible with reference to BS5837:2012.
- 10.25 The Second group are essentially those trees to be removed to accommodate the proposed development. While some are attractive small trees in their private garden location, their wider amenity value is limited due to lack of visibility from public areas. Therefore, it is difficult to justify opposing the proposal on the grounds of tree loss. The third group of trees are mature and significant in the views from the path to Carr Lane. However, these are not affected by the proposals and providing adequate fencing is provided to isolate them from construction activity, there should be no detriment to them. The beneficial arboricultural works to retained trees alluded to in the Arboricultural Impact Assessment and Schedule of Tree Surgery Work would be welcomed subject to full detail being provided and compliant with BS3587:2012 and BS3998:2010. As such, a condition can be applied stipulating this.

#### Access for emergency vehicles

- 10.26 The plans indicate access to the drive at 3.7m with a pinch point of 3.2m. Mindful of the Planning Inspectors comments in the appeal decision for 58 Main Street, this should enable a fire tender an access of approximately 20m into the site. The most distant ground floor window being approximately 42.5m from the tender.

#### Representations

- 10.27 The comments made by the Parish Council in respect of trees, listed buildings, private amenity of neighbouring properties and materials have been discussed in the report.
- 10.28 The comments made neighbouring properties and ID Planning in respect of trees, listed buildings, private amenity of neighbouring properties, emergency access and materials have been discussed in the report. A number of revised and additional plans have been obtained which include a block plan, street scene, access plans and tree surveys.

### **11.0 CONCLUSION**

- 11.1 It is considered that the proposal sympathetically reflects the size, scale, form and style of dwelling in Thorner and is in keeping with the established character and would preserve the character and appearance of the Thorner Conservation Area. As such, the proposal is considered to comply with the relevant policies referred to in the planning policies section above and the application is therefore recommended for approval, subject to conditions.

#### **Background Papers:**

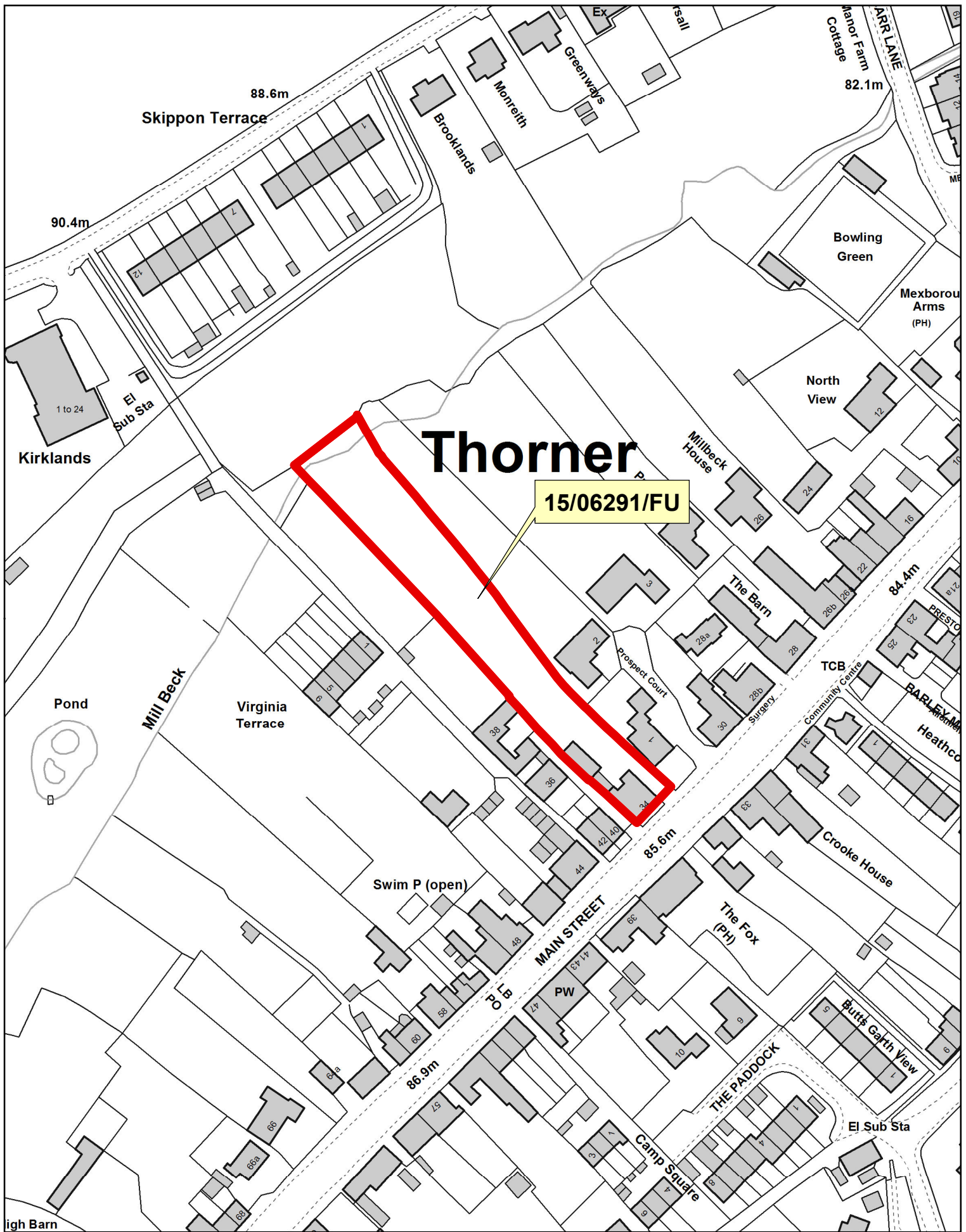
Application files: 15/06291/FU  
Certificate of ownership: Certificate A signed by agent on behalf of applicant (Mr & Mrs Percy)



**NOTE**  
 Do not look for PL Drawing  
 10 for construction purposes. It is for planning purposes and will be altered as the  
 before and planning is in order of making a final drawing.  
 The drawing is to be used in conjunction with the final specification and shall be subject to other  
 details in the final specification to be prepared by the architect.  
 Work and construction shall be in accordance with the Building Regulations and in compliance with relevant  
 BS 81:1999.



A	Porch omitted	16/12/15	CA
rev:	notes:	date:	by:
<b>Myddleton Consulting Limited</b>			
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		mobile:	0784 802114
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ordered:	Re: of Melbourne House, Thorne		
client:	M & Mrs Percy		
drawing title:	Block Plan		
scale 1/42:	1:250	date:	Dec 2015
job no:	124	drawing no:	001
issue status:	Planning	revision:	A



# NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

