



Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 15th June 2017

Subject: 16/07106/FU – Demolition of existing bungalow and erection of detached house at 402 Street Lane, Roundhay, Leeds, LS17 6RW

APPLICANT

Mr H Singh

DATE VALID

22nd December 2016

TARGET DATE

18th April 2017

Electoral Wards Affected:

Moortown

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

- 1) Standard Time Limit
- 2) Plans to be approved
- 3) Materials as detailed on application form
- 4) No insertion of windows and doors in the side elevations
- 5) Obscure glazed to side windows
- 6) Removal of PD rights for further extensions and insertion of windows
- 7) Amended Remediation Statement
- 8) Verification Report
- 9) Importing Soil
- 10) Removal of asbestos – demolition
- 11) Hours of construction
- 12) Demolition and Construction Methodology Statement
- 13) Vehicle space to be laid out

1.0 INTRODUCTION

1.1 The application is brought to Plans Panel in response to a request from Councillor Alex Sobel, who considers that the proposal will give rise to concerns affecting

more than neighbouring properties and in particular, raises concerns relating to the loss of low level dwellings such as bungalows, loss of privacy and loss of natural light from this proposed building.

2.0 PROPOSAL

- 2.1 The application proposes to demolish the existing bungalow and to erect a detached house. The plans have now been revised since the original submission. The ground floor will accommodate a lounge, family dining kitchen area, utility room and an integral garage. The first floor will provide 4 bedrooms, 2 en-suites and a house bathroom. The vehicular entrance has been revised since submission and now remains in the existing position. The proposed dwelling will be hipped roofed with a two storey front gable and will be constructed out of render. There will be off street parking whilst retaining garden space to the front. The private amenity space to the rear will not be impacted upon
- 2.2 The height to the ridge is approx. 8.3m and the height to the eaves is approx. 5.2m. The width (including the garage) is approx. 13.4m and the length is approx. 11.5m. The height to the ridge of the proposed attached garage is approx. 3m and the eaves height is approx. 2.2m. The first floor element is set approx. 4.6m from the boundary with No 400 Street Lane and at ground floor the distance is 1.2m. The distance to the other side boundary with No 404 Street Lane is approx. 2.5m.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to an existing single storey detached dwelling which is located on Street Lane. The property is set within a residential area which is characterised to the west of the application site as two storey dwellings and to the east of the application site there are single storey dwellings.
- 3.2 The existing dwelling is constructed from brick with a white render the roof type is hipped. The main amenity space lies to the rear of the property which is enclosed by a 1.8 meter wall. Parking is currently provided by the existing driveway to the front. Parking will not be affected by the proposal.

4.0 RELEVANT PLANNING HISTORY

- 4.1 15/02354/FU – Alterations involving gable roof extension to both sides with dormer window to rear forming new first floor; single storey side and rear extension. Status Refused 17-Jun-15
- 4.2 14/04568/FU - Alterations including raise roof height to form new first floor; two storey, single storey side extension and two storey rear extension Status: Refused Decision Date: 24-SEP-14
Dismissed at appeal. The main issues raised were the effect of the proposal on the living conditions of the residents of No 400 Street Lane in respect of outlook and privacy.
- 4.3 H30/100/91/ - Alterations and extension to form utility room, bathroom, shower room, enlarged bed room, enlarged bathroom Status: Refused Decision Date: 18-JUN-91
- 4.4 H30/251/91/ - Alterations to form utility room and extensions to form shower room, bathroom, 2 enlarged bedrooms and enlarged bathroom Status: Approved Decision Date: 23-AUG-91

5.0 HISTORY OF NEGOTIATIONS

5.1 No pre-application advice was sought in relation to the proposal.

6.0 PUBLIC/LOCAL RESPONSE

6.1 Nine neighbours were notified by letter dated 05th January 2017.

6.2 Objections have been received from 3 local residents and a Ward Member Cllr Alex Sobel.

6.3 Cllr Sobel objections raised are:

- Supports the Moortown Community Group objection based on their points made which were included in the Leeds Planning Design Statement on the loss of low level dwellings such as bungalows, one of which is 402 Street Lane. The community are therefore in a position of possibly losing yet another bungalow to development which provide an important resource in our aim to keep older people in their own homes and out of residential care.

