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**Report of the Chief Planning Officer**

***Plans Panel North and East***

**Date: 11<sup>th</sup> May 2017**

**Subject: 16/06901/FU Detached dwelling and garage and formation of new access and hardstanding to the rear of No. 4A Ascot Road, Kippax, LS25 7HT**

**APPLICANT**

Mr Shaun Cooper

**DATE VALID**

8<sup>th</sup> November 2016

**TARGET DATE**

3<sup>rd</sup> January 2017

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**Electoral Wards Affected:**

**Kippax and Methley**

☐ Yes

Ward Members consulted

(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Standard Time Limit for commencement
2. Standard Plans Reference
3. Submission of materials
4. Boundary Treatment
5. Laying out of car parking
6. Removal of PD rights under Classes A, B, C,D and E of the GPDO
7. Finished floor levels
8. Drainage implementation conditions
9. Contamination conditions

**1.0 INTRODUCTION:**

- 1.1 This planning application is brought to Plans Panel at the request of Ward Councillor James Lewis as he notes the previous application to approve was made by Members and believes the Panel should once again consider the impact on local residents and the character of the area to ensure consistency of decision making.

## **2.0 PROPOSAL:**

- 2.1 The proposed dwelling is single storey in height and would be constructed of buff brick with a concrete tiled hipped roof over.
- 2.2 The dimensions of the bungalow would be as follows and is identified to be centrally positioned within the main part of the site: 13.4m(W) x 9.4(D) x 4.7m(H to ridge - 2.8 to eaves). Access would be provided to the side of No. 4A Ascot Road via the utilisation of the existing driveway. A detached, single garage is proposed 4.4m(W) x 6.7m(D) x 4.4m(H to ridge - 2.4m to eaves) and 2 x open parking spaces would be available to the front of the garage. The driveway is extended to include a vehicle turning area.
- 2.3 Replacement parking for No. 4A Ascot Road in the form of 2 x off-street spaces are shown within the existing front garden.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is a backland plot (associated with the ownership of No. 4A) adjoined by the residential gardens of properties on Ascot Road, Epsom Road, Westfield Lane, and Goodwood Avenue. The area of open land is virtually square in shape with the exception of a small piece of land that extends to the south directly behind the garden area to No. 122 Westfield Lane. No. 122 Westfield Lane is one of a group of four terraced houses situated to the south of the site. Primarily the area of open land is bounded largely by semi-detached dormer bungalows and/or more traditional style (single storey) bungalows. No. 4A has a detached garage in its rear garden and has a recently constructed wooden fence supported by concrete posts to its shared boundary with No. 20 Epsom Road which lies to the west of the site.
- 3.2 The topography of the area slopes downwards from west to east, whilst the open land is relatively level, properties on Epsom Road (to the west) are set slightly higher than the site, and properties on Goodwood Avenue (Nos. 7 and to the east) are set slightly lower. Being wholly enclosed by residential properties the open land is bounded by a mixture of domestic style boundary finishes including walling, fencing and landscaping features. The land appears as scrub land in nature. The area is residential in character.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The following planning history is relevant to this application:

15/03400/FU Detached dwelling (part single storey/part two storey dwelling) to rear and formation of new access and hard standing for four parking spaces. Appeal for Non Determination. Appeal dismissed 18<sup>th</sup> November 2015. The Inspector concluded that the proposal by reason of its height and design would harm the character of the area.

