



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 29th September 2016

Subject: 16/03555/FU – Rebuilding and extension of dwelling (part retrospective) at Lofthouse Lodge Harrogate Road, Harewood, Leeds LS17 9LU

APPLICANT

Mr & and MRS B & J Bastow

DATE VALID

15th June 2016

TARGET DATE

03rd October 2016
(Agreed extension)

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 the approved plans.
3. The dwelling shall be built in the stonework to match stone and slate samples to be viewed on site.
4. The stone pillars shall be built in stonework to match stone sample to be viewed on site.
5. The windows on the building shall match window samples to be 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 of the dwelling.
8. Removal of permitted development rights for any further extensions, roof alterations/additions, garage/outbuildings and boundary fences/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 sensitive and prominent location, concerns relating to the demolition of the building and works to replace it being commenced without planning consent, the design and style of the dwelling proposed and the volume increase. The application was deferred at the 01st September meeting of the North and East Panel in order that the responses of statutory consultees could be considered and these are now set out below.
- 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 a Prior Approval application (15/07303/DHH). The building recently demolished was not the original gatehouse and was re-built at sometime in the 1960s / 70s. The building was not directly listed but the adjacent entrance gate and pillars to the Harewood Estate are Grade II 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 to the rear. Certificate of lawfulness application reference 15/05793/CLP (CLP) was granted for extensions to side and rear of the dwelling and a glazed dormer window to the rear roofslope. The current application shows the dwelling re-built with the extensions approved under the CLP being implemented. There are however a few changes to 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 roof to a gable to match gable 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.
 - Multi-pane 4 light windows have been introduced to the front elevation, with simple heads and cills replacing the mock-Georgian 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 Harewood 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 with the approved extensions, measured 1197.4 m³, whilst the proposed dwelling measures 1147.7m³, a reduction of almost 50 cubic metres on what could be implemented under permitted development rights and the certificate of lawfulness granted.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to Lofthouse Lodge which is located in an isolated position on the western side of Harrogate Road, south of Harewood village. The site forms parts of the Grade I designation of the gardens and pleasure grounds of the Grade I listed Harewood House, and the text of the Statutory List for the gardens specifically refers to the lodge and the adjacent gate piers, gates and railings. The principal entrance to Harewood House is of course from Harewood Village, where flanking lodges lead to the triumphal arch. The Statutory List description refers to the views of the House and lake that can be obtained from Lofthouse Lodge, and that it leads to a drive which runs northwards through woodland, and goes on to state that this approach was under construction in 1774 and was probably laid out by Lancelot Brown (1716-83). The site is located within the Green Belt and Special Landscape Area. The adjacent entrance gate piers, gates and railings are Grade II listed and a public right of way runs through them past the application site.
- 3.2 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 the original Lodge House. Following construction in the 1960s it had been subject to a series of extensions in the 1980s. This 1960's building has now been largely demolished, with only a single storey section left standing on the site. Foundations for the proposed dwelling have been laid.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 A temporary stop notice (TSN) was served on the 05th May 2016. Following service of the notice the applicant ceased works on the dwelling and engaged with planning and conservation officers on the submitted scheme.
- 4.2 15/05793/CLP- Certificate of proposed lawful development for extensions to side and rear and dormer window to rear. Approved
- 4.3 15/07303/DHH- 6.4m single storey rear extension, 3.2m to flat roof ridge height, Permission. Not Required
- 4.4 06/07502/LI- Listed Building application for installation of two solar panels to roof of dwelling house. Approved
- 4.5 H30/259/88/- Alterations and extension, to form conservatory, to rear of dwelling house. Approved
- 4.6 H30/388/83/- Alterations and extension to form lobby, utility room and music room to side of detached house. Approved
- 4.7 H31/60/83/- Alterations and extension, to form first floor conservatory, to rear of detached house. Approved
- 4.8 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 by advertisement in the local press on 29th 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:

Statutory:

7.1 Historic England: No objections - Specialist staff have considered the information received and we do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

7.2 The Gardens Trust: Objection: Summary: Based on discussions with Yorkshire Gardens Trust we would like to register our comment that the proposed plans will cause further harm to the historic landscape both due to the inappropriate design and increase in size. This seems particularly distressing when it is believed that the lodge is sited on a route laid out by Lancelot Brown which has outstanding vistas of Harewood House.

