

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st December 2017

Subject: 17/05844/FU – Proposed detached house with integrated garage at 7 Elmete Walk, Roundhay, Leeds LS8 2LB

APPLICANT

DATE VALID

TARGET DATE

Mr & Mrs Brawley

15th September 2017

10th November 2017

Electoral Wards Affected:

Roundhay

☐ 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. Time limit on full permission
2. Development carried out in accordance with approved plans
3. Samples of the external building and surfacing materials to be submitted
4. Parking spaces to be laid out
5. No windows to be inserted within the side elevations of the dwelling
6. Construction Works Management Plan
7. Details of the drainage scheme
8. The LPA shall be notified in writing immediately where unexpected significant contamination is encountered
9. Details of the footpath crossing/s and/or construction details of the reinstatement to full height footway of any redundant crossing/s to be submitted
10. Closure of Redundant Access
11. The gradient of the drive shall not exceed 1 in 12.5
12. Details of boundary treatment
13. The windows proposed in the side elevations shall be glazed with obscure glazed.
14. Any soil or soil forming materials brought to site to be tested for contamination and suitability for use. A methodology for testing these soils to be submitted to the Local Planning Authority.
15. Removal of permitted development rights for further extensions under Class A.

1.0 INTRODUCTION

- 1.1 This application seeks planning permission to erect a dwelling within the side garden of the application site. The application has been brought to Plans Panel at the request of Cllr Macniven. The Councillor comments that the proposal does not appear in keeping with the general pattern of development within the area and that it represents an overdevelopment of the site which will harm the spatial character of the area. The Councillor also finds that the proposal will harm neighbouring residential amenity.

2.0 PROPOSAL

- 2.1 The application seeks approval for the construction of a detached two storey dwelling within the site garden of the site. Similar to the other dwellings on the street the dwelling will be designed with a gable front, a garden area to the rear and a front drive. A single garage will be constructed attached to the side of the house. The footprint of the main two storey element of the dwelling will measure 5.8m by 8.6m, and will be 7.1m in height. In order to level the site, the site will be infilled and raised towards the south by a maximum of 2m. The applicant states that the retaining walls that will be erected to support the infilling, these walls will be earth banked and grassed over.

3.0 SITE AND SURROUNDINGS

- 3.1 The proposed residential curtilage currently forms part of the private garden area of 7 Elmete Walk. Like many of the dwellings on the street, the host dwelling is a two storey gable fronted brick built structure. The dwellings on the street have an open plan feel with little or no boundary treatment to the front. The dwellings are regularly spaced out and are separated by single integral garages. The street inclines steeply from north to south with the application site located on top of the hill as it joins Elmete Close. The neighbouring dwelling No.1 Elmete Close is located above the ground level of the host dwelling. The garden area of No.1 adjoins the side of site. The site forms part of character area three of the Roundhay Conservation Area. The street does not feature any historic buildings that could be classed as positive building within the Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 H30/122/78/- Alterations and extension, to form dining room, kitchen, utility room and study, and erection of detached. Approved

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Following the comments from highway colleagues that highlighted the need for the proposed drive to be 10m in length so as to allow two vehicles to be accommodated within the site, the applicant was advised to revise the plans and increase the length of the drive by 2m. The revised plans have been submitted.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was originally advertised by site notice dated the 29th September 2017 and was advertised in the press on the 22nd September 2017. Neighbour Notification Letters posted 19 September 2017.

6.2 Seventeen objection letters have been received raising the following concerns;

- Increase in traffic
- Overlooking/ harm to privacy
- The dwelling proposed does not match the other dwellings on the street.
- Harm to the character of the Conservation Area.
- Overdevelopment of the site.
- The infilling of the site will result in the creation of a large retaining wall.
- The proposal will create drainage issues.
- Impact on trees and shrubs
- Block views and outlook from neighbouring dwellings
- The streetscene drawing does not accurately show the incline of the street
- Impact from overshadowing
- Overbearing impact
- Construction traffic needs to be controlled
- Pressure on local infrastructure such as schools and drainage
- Approval of the scheme would set a precedent for other garden spaces to be developed
- The dimension of the garage and drive will not allow for vehicles to be parked

7.0 CONSULTATIONS RESPONSES:

7.1 Highways: No objections subject to conditions.

7.2 Mains Drainage: No objections subject to conditions.

7.3 Contaminated Land: No objection subject to conditions.

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) the Aire Valley Leeds Area Action Plan (2017) and any made Neighbourhood Plan

8.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.

