

---

**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 1<sup>st</sup> September 2016**

**Subject: 16/03555/FU – The rebuilding and extension of dwelling at Lofthouse Lodge  
Harrogate Road, Harewood, Leeds LS17 9LU**

**APPLICANT**

Mr & and MRS B & J Bastow

**DATE VALID**

15<sup>th</sup> July 2016

**TARGET DATE**

10 August 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 following conditions:**

1. The development to begin before the expiration of three years from the date of this permission.
2. Development to be built in accordance with approved plans.
3. The dwelling shall be built in the stonework and the slate viewed on site.
4. Details of the material of the proposed pillars shall be submitted
5. The windows on the building shall match the window sample viewed on site in terms of design, material and colour.
6. Landscaping scheme to be submitted within 3 months.
7. Landscaping to be implemented in the first planting season following substantial completion.
8. Permitted Development for any further extensions, roof alterations/additions garage/ outbuildings, boundary fences or walls.
9. Areas used by vehicles to be hard surfaced prior occupation.

## **1.0 INTRODUCTION**

- 1.1 The proposal is brought to Plans Panel at the request of Cllr Rachael Procter, due to concerns relating to the demolition of the building and the works to replace the dwelling being commenced without planning consent.
- 1.2 The applicant claims that the building was demolished due to the structural problems discovered during the works to extend the property. These extension works were approved under a recent Certificate of Lawfulness application (15/05793/CLP) and Prior Approval application (15/07303/DHH). The building recently demolished was not the original gatehouse and was re-built sometime in the 1960s / 70s. The building was not listed but the adjacent entrance gate and pillars to the Harewood Estate are listed.

## **2.0 PROPOSAL**

- 2.1 The application relates to the rebuilding of a dwelling that has been largely demolished, with only a single storey element of the building being retained. Certificate of lawfulness application reference 15/05793/CLP (CLP) was granted for extensions to side and rear of the dwelling along with a glazed dormer window. The current application shows the dwelling re-built with the extensions approved under the CLP being implemented. There are however a few changes in the details, some of which were suggested by the Conservation Officer, as a way of improving the design of the building. The most significant of these changes are as follows;

- The roof of the dwelling on the northern side has been altered from a hipped to a gable to match gable roof on the other side.
- The removal of the glazed dormer window approved under the CLP and its replacement with a gable feature.
- The side extension, approved under the CLP, has been altered to feature a pediment gable with portico surrounds around the entrance door. This will form the main entrance to the building.
- Centre bar windows have been introduced with simple heads and cills, replacing the gorgonian style windows.
- A Palladian window has been introduced in the front elevation.
- Changes in levels, with the land gradient to the south being lowered.
- Additional landscaping is proposed to the front and rear.
- The introduction of pillars to the boundary wall. The pillars will match those on the adjacent listed entrance way to Hardwood Estate.

- 2.2 The applicant states that the extension represents a reduction in the size of the dwelling from that approved under the permitted development scheme. The dwelling, as approved, measured 1197.4 m<sup>3</sup>, whilst the proposed dwelling measures 1147.7m<sup>3</sup>, a reduction of almost 50 cubic metres on what could be implemented under permitted development.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to Lofthouse Lodge, located in an isolated position on the western side of Harrogate Road south of Harewood. The residential dwelling that previously stood on the site was built in natural stone with what appeared to be a slate roof and had been extended towards the side and rear. It was a 1960's dwelling, built on the site of a former Lodge House at what was an access point to Harewood House. Following its construction in the 1960s it had been subject to a series of

extensions in the 1980s. This building has been largely demolished with only a single storey section left standing on the site. Foundations for the proposed dwelling have been laid. The site is located within the Green Belt and Special Landscape Area. The adjacent entrance gate to Harewood House and the attached wall is Grade II listed. The building is also set at the entrance of the Harewood Estate and within the Registered Park and Gardens which is an important historic heritage asset.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 15/05793/CLP- Certificate of proposed lawful development for extensions to side and rear and dormer window to rear. Approved
- 4.2 15/07303/DHH- 6.4m single storey rear extension, 3.2m to flat roof ridge height, Permission. Not Required
- 4.3 06/07502/LI- Listed Building application for installation of two solar panels to roof of dwelling house. Approved
- 4.4 H30/259/88/- Alterations and extension, to form conservatory, to rear of dwelling house. Approved
- 4.5 H30/388/83/- Alterations and extension to form lobby, utility room and music room to side of detached house. Approved
- 4.6 H31/60/83/- Alterations and extension, to form first floor conservatory, to rear of detached house. Approved
- 4.7 H31/290/74/- Addition of stables, fodder store, and hard standing to detached house. Approved

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The Conservation Officer suggested a number of minor alterations to the design of the building as way of improvement. These suggested changes included the removal of the glazed dormer, the introduction of simple heads and cills and also the reduction in the number of colonnades to the rear. The suggestions were in communicated to the applicant and revised plans were submitted accordingly.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been advertised by site notice, which was posted on site on the 1 June 2016 and was advertisement in the local press on 29<sup>th</sup> June 2016.
- 6.2 **Harewood Parish Council** comments that the proposal will have a greater impact on visual amenity when compared to the original building or the permission approved under the CLP.