7.3 Yorkshire Gardens Trust: Objection: Summary: We certainly agree that the 1968 house with 1980s extensions was not sympathetic to the setting of the Lofthouse Entrance, however we consider that the proposed new lodge would further detract from its historic setting, in particular due to:

- a) its over dominance owing to the proposed increase in size
- b) the proposed design of the Back (West) Elevation, which neither respects the setting of this historic entrance nor the historic landscape of the Registered Park & Garden, due in particular to the proposed large elevated terrace and window design
- c) the reduction of the separation distance between the lodge and gates owing to a proposed extension on the south elevation
- d) the proposed large area of new paving adjacent to the proposed south elevation extension, enabling a vehicle to be parked extremely close to the historic Lofthouse Entrance Gates.

Thus we consider that these proposals are contrary to NPPF Paragraph 132 as they would neither sustain nor enhance the setting of the Lofthouse Entrance, or the significance of the registered historic landscape, and would not contribute positively to local character and distinctiveness. Also the site lies within the Green Belt, and thus we consider that the proposed extensions are in addition contrary to the NPPF Green Belt Policy due to the scale of the extensions.

Non-statutory:

- 7.4 Highways- No objection
- 7.5 Mains Drainage- No Objection
- 7.6 Conservation Officer – Following negotiations and the receipt of amended plans the Conservation Officer is satisfied with the scheme and that it represents improvements over and above the fall-back position, 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
 - N23/25 Landscape Design and Boundary Treatment
 - N28 Historic Parks and Gardens

Legislation and Planning Policies:

- 8.4 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

- 8.5 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.
- 8.6 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.
- 8.7 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)).
- 8.8 The following sections are most relevant to the consideration of this application:
- Section 7 Requiring good design
Section 9 Protecting Green Belt land
Section 12 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.
- 10.3 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.
- 10.4 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, as the dwelling would be materially larger than the one that it replaces. These works would, necessarily, have a greater impact on openness, and result in a degree of encroachment into the countryside. Substantial weight must be given to this cumulative harm. Regard should however also be had to the works by way of extension to the dwelling which could be carried out under permitted development rights and the certificate of lawfulness granted, if the Council sought instead to enforce the rebuilding of the demolished dwelling. Regard should also be had to the benefits of the negotiated improvements to the design of the dwelling proposed over the fall-back position. If these other considerations clearly outweigh the harm by way of inappropriateness, and any other identified harm, then the necessary very special circumstances will exist to render the proposal acceptable in principle. If not then the application should be refused. Consideration of the case for very special circumstances advanced with the application, design, heritage and other relevant considerations, all follow below.

Very Special Circumstances

- 10.5 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 of a larger single storey rear extension to the property was approved (6.4m maximum projection, single storey rear extension, 3.2m to flat ridge with flat roof). Again, the proposed extension benefitted from permitted development right, and it did not attract any neighbouring amenity objections which is the sole consideration in such cases.

10.6 The applicant's current scheme is smaller in terms of its footprint and proposed volume than could result from the construction of the permitted development extensions to the existing dwelling. According to the applicant's own calculations the proposed dwelling is just less than 50 cubic metres smaller than the dwelling which would have resulted from permitted extensions to the previous house. The supplied cubic content calculations are tabulated below:

10.7

Original Dwelling	Original Dwelling + Extensions (fall-back)	Proposed Dwelling	Difference between fall-back and proposed
924.7m ³	1197.4m ³	1147.7m ³	-49.7m ³

10.8 If planning permission were refused for the proposed dwelling, then it is likely that the applicant would simply rebuild the dwelling in its earlier form and implement the permitted extensions. This is therefore a fall-back position that can and should be afforded significant weight in the determination of this application. It is also considered that there are benefits to be gained from the current scheme in terms of an improved design and as will be discussed further below, unlike the dwelling that stood on the site which featured ad-hoc extensions and fenestration details, the proposed dwelling has a much more balanced symmetry, cohesive design and 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, including the removal of the existing inappropriate gate piers and their replacement with ones more in keeping with the adjacent listed ones. This visual improvement to the site should be given significant weight as the site is located at one of the historic entrances of the historic park and garden, adjacent to a public right of way used by visitors and walkers. It is considered that visual improvements are beneficial to the identified heritage assets.