13/04515/FU Alterations to existing semi-detached bungalow and erection of one detached bungalow to rear and formation of new access and hardstanding for four parking spaces. Approved 25.4.2014

- 13/02939/FU Erection of two detached houses to rear and formation of hard-standing to front of 4A Ascot Road. Refused 11 September 2013 on grounds of visual amenity; residential amenity and highway safety.
- 33/46/05/OT Outline application to erect detached house. Refused 22 March, 2005 on grounds of highway safety. Appeal Dismissed 30 November, 2005.
- 33/272/99/OT Outline application for detached dwelling. Refused 13 December 1999 on grounds of backland development / residential amenity; and highway safety. Appeal dismissed 27 July 2000 on highway grounds
- 33/25/98/OT Outline application for detached dwelling Refused 19 October 1998 on grounds of residential amenity and highway safety.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 During the course of the application a number of amendments have been carried out so as to reduce the scale and height of the proposed dwelling and to improve its overall design. These changes have also resulted in the garage becoming detached from the main dwelling.

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

- 6.1 The application was advertised by site notice posted adjacent to the site dated 25<sup>th</sup> November 2016. A batch of 10 individual objection submissions, 14 letters of objection, and 1 letter of support have been received in response to the initial public consultation process.
- 6.2 The objections are based on mainly the same reasons as previous refused applications and are as follows:
- Size, scale and close proximity of the proposed dwelling to surrounding properties
  - Overlooking; overshadowing; and over-dominance.
  - Highway safety and access
  - Refuse Collection
  - Noise and disruption during construction.
  - Flood risk and drainage
  - Devaluation of surrounding properties.
  - Conflict between bus stop/bus users and new residents as narrow footpath between.
  - Previous approved application for a smaller single storey detached house maximum capacity for site.
- 6.3 The revised proposal (showing a lower dwelling with detached garage) was re-advertised and further letters of representation have been received re-iterating earlier concerns in particular the size, scale and close proximity to surrounding properties.
- 6.4 Kippax Parish Council objects and requests the application be refused over concerns due to the proposed bungalow being too large in plan layout giving rise to over development of the site. They state the access drive is too narrow and there will be bad visibility due to the proposed 1800mm high fencing at the entrance/exit of the drive.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Highways: No. 4a has already been granted permission for a new dropped crossing outside of the planning procedure. Therefore the proposed dwelling will utilise the redundant access that was previously used by No. 4a, No objection but would be beneficial to reduce the proposed boundary treatment of 1.8m to 0.9m where it meets Ascot Road, which would help to maximise the available visibility in this location.
- 7.2 Mains Drainage: No objection subject to conditions and the submission of drainage scheme.
- 7.3 Contaminated Land: No objection in principle subject to conditions and desk top study.
- 7.4 Coal Authority: No objection.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be 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 following Core Strategy policies are considered to be relevant:

- SP1: Location of development in main urban areas on previously developed land.
- T2: Seeks to ensure that new development does not harm highway safety.
- H2: New housing on non-allocated sites.
- P10: Seeks to ensure that new development is well designed and respect its context.
- EN5: Seeks to manage and mitigate flood risk.

- 8.3 The application site is not specifically designated for any purpose within the saved UDP Review (2006). Nevertheless, the following policies are also considered to be relevant:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- N25: Seeks boundaries of sites to be designed in a positive manner using walls, hedged or railings where appropriate to the character of the area.
- BD5: Seeks to ensure new development protects amenity.
- LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.

- 8.4 The following Natural Resources and Waste policies are also considered to be relevant:

- WATER 7: All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.
- LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site in term of contamination.

Supplementary Planning Guidance:

- 8.5 Neighbourhoods for Living (SPG13, adopted).  
Street Design Guide (SPD, adopted).  
Leeds Parking Policy (SPD, adopted).

National Planning Policy

- 8.6 The National Planning Policy Framework (2012) (NPPF) 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 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.
- 8.8 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment and is indivisible from good planning (para.56, NPPF) and seeks development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life (para.58, NPPF).

DCLG - Technical Housing Standards 2015

- 8.9 This 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 progressing to adopt the national standard, building on work already done in developing the Leeds Standard which is applied to all Council schemes and which seeks to influence private sector development to achieve better quality housing. As the work, however, is at an early stage within the local plan process little weight can be attached to it at this stage.
- 8.10 The proposal is for a single storey, 3 x bedroom (5 x person) bungalow and would have an internal floorspace of circa 108sqm which is some 19sqm over the recommended standard for this type of dwelling.

