



Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 30 June 2016

Subject: 16/02448/FU – Increase in the height of the front boundary wall at Ling Beeches, Ling Lane, Scarcroft, Leeds LS14 3HX.

APPLICANT

Mr T Lee

DATE VALID

29 April 2016

TARGET DATE

24 June 2016

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:

1. Time limit
2. Plans to be approved
3. Walling Materials to match the existing
3. Tree protection fencing to be erected before works commencing on site
4. Tree care plan to be implemented

1.0 INTRODUCTION

1.1 The application seeks permission to the increase the height of the front boundary wall. The application is brought to Plans Panel at the request of Cllr Rachael Procter who raises concerns in relation to the visual impact of the development.

2.0 PROPOSAL:

2.1 The applicant seeks consent to increase the height of an existing 1m high boundary wall. The wall has been recently constructed under permitted development rights. The proposed wall will measure 1.7m in height and the pillars will measure 2.1m in height. The two pillars near the access point will measure 2.4m in height.

3.0 SITE AND SURROUNDINGS:

3.1 The application site relates to a white rendered detached cottage which is set within a very substantial plot off Ling Lane. Dwellings adjoin the site to the north, east and west. The plot is substantially wooded benefiting from a blanket Tree Preservation Order that was made in the 1970's. The wider street contains dwellings of a various scale and form set within substantial plots. Boundary treatment along Ling Lane is also varied and includes stone walls similar in height to that proposed. The existing boundary wall was recently constructed under permitted development.

4.0 RELEVANT PLANNING HISTORY:

4.1 15/06738/FU – Retrospective application for double garage with gym snooker and cinema rooms above. Refused for its impact on neighbouring residential amenity and for its impact on the character of the area (Appeal Pending).

5.0 HISTORY OF NEGOTIATIONS:

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Neighbour Notification Letters Posted 23 October 2015 and a Site Notice was posted 23 October 2015. No comments received.

7.0 CONSULTATIONS RESPONSES:

Non-Statutory

7.2 Landscape Officer- No objection, subject to trees being protected during the construction process.

7.3 Highways Officer- The original plans showed hedges being planted along the grass verge in front of the wall. The Highways Officer raise objection to this on the basis that it would impede on visibility and the access point. Revised plans have been submitted omitting the hedges from the plans.

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), together with relevant SPGs and SPDs.

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:

P10 Seeks to ensure that new development is well designed and respect its

context.

P12 Seeks to ensure that Leeds' landscape character is retained.

8.3 The following saved UDP policies are also relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N25: Relates to boundary treatments.

LD1: Seeks to ensure the quality of good landscaping.

Leeds City Council Householder Design Guide adopted April 2012

8.4 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. Under the chapter entitled 'Special Situations', guidance at page 15 of the guide highlights that extensions or alterations to listed buildings or buildings in conservation areas must be very carefully designed to ensure that they are in keeping with the character and appearance of the locality and goes on to refer to UDPR Policy N19. The following policies from the guide are relevant:

- **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 and
 - v) Materials;

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

National Planning Policy

8.4 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.

8.5 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 to them. The following sections of the NPPF are most relevant to the consideration of this application:

- 8.5. 7 Requiring good design
- 9 Protecting Green Belt land
- 11 Conserving and enhancing the natural environment

9.0 MAIN ISSUES

- Visual Amenity/design and character
- Residential Amenity
- Trees
- Highways

10.0 APPRAISAL

Visual Amenity/design and character

- 10.1 The proposal is to raise the height of the existing front boundary wall to 1.7m and pillars to 2.1m to 2.4m. Ling Lane features a variety of boundary treatments including stone walls such as the one proposed. The neighbouring dwelling also features a stone wall similar in height to that proposed. Therefore, it is considered that the proposal is acceptable and will not have an adverse impact upon the character of the area.

Residential Amenity

- 10.2 It is not considered that the proposal will have adverse impact on neighbouring amenities by way of overshadowing or dominance. This is because the wall will be set a substantial distance away from the windows and the main rear garden areas of the neighbouring dwellings.

Trees

- 10.3 There are trees present close to the front boundary wall which are protected by a TPO. As the wall already exists and the proposal is only to raise the height of the wall, there will be no digging taking place near tree roots. Furthermore, due to the size of the trees, there are no overhanging branches that appear to require pruning. Therefore, it is not considered that the proposed wall will cause direct harm to trees. The applicant has submitted details of a tree care plan which offers mitigation measure for tree damage that has occurred, during the construction of the existing wall, this tree care plan will be conditioned to be implemented. Conditions will also be imposed to ensure trees are protected during the construction process.

