



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4th November 2010

Subject: APPLICATIONS 10/03618/FU AND 10/03620/FU – FULL APPLICATIONS TO ERECT DETACHED FOUR BEDROOM DWELLING AND DETACHED SIX BEDROOM DWELLING TO SITE OF EXISTING BUNGALOW AT 411 OTLEY OLD ROAD, COOKRIDGE, LEEDS LS16 7DF.

APPLICANT

Mr M Khalid

DATE VALID

11 August 2010

TARGET DATE

6 October 2010

Electoral Wards Affected:

Weetwood

(Adel and Wharfedale on opposite side of Otley Old Road)

Y

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:

PLANNING APPLICATION 10/03618/FU:

1. 3 year time limit for implementation
2. Development to accord with approved plans
3. Details and samples of external walling and roofing materials to be submitted
4. Details of surfacing materials
5. Details of boundary treatments
6. details of finished floor levels
7. Report unexpected contamination
8. importation of soil
9. No insertion of additional side windows
10. Obscured glazing to side windows
11. PD removal garages and outbuildings
12. Removal of existing footings and restoration of garden area
13. Area used by vehicles laid out, surfaced, sealed and drained
14. No solid boundary treatment to frontage greater than 1m high
15. No gates to the frontage for lifetime of development

16. Unexpected contamination to be dealt with
 17. Existing dwelling to be demolished prior to commencement of development
 18. no works of demolition or construction before 07.30 or after 18.30 on any week day or before 08.00 or after 13.30 on Sundays / Bank Holidays
 19. details of works for dealing with drainage of surface water discharges, including infiltration drainage methods
20. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5, H4, BD5, N13, N25, T2, T24

SPG13 Neighbourhoods for Living
 PPS1 Delivering Sustainable Development
 PPS3 Housing

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

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1.0 INTRODUCTION:

- 1.1 The applications have been brought to Plans Panel at the request of Councillors Bentley and Chapman due to the number of previous applications and the community significance of the proposals.
- 1.2 While the proposals have been submitted as two separate applications, in reality they can be considered together as they have both been submitted by the same applicant and affect one site. The proposals effectively are to replace one existing dwelling with two, which would be identified as no.'s 411 and 411a.

2.0 PROPOSAL:

- 2.1 The proposal seeks full consent to erect two detached dwellings to a site presently occupied by a large bungalow. It is proposed to erect a six bedroom dwelling to the approximate present site of the bungalow, while the second application proposes to erect a smaller four bedroom house to an area that is presently a side garden area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located on the western side of Otley Old Road, close to the junction with Holtdale Approach. The site is relatively flat, although there is a slight fall to the north west of approximately 1m. Consequently the property to the south, no. 409a, sits at a level approximately 1m higher than the property to the north, no.413.
- 3.2 The site is presently occupied by a large dormer bungalow of brick and tile construction. The walls of the bungalow are mostly finished with concrete render. The building is set at an unusual oblique angle to the road. To the north and west of the property there is a relatively large garden area, bounded by timber fencing.
- 3.3 The site could be seen as a double plot, having a frontage width of over 30m, while the majority of neighbouring plots measure less than 15m in width.
- 3.4 The area between Otley Old Road and Tinshill Drive to the rear is characterised mostly by detached and semi-detached properties. The palette of materials in evidence in the locality includes brick, render and stone, although brick predominates. The commonest roof form in evidence is the hip. Two notable exceptions are the two adjacent properties to the south, no.'s 409 and 409a, which feature stone and render construction with gabled roof forms. These properties have been built in a relatively modern style, with no.409a including a projecting gable, square bay window and integral garage. Some of the design elements of

these properties have been referenced in the design of the proposed no.411 replacement six bedroom dwelling.

- 3.5 The property to the north, no.413, is a more traditional brick and tile dwelling. This features typical pre-war period detail such as a large semi-circular bay window and hipped roof form. The site therefore represents a transition zone between these two differing styles.
- 3.6 Opposite the site, the street scene is dominated by system built concrete panel properties backing on to Holtdale Place and beyond.