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;

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

Policy H2: Relates to new housing on non-allocated sites

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

Policy P11: Seeks to ensure developments that affect designated and undesignated heritage assets conserve and enhance local character

Policy T2: Accessibility requirements and new development

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 UDP policies:

8.5 The following policies are considered relevant:

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

Policy BD5: Seeks to ensure new development protects amenity.

Policy LD1: Seeks to ensure that development is adequately landscaped

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

Policy N25: Refers to boundaries around sites

Policy N19: Developments within and adjacent to conservation areas

Relevant Supplementary Planning Guidance includes:

8.6 Roundhay Conservation Area Appraisal- identifies this site within Character Area 3.

8.7 SPG 13: Neighborhoods for Living

8.8 Roundhay Ward Neighbourhood Design Statement- Elemte Walk is not specifically mentioned within the document.

National Planning Policy Framework (NPPF)

8.9 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system and promotes sustainable (economic, social and environmental) development. NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.10 Section 6 – Creating a wide choice of homes and Section 7 – Requiring good design of the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.

8.11 In relation to heritage assets The NPPF states that the Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary

expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 8.12 Guidance on conditions is provided within the Planning Policy Guidance (NPPG).

DCLG - Technical Housing Standards 2015

- 8.13 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a Local Planning Authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the City Council is currently developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage. The standards are met.

Community Infrastructure Levy

- 8.14 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12 November 2014 and was implemented on the 6 April 2015. The development is CIL liable at a rate of £45 per square metre in Residential Zone 2b (subject to indexation). The development is regarded as Self Build and can therefore qualify for a CIL exemption.

9.0 MAIN ISSUES

- Principle of Development
- Character and Appearance
- Residential Amenity
- Highways
- Representations

10.0 APPRAISAL

Principle of Development

- 10.1 Policy H2 of the document is an important consideration in so far as the principle of the development is concerned. The application site can be considered to be a non-allocated housing site as defined by policy H2 of the Leeds Core Strategy. The site has not been included as a potential site for housing in the submission draft Leeds Site Allocations Plan DPD. The first part of policy H2 requires new housing development with non-allocated land to not exceed the capacity of local infrastructure. The site being located in an existing residential area with good road links to nearby smaller town centres and Leeds City Centre itself, suggests that the proposal would not exceed the capacity of local infrastructure and therefore the proposal is considered to meet the aims of the policy in this respect.
- 10.2 The second part of policy H2, amongst other things, states that greenfield land should not be developed if it makes a valuable contribution to the visual and spatial character of an area. It is considered that the site is not particularly important to the

spatial character of the area, being closed off with boundary treatment from the highway. Rather, the site makes, at best a neutral contribution to the Character of the Conservation Area. Therefore, the scheme is considered to comply with policy H2.

