



Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 29 September 2016

Subject: APPLICATION 16/02196/FU for a detached bungalow with integral garage; detached garage; landscaping and associated works to garden land currently associated to No.82a Allerton Grange Rise, Leeds LS17 6LH

APPLICANT

Mr J Bonner

DATE VALID

6 April 2016

TARGET DATE

1 June 2016

Electoral Wards Affected:

Moortown

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the following reason:

The Local Planning Authority consider that the proposal is unacceptable by reason of the exacerbation of highways safety issues as the means of access is positioned on the radius of the junction of Allerton Grange Rise and Allerton Grange Walk which already serves two existing dwellings. The proposals show the access to be widened, however it does not achieve a minimum width of 4.8m without impacting on the existing driveway to No. 82 Allerton Grange Rise, and it does not provide simultaneous two-way passing for some distance into the site particularly at the 90 degree bend. It is considered that the proposal would generate additional vehicle movements through this substandard access that would conflict with the existing junction of Allerton Grange Rise and Allerton Grange Walk. Moreover, the lack of adequate passing provision could also give rise to vehicles reversing out into the junction which is undesirable and is likely to lead to conflict with other vehicles and in particular pedestrians to the detriment of the safe and free flow of both vehicular and pedestrian traffic. The nature of the private access road does not make the development easily accessible and the width of the access for much of its length would not enable a vehicle and a pedestrian pass each other safely. Therefore the proposal fails to accord with Policies P10 (iv) and T2 of the Leeds Core Strategy (2012), saved Policy GP5 of the Leeds UDP (2006) and the advice set out in the Councils Supplementary Planning Document - Street Design Guide (2009) and the National Planning Policy Framework (2012)

1.0 INTRODUCTION

- 1.1 This application seeks permission to construct a detached bungalow to garden land currently associated to No.82 Allerton Grange Rise.
- 1.2 The application is brought to Panel at the request of Councillor Sharon Hamilton as it is her view that the comments raised by Highways are not sufficient reason to withhold planning permission. The Councillor states that "...there is no difficulty at this present time due as this is a private driveway. There are two cars that enter and exit without any problems. The applicants are proposing to make adjustment to the driveway which will improve the safety and access and allow a car to enter when the other is exiting which will benefit both the area and the two existing houses". These matters are addressed at paragraphs 10.26 to 10.31 of the report where it is concluded that due to the width and configuration of the access road the proposal would be detrimental to highway safety and accordingly it is recommended that planning permission be refused. In other respects the proposal is considered to meet the requirements of planning policy and relevant guidance.

2.0 PROPOSAL

- 2.1 The applicant seeks planning permission for a detached bungalow. The site is presently garden land associated to No.82a Allerton Grange Rise.
- 2.2 The external materials proposed would be brick and render (white) under a 30 degree hipped roof of interlocking concrete tiles.
- 2.3 The development would include off-street parking within an attached double garage and driveway. Private gardens surround the proposed building.
- 2.4 In addition to the above a detached double garage to serve the existing dwelling number 82a site is proposed.

3.0 SITE AND SURROUNDINGS

- 3.1 Allerton Grange Rise is a residential street of hipped roofed semi-detached and detached bungalows that address the highway with two detached bungalows to its western end being set to the rear of those properties. The character of the area is residential with availability to local amenities and public transport routes. Therefore the site and wider area can be regarded as sustainable.
- 3.2 The application site comprises a detached hipped roofed red brick bungalow, that has been extended over time set within a relatively generous plot with the main bulk of the garden area being located to the east of the dwelling. To the front of the main building on site is a detached garage and outbuilding that sit on the southern boundary shared with a detached bungalow set at lower ground level.
- 3.3 Access to the site is via driveway that leads to No.84 Allerton Grange Rise and the application site.
- 3.4 To the north of the site is a school complex including the main school building and associated play-grounds. The northern boundary shared with the school, has

established planting along its length with a mature sycamore tree present, there is also a wire fence along this boundary but this is not as conspicuous as the planting.

3.5 The site has off-street parking for multiple vehicles.

4.0 RELEVANT PLANNING HISTORY

4.1 15/05645/FU – Detached dwelling to garden – Withdrawn as the LPA took the view that the proposal represented over-development. Highways also raised objections with regard to lack of two way passing and that the proposal would increase vehicle movements to an already substandard access that would have conflicted with the existing junction of Allerton Grange Rise and Allerton Grange Walk. The lack of passing provision could have given rise to vehicles reversing out into the junction thus detrimental to highway safety.

