



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 9th August 2018

Subject: 17/06402/FU – Proposed detached house at Land Adj To 36 West Park Avenue, Roundhay, Leeds, LS8 2EB

APPLICANT	DATE VALID	TARGET DATE
Mr M Harding	03 October 2017	28 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 and hard surfaced
5. Details of boundary treatment
6. Details of the surfacing materials of the public right of way to be submitted.
7. Permitted development rights removed for rear extensions and out buildings.
8. Provision for contractors
9. Electric Vehicle charging to be provided
10. Details of the proposed footway crossing along the site frontage, to be provided
11. The gradient of all drives to not exceed 1 in 12.5 (8%).
12. Prior to the first occupation of the dwelling, details of the proposed public right of way shall be submitted. The details shall include surfacing materials of the right of way and any landscape details. The proposed right of way shall thereafter be constructed in accordance with the details hereby approved. The proposed public right of way shall be to be made available for the use of all members of the public, before the first occupation of the dwelling and shall be retained as such for its lifetime.
13. Details of both hard and soft landscape works to be provided.
14. Submission of the Landscape Management Plan.

15. To provide details of an investigation into the use of surface water soakaway drainage system
16. The first floor windows in the side elevations of the dwelling to be obscure glazed
17. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising to be tested for contamination and suitability for use
18. Phase I Desk Study to be submitted
19. If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing.
20. Remediation works to be carried out in accordance with the approved Remediation Statement.

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, due to the large number of objections received and complex site history.
- 1.2 The planning history for this site is a complex one including five appeals of which four were dismissed and one was allowed.
- 1.3 The difficulty in developing the site arises from the fact that a section of the site, which has been fenced off by the applicant, once formed part of the un-adopted highway. Therefore, in order to develop the site, part of the site is required to be given over and incorporated into the highway. This leaves a fairly narrow plot of land which, in the past, has proven difficult to develop without causing harm to the spatial character of the area. As set out in the report below, it is considered that the proposed scheme under this application, overcomes the concerns with regards to visual amenity whilst satisfying the requirement to give over some of the site for the provision of a public highway.

2.0 PROPOSAL

- 2.1 The applicant seeks planning permission for the construction of a gable fronted pitched roof 2 storey dwelling on this greenfield garden site. The main footprint of the dwelling will measure 6.5m in width and 10.9m in depth. The house is shown to be finished in white render, with elements of zinc and timber cladding. There is a further single storey element to the rear, which measures 5.8m in depth and this is finished in standing seam zinc cladding. A driveway will be provided to the front of the site and a garden area will be provided to the rear. The property will feature four bedrooms. As part of the scheme, part of the site will be given over to be used as part of the public right of way.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is located on a plot of land that constitutes part of the original side garden to No. 36 and some land appropriated by the occupier that forms part of a highway/ public right of way. As a result there is a greater width of gap between the original dwelling and the nearest neighbour to the east that their might otherwise be. The plot itself is home to an existing semi-detached dwelling (No 36), which is a rendered dwelling. This property has undergone a hipped to gable extension on the side and the property has a detached double garage and store to the rear. The immediate street scene is a mixture of 2 storey semi-detached and detached