4.0 RELEVANT PLANNING HISTORY:

4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-

- 4.1.1 A Certificate of Proposed Lawful Development for residential development at 411 Otley Old Road is still pending determination, under reference 10/03619/CLP. This application seeks a determination as to whether a large outbuilding in the rear garden of the existing bungalow, for which footings have been built, needs planning permission. There will be further discussion of this in this report.
- 4.1.2 A planning application which sought planning permission for a two storey and single storey front extensions, part two storey and part single storey side and rear extension with new first floor, raised roof height with rooms in roof space, 3 dormer windows to rear and windows to first floor to both sides, forming 5 bedroom dwelling house. Single storey detached living accommodation with attached double garage. New 2m high gates and 1m high fence to existing 1m high boundary wall and alterations to driveway to front at 411 Otley Old Road was withdrawn on the 7 April 2010, under reference 10/00292/FU.
- 4.1.3 Planning permission was refused for a Detached 5 bedroom dwelling house to garden site on Land Adjacent 411 Otley Old Road on 30 December 2009, under reference 09/04643/FU.
- 4.1.4 A Formal Permitted Development Enquiry was submitted for a part two storey part single storey side and rear extensions, hip to gable conversions and dormer to rear. Detached outbuildings to rear at 411 Otley Old Road on 21 September 2009, under reference ENQ/09/01625.
- 4.1.5 A Formal Permitted Development Enquiry was submitted for a two storey side extension, single storey rear extension, and 2 dormers to rear at 411 Otley Old Road on 21 August 2009, under reference ENQ/09/01513.
- 4.1.6 Planning permission was refused on 31 January 2007 for two 5 bedroom detached houses at 411 Otley Old Road, under reference 06/05608/FU.
- 4.1.7 An application for a semi-detached house at 411 Otley Old Road was withdrawn on 29 November 2005, under reference 26/580/05/FU.
- 4.1.8 Planning permission was granted for a new vehicular access to front of 411 Otley Old Road on 1 June 2005, under reference 26/224/05/FU.

4.1.9 Planning permission was approved on 24 December 1999 for a part new roof dormer windows to front and rear and 2 two storey side extension and new access at 411 Otley Old, under reference 26/412/99/FU.

4.1.10 Outline planning permission was refused on 25 November 1997 for a 4 bedroom dwelling house on land adjacent 411 Otley Old Road, under reference 26/304/97/OT.

4.2 There is no other relevant planning history for the site.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The site has been the subject of a number of proposals and applications as listed above.

5.2 At least four unsuccessful applications for dwellings have been made on the site, either as replacement dwellings or an additional dwelling proposed to the side of the present bungalow. Proposals to insert an additional dwelling to the side of the present bungalow have generally been resisted largely due to the unsatisfactory relationship that would result due to the awkward angle at which the bungalow is sited.

5.3 An unsuccessful application was also made in 2010 to extend the existing bungalow, and to erect single storey detached living accommodation attached to a double garage, which was ultimately withdrawn.

5.4 Additionally, a number of enquiries and applications have been made in an attempt to establish permitted development rights on the site. These have generally sought to identify fairly extensive extensions and in some cases relatively large detached outbuildings. These applications would seem to be an attempt to establish a fallback position in lieu of securing approval for the proposed replacement dwellings.

5.5 An application for a Certificate of Proposed Lawful Use for various extensions as well as two detached double garages with attached additional living accommodation is currently pending.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The applications have been publicised by means of neighbour notification letters.

10/03618/FU – four bedroom dwelling:

6.2 Four representations have been received, including three from local residents and one from Councillor Sue Bentley.

6.3 Councillor Bentley raises the following issues, in respect of the plans as originally submitted:

- This application does not include a garage which is very unusual in these days of high car ownership;
- There are concerns about a garage being added at a later date and where it would be positioned and the permitted development rights under which this could be built;
- The topography and site levels of the land makes it difficult to fully assess the real situation in relation to neighbouring properties;

- This is a three floor house with a window overlooking a neighbouring property and garden resulting in a loss of privacy for that dwelling; and
- There are highways issues regarding the closeness to the road crossing and the accessibility of the property.

6.4 Other representations raise the following additional issues:

- The proposal does not include any garage accommodation, and may be likely to lead to a requirement for such provision; this may have an impact upon amenity of neighbouring properties;
- The plans do not show the true fall of the land;
- Loss of privacy from overlooking caused by second floor roof light;
- Loss of feeling of spaciousness;
- Loss of highway safety due to creation of two vehicular access points;
- Overdevelopment of the site; and
- The proposal represents a 'garden grab'.

10/03620/FU – six bedroom dwelling:

6.5 Four representations have been received, including three from local residents and one from Councillor Sue Bentley.

6.6 Councillor Bentley raises the following issues, in respect of the plans as originally submitted:

- This is an overbearing property;
- The three dormer windows would mean a loss of privacy for neighbouring properties;
- This is over development of the site;
- It does not fit in with the street scene;
- There is a loss of spaciousness around the property;
- Design is out of keeping with the street scene;
- There are highways issues regarding the closeness to the road crossing and the accessibility of the property; and
- There are further highway concerns over the sliding gates which would be slow to open and could hold up cars entering the property and cause delays on this busy road into Leeds.

6.7 In addition Councillor Chapman has also requested that the applications be referred to Plans Panel.

6.8 Other representations raise the following additional issues:

- Extensive use of rear dormers out of keeping with the area and likely to lead to overlooking;
- Excessive massing of the property;
- Threat to garden trees;
- Lack of garage accommodation leading to a requirement for such provision; this may have an impact upon amenity of neighbouring properties;
- The plans do not show the true fall of the land;
- Loss of privacy from overlooking caused by second floor roof light;
- Loss of feeling of spaciousness;
- Loss of highway safety due to creation of two vehicular access points; and
- Overdevelopment of the site.

