



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 6th July 2017

Subject: Application number 17/02099/FU – Detached house to garden at 38a Newlay Lane Horsforth LS18 4LE

APPLICANT

Mr Smyth And Ms Oddie

DATE VALID

31st March 2017

TARGET DATE

7th July 2017

Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

Approve subject to the following conditions

1. Time limit on full permission
2. Development in line with approved plans
3. Samples of walling and roofing materials to be submitted
4. Sample panel of stonework
5. Area to be used by vehicles to be laid out
6. Surfacing materials to be submitted.
7. Cycle/motorcycling parking to be submitted and implemented
8. Proposed gates to open inwards
9. Feasibility study into infiltration drainage methods required
10. Details of surface water drainage to be submitted
11. Phase 1 desk study to be submitted then if required a phase 2
12. Amended remediation statement if required
13. Verification report to be submitted
14. Details of importation of any soil
15. Provision of contractors during construction
16. Landscaping scheme to be submitted and implemented

17. Protection of existing trees
18. Preservation of existing trees
19. Replacement of existing trees
20. No additional windows on the side elevations except for those shown on the above plans

1.0 INTRODUCTION

- 1.1 The application is a detached house in the side garden of an existing residential property. It is brought to Plans Panel at the request of Councillor Townsley and Councillor Collins due to the number of objections and impact on the conservation area.

2.0 PROPOSAL:

- 2.1 The application is a new 4 bedroomed detached house to the side garden of an existing property. Due to the levels on site the property will be two storey on Newlay Lane which is the front of the property and three storey to the rear. The house is in line with the two houses on either side except for a two storey gable projection to the front which is for approximately half the width of the property. The overall width of the property will be 11.2 metres and the overall length including the projection to the front is 15 metres.
- 2.2 The house will be 3 metres to the eaves and 7 metres to apex on the front of the property which increases to 7 metres to the eaves and 11.3 metres to the apex on the rear of the property. The design will be gothic-based with a small tower incorporated into the design and gable features. It will be constructed from stone and slate to match the other properties in the area.
- 2.3 The access will use an existing access to a parking area for the existing property. This will involve the moving of the existing gates and wall from the road edge and be set back by 2.5 metres. The wall to the front of the property will be reduced to 1 metre in height to improve visibility.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is the side garden of an existing residential property. The site is situated between Newlay Lane which is the front of the site and Newlay Wood Road which is at the rear. There is a significant levels difference between Newlay Lane and Newlay Wood Road. The existing property is a semi detached house which design is a large villa and is a positive building in the conservation area. On the other side of the application site is a modern style building which is also a positive building in the conservation area. The other properties along Newlay Lane are large villa properties constructed from stone and slate set well back in the street scene and in substantial grounds. These are all positive buildings in the conservation area. On Newlay Wood Lane to the rear there are a pair of dormer bungalows, a pair of interwar semis and a brand new house at the end. None of these are considered to be positive buildings in the conservation area. There is substantial tree cover along the Newlay Wood Lane boundary.
- 3.2 The site is within Newlay Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 PUBLIC/LOCAL RESPONSE:

5.1 The application was advertised by a major site notice which was erected on 5 May 2017 and expired on 26 May 2017. The application was also advertised in the Yorkshire Evening Post on 28 April 2017 which expired on 19th May 2017.

Horsforth Town Council objects to the scheme as it is contrary to the Newlay Conservation Area Appraisal and Management Plan and also raises highway concerns

Horsforth Civic Society objects - concerns about

- Garden grabbing and infill
- Impact on conservation area
- Loss of boundary wall and impact on conservation area

Newlay Conservation Society objects - concerns about;

- Resistance to inappropriate forms of infill development and this would set a new precedence for other gardens in the area
- Allowing development of the garden does not protect or enhance the Conservation Area
- The reduction of the boundary wall will have a detrimental impact on the Conservation Area

Five letters of objection concerned with

- Impact on the conservation area
- Loss of trees and impact on conservation area and street scene
- New house will be large and imposing structure
- Overdevelopment
- Impact on ecology
- Road surface inadequate and intensification will damage it further
- Increase of traffic on an unadopted road
- Overshadowing of our garden
- Overlooking
- Structural aspects of the scheme as solid rock below site
- Would set dangerous precedent

6.0 HISTORY OF NEGOTIATIONS

6.1 None

7.0 CONSULTATION RESPONSES:

Highways – amendments needed (now received awaiting comments)

Contaminated land – conditional approval

Flood risk management – conditional approval

8.0 PLANNING POLICIES:

Development Plan

- 8.1 Section 38 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 comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 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.