5.0 HISTORY OF NEGOTIATIONS

5.1 The initial scheme was considered too extensive and an over-development by reason of its footprint and this has now been reduced thus appearing less cramped and more contextual within its surroundings.

PUBLIC/LOCAL RESPONSE

6.1 The application has been advertised by site notice dated the 29 April 2016 and 20 neighbour notification letters were issued on 14 April 2016.

6.2 In response 8 letters of representation have been received from local residents and the concerns raised are summarised below:

- Impact on character and appearance
- Over-development
- Further increase due to Permitted Development
- Would affect the outlook of properties on Allerton Grange Rise
- Highway safety
- Drainage implications
- Loss of privacy into gardens and rear elevation windows
- Problems of refuse collection
- Increase in noise and disturbance
- There has been removal of a tree damaging wildlife habitation
- Potential asbestos on site
- Potential to split the proposed dwelling into two

7.0 CONSULTATIONS RESPONSES:

7.1 The following responses have been received:

Highways

Objections. As set out in the appraisal section of this report.

Mains Drainage

No objections subject to conditions regarding surface water and a feasibility study into the use of infiltration drainage methods.

Contaminated Land

No objections subject to standard conditions.

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). The below are considered relevant to the assessment of this application:

Leeds Core Strategy:

8.2 Policy SP1: Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

Policy P10: Seeks to ensure that new development is well designed and respects its context.

Policy P12: Landscaping

Policy T2: Accessibility requirements and new development

Policy H2: New housing on non-allocated sites

Saved Leeds UDP:

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

Policy BD5: Seeks to ensure new development protects amenity.

Policy LD1: Seeks to ensure that development is adequately landscaped

Policy N23 : Refers to open space and the retention of existing features which make a positive visual contribution.

Policy N25 : Refers to boundaries around sites

National Planning Policy(NPPF)

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 and promotes sustainable (economic, social and environmental) development. 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 Section 6 – Creating a wide choice of homes and Section 7 – Requiring good design of the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.

8.5 Guidance on conditions is provided within the Planning Policy Guidance.

8.6 DCLG - Technical Housing Standards 2015:

The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. 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 the local plan to the nationally described space standard. With this in mind the City Council is currently developing the Leeds Standard. However, as the Leeds Standard is at an early

stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage.

In this instance the proposal consists of a 4 bedroom unit with 7 bed spaces therefore the housing standards require a minimum internal floor area of 108 sq/m. The internal floor area of the unit, excluding the provision for vehicles would be approximately 110 sq/m

As such the proposal meets the standards.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Character and appearance
- 3) Residential amenity
- 4) Highway matters
- 5) Landscaping
- 6) Other matters

10.0 APPRAISAL

Principle of Development

- 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 Leeds Core Strategy (LCS) 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. This application site is situated close to local amenities and close to public transport routes, and as such is regarded as being within a sustainable location.
- 10.2 Within the core principles of the NPPF, paragraph 17 and within paragraph 111, it states that the effective use of land should be encouraged by reusing land that has been previously developed (Brownfield land); therefore there is a presumption that previously developed sites should be developed before Greenfield sites.
- 10.3 In any case, land to be developed must have regard to local context whether Brownfield or Greenfield; and therefore the layout, scale, type and design of proposed development and its effect on the local character play a fundamental part in the principle of accepting proposed development. As such the NPPF and the Councils approach seeks to resist inappropriate development and places an emphasis on design and in protecting the character of an area.
- 10.4 Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. Paragraph 53 of the NPPF directs LPA's to set out policies that seek to resist inappropriate development of residential gardens, where development would cause harm to the local area. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.