dwellings of traditional form. The houses are set on a similar building line, regularly spaced and are set back from the road behind mature boundary planting.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 As has been mentioned in the report, there have been a number of refused planning applications submitted for the site which have proposed to erect a dwelling on the site. The first appeal relates to 2003 planning application 30/666/03/FU which was dismissed by the Planning Inspectorate. The Inspector stated that the design of the dwelling would not be out of keeping with the area, however, its scale and massing would appear to be incongruous, cramped into its disproportionate plot size. A building so close to the track would unacceptably reduce the sense of space/openness in the vicinity and be detrimental to visual amenity.
- 4.2 The second appeal related to planning application 06/02965/FU which was dismissed by the Planning Inspectorate. The areas of concern related to the house being 2 ½ storeys high and the eaves height would have been significantly higher than the neighbouring properties. The property as a whole would have had an uncharacteristic, tall and narrow appearance.
- 4.3 The third appeal related to planning application 07/04223/FU which was allowed for a 3 bedroom detached house with double garage. The appeal was allowed due to the proposal being located within a variety of styles, forms and sizes of dwellings. The Inspector stated that as a matter of fact and degree the appeal site does not appear in the street scene as a corner plot but as part of a gap in the developed frontage and containing a generally unmade track used by pedestrians and some vehicles.
- 4.4 The fourth appeal related to planning application 09/04871/FU which was dismissed and was for a 3 bedroom house and detached double garage to side of existing house. The decision was made following the reissue of Planning Policy Statement 3, 'Housing', (central government advice that is now superseded by the NPPF). This removed private residential gardens space from the definition of previously developed land.
- 4.5 The fifth and most recent appeal related to planning application 13/02957/FU. This appeal was dismissed on account of the close proximity of the proposed dwelling to the adjacent track road/highway, was felt to render the proposed dwelling as being at odds with the prevailing pattern of development within the area.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The applicant has worked with the Local Planning Authority, to arrive at a scheme which overcomes many of the issues that were previously raised. The original scheme that was submitted showed a much wider dwelling, which was around 7.8m in width and included an additional single storey side garage. The proposal also included a public right of way 2.2m in width. Following comments raised by the Highways Officer and the Public Right Of Way team (PROW) with regards to the inadequate width of the proposed public right of way, the applicant agreed to provide revised plans to overcome the concern. The revised plans now show a 5m wide public right of way, which the Highways Officer and PROW team find acceptable. As a knock on effect of this revision, the width of the dwelling was reduced to 6.4m and the provision of side garage has been dropped. The footprint of the dwelling has moved further away from the public right of way and towards No.36.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was originally advertised by site notice dated the 20 October 2017 and was advertised in the press on the 13 October 2017. Neighbour Notification Letters posted 06 December 2017. Following the submission of revised plans the application was re-advertised by Neighbour Notification Letters 16 April 2018.

6.2 68 letters of objection received. The following concerns have been received:

- West Park Road is narrow with restricted access
- Over development on a small plot
- Loss of existing garden space/openness
- Increase in local traffic
- Design would not fit in with existing buildings
- Building lines seriously compromised
- Roof design is different from other house
- Create a dark alley on West Park Road
- Out of keeping with other properties
- The zinc cladding is not appropriate
- Land contamination information has not been submitted
- Plans seem to show the garage of No.36 encroaching over-on to No.38
- The encroachment onto public right of way would harm safety
- The applicant does not own the entire site
- Overlooking issues
- Revised plans do not overcome concerns
- Redline plan has been moved under the revised scheme
- Loss of hedges and trees
- Excavation works would damage neighbouring dwellings
- Original public right of way was 12m wide whilst only 5m is being provided

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
Requires the submission of further information in relation to the site history and potential contamination risks within the site.

7.4 Public Rights of Way
Does not object to the revised scheme which shows a 5 meters wide highway being provided.

8.0 PLANNING POLICIES:

Development Plan

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

Core Strategy

- 8.2 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 T2: Accessibility requirements and new development

Natural Resources and Waste Local Plan (January 2013)

- 8.3 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

AIR1: Air quality considerations

Saved UDP policies:

- 8.4 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

Relevant Supplementary Planning Guidance includes:

- 8.5 SPG 13: Neighbourhoods for Living

- 8.6 SPD: Roundhay Ward Neighbourhood Design Statement- West Park Avenue is not specifically mentioned within the document.

National Planning Policy (NPPF)

- 8.7 The National Planning Policy Framework (2018) 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.

8.8 Section 5 – delivering sufficient supply of homes and Section 12 – Requires good design of the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.

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

DCLG - Technical Housing Standards 2015

8.10 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 National 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. This work is being progressed as part of the Core Strategy Selective Review which the Executive Board endorsed at its meeting on 8th February 2018. Accordingly some limited weight can now be attached to these requirements.

Community Infrastructure Levy

8.11 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).

9.0 MAIN ISSUES

- Principle of Development
- Character and Appearance
- Residential Amenity
- Highways
- Public Right of Way
- Land Contamination
- 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 draft Leeds Site Allocations 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, at least in part, makes an important contribution to the spatial character of the area and that any new development should have regard to this. The conclusion that is set out in the following paragraphs is that the spatial characteristics of the locality are respected by this development. Therefore, the scheme is considered to comply with policy H2.