Character and Appearance

- 10.3 The NPPF states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”. Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality. The site is located within the Conservation Area wherein national and local planning policy also requires new developments to preserve and, or enhance its character. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 10.4 The street has an open plan feel, characterised with gable fronted brick built dwellings with link attached garages with regular gaps between dwellings at first floor level. The dwellings step up from each other as the street inclines up from the north to the south. Similar to the neighbouring dwellings, this proposal will take a two storey form, maintaining the prevailing building- line and will have a gable fronted design. Furthermore, the first floor level will keep a distance of 4m from the side of the host dwelling so as to maintain the spatial character of the street, which features gaps of around 3.5m between dwellings. Therefore, it is considered that the proposal will not harm the spatial character of the area. Whilst also taking into account the gap of 7.2m that will be maintained from No.1 Elmete Walk, the 12m separation distance that will be maintained from the rear boundary and 6m that will be retained from the highway, it is considered that the scheme will not appear as an over-development of the site.
- 10.5 Similar to the other dwellings on the street the ground level of the proposed dwelling will also step up in line with the slope of the street, with the dwelling itself being set higher than the existing dwelling on the site but lower than the adjacent dwelling to the south ‘No.1 Elmete Walk’. Therefore, it is considered that the level changes proposed in the site, the scale and the siting of the dwelling will not harm the character of the Conservation Area. Some public comments have raised concerns with regards to the retaining wall that will be needed to support the proposed 2m raise in the ground levels that will be required to level the site. The agent has clarified that any retaining walls will be earth banked and grassed over. It is considered that this will adequately screen the retaining wall from public view and soften its impact on the street.
- 10.6 The objection raised by members of the public that the design of the proposed dwelling does not match the other dwellings within the street, is noted. Unlike the other dwellings on the street, the proposal is more symmetrical in design when compared to the existing dwellings on the street, that are unbalanced with a cat-slide roof which are bulkier on one side. However, the proposed dwelling, in terms of its two storey scale, gable front design, matching materials and by way of its appropriate siting in relation to the neighbouring dwellings; has many traits that will allow it to tie in with the character of the this part of Roundhay Conservation Area.
- 10.7 There are a number of small trees and shrubs located within the rear garden of the neighbouring dwelling that adjoins the boundary of the site, and these may have to

be pruned as a result of the works proposed. As these are modest trees that cannot be said to have a significant impact upon the character of the Conservation Area, it is not considered that the pruning will harm the character of the Conservation Area. Given that the trees are located within the adjacent garden and given the differences in ground levels, it is not considered that the trees will be fatally harmed as a result of the works proposed.

- 10.8 It is therefore considered that the proposal will not harm the character and appearance of the Conservation Area and therefore the proposal complies with P10 and P11 of the Core Strategy and with saved policy N19 and with the guidance contained within the Roundhay Conservation Area Appraisal. The proposal also complies with the guidance provided within the NPPF in particular those sections that relate to conserving heritage assets as outlined within Section 12 of the NPPF.

Residential Amenity

- 10.9 The development is considered to provide a reasonable standard of amenity for future occupants and the remaining parking and garden space for the existing occupants will also be adequate and will meet the guidance contained within SPG13 Neighbourhoods for Living. All habitable rooms would receive adequate levels of daylight and sunlight penetration, have a good level of outlook and the rooms are of a good size. Each dwelling will be served with two parking spaces which have been accepted by the Highways Officer as being of an adequate dimension. The garden areas proposed are of a reasonable size and meets the guidance provided within Neighbourhood for Living. With regard to internal space standards the submitted plans show a scheme that meets the requirements set out by the technical guidance.
- 10.10 The mass of the proposed dwelling will be largely constructed to the side wall of the host dwelling No.7, and will not appear to harm its amenity by way of over-dominance or overshadowing.
- 10.11 The orientation of the adjacent dwelling No.1 Elmete Close is such that its prominent windows will not directly face the proposed dwelling. Furthermore, the ground levels of No.1 Elmete Close being set at a higher level than the application site together with the fact that a 7.5m gap will be maintained in between the proposal and the windows of No.1, it is not considered that the proposal will raise issues of over dominance. Furthermore, No.1 Elmete Close being located to the south of the application site, suggests that any resulting overshadowing of the garden area will not be significant or at least not to a level that will be harmful to residential amenity. Due to the separation distance, it is not considered that proposal will harm the amenity of any other dwellings located in the immediate vicinity of the site.
- 10.12 The windows in the side elevation are secondary in nature and therefore a recommended condition for them to obscure glazed is proposed. Considering the 12m gap that will be maintained between the first floor windows and the rear boundary, along with the mature landscaping present that is present of that boundary, it is considered that the windows in the rear elevation will not overlook and affect the privacy of the dwelling beyond the rear boundary. It is not considered that the windows in the front elevation will offer significant views and thereby affect the privacy of the neighbouring dwellings.