- 10.5 Currently the application site is garden (Greenfield) serving No.82a and is of a size that is not characteristic of the immediate area. That is it is larger than the average garden size in the immediate area.
- 10.6 The site is located to the northern side of Allerton Grange Rise behind a row of semi-detached houses and bungalows. In the main the area is characterised by red-brick semi's and bungalows in rectangular plots, with hipped roofs and off-street parking as well as gardens to the front and rear. However, there are examples of later development set within larger plots. The application site being one of these examples.
- 10.7 The proposal would see a detached bungalow under a hipped roof (interlocking concrete tiles) with brick and rendered walls set within a plot that offers good levels of garden space and off-street parking. The proposed development moves away from the prevailing character of the street-scene but follows an established form of development to the rear of those properties set to the south on Allerton Grange Rise i.e. two detached bungalows.
- 10.8 The bungalows set to the rear have good levels of separation to those properties to the south which are set at lower ground. This separation plays a part in defining the immediate character between the street facing properties and the bungalows to the rear. It is not considered that the proposed development would unduly erode the spacing between the dwellings to the south and whilst set closer than the existing bungalows (No's 82s and 84) is of a height that in the main avoids the sense of closing the gap between dwellings, namely between the proposed building and No's 70-76 Allerton Grange Rise. As such it is considered that the proposal responds to the immediate character and whilst on Greenfield land the resultant plot sizes of the existing and proposed would be responsive to the context of the area and the proposed residential development on this site is considered acceptable in principle and is compliant with local policy set out in the LPA's Development Plan and Government advice set out in the NPPF.

Character and Appearance

- 10.9 The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is fundamental that the new development should generate good design and respond to the local character. The NPPF goes on to state that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy P10 of the LCS states that all new development for buildings and spaces, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.
- 10.10 The prevailing theme of Allerton Grange Rise and the surrounding streets is that of red brick hipped roofed semi-detached properties although there are detached hipped roofed bungalows which also form part of the built environment.
- 10.11 The design of the property has taken account of the immediate and wider character in terms of height, design and materials. It is perhaps fair to say that the layout of the building within the plot is contrived but there is no undue impact on character as a result of the proposed buildings foot-print. The proposed roof-form and external materials (brick and render) are contextual, moreover the proposal would have limited visibility from the street. The design approach is considered congruous within its immediate context of two existing bungalows to the rear of the street

facing properties to the south of the site where the proposal would be more evident from the residential realm as well as from the school site to the rear of the site.

- 10.12 SPG13 – Neighbourhoods for Living suggests that private garden space for family use should have a minimum area of 2/3 of total gross floor area of the dwelling excluding vehicular provisions. The proposed garden area proposed for the proposed dwellings would provide good levels of private amenity space and would accord with the guidance set out in SPG13.
- 10.13 The proposed layout shows provision for the storage of bins to be stored off the highway and away from the public realm.
- 10.14 The proposed garage for No.82a raises no issues in terms of character and appearance.
- 10.15 Conditions can secure samples of external materials.

Residential Amenity

- 10.16 Saved policy GP5 of the Leeds UDP (Review 2006) notes that extensions should protect amenity and saved policy BD5 of the UDP notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”. SPG13 provides recommended separation distances that should be achieved between new dwellings, these distances primarily seek to maintain appropriate levels of privacy for existing and future occupiers as well as neighbours; although it is noted that the guidance also advises that the suggested separation distances are intended as a guide and should not simply be applied without further consideration regarding the local character.
- 10.17 Guidance within SPG13 suggests that a separation distance of 10.5m from main windows (living and dining rooms) to boundaries and 7.5m from secondary windows (bedrooms and ground floor kitchens) to boundaries are acceptable. Guidance also suggests a separation distance of 18m between secondary windows (bedrooms) and main aspect windows and 21m between main aspect windows.
- 10.18 All glazing would be at ground floor level given the nature of the proposal and the details contained within the submitted application state that the existing boundary treatments would remain with the addition of a 1.8m high close boarded fence implemented between the proposed dwelling and the existing on site (No.82a). To the south the properties are set at lower ground and a taller building would be problematic however the submitted plans include sections which show that the proposed building would be set within the site where the existing boundary hedge along the southern boundary would provide a robust screen. This hedge is tall and established at some 2.0m -2.5m in height; a condition could secure that the hedge remains at a height no less than 2.0m. Moreover the southern elevation glazing of the proposed dwelling would serve a kitchen, dining area and a living area. These windows would be 10.7m from the southern boundary which generally accord with the 10.5m separation distance set out in SPG13.
- 10.19 To the northern elevation windows serving the same rooms would exist, however the distances to the northern boundary with the Immaculate Heart of Mary Catholic school fall below those set out in guidance. However, as the adjacent site is not residential and the situation is to be treated on its merits. The existing boundary treatment of shrubs are considered to act to protect the living conditions of future occupants by adding a privacy screen which already occurs when residents of

No.82a use their garden. Whilst the use of the proposed habitable rooms would be more intensive than the garden use, the planted boundary is considered adequate. In principle a 2.0m high fence could be erected to this boundary by the applicant or future occupiers.