Character and Appearance

- 10.3 The site has a long planning history relating to various planning applications and appeal decisions, these have been summarised in the History section of the report.
- 10.4 The planning history for this site is a complex one, consisting of five appeals and their associated planning applications. From the five planning applications that were appealed, four were dismissed and one was allowed.
- 10.5 The difficulty in developing the site stems from the fact that a section of the site, which has been fenced off by the applicant, once formed part of the un-adopted highway. Therefore, in order to develop the site, part of the site is required to be given over and incorporated into the highway. This leaves a fairly narrow plot of land which, in the past, has proven difficult to develop without causing harm to the spatial character of the area.
- 10.6 The planning officer's report for the last application on the site (2013 application) and the subsequent appeal decision, refers to the approved scheme under the 2007 appeal decision (See Planning History section of the report) that could be used as a guide to determine a layout which could be accepted on the site.
- 10.7 The proposal that was allowed by the Inspector was positioned so that it was 1.2 metres from the common boundary with number 36 West Park Avenue and 4m from the boundary with West Park Road. Similar to this 2007 allowed scheme, it is considered that the layout of the current scheme is such that a separation distance of 4m will be maintained from West Park Road whilst approximately 1.15m will be maintained from the side boundary with No.36. The proposed layout allows for a 5m wide public right of way to be created. As the layout of the dwelling, in terms of its distance from the side boundaries broadly follows that established under the 2007 allowed scheme, it is considered that the proposal will not harm the spatial character of the area or the pattern of development. It is noted that the distance to No.36 is less than the 1.2m that was established under the allowed appeal, however the difference is only slight and would not be telling from the street.
- 10.8 In order to fit the dwelling into the site, whilst at the same time maintain the necessary separation distances from boundaries and to accommodate a 5m wide highway/public right of way; the applicant has opted for a more bespoke design for the dwelling. Although, the dwelling is unlike any other on the street, its gable fronted design works well for this plot and it is not considered that the proposal will harm the character of the area. Similar to the existing dwellings on the street, the proposal will be a two storey structure, will have a rendered finish and its building line will respect that established on West Park Avenue. It is considered that these traits will allow the proposed dwelling to tie in with the character of the area. Some elements of the ground floor area of the proposed dwelling, will be clad in timber and

zinc. It is considered that the timber and zinc will contrast well with the rendered finish of the main dwelling and will not appear intrusive from the street.

- 10.9 The 4m gap that will be maintained from the newly created road will allow for some green landscaping to be established along the common boundary with West Park Road, and the landscaping will soften the appearance of the dwelling from the road. A condition will be attached to ensure that a landscaping scheme is implemented on the street.
- 10.10 On the whole, it is considered that the proposal will not harm the character of the area and its design and layout are acceptable. Therefore, it is considered that the proposal complies with Core Strategy policies H2 and P10 and with Saved UDP policies BD5 and GP5, as well as the guidance contained within the NPPF.

Residential Amenity

- 10.11 The development is considered to provide a reasonable standard of amenity for future occupants. All habitable rooms would receive adequate levels of daylight and sunlight, have a good level of outlook and the rooms are of a good size. The dwelling will be served with adequate parking spaces. The garden area proposed is of a reasonable size and meets the guidance provided within Neighbourhoods for Living. With regard to internal space standards the submitted plans show a scheme that meets the requirements set out by the technical guidance.
- 10.12 It is considered that 18m between the first floor windows and the rear boundary and the 12.5m gap between the ground floor windows and the rear boundary, ensures that the distance the proposed dwelling will be set away for the rear boundary of the site complies with guidance set out in Neighbourhoods for Living, which sets out a minimum of 10.5m as a guide. There are therefore no concerns with potential overlooking to the properties at the rear.
- 10.13 The windows in the first floor side elevations are secondary in nature, these can therefore be conditioned to be obscure glazed to avoid issues of overlooking from arising. The views out from the ground floor windows would be obstructed by the mature landscaping that will be conditioned. It is not considered that the windows in the front elevation will not offer significant views of the private areas of the neighboring dwellings.
- 10.14 The proposal will lie close to the applicant's existing dwelling and will be set a substantial distance (over 8m) from all other dwellings within the street. In terms of its No.36 the proposed dwelling will largely sits beside the side gable and drive so any overshadowing issue that may arise would affect these areas. It is considered that the usable garden space and the internal areas of No.36 will not be unreasonably affected by the dwelling in so far as the issues of overshadowing and dominance are concerned. No other dwellings are likely to be affected by the proposal by way of overshadowing or dominance.