10.9 In summary whilst the overall amount of development taking place is in excess of policy allowances and is harmful to openness, and therefore in policy terms it is inappropriate development and to be afforded substantial weight, the current proposals cause less harm to openness than could occur under fall-back position if the permitted development schemes were implemented. This consideration, taken together with the improved design which is discussed in more detail below, the improved materials and additional landscaping proposed which could not be secured under the fall-back position, is considered to clearly outweigh the identified harm and the necessary very special circumstances to justify approval of the application have therefore been demonstrated.

Design & Heritage Issues

10.10 Saved UDPR policy N28 states that historic parks and gardens on the English Heritage [now Historic England] register will be afforded protection from any development which would materially harm their interest. Policy N37 seeks to protect

the character and appearance of the Special Landscape Area. The Council has a duty to have special regard to the desirability of preserving the setting of the adjacent listed structures, and Paragraph 132 of the NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets. Although the building that stood on the site was itself not listed the site is located at one of the historic entrance points to Harewood Estate, as is described above, and the gates and pillars that mark the entrance point are Grade II listed. The site is also located within and on the edge of the Grade I listed Harewood Registered Park and Garden. It is therefore important any development on the site is sensitively designed, paying due regard to the setting of the adjacent listed gate piers gates and railings, and the historic parkland estate in general. The area is also identified as Special Landscape Area.

- 10.11 The original dwelling dates from the 1960s, which over the passage of time and from the planning history identified above had been unsympathetically extended a number of times, as the Yorkshire Gardens Trust recognise. The original building featured an unbalanced roof with a hip at one end and a vertical gable end on the other. The fenestration on the earlier building was also irregular in terms of design and proportion. Further alterations were planned under permitted development rights and included a pitched roofed dormer fully glazed at its apex and hipped roof extension towards the listed gate piers, gates and railings which in design terms were not sensitive to the building or its setting.
- 10.12 The revised scheme has been developed with the applicant working with planning and conservation officers. 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 and spread, there are a number of beneficial changes which have been secured to the detailing that are considered to improve the design of the building.
- 10.13 With regard to the above policy considerations, and in considering the objections of the Gardens Trust (and member Yorkshire Gardens Trust) and the Parish Council, and the concern of Ward Councillors, it is considered that the proposed scheme appears much more balanced than the fall-back position, with a clear design approach running through all sections of the building. Following negotiations the extension to the side, close to the listed entrance gates, is more reminiscent of the original lodge that once occupied the site and much improved over and above the fall-back hipped roof extension, and this is a significant benefit. The west elevation whilst not entirely consistent with the front elevation is also significantly improved over and above the fall-back position, whereby a dormer window fully glazed to the apex could be constructed. The stonework proposed is superior when compared to the previous building and will tie in better with the character of the area in general. The fenestration has been unified with the introduction of simple heads and cills, which further ensures that the design of the building is more cohesive. The design is also more typical of the style of houses within the village of Harewood.
- 10.14 As well as the improvements proposed to the design of the dwelling additional boundary treatment and planting is proposed. New gate piers designed to be more sympathetic to the listed gate piers will be introduced at the existing vehicular access point, replacing the current inappropriate ones that have inappropriate proportions and strap pointing. These benefits could not be secured under the fall-back position and will reduce the impact on designated heritage assets, help soften the appearance of the building, and ensure better assimilation in the landscape and reduce the impact on the Special Landscape Area. The proposal is also thereby more fitting in the registered park and garden setting than the fall-back position would be, and it should be noted that it would not affect the inter-visibility between Harewood House and the proposed lodge. The proposal would also not directly impact on the designed

parkland landscape, and in all these regards the proposal is therefore policy compliant.

Residential Amenity

- 10.15 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.
- 10.16 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

- 10.17 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

- 10.18 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 06th April 2015. The development is CIL liable at a rate of £90 per square metre in Residential Zone 1 (subject to indexation), with a resultant liability in this case of £16,283.40 (net GIA gain of 170.40sqm x £90/sqm and BCIS Indexation). This information is provided for Members information only however and it is not material to the decision on this application.

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 substantial 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 to the original building and which exceed Green Belt policy allowances creates a fall-back position that exceeds the scale of the proposed development. The proposal represents a scheme that would have a materially lesser impact on openness than the fall-back position, would result in less encroachment into the countryside, and which is preferential in terms of impact on designated heritage assets, design, and landscape terms. This in turn means there would be a lesser impact on the integrity of the registered park and garden and the setting of the adjacent listed gate piers, gates and railings. Significant weight should be given to these considerations.
- 11.3 In giving significant weight to these considerations they are, cumulatively, considered to clearly outweigh the potential harm to the Green Belt. It is considered that the necessary very special circumstances therefore exist to justify approval of the

application in Green Belt policy terms, the proposal is acceptable in all other regards, and as such the application is therefore recommended for approval.