- 10.20 The eastern elevation windows would serve bedrooms and would look out onto a 1.8m-2.0m high hedge and a gap of 16.5m would be retained from the bedroom windows and the boundary thereby being above the requirements set out in SPG13 (7.5m). All other windows face into the application site and conditions could restrict no further windows inserted.
- 10.21 It is not considered that any undue levels of shade or loss of light would occur towards the properties to the south or the existing dwelling on site. At sunset, the eastern section would cast some shade across the garden areas immediately to the south but for much of the day these gardens would receive good levels of solar gain. The rear elevation windows of the neighbours to the south would also receive good levels of solar gain during the earlier part of the day and levels of sunlight into amenity areas and habitable rooms would be generally as currently exists.
- 10.22 Good separation would also exist between the proposal and the existing dwelling on site as well as those properties to the south; this in union with the limited height of the proposal is considered to result in a form of development that would not be overly dominant towards neighbouring residential sites at lower ground level as well as the existing property on site. Moreover, outlooks from the properties to the south would remain of their own rear gardens with the introduction of the proposed hipped roof interrupting clear outlooks past neighbours rear boundaries. This interruption is not considered a strong enough justification to withhold planning permission as third parties do not have right to views across neighbouring properties.
- 10.23 The school grounds would receive greater levels of shade during mid to latter parts of the day but the school grounds are large enough that the level of shade increase would not be unduly harmful. The main school building and main play grounds are set well away from the proposed dwelling. This separation also negates the proposal being over-dominant towards the school complex where a much large building and grounds retain a dominant presence above the residential uses existing and proposed.
- 10.24 As set out above the garden provision accords with SPG13 and would provide good levels of amenity space for future occupants. The resultant garden area for the existing dwelling on site would also remain of good provision and both resultant plots would remain contextual within their localised area.
- 10.25 The proposals are for one additional dwelling and it is not considered that the levels of noise and disturbance would be harmful to existing neighbours. The area is well established residential settlement and one additional dwelling would be unlikely to be injurious in terms of noise and disturbance from general occupation, vehicular movements and visitation.

Highway matters

- 10.26 Leeds Core Strategy Policy T2 seeks to ensure that all developments achieve safe and secure access and are located in accessible locations.
- 10.27 As stated in the introduction of this report Councillor Hamilton has taken a different viewpoint to the technical advice set out by Highways who have raised concerns

regarding highway safety. It is the Councillors' view that the comments raised by Highways are not sufficient reason to withhold planning permission as there would be no material increase in highway safety issues in respect of impact at the junction or the route along the existing access road that would result in problems for two way passing and that the widened access point acts to improve safety and access. It is considered that this is on the basis of the development representing a single additional dwelling off a private drive that does not yet exceed the maximum number of dwellings usually allowed off a private drive. This upper figure is usually 5 dwellings.

- 10.28 Officers note that the access has been widened but it fails to achieve a constant width of 4.8m along its length, which would not allow simultaneous two-way passing of vehicles. The access road then tapers to a width of 3.88m before increasing to 4.17 immediately before a sharp 90 degree bend which itself does not allow for two vehicles to pass simultaneously. The assessment conducted by Highways has therefore resulted in significant objections. It is the view of Highways Officers that the proposal is unacceptable.
- 10.29 Under normal circumstances the limit of five units off a private drive would be where there are no other significant dangers to users as a result of the units being served from that drive which would normally be that the junction with the public highway is un-complicated, that two vehicles can adequately pass each other when travelling in opposite directions and that visibility along the drive length is good with no pinch-points or bends which would not prevent two vehicles to pass without the need for one to stop and possibly reverse part of the length of the driveway. That, as members will realise from the contents of this report is not the case with this proposal. The means of access is positioned on the radius of the junction of Allerton Grange Rise and Allerton Grange Walk, and it is Officers view that the proposal would intensify the substandard access by the increase in vehicular activity which would exacerbate the poor levels of pedestrian safety at the junction. There is a pinch point along the length of the driveway just before a 90 degree bend both of which will not allow the safe passage of two vehicles travelling towards each other and which are likely to lead to one of the vehicles having to reverse along the length of the driveway and possibly onto the public highway with the danger further exacerbated by the confusing structure of that highway junction.
- 10.30 The access route extends into the site for approx. 30m before the sharp 90 degree turn occurs. At this point in particular there would be no safe opportunity for two way passing and pedestrians would be particularly vulnerable.
- 10.31 In addition to the particular safety issues of the access route by reason of its width and sharp bend there would be a new garage that would serve No.82a and vehicular manoeuvres in and out of this would be difficult. This is by reason of the location of that garage in that it does not sit perpendicular to the access road and therefore any vehicles entering or leaving that garage space might need to make more than one manoeuvre in order to do so. If there was a conflict with other vehicles trying to pass each other along the narrow length of the access driveway and/or attempting to pass at the 90 degree bend, these additional manoeuvres would only exacerbate the situation. Add pedestrians to the mix and overall the situation is not considered one that should be endorsed through the granting of a planning permission for an additional unit of this very sub-standard driveway.
- 10.32 In light of the objections set out by Highways it is considered that these present the LPA with a reasonable and robust reason for refusal.