#### **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Highways- No objection
- 7.2 Mains Drainage- No Objection

- 7.3 Conservation Officer – Following negotiations and the receipt of amended plans, the Conservation Officer is satisfied with the scheme, but comments that an additional window should be added to the front gable. *This has now been provided.*

## **8.0 PLANNING POLICIES:**

### Development Plan

- 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).
- 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 respects its context.
  - P11 Seeks to protect and enhance historic assets and their settings
  - T2 Seeks to ensure that new development does not harm highway safety.
  - P12 Seeks to protect and enhance the landscape of the city
- 8.3 The following saved UDP (Review) 2006 policies are also relevant:
- GP5 Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
  - BD5 Seeks to ensure new development protects amenity.
  - N33 Seeks to restrict inappropriate development in the Green Belt.
  - LD1 Relates to detailed guidance on landscape schemes.
  - N14 Establishes the presumption in favour of protecting Listed Buildings
  - N17 Seeks to ensure all features that contribute to the character of the Listed Building to be protected
  - N37 Special Landscape Area
  - N24 Landscape buffer required where development abuts the Green Belt or open countryside
  - N23/N25 Landscape Design and boundary treatment

### **Legislation and Planning Policies:**

- 8.4 Conservation area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.
- 8.5 Listed Building: Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant listed building consent for any works the local planning 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.

## National Planning Policy

- 8.6 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.
- 8.7 Paragraph 196 of the NPPF states that the planning system is plan-led and that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (paragraph 210). 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 are to the policies in the Framework then the greater the weight that may be given to them.
- 8.8 The NPPF introduces a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted (for example in this case where land is designated as Green Belt (footnote 9)).
- 8.9 The following sections are most relevant to the consideration of this application:
- Section 7 Requiring good design  
Sections 9 Protecting Green Belt land  
Conserving and enhancing the historic environment

## DCLG – National Minimum Space Standards

- 8.9 This document sets a nationally-defined internal space standard for new dwellings. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in its local plan to the nationally described space standard. With this in mind the city council is in the process of gathering evidence in relation to the adoption of the national standard as part of a future local plan review. The housing standards are a material consideration in dealing with planning applications, however as this process is at a relatively early stage in Leeds, only limited weight can be attached to them at this stage.

## **9.0 MAIN ISSUES**

- Principle
- Very Special Circumstances
- Design & Heritage Issues
- Residential Amenity
- Public Representations
- Community Infrastructure Levy

## 10.0 APPRAISAL

### Principle

- 10.1 The property is located within the designated Green Belt. As outlined within the National Planning Policy Framework (NPPF), the essential characteristics of Green Belt are their openness and their permanence. Both saved UDP policy N33 and paragraph 89 of the NPPF state that the construction of new buildings within the Green Belt is inappropriate. Under the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Para 87). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF para 88).
- 10.2 Both saved UDP policy and national planning policy contain a list of exceptions, whereby development might be considered not inappropriate, as set out under saved policy N33 and paragraph 89 of the NPPF. Saved policy N33 allows for the limited extension, alteration or replacement of existing dwellings (second bullet). The NPPF allows for extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 89 third bullet). The NPPF also allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. In respect of replacement dwellings, saved UDP policy N33 does not include the caveat “not materially larger”, and refers to just dwellings and not buildings, whereas paragraph 89 of the NPPF does both. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework, and that the closer the policies in the plan to the policies in the Framework the greater the weight that may be given. Given that saved UDP policy N33 is not consistent with the NPPF, greater weight is to be given to the wording set out in the NPPF.
- 10.3 With regard to these exceptions, the scale of works undertaken would clearly be in excess of that which is permitted under paragraph 89 of the NPPF. These works would, necessarily, have an impact on openness but regard has to be had to the works carried out under permitted development. As is set out above, significant weight must be given to this identified harm and the application should only be approved in very special circumstances. Also as set out above, the necessary very special circumstances will not exist unless the harm by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.

### Very Special Circumstances

- 10.4 In this instance, the applicant has made a case based on what may be termed the fall-back position. In November 2015 a Certificate of Proposed Lawful Development (15/05793/CLP) (CLP) was granted for a single storey side and single storey rear extensions and a rear dormer window. This decision simply confirmed that the proposed works constituted permitted development under the terms of the General Permitted Development Order. More recently an application (ref: 15/07303/DHH) for the prior approval for a larger single storey rear extension (6.4m, maximum projection, single storey rear extension, 3.2m to flat roof ridge height) to the property was approved. Again, the proposed extension benefitted from permitted development rights but the applicant was required to apply to the council to see if the prior approval of the local planning authority was required.