## 9.0 MAIN ISSUES

1. Principle of development
2. Impact on design, visual amenity and character
3. Impact on residential amenity
4. Highway implications
5. Representations

## 10.0 APPRAISAL

### Principle of development:

- 10.1 In terms of principle when assessed against the NPPF, the site is in a backland position and has a greenfield status. However, given the site is surrounded by housing this does not exclude the site from being developed providing the scale and impact of any dwelling is appropriate, in terms of its impact on the character and appearance of the area and also the living conditions on existing and any future occupiers and also subject to highway considerations.
- 10.2 With the above in mind and noting the site's planning history which has supported a dwelling on the site within the same policy climate, the principle can be supported subject to a detailed assessment on these other matters as detailed below.

### Impact on design, visual amenity and character:

- 10.3 As can be seen from the site's planning history, there has been a long standing aspiration for a relatively large property on the site and officers have consistently sought to resist this. As originally submitted, another large property was proposed and once again officers have sought to ensure the overall scale and massing of the building is reduced to ensure an appropriate form of development is achieved.
- 10.4 The proposal now under consideration has been reduced, particularly with respect to its total height and now takes the form of a genuine bungalow but is still larger than the previous approval on the site. The footprint under the earlier approved application (13/04515/FU) measures approximately 66sqm whilst this application measures closer to 125sqm, some 59sqm larger. This fact is a particular issue for local residents who maintain their objections to the proposal and consider the revised dwelling to be excessive.
- 10.5 Whilst officers appreciate the concerns of local residents regarding the increase in size of dwelling now proposed, and understand the planning history will have no doubt been influential in making such comments, each application must be considered on its own merits and accordingly it is the impact of the current proposal that is now under consideration which is the key consideration. With this in mind, it is accepted the overall dimensions of the dwelling have increased but within the context of the application site and its surroundings these changes are not considered to materially alter the scheme's overall impact on the character and appearance of the site or wider area beyond that which has already been accepted. Primarily this is because of the site's backland nature but even when viewed from within neighbouring gardens the changes in scale/massing/appearance and relative impact these changes have from a visual amenity perspective are considered to be relatively minor. Some of the additional floorspace has essentially been provided by replacing the floorspace associated with the original approved garage and providing habitable floorspace.

Whilst a garage is also still proposed, it is now detached and because of its scale and siting within the site it would only be readily visible from directly in front of the driveway, some 47m away from the footpath. Contextually the impact of the garage is small, fairly typical within a residential setting and accordingly can be accepted.

- 10.6 In view of the reduced height, simple design, materials and scale it is considered that the proposed development would not result in a harmful impact to the visual amenity of the site and character of the area and can still be supported despite being larger than the dwelling previously approved on the site.

