
Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 1st September 2016

Subject: 16/02739/FU – Demolition of an existing detached dwelling and construction of a replacement detached dwelling at Fulwood, Ling Lane, Scarcroft, Leeds. LS14 3HY

APPLICANT

Mr and Mrs P Burgan

DATE VALID

12th May 2016

TARGET DATE

7th July 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) Materials – Sample Panel of Walling and Roofing Materials
- 4) Obscure glazing to side facing windows
- 5) Removal of asbestos from site
- 6) Drainage details/SuDs/Infiltration
- 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) Parking of Plant and Contractors vehicles.
- 11) Removal of permitted development rights for rear extensions and outbuildings.

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 demolish the existing residential dwelling on the site and replace it with a new residential dwelling.
- 2.2 The dimensions of the existing house are 24m wide by 26m long (at deepest point), by 7.5m tall to ridge and 5.3m tall to eaves measured from ground level. The main front elevation is set back 39m from the highway. The projection garage wing is 22m from the highway. There is an existing detached garage which is set between the front elevation and the highway, just behind the front boundary wall which measures 6.2m wide by 6.2m long by 4.8m tall to ridge and 2.3m tall to the eaves.
- 2.3 The dimensions of the proposed replacement dwelling are 25m wide by 28m long (at deepest point) by 10.4m tall to ridge and 6m tall to eaves measured from ground level (this excludes the rear terrace). A basement is constructed beneath the dwelling which measures 24m wide by 24.5m long by 3.4m high and laying within the footprint of the main dwelling. Whilst this lies under the main dwelling, the land level to the rear (south) will be lowered to reveal the level to view. The house will appear taller from the rear than it does when viewed from the front due to the basement and difference in levels. The proposed dwelling also comprises a two storey projecting element and is part gabled/part flat roofed and measures 8.8m wide by 13.6m deep by 9.1m tall to ridge and 5.4m tall to eaves measured from ground level.
- 2.4 The proposal results in a substantial dwelling with the creation of a 6 bedroom dwelling arranged over 4 floors, including a basement and converted roofspace. All of the bedrooms will have en-suite bathrooms, with some bedrooms benefitting from dressing areas. At ground floor level the property has various reception rooms, a large kitchen, utility room, office, playroom and WC. Projecting off the house is a 3 bay garage with one of the spaces acting as a lift down to basement level where a further 12 car parking spaces are provided as well as a gym, garden store and office. A further 5 car parking spaces are proposed to the front of the new. The vehicular access from Ling Lane will also be slightly altered to facilitate improved visibility. Part of the front boundary wall will therefore be rebuilt in the same materials and to the same height. Towards the rear series of external terrace area are proposed which leads down into the existing garden which will be landscaped as part of the proposals. It is not proposed to remove any mature trees within the site to facilitate the replacement house.

3.0 SITE AND SURROUNDINGS

- 3.1 The proposal relates to a random coursed stone, gable roofed, two storey, residential dwelling of generous size, modest scale and simple form and style with feature central, two storey, transverse, gable projection to the front elevation and substantial two storey, transverse gable roofed extension to the front with accommodation and garaging. A detached garage stands to the front of the

property behind a tall boundary wall. The property has a large rear garden with dense and tall mature shrub planting to the boundaries and views over open country to the rear. TPO trees are in close proximity to the application property, predominantly located at Stone Lodge, the adjacent property to the side (west) front and rear. The Green Belt boundary falls within approximately 6m of the rear elevation of the existing property. Thus most of the rear garden falls within the Green Belt.

3.2 Ling Lane is characterised by large houses, set within generous, verdant plots. There is no consistent style, with each house displaying an individual design. Recent years have seen a large number of comprehensive developments, particularly to the western end of Ling Lane which have often resulted in dwellings of a larger scale being present on the plots. Such examples include Pymms approximately 75m to the side (west) and Linden Lodge approximately 60m to the side (east). Properties are usually set back from the highway edge, behind relatively open front boundaries, and this adds to the verdant character of the area, giving Ling Lane a semi-rural feel, despite the suburban appearance of many of the dwellings. This sense of space is furthered by dwellings retaining space to their sides, and these gaps are important to the spatial character of the area.