Other matters

10.33 In response to the notifications issued advertising this application 8 letters of representation have been received. The points raised regarding amenity, character and appearance, noise and disturbance and highways have already been covered above. The remaining points are covered below:

- Further increase due to Permitted Development.

A condition could have been imposed to remove PD rights so that the LPA can have control over and make full assessment of any impact arising from further additions/alterations to the dwelling, including its roof-space.

- Drainage implications

A view has been sought from the Councils Flood Risk Engineers and conditions have been suggested to deal with matters of drainage.

- Problems of refuse collection.

The submitted plans detail bin storage and one additional household would not have an unduly problematic impact on refuse collection. The bins would be taken for collection in the same manner as the existing property on site.

- There has been removal of a tree damaging wildlife habitation.

The trees on site do not have specific protection (i.e. TPO's or Conservation Area designation), although they do present visual and environmental value. The loss of the tree is regrettable however, if in the applicants ownership they are at liberty to remove.

- Potential asbestos on site.

This point is duly noted and conditions referring to matters of contamination could have secured details prior to the commencement of any works.

- Potential to split the proposed dwelling into two.

This would require planning permission and any application for such a development would be assessed by the LPA on its merits.

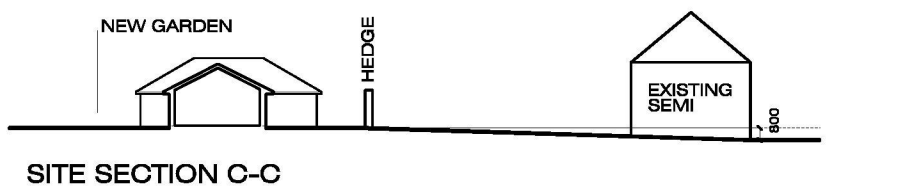
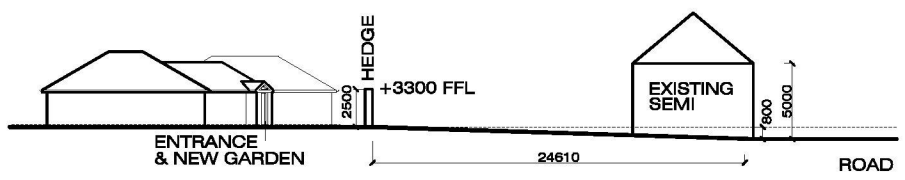
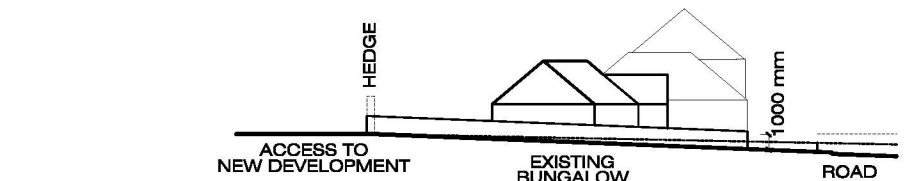
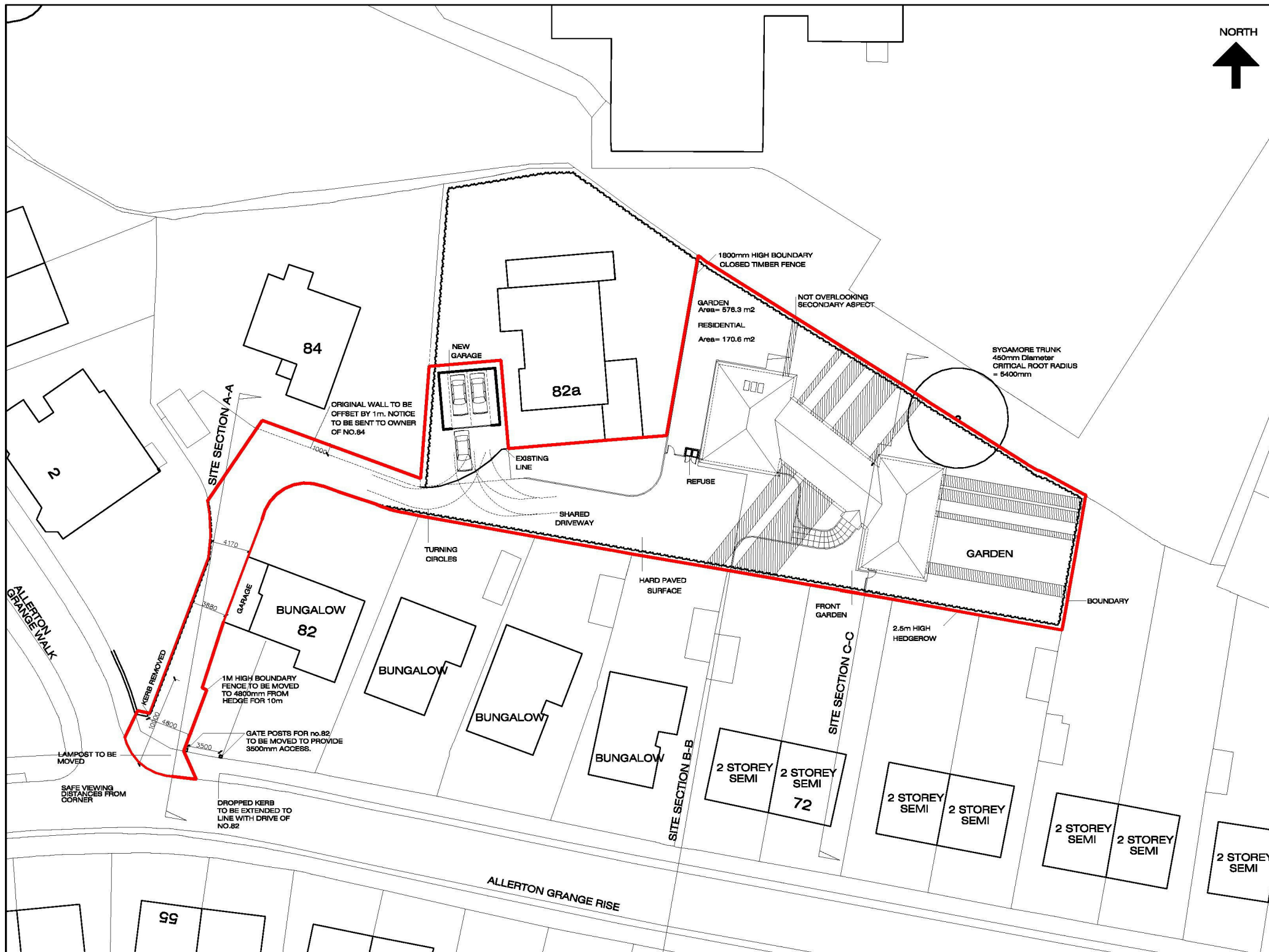
11.0 CONCLUSION

11.1 In light of the above, it is considered that the principle of a detached dwelling on this site and within the immediate location is acceptable in policy terms and the impact on living conditions would not be unduly harmful. However there are robust reasons in respect of highway safety to withhold planning permission and Officers recommend that for the reason set out at the head of this report that permission is refused.