Highway matters

- 10.13 It is considered that the proposed single dwelling on the site will not significantly increase the levels of traffic within the area. The proposed drive will provide adequate space to park two vehicles, which is considered adequate to meet the parking needs of the future occupants of the site. The Highways Officer has evaluated the scheme and has raised no concerns.

Public Representation

- 10.14 The issues raised by members of the public that relate to on street parking, overlooking, over-dominance, overshadowing; and with regards to the over-development of the site, design and the impact on Conservation Area are all issues that have been discussed within the report. The report also discusses issues relating to the loss of outlook and views from the neighbouring dwelling No.1 Elmete Close.
- 10.15 The comments made with regards to the proposed infilling of the site and consequent need to construct large retaining walls to support the land, not supported. The plans show the land to be landscaped with grassed embankments which will not appear intrusive from public viewpoints.
- 10.16 The drainage concerns raised have been evaluated by the Flood Risk Management Team, who do not raise any drainage concerns subject to a condition being imposed requiring details of the surface water drainage scheme being imposed on the decision notice.
- 10.17 The proposed Impact on trees and shrubs, have been discussed within the report.
- 10.18 The comments made that the streetscene drawing does not accurately show the incline of the street, is noted. It is however, considered that this plan does accurately depict the changing street levels.
- 10.19 The comments made concerning the need to control Construction traffic, is noted. This issues can be addressed via a condition that requires details of the contractor parking and loading and unloading of materials, being submitted and agreed with the Local Planning Authority prior to works commencing on site.
- 10.20 Concerns have been raised that the proposal will add pressure on local infrastructure such as schools. With regards to the issue relating to the pressure on local schools, it is considered that the proposed single dwelling will not put significant pressure on local schools.
- 10.21 The concern raised relating to the precedent the approval of the scheme would set for other garden areas being developed, is not given much weight. All applications are judged on their individual merits and it is not considered that the approval of the scheme would mean other garden areas being developed through the setting of a precedent.
- 10.22 The concerns raised by Ward Councillor that have been highlighted at the head of the report have also been addressed within the report.

11.0 CONCLUSION

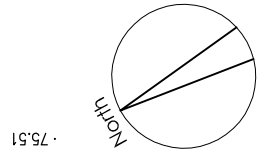
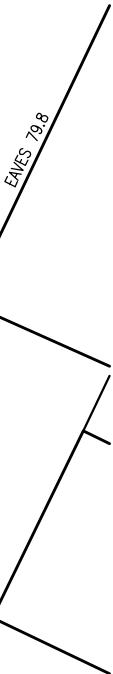
- 11.1 In light of the above, it is considered that the design, scale height and principle of the development are acceptable within the immediate context and the character of the Conservation Area will not be harmed as a result of the scheme. The parking

provision is acceptable and no specific highway safety concerns have been raised. As such, the proposed scheme is compliant with the relevant policies and guidance detailed within this report and subject to the conditions listed at the head of this report, approval is recommended.

Background Papers:

Application file: 17/05844/FU

Certificate of ownership: Certificate 'A' signed by the agent



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Graphic Scale 1:100



boundary treatments

- (A) - (B) existing open boundary to be retained
- (B) - (C) new low level retaining wall with 1.8m high vertical timber fence
- (C) - (D) existing 1.8m high vertical timber fence to be retained
- (D) - (A) existing 1.8m high vertical timber fence to be retained

- key
- 0.00 existing floor level
- ±0.00 proposed floor level
- foul water
- surface water
- rodding eye
- electric vehicle charging points

B	08.11.17	revised to suit highway comments	SC	PAB
A	18.07.17	updated for planning application	SC	PAB