- 10.5 The applicant's current scheme is smaller in terms of its footprint and its volume (according to the applicant's calculations it is approximately 50 cubic metres smaller) to that which could have been constructed as extensions to the retained house. The proposed reduction in the volume of building from that which could be built under permitted development and were shown to be retained as set out in the certificate of lawfulness granted. This is a fall-back position can be afforded significant weight in the determination of this application.
- 10.6 It is also considered that there are benefits to be gained from the current scheme in terms of improved design and, as will be discussed further in the report. Unlike the dwelling that stood on the site which had featured ad-hoc extensions and fenestration details, the proposed dwelling has a much more balanced symmetry, cohesive design with a unified style of fenestration. The stone used to construct the dwelling will also be much more appropriate in appearance. The scheme also offers improvements to landscaping and boundary treatment. This visual improvement to the site should be given significant weight, as the site is located at one of the historic entrances of Harewood Estate adjacent to a public right of way used by visitors and walkers. Therefore, it is considered that visual improvements to this site are beneficial to the identified heritage assets.
- 10.7 In summary, whilst the overall amount of development taking place is in excess of policy allowances and harmful to openness, and therefore in policy terms inappropriate development, the current proposals cause less harm to openness than would occur under fall-back position, if the permitted development scheme was implemented, as approved under the Certificate of Lawfulness application. This, taken together with the improved design, materials and landscaping clearly outweigh the identified harm, and the necessary very special circumstances to justify approval of the application are therefore considered to exist.

#### Design & Heritage Issues

- 10.8 Although, the building that stood on the site was in itself not listed, the site is located at one of the historic entrance points to Harewood Estate and the gates and pillars that mark the entrance point are listed. The site is also located within and on the edge of the Harewood Registered Park and Garden Therefore, it is important any development on the site needs to be sensitively located paying due regard to the setting of the adjacent listed gate pillar and the historic estate in general. The area is also identified as Special Landscape Area.
- 10.9 The original dwelling dates from the 1960s, which over the passage of time, had been unsympathetically extended. The original building featured an unbalanced roof with a hip on one end and a gable end on the other. The fenestration on the building was also irregular in terms of design and proportion. Further alterations were planned under Permitted Development, including a glazed dormer, which in design terms were not particularly sensitive to the building.
- 10.10 The revised scheme has been developed working with the Planning Officer's and the Conservation Officer. Although the proposed dwelling on the whole appears similar to the dwelling that was demolished and is of a similar scale in terms of its height, there are a number of changes made to the detailing that is considered to improve the design of the building.

- 10.11 The proposed scheme appears much more balanced with a clear design approach running through all sections of the building. The stonework is much more superior when compared to the previous building and will tie in better with the character of the area in general. The fenestration has been standardised with the introduction of simple heads and cills, which further ensures that the design of the building is cohesive. The design is also more typical of the style of houses within the village of Harewood. As well as the changes proposed to the dwelling, the boundary treatment is also proposed to be improved. New pillars, designed to appear similar to the listed pillars, will be introduced at the entrance point and additional landscaping is proposed around the site. The landscaping will soften the appearance of the building and ensure better assimilation with the open Green Belt and the Special Landscape Area. Therefore, it is considered that the proposal represents an improvement to the appearance and character of the area and will improve the setting of the adjacent heritage assets.

#### Residential Amenity

- 10.12 Saved policy GP5 notes that extensions should protect amenity policy BD6 notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”. Criterion (iii) of Core Strategy policy P10 similarly seeks to protect neighbouring residential amenity and privacy. There are no dwellings located in close proximity to the site and therefore it is considered that the proposal raises no concern in respect of its impact on residential amenity, and is policy compliant in these regards.
- 10.13 The proposed replacement dwelling provides a satisfactory standard of amenity, both internally and externally, for future occupants, and in compliance with the National Minimum Space Standards.

#### Public Representation

- 10.14 The Parish Council has raised concern that the proposal will harm the character of the area. This issue has been discussed in the report and has been considered by the Conservation Officer.

#### Community Infrastructure Levy

- 10.15 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12<sup>th</sup> November 2014 and was implemented on the 06<sup>th</sup> April 2015. The development is CIL liable, however the dwelling is regarded as a self build. This information is provided for Members information only.