3.3 Although the majority of front boundaries remain relatively open, there has been a trend in recent years for higher, more enclosed front boundaries, and several have been erected without planning consent. The front boundary of the application dwelling is already enclosed by a wall, granted planning consent in 1992.

4.0 RELEVANT PLANNING HISTORY

H33/57/88. Alterations, to form enlarged living room, enlarged bathroom and enlarged landing, and extensions, to form open porch. Approved 26th May 1988.

H33/288/91. 2.2m high boundary wall and fence to detached house. Approved 14th October 1991.

H33/103/92. 2-2.4m high boundary wall and fence to detached house. Approved 1st May 1992.

33/55/98/FU. Two storey side and front extension. Approved 8th June 1998.

33/17/99/MOD. Day room/storage/toilet/garage and hall extension with bedrooms above and alterations. Approved 21st April 1999.

33/295/99/FU. 2.4m high gates and 1.75m high wall to front. Approved 25th January 2000.

33/559/05/FU. Detached timber clad double garage to front. Approved 15th February 2006.

5.0 HISTORY OF NEGOTIATIONS

5.1 In order to address the concerns raised by the residents at Stone Lodge, revised plans were sought to minimise the impact in terms of dominance and loss of light. The applicant has therefore amended the scheme slightly to push the footprint of the house approximately 1m forward towards Ling Lane, thereby reducing the potential impact on the residents at Stone Lodge.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was advertised, as the owner of land to the rear of the application site was not known, with the positing of a site notice on 26th May 2016. A number of neighbours were also notified by letter dated 12th May 2016.
- 6.2 **Foxholes** and **Stone Lodge** have expressed concern in respect of loss of light, impact on private amenity, overlooking, overshadowing, overdominance, noise, noxious fumes and related underground parking the impact on the integrity of the structure on neighbouring properties retaining walls, impact on trees and traffic and road safety during the development.
- 6.3 **Scarcroft Parish Council** have expressed concern in respect of loss of light, impact on private amenity, overlooking, overshadowing, overdominance, noise, noxious fumes and related underground parking the impact on the integrity of the structure on neighbouring properties retaining walls, impact on trees and traffic and road safety during the development.
- 6.4 Amended plans have been received which proposes to move the dwelling forward by approximately 1m in order to reduce the impact upon the occupants of Stone Lodge. The occupants of Stone Lodge have reviewed the revised plans and still object for the same reasons.

7.0 CONSULTATION RESPONSES

- 7.1 **Contaminated Land:** No objections subject to the imposition of conditions.
- 7.2 **Highways:** No objections subject to the imposition of conditions.
- 7.3 **Flood Risk Management:** Support the application. Advise the following SuDS features to be incorporated within the residential housing, where appropriate:
- Permeable paving, to be utilised on all exterior paving and hard-standing areas
 - Water butts to be provided on the rainwater downpipes (250 L minimum volume of storage to be provided, per dwelling)
- There are no flooding problems recorded in the vicinity so the drainage matters can be dealt with by the Building Inspector as part of the requirements of the Building Regulations. Soakaway tests to be conditioned.
- 7.4 **Sustainability-Landscape Team:** Offer qualified support subject to the imposition of conditions (Arboricultural Method Statement).

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 following Core Strategy policies are relevant:

<u>H2</u>	New housing development.
<u>P10</u>	Seeks to ensure that new development is well designed and respect its context.
<u>T2</u>	Seeks to ensure that new development does not harm highway safety

The following saved UDP policies are also relevant:

<u>GP5</u>	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
<u>BD2</u>	The design of new buildings should enhance views, vistas and skylines.
<u>N33</u>	Seeks to restrict inappropriate development in the Green Belt.