6.3 The objections raised relate to the following:

- Bungalows are an important aspect of the housing mix in Moortown;
- Proposal will impact the standard of living;
- Proposal set a precedent;
- Proposals will impact natural light
- Proposal will be rendered and not in keeping;
- Proposal could lead to structural damage;
- Overlooking towards neighbouring properties;
- Proposal will upset the balance of the appearance of the area;
- Proposal will create highways concerns.

7.0 CONSULTEE RESPONSES

7.1 Highways – The original submission concerns were raised with regards to the access and turning into or out of the site. The plans have been revised and the access will remain in the same location and turning will be provided to the front of the house. Therefore no objections to this proposal

7.2 Coal Authority – No objections

7.3 Flood Risk Management – No objections

7.4 Contaminated Land – Recommending standard conditions and a ground gas risk assessment. Conditions will therefore imposed and are set out at the head of this report.

8.0 PLANNING POLICY

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Core Strategy, saved policies within the Leeds

Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made Neighbourhood Development Plans.

Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

- P10 Seeks to ensure that new development is well designed and respect its context.
T2 Seeks to ensure that new development does not harm highway safety

The following saved UDP policies are also relevant:

- GP5 Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Natural Resources and Waste Local Plan

Water 1: Water Efficiency

Water 7: Surface Water Run-off

Relevant Supplementary Planning Guidance/Documents:

Neighbourhoods for Living

Street Design Guide

Leeds Parking Supplementary Planning Document

National Planning Policy

8.5 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.

8.6 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.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Neighbour Amenity
- 3) Design and Character
- 4) Highway Safety
- 5) Representations

10.0 APPRAISAL

Principle of Development

- 10.1 The principle of the development is considered to be acceptable since it is replacing one dwelling with another, and therefore there is no net increase in housing relating to the proposal. Therefore, the main issues in determining the current proposal relate to its design and impact upon the character of the area, and upon the living conditions of neighbours, as discussed below. Furthermore, the demolition of the dwelling does not require consent. Accordingly the proposal complies with policies P10 and T2 of the Core Strategy, GP5 of the saved UDP policies.

Neighbour Amenity

- 10.2 Core Strategy Policy P10 notes that developments should “[protect] ... residential and general amenity...”. Saved UDP policy GP5 notes that developments should protect amenity and policy BD6 notes that “all alterations...should respect the scale, form, detailing and materials of the original building”. Neighbourhoods for Living SPD gives guidance in respect of new dwellings and the degree of separation required to protect privacy and prevent overdominance.

Overshadowing:

- 10.3 Due to the orientation of the sun in relation to the proposed new dwelling, the majority of overshadowing will be on the side elevation of the neighbouring property at No 404 Street Lane and the host property’s own rear garden area. The minimal impact upon No 404 is not considered to be significant and detrimental to their living conditions. In terms of the impact upon No 400, there will be some overshadowing in the late afternoon, but given the distance to the boundary there will be no detrimental impact on this neighbouring property. Therefore, it is considered, the proposal would not significantly impact neighbouring properties residential amenity in terms of overshadowing.