### **11.0 CONCLUSION**

- 11.1 The application proposes dwelling which is larger in volume than the one it replaces and therefore it represents inappropriate development in the Green Belt that would harm openness. In line with national planning policy significant weight must be given to this harm and inappropriate development should only be approved in very special circumstances, which will only exist if the potential harm to the Green Belt is clearly outweighed by other considerations.
- 11.2 For this particular site, the permitted development rights which have existed for various extensions which exceed policy allowances create a fall-back position. The proposals represent a scheme that would have a materially lesser impact on



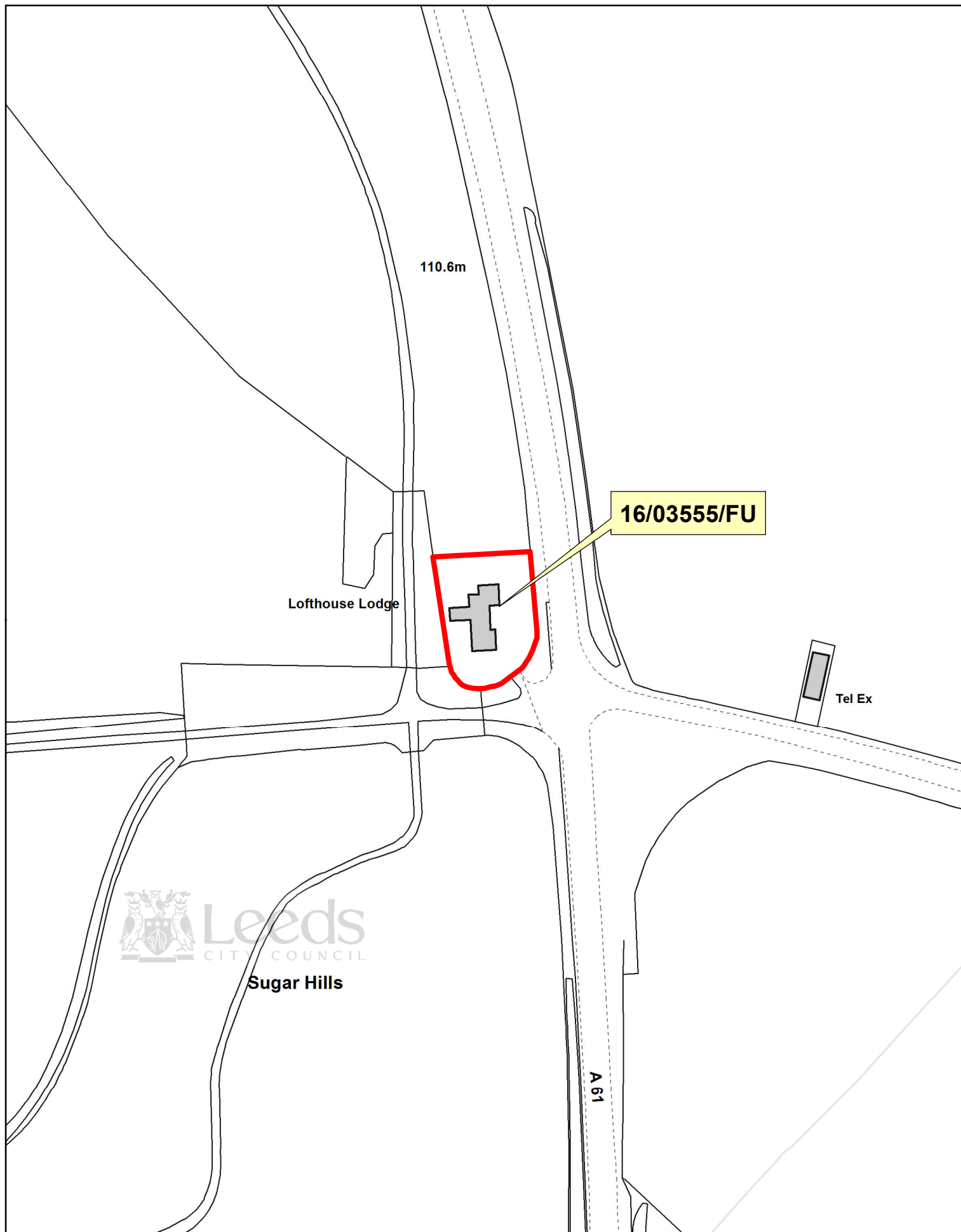
openness than the fall-back position, has an improved design and proposes landscape improvements.

- 11.3 These considerations are considered to clearly outweigh the potential harm to the Green Belt by way of inappropriateness and any other harm. The necessary very special circumstances therefore exist to justify approval of the application. The design is sympathetic to the identified heritage assets, provides adequate car parking and raises no amenity or privacy concerns, and as such, it is consequently recommended for approval.

**Background Papers:**

Application file: 16/03555/FU  
Certificate of ownership: Certificate A signed by the applicant (Mr & Mrs Bastow)  
Application files: 15/05793/CLP & 15/07303/DHH





# 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