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 Relevant Supplementary Planning Guidance/Documents:
Neighbourhoods for Living
Street Design Guide
Parking SPD

9.0 MAIN ISSUES

- 1) Design Issues
- 2) Impact on Living Conditions of Neighbours
- 3) Green Belt
- 4) Highway Considerations
- 5) CIL Liability
- 6) Trees
- 7) Noise
- 8) Noxious Fumes
- 9) Representations

10.0 APPRAISAL

Design Issues

- 10.1 The replacement of the dwelling is considered to be acceptable in principle. Members may be aware that there are numerous examples of properties being demolished and rebuilt along Ling Lane in recent years. Therefore, the primary matters for consideration centre on the scale and design and upon the impact on neighbours.
- 10.2 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 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.
- 10.3 The size, scale, form and style reflects and is indicative of properties in Ling Lane particularly more recently built properties. In respect of its detailed design the application is considered to be acceptable. The new dwelling has a relatively simple, basic shape and the form and the use of forward projecting transverse gables is an established pattern along the road.
- 10.4 The proposal does not raise significant concern in respect of the massing of the house and the space around the dwelling. The overall height of the property is to be increased, and thus its overall mass and its presence within the streetscene will be greater. The overall mass is reduced visually by the lowered eaves height and relatively uncluttered front elevation and roof plane and forward projecting gables which means that those elements which sit closest to the roadside have the least visual mass.
- 10.5 The replacement house will be set well back into the site from the road frontage as is the case at present. Owing to the difference in levels, the ground floor of the house will also be set down at a lower level than the road level of Ling Lane. The existing stone front boundary wall, the mature trees and other planting will all be retained to help partially screen and soften the development from the street frontage. The proposed materials using natural stone and slate are in keeping with the character of the area and are considered appropriate. The proposed minor alterations and alignment to the front boundary wall to facilitate improved visibility is also considered to be acceptable.
- 10.6 As such and in this regard the proposal complies with policy P10 of the Core Strategy and advice in Neighbourhoods for Living in that the scale, form and proportions pay due regard to the character and appearance of the area and is therefore acceptable.

Impact on Living Conditions of Neighbours

- 10.7 Policy GP5 (UDPR) notes that developments 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”.
- 10.8 Concerns have been expressed by neighbours in respect to overshadowing, overdominance and overlooking. The Parish Council, Foxholes and Stone Lodge

have expressed concern in relation to overshadowing, overdominance, overlooking, noise and noxious fumes.

- 10.9 The proposal has the potential to impact on Foxholes and Stone Lodge. Foxholes is the adjacent property set slightly forward and approximately 6.8m to the side east, while Stone Lodge is the adjacent property set approximately 3.7m to the side west.
- 10.10 Potential impact on Foxholes: In terms of the track of the sun it is likely that the proposed new dwelling will impact on Foxholes in the late afternoon. Foxholes has generous private amenity to the rear and it is considered that the proposal will not impact on Foxholes to a significantly greater degree than already experienced in respect to the relationship to the existing and certainly not significantly enough to justify a refusal. Although the proposed dwelling is taller than Foxholes, it would appear to be only marginal. Two windows in two separate side (east) elevations of the proposed dwelling facing towards Foxholes are proposed. One will be located at first floor level and just 0.8m from the common boundary with Foxholes serving an en-suite, which will be obscure glazed. To ensure against overlooking, conditions will be applied to ensure that this window is non-opening and obscured. A second window at first floor level will be located into a side (east) elevation of the two storey front projection approximately 20m from the side (east) boundary complying with advice contained within Neighbourhoods for Living. A window will be installed at ground floor level approximately 1.6m from the boundary, Overlooking will be mitigated by tall shrubs on the common boundary.
- 10.11 Potential impact on Stone Lodge: Stone Lodge is set to the west and has a projecting gable element close to the side boundary which has a lower eaves level than the proposed dwelling. In order to reduce the impact, the house has been positioned further forward to limit the impact on the living conditions of the occupants of Stone Lodge towards the rear. Whilst there will be some impact in terms of loss of light and dominance, this will only be on a small section of the rear patio and not sufficient to withhold planning permission. In terms of overlooking, there will be two first floor windows in the side (west) elevation serving an en-suite bathroom and laundry room, which will be obscure glazed. Two of the rear bedrooms will have external terraces, but these are recessed back and no overlooking will result. Therefore, taking into account the amendments to the scheme, the proposal will not be harmful to the living conditions of neighbours.