#### Impact on residential amenity

- 10.7 The proposal is for a single storey bungalow with centrally hipped roof having a maximum ridge height of 4.8m and main eaves of 2.8m. Within the Council's Supplementary Planning Guidance, Neighbourhoods for Living (NfL), guidance is given in respect of distances between proposed windows and the boundaries with neighbouring properties. The intention behind these guidelines to protect the privacy of the prospective occupiers of new development and existing neighbours. The building has a generally centralised location within the main part of the plot with the bungalow itself sited 7.1m from the southern boundary; 4m from northern boundary; 4.9m from the western boundary and 4m from the eastern boundary. Whilst it is accepted these distances fall short of the guidelines contained in NfL (due to the window positioning proposed within the various elevations and the room they serve) due to the fact that this is a single storey dwelling and that appropriate boundary enclosures are provided to prevent overlooking of neighbours, it is not considered that there will be any undue loss of privacy.
- 10.8 The proposed siting of the bungalow relative to the existing properties is considered to be acceptable when issues such as overshadowing, loss of light, loss of outlook and concerns the dwelling could appear overbearing are assessed. Because of its single storey nature and roof design the normal separation distances between buildings as set out in NfL are achieved or exceeded and so any likely amenity impact is considered to fall within acceptable limits.
- 10.9 In view of the above, the main residential amenity consideration therefore relates to if the outlook from the various windows within the proposed bungalow would be adequate for any future occupier as existing or new boundary treatments (to be secured by condition) are to be secured to ensure issues of overlooking or loss of privacy do not occur.
- 10.10 When making an assessment about outlook, it is important to consider the overall quality of the space to be provided as well as its functional relationship with the proposed dwelling. In this instance, the total depth of the main garden area falls well below normal requirements but it is also wider than is often provided and from a quantitate perspective is actually larger than is required by NfL. The careful positioning of the main rooms onto this space, the use of large format opening windows, and also its southerly aspect, all combine to ensure the space that is available is both attractive to use and functional. For these reasons and noting a similar relationship for all windows has previously been accepted as demonstrated by the site's planning history, the amenity provision for any future occupier is considered to be acceptable.

#### Highway implications

- 10.11 The basic highway issues associated with the provision of a new dwelling on the site have already been fully assessed as part of previous applications and ultimately accepted. This application largely seeks to replicate previous arrangements and includes on-site turning and 2 open spaces in addition to a garage. A dropped kerb application to provide new frontage parking for No. 4A Ascot Road is also noted to have been approved.
- 10.12 In view of the above, no highway objection to the development is raised subject to conditions, one of which will control the height of boundary treatments.

### Representations

- 10.13 The main issues raised by objectors are considered to have been addressed in the sections above. With respect to concerns about construction activity, it is accepted that some disturbance will take place as it does with the construction of any new dwelling, however the scale of development proposed and its short term nature are such that it would not be a reasonable to withhold planning permission due to these concerns.
- 10.14 With regard to local residents concerns relating to land drainage, the site does not fall within a flood risk area and as with previous applications, the Councils Flood Risk Management Team have accepted that the site can be drained satisfactorily.
- 10.15 In terms of any dispute over land ownership or potential disturbance / de-stabilising of adjoining land, these are civil matters between relevant land owners or matters to consider under building regulations. As such, they are not matters for consideration by the Local Planning Authority. The applicant will however be informed through any decision that the grant of planning permission does not permit development to be constructed or maintained on land outside of an applicant's ownership and the need to comply with other statutory requirements.