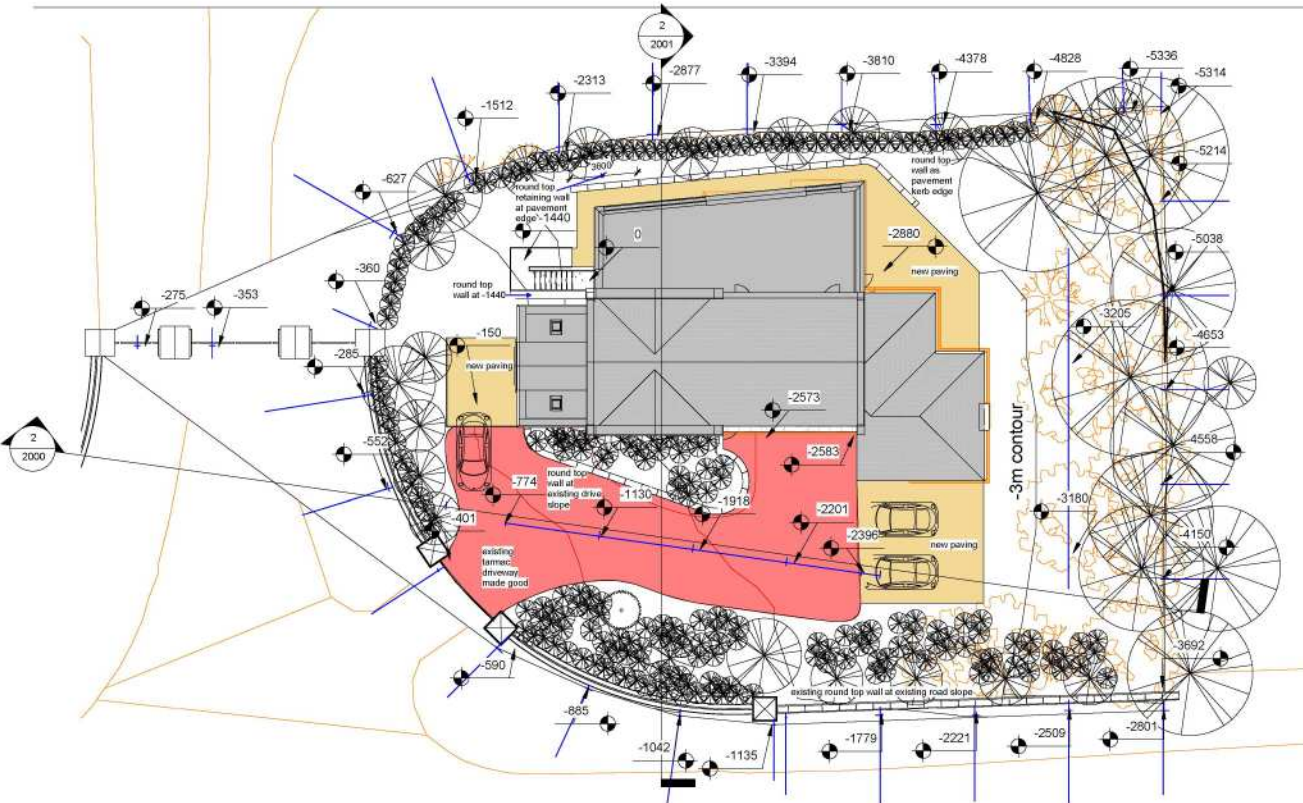
Background Papers:

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

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Existing and proposed tarmac driveway shown in pink.