Overdominance:

- 10.4 In considering the 2015 appeal outlined at paragraph 4.0 above, the Inspector raised concerns regarding the increase in scale of the appeal proposal near to the boundary which would accentuate the sense of enclosure from within the rear garden of No 400. The dismissed appeal was two storey positioned 2m away from the common boundary line. This scheme is set further away from the boundary with No 400 by 4.6m (at first floor level) reducing concerns raised by the Inspector. The single storey element which is now for a day room is set off the boundary by 1.2m. However this has negligible impact on issues of amenity. Concerns were also raised about potential overshadowing but given the proposed dwelling is set further away from no 400 it is considered that overshadowing will be reduced sufficiently from the previous refusal (14/04568/FU) to alleviate these concerns. In this respect, the current proposal addresses the concerns previous raised by the Inspector.
- 10.5 The proposed development will not project further towards the rear than the existing bungalow on site, so will be in line with the existing neighbouring properties.
- 10.6 The roof design will be hipped further reducing concerns of dominance to the neighbouring properties.

Overlooking:

- 10.7 In the previously dismissed appeal, the planning Inspector raised concerns with regards to overlooking. Given that this proposal is now set away from the boundary with No 400 (whereas the appeal proposal was not), concerns of overlooking have been reduced. There will be some element of overlooking but it is considered that this will be to a similar extent to that in most domestic situations where rows of dwellings exist and views over rear gardens are possible from oblique angles.
- 10.8 It is proposed to install windows and doors into the front, side and rear elevations of the proposed dwelling which will face the applicants own front and rear garden area, and also the public highway. At ground floor level these windows will serve an entrance, lounge, family dining and kitchen area, day room, utility room and garage door. The first floor windows will serve a landing, to an en-suite, house bathroom and four bedrooms. Conditions are proposed to install and retain obscure glazing to the windows in the side elevations in order to mitigate any overlooking and also to restricting additional openings in the side elevations of the proposed dwelling.
- 10.9 In order to prevent any further harm to the living conditions of neighbours through the construction of further extensions, roof alterations and the insertion of windows, it is considered that there is clear justification for removal of permitted development rights under Class A, B, C, D, E of the GPDO 2015. Accordingly the proposal complies with policies P10 of the Core Strategy and GP5 of the saved UDP policies and guidance within Neighbourhoods for Living.

Design and Character

- 10.10 The design of the proposed two storey dwelling is to be hipped roofed, rendered with a two storey gable frontage and an integral garage. The dwelling will not go further out at the rear, from what already exists.
- 10.11 The character of Street Lane is a mixture of bungalows, semi-detached and detached dwellings. The properties are constructed of different materials ranging from brick to render. The two storey dwellings have a two storey gable frontage; this frontage will be mirrored in the proposed replacement dwelling. Accordingly the proposal complies with guidance within the Core Strategy Policy P9

Highway Considerations

- 10.12 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety.
- 10.13 The scheme has been revised since the original submission. The plans have been revised so that the proposed new vehicular entrance has been removed and the existing access will remain, there are therefore no additional concerns regarding highway safety. The design has also been amended to include an integral garage rather than one attached. Cars will be able to enter and leave in a forward gear due to the turning area shown within the front garden. A condition has been added stating that the vehicle turning space to be laid out before the property is occupied.

- 10.14 The site can accommodate two off street car parking spaces which satisfies the council's parking standards. It is therefore considered that the proposal will not be detrimental to highway and pedestrian safety.
- 10.15 It is acknowledged that some of the objections refer to the impact on parking in the locality. In response, the proposal provides more than two off street car parking spaces. The proposal is therefore policy compliant in respect of the parking provision. It is also worthy to note that the property is to be occupied by a single family unit and any potential sub-division would require the benefit of planning permission. Accordingly the proposal complies with Core Strategy policy T2 and saved UDP policy GP5.

CIL Liability

- 10.16 This revised development is over the 100m² and is therefore CIL liable. However exemptions might be claimed for self-build. CIL is not however a material consideration.

Representations

- 10.17 It is considered that the comments made by Cllr Alex Sobel and occupiers of neighbouring properties have been addressed in the report. From a flood risk management and drainage perspective, no concerns are raised given the like for like nature of the replacement dwelling and absence of any objections from the Flood Risk Management Officer. The demolition of the dwelling and the impact during this process and construction of the replacement dwelling can be controlled through the imposition of conditions relating to construction hours and a demolition and construction methodology statement.