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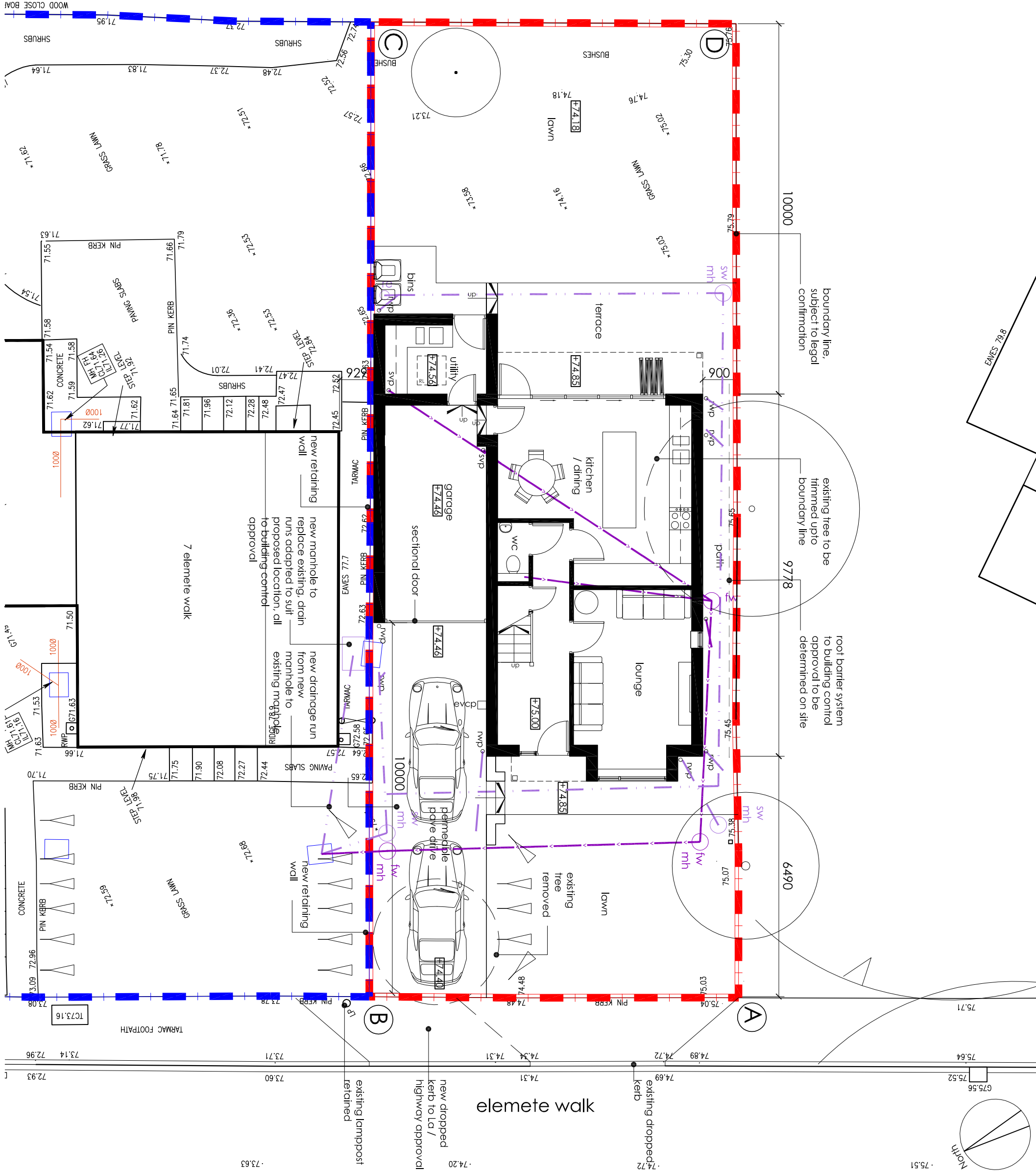