Background Papers:

Application file

Certificate of ownership: Certificate B signed by the agent 6 April 2016



Rev	Date	Comment
D	09/09/16	ACCESS ALTERED TO REQUIREMENTS
C	21/07/16	REVISED RED LINE BOUNDARY AND ACCESS ROAD
B	13/05/16	REVISED ARCHITECTURAL DESIGN
A	04/05/16	WINDOW TO BOUNDARY

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Project:
 82A ALLERTON GRANGE RISE
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Title:
 BLOCK PLAN

Scale:
 1:500 @ A3

Drawn by:
 KJ

Client:
 ANNE & JOHN BONNER

Checked by:
 DC

Job No:
 2137

Drawing No:
 050

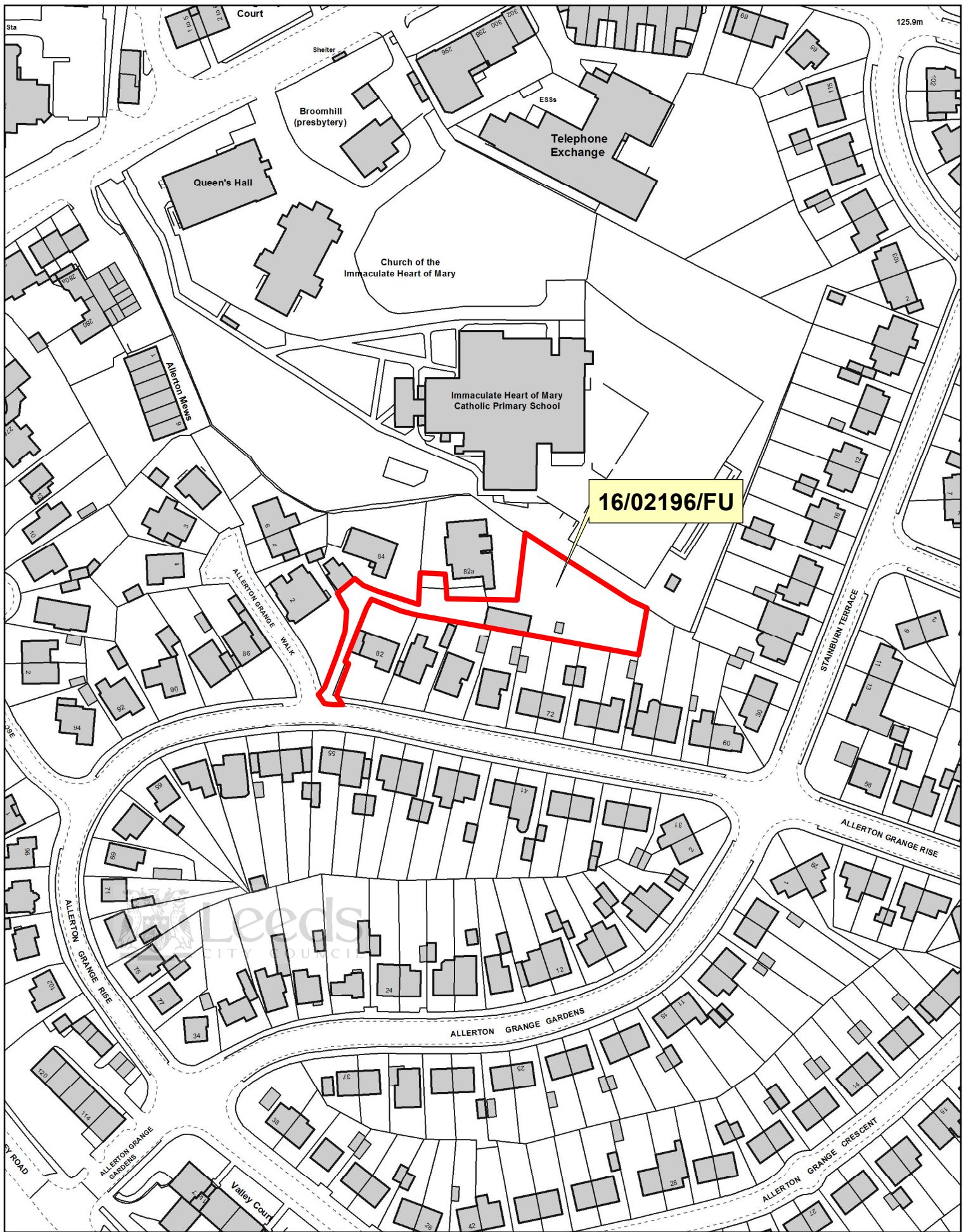
Revision:
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Date:
 JULY 16

WINDOW TO BOUDARY DISTANCES - KEY

- MAIN ASPECT REQUIRED 10.5m
- UNCONVENTIONAL LIVING SECONDARY ASPECT AND SECONDARY ASPECT REQUIRED 7.5m
- TERTIARY ASPECT REQUIRED 2.5m

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NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