Highways Safety

- 10.15 A 10m deep drive will be provided to the front of the site, which is adequate to allow two vehicles to be parked. The Highways Officer has looked at the parking spaces proposed and has raised no highway safety concerns.
- 10.16 In line with the advice that was given by Highways and the Public Right of Way Officer, the applicant has made provisions for a 5m wide highway/public right of way.

The Highways Officer has looked at the revised details of this and has not raised any concerns. A condition will be imposed to ensure that the highway/public right of way is provided for the use of the public before occupation of the dwelling.

Public Right of Way

- 10.17 The Public Right of Way Officer has raised no concerns, as the proposals include a 5m highway/public right of way with the layout. It is however, noted that a Public Path Extinguishment Order under 247 of the Town and Country Planning Act 1990 will need to be applied for in order to enable the development to occur. A direction will be attached to ensure that the order is applied for before works commences on site.

Land Contamination

- 10.18 The Land Contamination Officer requires further information with regards to a historic map review and Phase 1 desk study being submitted. It is considered that this information can be obtained through conditions.

Public Representation

- 10.19 A large number of objections have been received, most of these objections relate to the site history and the impact the proposal will have upon the character of the area. These issues have been addressed within the report.
- 10.20 The comments made in relation to the increase in local traffic, is not substantiated. It is not considered that the addition of a dwelling on the site will create significant additional vehicular movement.
- 10.21 The issue raised in relation to the creation of a dark alley, is unfounded. Whilst the use of the remaining land as a footpath would continue it is not considered that the proposal would result in the creation of a dark alley. There would be a much wider 5 metre highway/public right of way that will be provided and arguably the presence of windows closer to that footpath would provide a degree of surveillance.
- 10.22 The issue raised in relation to the zinc cladding proposed to the rear single storey element, has been addressed in the report. This is not considered to be a significant issue.
- 10.23 The concerns raised that the land contamination information has not been submitted, is noted. This information will be secured through conditions.
- 10.24 A concern has been raised that the plans show the existing garage of No.36 encroaching over on to No.38. As No.38 itself falls outside the redline plan, it is considered that this issue does not affect the determination of the application, as No.38 itself falls outside the redline plan.
- 10.25 The concern raised that the encroachment onto the highway/public right way have harmed safety, is not substantiated. It is not considered that the encroachment, that has already occurred, has harmed public safety. In any case, the proposal will improve the situation by creating a much wider road and making good the public right of way.
- 10.26 The comments made in relation to the ownership of the site, is not a material planning consideration.

- 10.27 Issues of overlooking, dominance and overshadowing have been addressed within the report.
- 10.28 A concern has been raised that the boundary on the red line plan has been moved under the revised scheme. This is not accurate, the red line plan is the same as that submitted under the original scheme.
- 10.29 The concern raised with regards to the loss of hedges and trees, are noted. As the vegetation within the site does not benefit from protection it can be removed at any time. A condition, will be imposed that ensures new landscaping is introduced that sufficiently screens the site from the highway/public right of way.
- 10.30 The comments made that the excavation works would damage neighbouring dwellings, is unfounded. Significant excavation works are not proposed and therefore it is not considered that building works will damage neighbouring properties. It is however important to say here that, it is for the applicant to ensure safe working practices are established during construction.
- 10.31 The comments made that the original public right of way was 12m wide, whilst only 5m in being provided. As a compromise, the Public Right Of Way Team, has accepted the establishment of a 5m wide through road.