## **11.0 CONCLUSION**

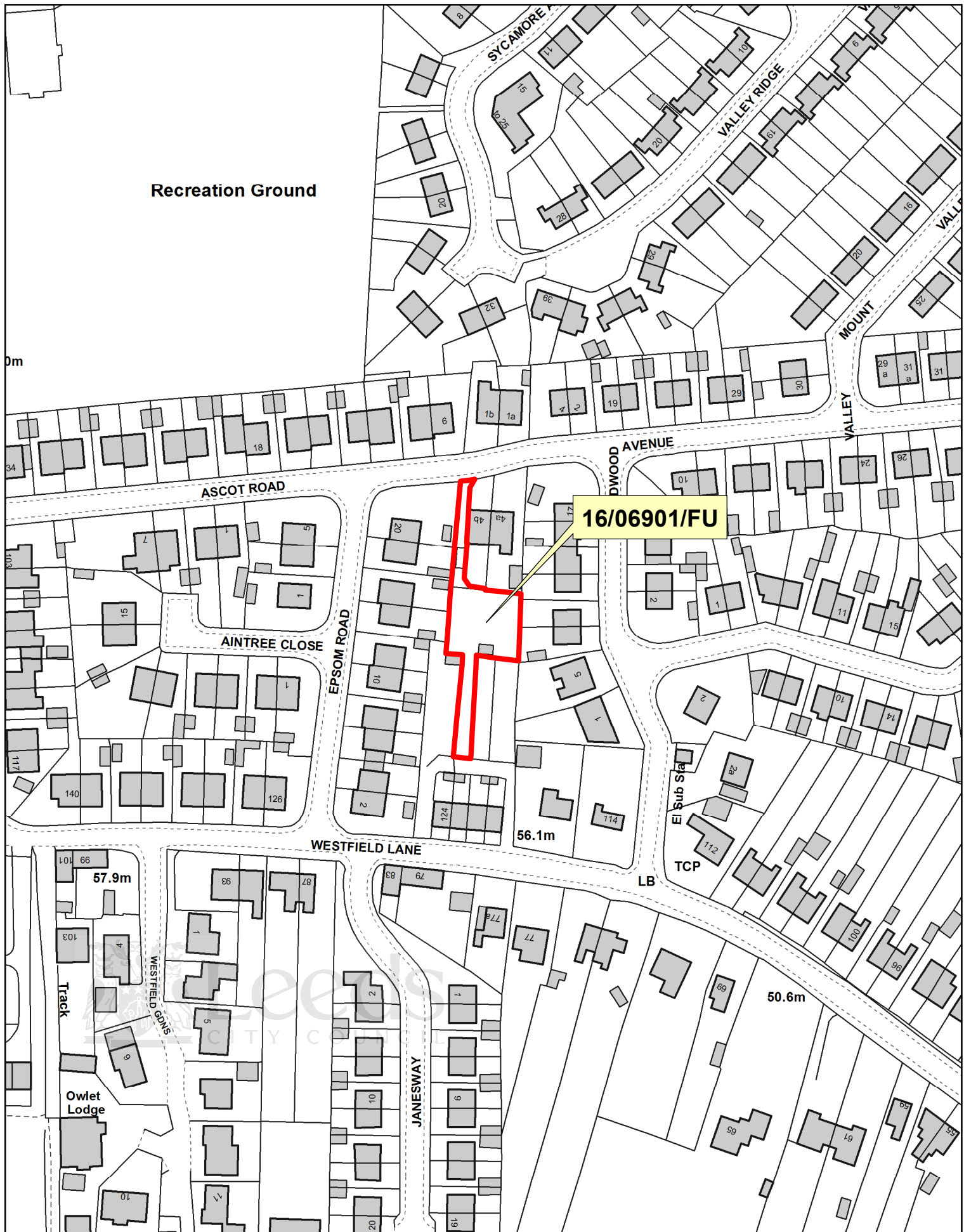
- 11.1 It is considered that the proposed development represents an acceptable use of the site and is sound in principle without prejudicing the interests of visual amenity, residential amenity or highway safety, consequently the application is recommended for approval and it complies with relevant development plan policies and national planning policy guidance as set out in the report.

### **Background Papers:**

Application file: 16/06901/FU.

Certificate of Ownership (Cert A) signed by the applicant dated 11<sup>th</sup> October 2016.