Highways

- 10.4 The original plans showed hedges being planted along the grass verge in front of the wall. The Highways Officer raised objections to this on the basis that it would impede on visibility and the access point. Revised plans have thus been submitted omitting the hedges from the plans. Therefore, it is considered that the proposal does not raise highway safety issues.

11.0 CONCLUSION

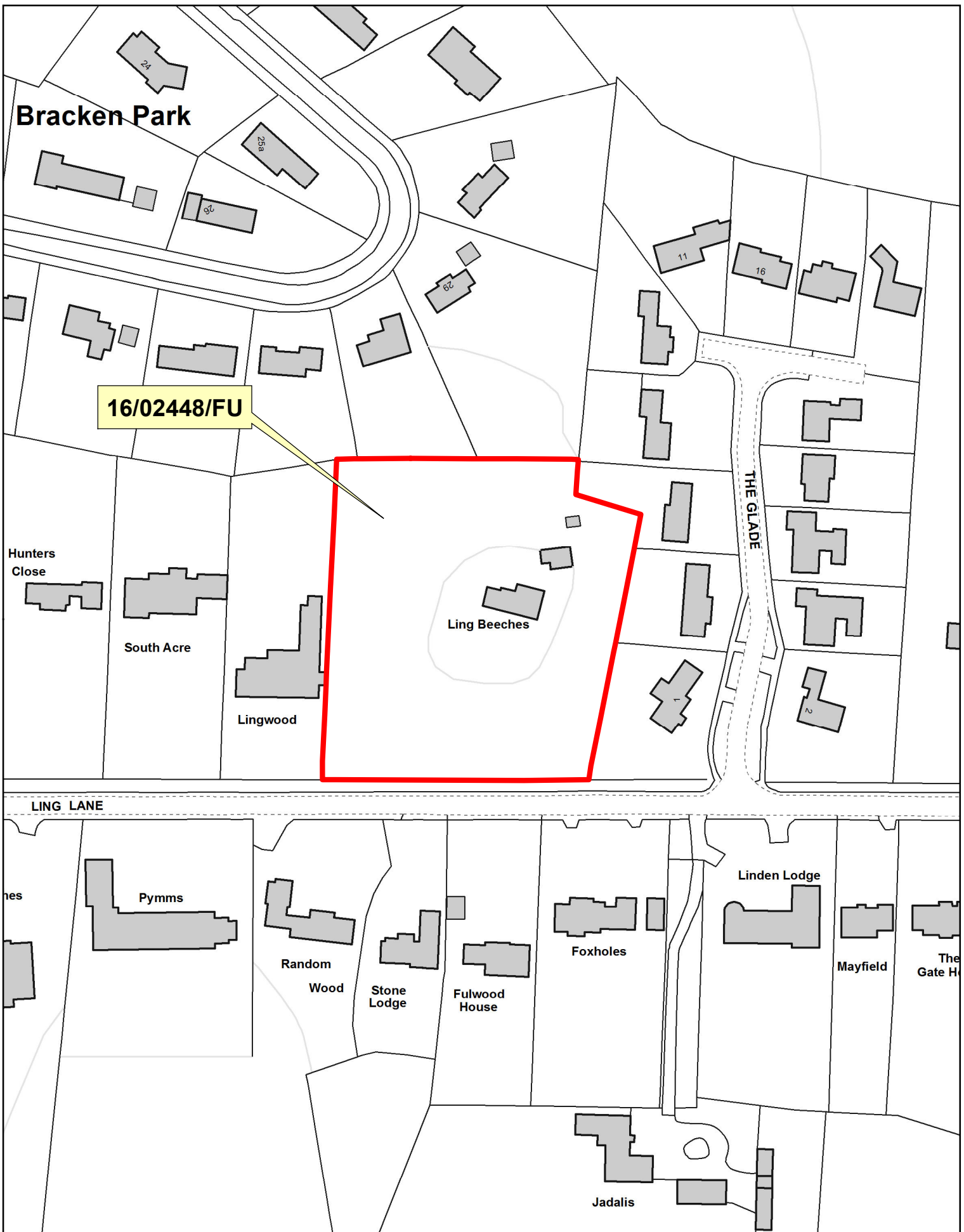
- 11.1 It is considered that the increase in the height of the boundary wall will not harm the character of the area. No trees are expected to be harmed nor is it considered that the

proposal will raise issues of highway safety or affect neighboring residential amenity.
It is therefore considered that the application should be approved.

Background Papers:

Application files: 16/02448/FU

Certificate of ownership: Certificate A signed by the applicant Mr S Lee



NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

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

SCALE : 1/1500