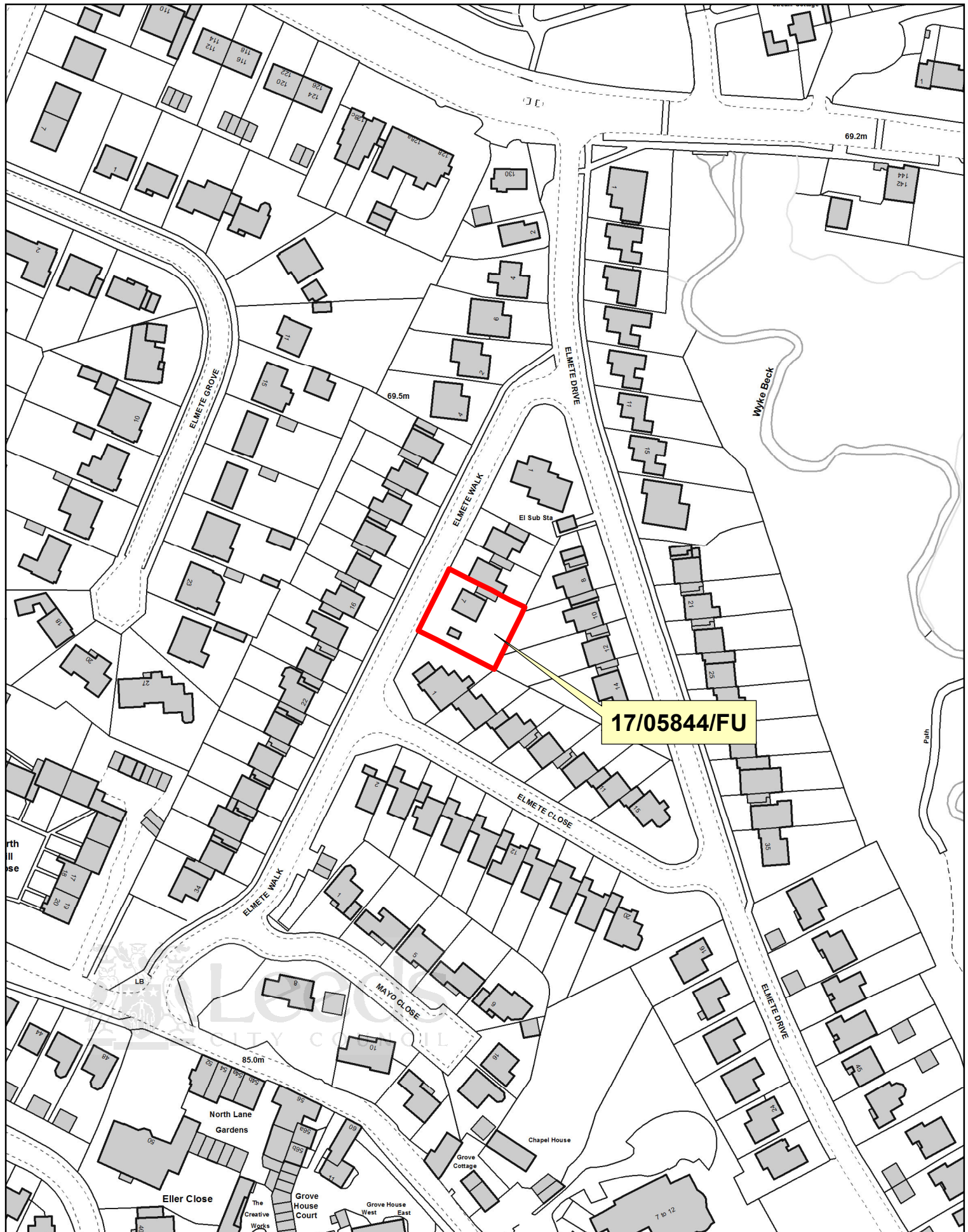
Project:
Proposed New Build Dwelling Adjacent to
7 Elmeste Walk, Leeds LS8 2LB

Client:
C3 Estates Ltd

Dwg title:
Proposed Site Plan

Date:	Scale:	Dwgn:	Check:
August 2017	1:100 @ A3	SC	PAB
Project No:	Dwg No:	Rev:	Status:
1523	110	B	Planning





NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