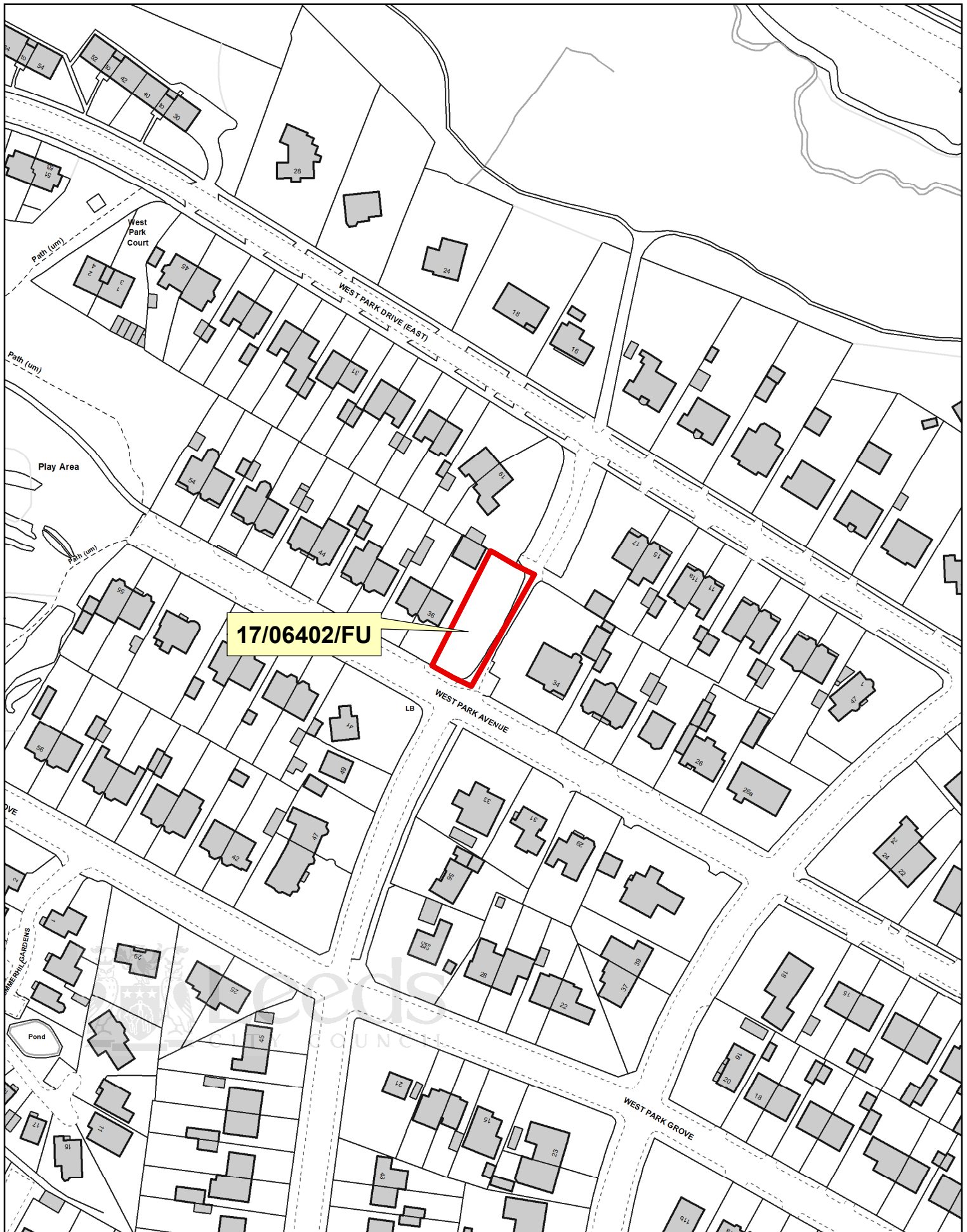
11.0 CONCLUSION

- 11.1 In light of the above, it is considered that the revised design, scale height and principle of the development are acceptable within the immediate context and the character of the area will not be harmed as a result of the scheme. Highways have found that the parking provision is acceptable and no specific highway safety concerns have been raised. The Public Right of Way team has found the public right of way provision made on the plans to be acceptable. Therefore, 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: 17/06402/FU

Certificate of ownership: Certificate 'B' signed by the agent – served on the owner of No.36 West Park Ave and no name has been provided.