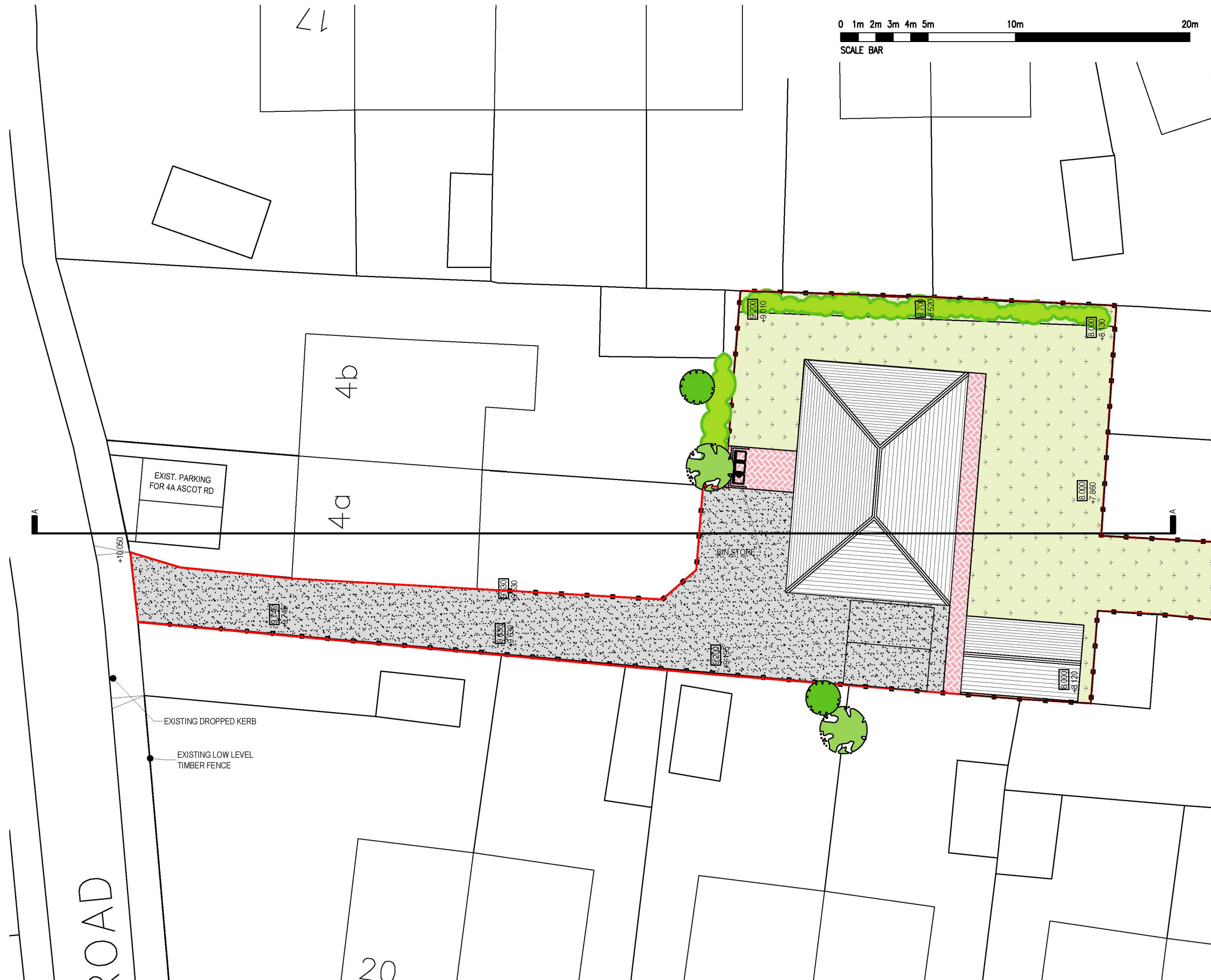
# NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

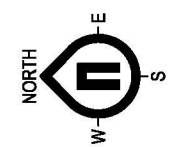




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F Feasibility	SK Sketch	L Landscape	C Construction
P Planning	M Marketing	S Survey	AB As Built
T Tender	TNT Tenant	OS Ordnance Survey	



- +10.000 EXISTING LEVELS
- +10.000 PROPOSED LEVELS
- TARMAC DRIVE
- PERMEABLE BLOCK PAVED DRIVE
- GRASSED AREA
- 1800 HIGH FENCE
- 900 HIGH FENCE

REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE

**REVISIONS**

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CLIENT  
**Shaun Cooper**

PROJECT  
**4A Ascot Road  
Kippax**

DRAWING TITLE  
**Detailed Site Layout Plan**

Scale	Drawn By RS	Date Drawn 13-05-16
1:200@A3	Checked By NW	Date Checked 13-05-16

Drawing No  
**13030-P704**

Revision  
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