Adopted Core Strategy

- 8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered the most relevant;

Spatial policy 1: Location of development
Policy P10: Design
Policy P11: Conservation
Policy P12: Landscape
Policy T2: Accessibility requirements and new development
Policy EN2: Sustainable design and construction
Policy EN5: Managing flood risk

Natural Resources and Waste Local Plan (January 2013)

- 8.4 The following policies are considered relevant:

WATER 1: Water efficiency
WATER 2: Protection of water quality
WATER 7: Flood risk assessments
LAND 1: Contaminated land
LAND 2: Development and trees

Saved Policies - Leeds UDP (2006)

- 8.5 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development proposals should resolve detailed planning considerations.
BD2: Design of new buildings should complement and enhance existing views
BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.
N19: Advice in relation to new buildings within the conservation area

Relevant supplementary guidance:

- 8.6 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

Street Design Guide SPD
Neighbourhoods for Living SPG
Newlay Conservation Area Appraisal (November 2008)

National Planning Policy Framework (NPPF)

- 8.7 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.8 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.
- 8.9 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are 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 NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.10 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.11 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

9.0 MAIN ISSUES

1. Principle of development
2. Design, scale and conservation area
3. Highways
4. Residential amenity
5. Trees

- 6. Representations
- 7. CIL

10.1 APPRAISAL

1. Principle of development

10.2 The site is unallocated in the Unitary Development Plan and the Core Strategy. Therefore Policy H2 from the Core Strategy is applicable which relates to new housing on non allocated sites. This policy states that a number of criteria need to be met including:

- i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure. *The application is for one property and does not exceed the capacity of local infrastructure*
- ii) Relates to dwellings of more than 5 dwellings. *This application relates to one dwelling*
- iii) Relates to site within green belt. *The site is not within green belt.*

There are two further criteria which relate to a scheme if the land is greenfield which is the case in relation to this application

- a) Should not be developed if it has an intrinsic value as amenity space, recreation or nature conservation or makes a valuable contribution to the visual, historic or spatial character of an area. *The site is not amenity space and does not have any recreation or nature conservation aspects as it is a side garden to an existing residential property. The discussion below concludes that the site does not have any visual, historic or spatial character to the area.*
- b) Relates to land which is designated as green space. *This site is not designated as green space.*

10.3 Overall it can be concluded that the development complies with policy H2 of the Core Strategy and the principle of development is considered acceptable.

2. Design and scale and conservation area

10.4 The site is a side garden to an existing villa style property within the existing conservation area.

10.5 Within the Newlay Conservation Area Appraisal document the site is located in character area 1 with all the existing houses along Newlay Lane being positive buildings within this conservation area document. The properties to the rear off the site on Newlay Wood Road are neutral structures within this document.

10.6 The document states that the characteristics of character area 1 are villa developments built during the Victorian era forming Newlays 'historic core'. The properties are set in a uniform manner in rectilinear plot sites with few of them providing significant focal points. Rather it is the group as a whole that adds to the character of the conservation area.

10.7 This site is a rectilinear plot and in terms of its size and width it is very similar to the land that will remain for existing semi-detached villa to which this piece of land relates. The site is also a similar size to the property on the other side number 38B and number 40.

- 10.8 The appraisal document goes on to state that the large Victorian structures in this part of the conservation area are noted for their scale but are set back enough to offer little dominance especially when shielded with vegetation.
- 10.9 The proposed property is located back in the street scene. Its main elevation is generally in line with the existing houses on either side. There is a two storey projection to the front of the main elevation but amended plans have been received showing this is at a lower height and will remain subservient to the main part of the property. This part still a significant distance from the street edge and there is no established building line along this road.
- 10.10 The appraisal states that the main characteristics of the properties within this part of the conservation area include:
- Uniform building materials – locally produced ashlar sandstone and slate roofs. *The proposed materials will be stone and natural slate*
 - Villas of 2 or 3 storeys – *this proposal due to the change in land levels involves two stories on the front elevation and three stories on the rear elevation which is in line with other properties along this road.*
 - Set within their own expansive grounds – *the proposed garden is the same size as other gardens along this road*
 - There are variations on detached and semi-detached – *this application is for a detached house*
 - Variety of detailing – decorative details applied, gothic detailing comment, partial or full render – *this application is gothic in appearance taking on board the characteristics and features of the existing properties in the area.*
- 10.11 Overall it is considered that the proposal complies with the characteristics of the conservation area appraisal.
- 10.12 Residents have raised objections to fact that the boundary wall will need to be reduced in height to obtain the relevant visibility splays and the impact that this will have on the conservation area. The boundary wall on this side of the conservation area is not listed as a positive feature in the conservation area. Whilst the wall will be lowered in height to one metre there are already other lower walls on this side of Newlay Lane so it will not appear out of place.
- 10.13 The conservation area appraisal states that in the past there has been some inappropriate infilling so now the area is within the conservation area there is opportunity to enhance the area if opportunity arises. It is considered that due to the size of the plot, the relationship with the boundaries and its proposed design this infill is not inappropriate and will enhance the conservation area.
- 10.14 Overall it is considered that the proposed scheme will enhance the existing conservation area due to its scale and design. It is therefore acceptable in terms of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy N19 of the Revised Unitary Development Plan and policy P11 of the Core Strategy.