11.0 CONCLUSION

- 11.1 The main body of the report explains that the proposal complies with the relevant Core Strategy and saved UDP policies. It is therefore concluded, taking all matters into account including the representations received, that planning permission should be granted subject to the conditions at the head of this report.

Background Papers:

Application files: 16/07106/FU

Certificate of ownership: Certificate A signed by agent on behalf of applicant (Mr H Singh)



NORTH AND EAST PLANS PANEL

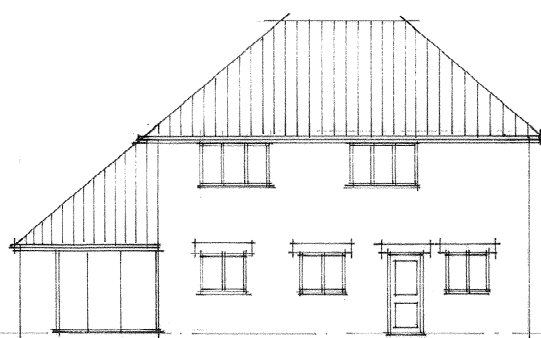
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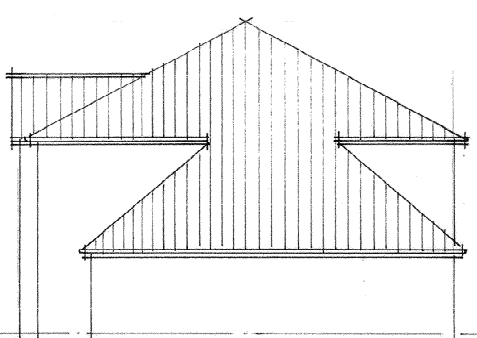
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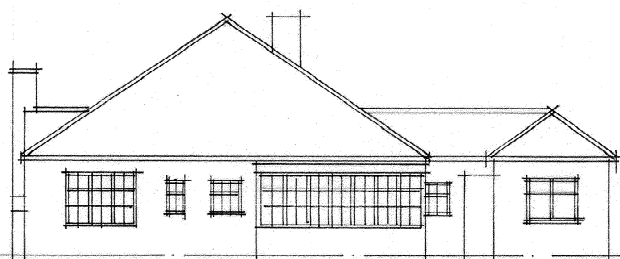
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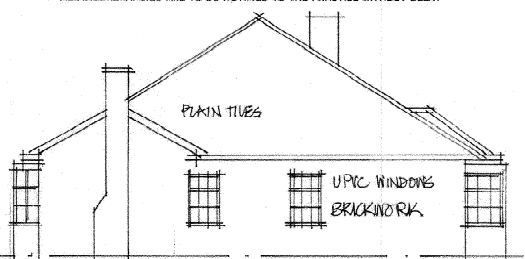
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SIDE PROPOSED