NORTH AND EAST PLANS PANEL

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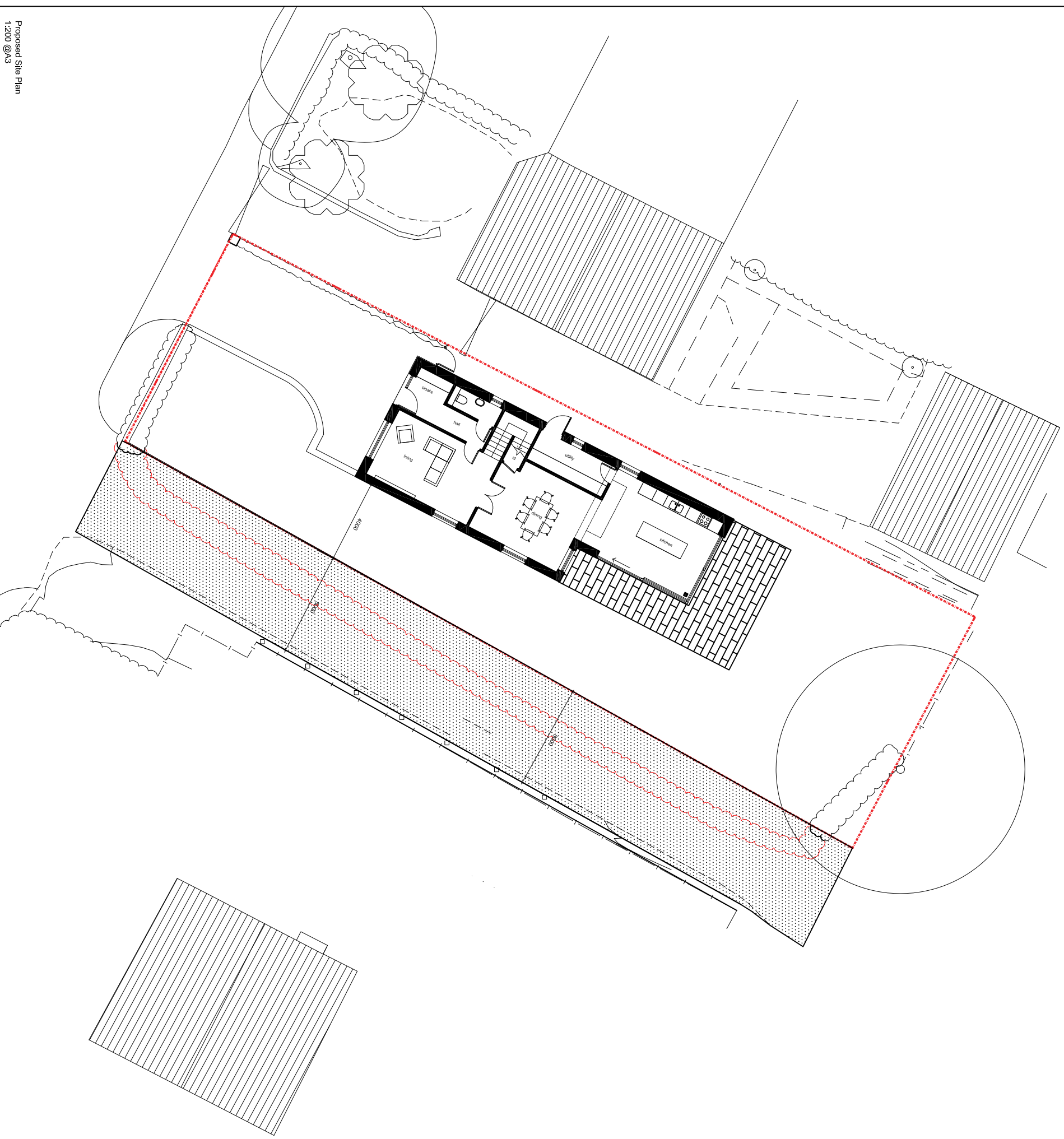
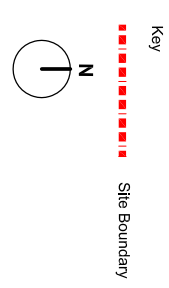
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SCALE : 1/1500



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 Rev: Description Drawn Date Checked Date
A Issued for planning 10/04/18 MC 23/08/17
B Issued in accordance with R101 01/04/18



NICK BROWN : ARCHITECTS

Project:
**Proposed New Dwelling at
 West Park Avenue, Leeds, LS8 2EB**

Drawing Title:
Proposed Site Plan

Scale: Date: Drawn: Checked:
1:200@A3 Sep 2017

Drawing Number: Revision:
2017_144_P102 B