3. Highways

- 10.15 The proposal involves using an existing opening in the boundary wall and lowering of the boundary wall to one metre to ensure adequate visibility. This access has been used by the existing property for additional parking and they have an access

further along Newlay Lane which they share with the adjoining semi-detached house. The visibility splays that are created whilst not ideal are adequate for this section for one residential property. It has to be borne in mind that access is already used for parking for the existing house so visibility will be improved over the existing situation with the reduction in the height of the wall.

- 10.16 At the moment the gates to this area are directly onto the highway. This new scheme allows for the gates to be set back from the highway by 2.5 metres improving highway safety. A condition can be attached to ensure that any gates open inwards. Another improvement by these gates being set back is that bins can be located off the highway on collection day. The location of the proposed garage and the area for turning in front of the site will ensure that cars are able to leave the site in forward gear.
- 10.17 For all these reasons the proposal will not have a detrimental impact on highway safety and complies with policy T2 of the Core Strategy.

4. Residential amenity

- 10.18 There is a residential property (number 38B) to the north east of the proposed house. This property has its side elevation facing towards the site and a patio area to the side and the front. Number 38B has a side kitchen door facing towards the new house and whilst this does provide light into a combined room it is a secondary window and is located 7 metres away from the side elevation of the new house which is in excess of the distance required in neighbourhoods for living.
- 10.19 On the new house the windows facing towards number 38B will be an utility, bathrooms and wc. Due to distances, boundary treatment and the fact the WC and bathroom windows will be obscure glazed there should be no issues regarding overlooking and privacy in relation to number 38B.
- 10.20 The proposed house will project in front of number 38B by 4.5 metres but with the 7 metre gap so should not cause any detrimental impact on the front elevation to number 38B. The projection to the rear is 0.5 metre so will have little impact.
- 10.21 In terms of the front garden of number 38B this is where there is a patio area. The projection to the front will impact on views from this area and will also impact on the amount of sunlight the patio area receives. However this is not the only patio area to the property. There is a large patio area to the rear of this property and this is south facing so will be the main patio that the property uses. This also has views down the long garden of the property. The patio on the side/front is sandwiched between the existing house and the fence of the application site. Views and sunlight in this area is already compromised so it is considered that the new house will not have a detrimental impact on residential amenity.
- 10.22 In terms of the property on the other side (number 38A) this is located 11 metres away from the proposed house. The main windows on this property face down their own garden and this property is southwest of the new house. There are no windows in the new house facing towards number 38A. For all these reasons the new dwelling will not have a detrimental impact on number 38A.
- 10.23 The houses to the rear are located over 30 metres away from the rear elevation of the proposed house. There is also heavy vegetation on this boundary so there should be no detrimental issues in relation to these properties.

10.24 Overall the scheme is considered acceptable in terms of residential amenity and complies with policy GP5 of the Revised Unitary Development Plan and Neighbourhoods for Living.

5. Trees

10.25 The proposal does involve the loss of 6 trees and three groups of smaller trees. These trees are low quality and are garden type trees such as cherry and fruit trees. These trees do not make a significant contribution to the visual amenity of the area. The important trees on the site are being retained and conditions can be attached to ensure their protection during the construction process. Overall the scheme complies with policy P12 of the Core Strategy.

6. Representations

The vast majority of the concerns from the representations have been addressed above except for the following:

- Impact on ecology – *The site in an existing garden within an urban setting so the ecology on the site will be limited and not a reason to refuse permission*
- Road surface inadequate and intensification will damage it further – *Newlay Lane is adopted and the surface is adequate to take the traffic for one more house. Newlay Wood Lane to the rear is unadopted and the surface and width are unacceptable for additional traffic so a condition can be attached for no access or parking off this road.*
- Increase of traffic on an unadopted road – *Newlay Wood Lane will not be used*
- Structural aspects of the scheme as solid rock below site – *this is a building control matter and not a planning matter*
- Would set dangerous precedent – *this application has been dealt with on its own merits and any new application would be dealt with on their own merits and assessment at the appropriate time.*

7.CIL

10.26 The Community Infrastructure Levy (CIL) Charging Schedule was adopted on 12th November 2014 with the charges implemented from 6th April 2015 such that this application is CIL liable on commencement of development at a rate of £90 per square metre of chargeable floorspace. The amount for this scheme will be £26,565.64. In any event, consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the Regulation 123 list.

11.0 CONCLUSION

11.1 To conclude it is considered that this new house is acceptable in principle and complies with the criteria within policy H2 of the Core Strategy. The new house is in keeping with the Newlay Conservation Area Appraisal document and will enhance the conservation so comply with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy N19 of the revised Unitary Development Plan and P11 of the Core Strategy. There will not be a detrimental impact on highway safety so the proposal complies with policy T2 of the Core Strategy and there will be

no detrimental impact on residential amenity so complies with policy GP5 of the revised Unitary Development Plan. Overall the scheme is considered acceptable.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file. 17/02099/FU