Green Belt

- 10.12 Part of the application site is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of Green Belt are their openness and their permanence. Paragraph 89 of the NPPF notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF also states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 10.13 The boundary line of the Green Belt cuts through the rear garden of most properties on the south side of Ling Lane. Currently, no part of the existing house is within the Green Belt, although part of the rear terrace and all of the rear domestic garden is within the Green Belt. A small section of the proposed basement and associated terracing is within the Green Belt, and as such the incursion is considered to be minor. Nevertheless that part of the proposal that does fall within

the Green Belt would be considered new development and therefore inappropriate development.

- 10.14 There are considered to be three factors which weigh in favour of allowing the proposal. The first is that, the limited extent of the incursion in the context of the main dwelling is not considered to be disproportionate when set against either the existing property or the proposed property. The second is that part of the proposal that will incur into the Green Belt is set to the rear of the property and as a sub ground development would be difficult to see beyond the immediate site, thus the impact of the proposal on the openness of the Green Belt would be limited.
- 10.15 The third element which weighs in favour of the application, is that, if approved a condition can be imposed which removes permitted development rights for additional extensions and outbuildings for that part of the site that falls within the Green Belt, that being most of the rear garden. Given that the rear garden is extensive, and the current GPDO allows for the construction of large detached outbuildings without planning consent, a significant degree of harm could be caused were such buildings to be constructed. The prevention of potential, significant harm to the Green Belt is considered to be a positive matter.
- 10.16 Furthermore, it is not considered that the minor incursion into the Green Belt as basement level would be contrary to the 5 objectives of Green Belt policy set out within the NPPF.
- 10.17 As such, given their minimal impact upon the openness and character of the Green Belt, and the wider benefits which can be secured through granting consent the proposals are, on balance, considered to comply with the aims and intentions of saved policy N33 of the Unitary Development Plan and advice within the NPPF.

Highway Considerations

- 10.18 The proposal is a 'like for like' development that will utilise the existing vehicular access onto Ling Lane, therefore the proposed replacement dwelling raises no significant issues. The alterations to the front boundary wall are also considered to be acceptable. Conditions should be applied to secure vehicle space layout and maximum driveway gradients. The LPA is mindful of the limited parking situation in Ling Lane and a condition will be applied to ensure appropriate parking of contractors vehicles whilst the works are being undertaken.

CIL Liability

- 10.19 This development is likely to generate a CIL charge. However, compliance with caveats within the CIL charging structure are likely to render it exempt due the submission of a self-build certification.

Trees

- 10.20 Some trees within neighbouring curtilages are the subject of Tree Protection Orders (TPO's). The Sustainability-Landscape Team have considered the application and advise that subject to protection of retained trees, including root protection areas, during demolition and construction of the house and during implementation of proposed landscape works (including new surfacing, gates and cabling, walling and fencing and planting, minor retaining works) to avoid damage to retained trees,

that the proposal can be undertaken subject to an approved Arboricultural Method Statement to be secured by condition.

Noise

- 10.21 Whilst it is appreciated that building works will generate noise this is a temporary situation whilst works are undertaken. Moreover, separate Legislation outside of planning exists to control nuisance noise.

Noxious Fumes

- 10.22 It is noted that the proposed basement/sub ground will be used to store cars and the LPA is mindful of neighbours concerns. Pragmatically considered, it is unlikely that all cars in the basement, even if moved onto the drive, would be left running simultaneously. It is considered that the impact from cars is unlikely to be more significant than at present. Moreover, separate legislation exists to control noxious fumes.