Additional paved area shown in yellow



1 30 Roof Proposed with Levels
1 : 200

Bastow Residence
Lofthouse Lodge LS17 9HU
Harrogate Rd, Harwood

Proposed Roof Plan With Levels

inc. levels +1 arched window	
Scale	Scale A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, A21, A22, A23, A24, A25, A26, A27, A28, A29, A30, A31, A32, A33, A34, A35, A36, A37, A38, A39, A40, A41, A42, A43, A44, A45, A46, A47, A48, A49, A50, A51, A52, A53, A54, A55, A56, A57, A58, A59, A60, A61, A62, A63, A64, A65, A66, A67, A68, A69, A70, A71, A72, A73, A74, A75, A76, A77, A78, A79, A80, A81, A82, A83, A84, A85, A86, A87, A88, A89, A90, A91, A92, A93, A94, A95, A96, A97, A98, A99, A100
Author	GJW
Date	1 : 200
Issue No.	1516-06 2002 03/08/2016

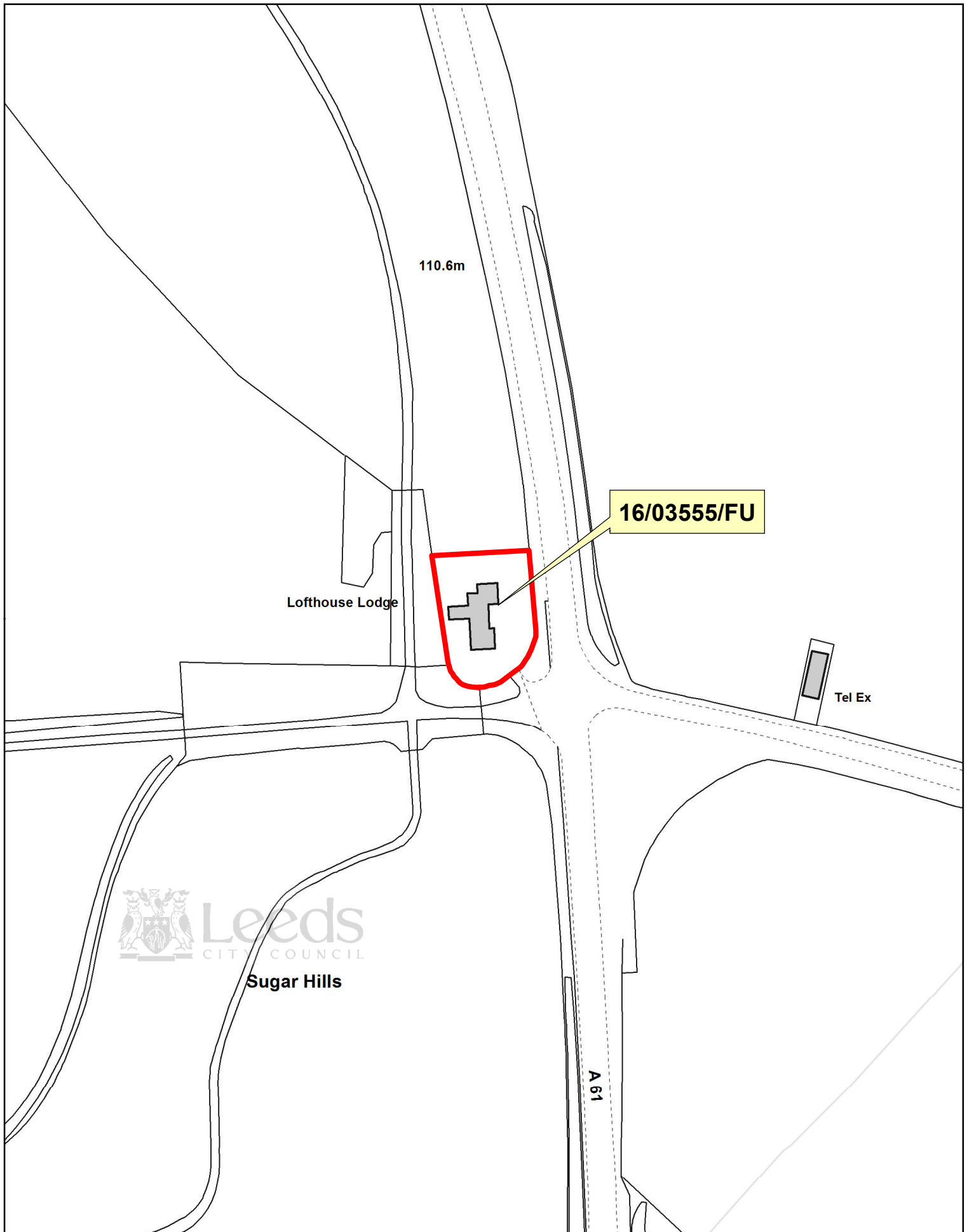


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NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