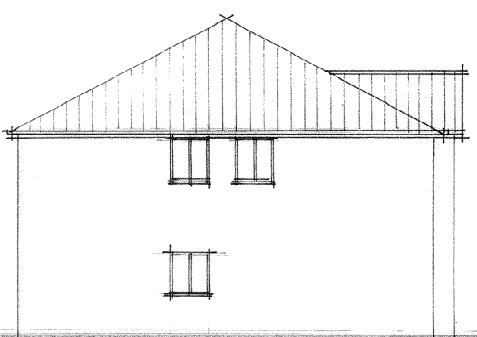
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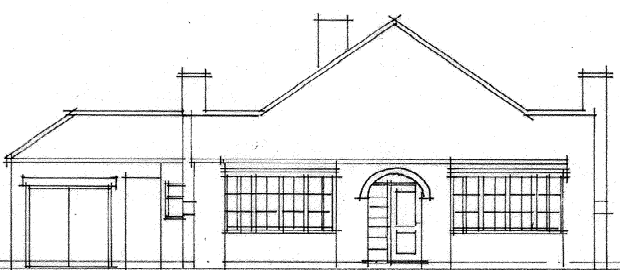
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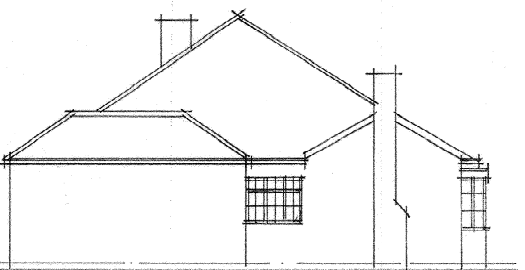
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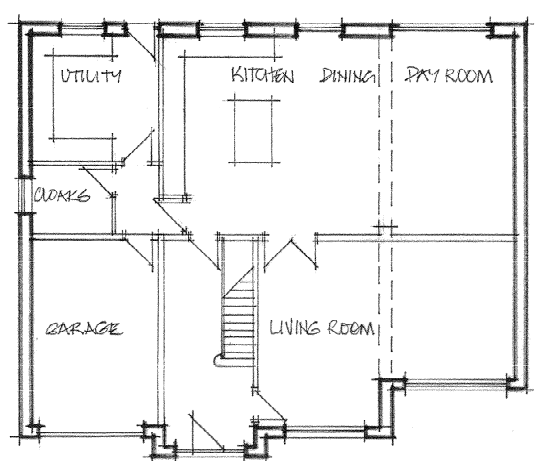
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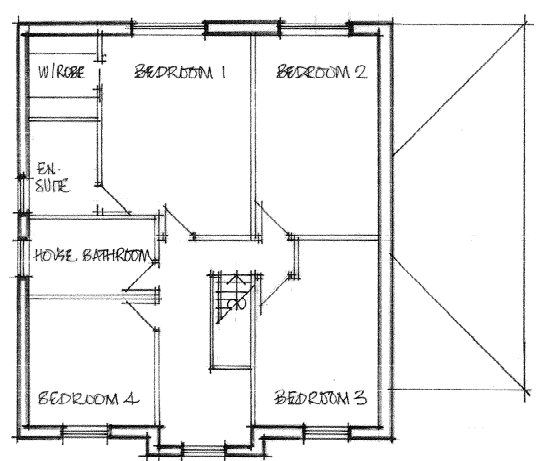
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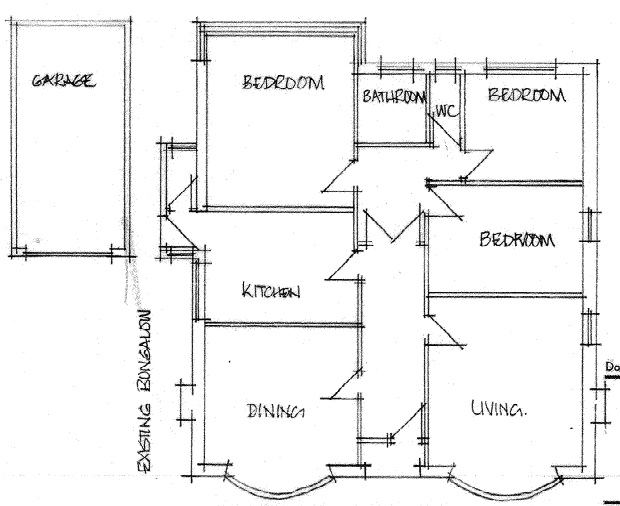
EXISTING SIDE



GROUND FLOOR PROPOSED



FIRST FLOOR PROPOSED



EXISTING FOR REMOVAL

Date: _____ Revision Description: _____
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Project: **402 STREET LANE LEEDS.**
 Drawing Description: **PROPOSED REPLACEMENT DWELLING.**
 Client: **MR H. SINGH**
 Scale: **1:100**
 Drawn/Checked by: **1432-3**