Representations

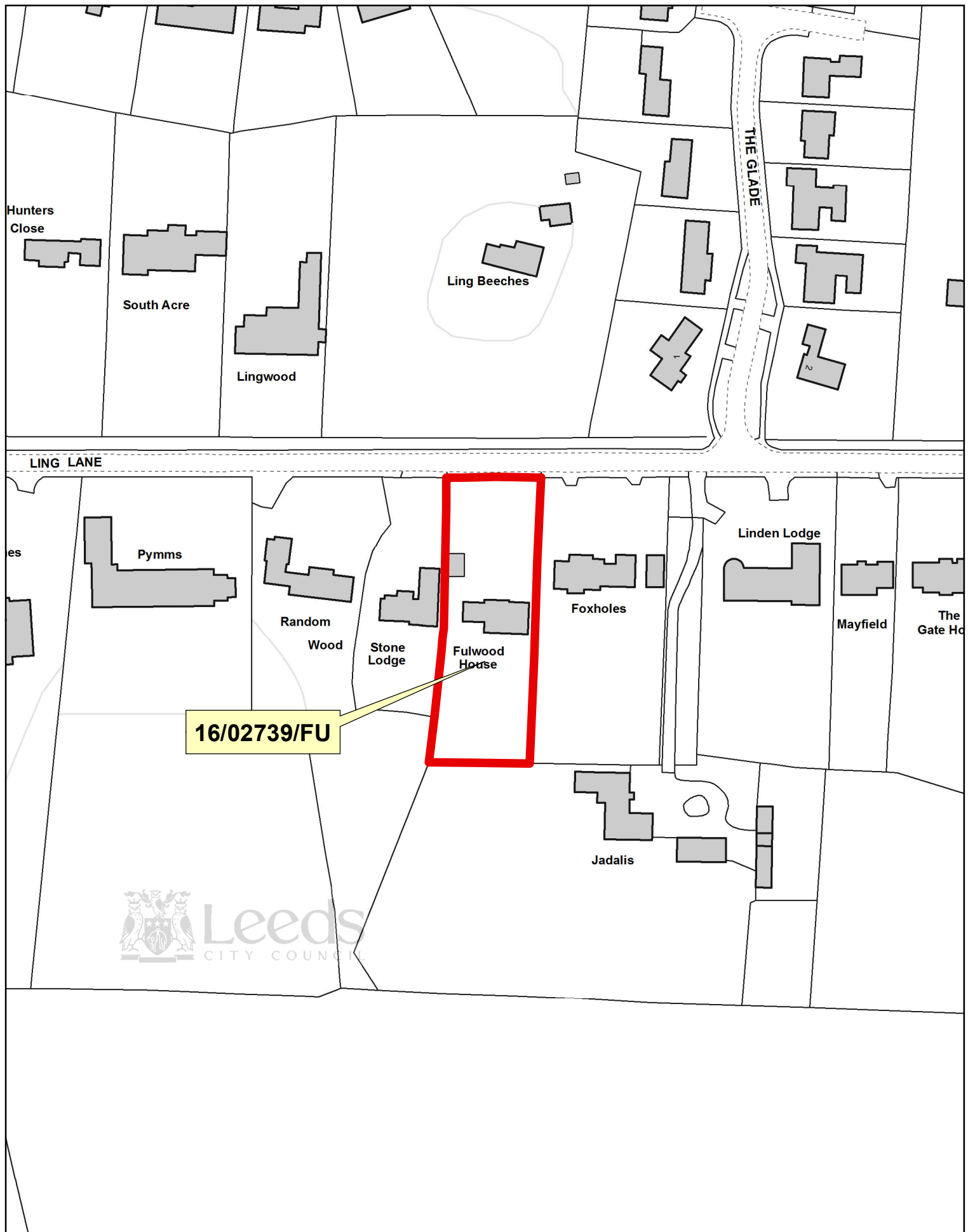
- 10.23 Comments made by the Parish Council have been discussed in the report.
- 10.24 Comments made by the neighbouring properties have been discussed in the report and amendments have been made to reduce the impact on the occupants of Stone Lodge.

11.0 CONCLUSION

- 11.1 It is considered that the proposal sympathetically reflects the size, scale, form and style of dwelling in Ling Lane and is in keeping with the established character and would preserve the character and appearance of Ling Lane. It is also not considered that the proposals would adversely affect the living conditions of neighbours. 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: 16/02739/FU
Certificate of ownership: Certificate A signed by agent on behalf of applicant (Mr & Mrs Burgan)



NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