6.9 Councillor Bentley has submitted the following comments in respect of the revised plans which are the subject of this report:

- There remain some foundations at the rear of the property for a double garage very close to adjoining properties
- The site will be greatly developed with the proposal of two houses on it and any further development would be over dominant
- The access and ingress are close to the pedestrian crossing
- Water drainage from 411a is a concern for residents in Tinshill Drive who are on a lower level and there needs to be reassurance that their land will not be affected by this
- There are concerns about the possibility of further development in the roof area by adding dormer windows which had been removed from previous applications
- There should be some landscaping to soften the area to keep in line with the street scene
- In view of these concerns and the fact that there have been 12 previous applications I would like this to go to panel in the interests of transparency for all parties concerned; and that permitted development rights are removed as well as the foundations for the large double garage.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees:

7.1 None, due to the minor nature of the application.

Non-statutory Consultees:

7.2 Public Transport / NGT - no objections;

7.3 Neighbourhoods and Housing (Environmental Health) – comments provided and list of recommended conditions provided;

7.4 Main Drainage - detailed comments provided and suggested conditions provided;

7.5 Contaminated Land Officer – no objection subject to recommended conditions;

7.6 Highways – comments provided and list of recommended conditions provided.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Regional Planning Policies:

8.2 As confirmed by the Department of Communities and Local Government on the 6 July 2010, the Secretary of State has announced the revocation of the Regional Strategies. Therefore the Development Plan now consists of the Leeds Unitary Development Plan (Review 2006).

Local Planning Policies:

8.3 Locally Leeds City Council has begun work on our Local Development Framework ("LDF") with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.

8.4 In the interim period a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy H4 refers to residential development on sites not identified for that purpose will generally be permitted provided the proposal is acceptable in sequential terms, and is within the capacity of existing and proposed infrastructure.
- UDP policy BD5 seeks to ensure that all new buildings are designed with consideration given to their own amenity as well as that of their surroundings.
- UDP policy N13 seeks to ensure that the design of all new buildings should be of a high quality and have regard to the character and appearance of their surroundings.
- UDP policy N25 seeks to ensure that boundaries of sites should be designed in a positive manner and be appropriate to the character of the area.
- UDP policy T2 seeks to ensure that new development should be served adequately by existing or programmed highways and by public transport, make adequate provision for cycle use and parking, and be within walking distance of local facilities.
- UDP Policy T24 seeks to ensure parking provision reflects the guidelines set out in UDP Appendix 9.

Relevant supplementary guidance:

8.5 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.

- SPG13 Neighbourhoods for Living.

Government Planning Policy Guidance/Statements:

8.6 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:

- PPS1 Delivering Sustainable Development.

- PPS3 Housing.

9.0 MAIN ISSUES:

- 9.1 Having considered this application and representation, it is the considered view that the main issues in this case are:
- Principle of the development;
 - Visual impact;
 - Neighbour amenity; and
 - Highways.

10.0 APPRAISAL

Principle of residential development:

- 10.1 Policy H4 of the UDP concerns windfall residential development on sites not specifically identified for that purpose. This states that such development would be permitted provided that the site is a sustainable location, acceptable in sequential terms and within the capacity of local infrastructure. The site is a broadly sustainable one, being within the existing built up area, and the proposed development of two additional dwellings would be within local infrastructure capacity.
- 10.2 The issuing of the revised PPS3 in June 2010 has had the effect of taking domestic gardens out of the definition of 'previously developed land' and thereby effectively defining them as Greenfield sites. This is not to say, however, that development of all such Greenfield sites is precluded prior to the development of all brownfield land. Each proposal needs to be considered on its merits, taking into account the character of the area. In this particular case, it is considered that the existing bungalow is somewhat out of character, being of a contrasting form and siting to that prevailing in the local area. Broadly speaking, the proposed dwellings would be more appropriate to the area. Additionally, as referred to above, the plot appears to be of approximately double width frontage, and hence the redevelopment of the site for two properties would fit the prevailing grain of the area.
- 10.3 While it may be acceptable to demolish the bungalow and to replace it with the larger dwelling alone, it would not be acceptable to leave the bungalow in situ and to erect the smaller house to the side. This is due to the close proximity and unsatisfactory relationship that would result between the two properties. It is therefore essential that the bungalow be demolished prior to the commencement of development of the smaller dwelling and this is the subject of a recommended condition.

10/03620/FU – six bedroom dwelling:

Visual impact:

- 10.4 The loss of the bungalow is not considered to be problematic, due to its somewhat anomalous siting and appearance. The larger dwelling would occupy the approximate footprint of the existing bungalow. It would however be orientated in a more conventional manner such that it would be aligned parallel to the road.

- 10.5 Materials would comprise natural coursed stone to ground floor level, with cement render to the first floor and artificial blue slates to the roof. Windows, doors and rainwater goods would be uPVC. This approach would match the neighbouring property at 409a.
- 10.6 The design of the property has been the subject of some discussion and revision in order to bring the proposal more in line with local vernacular and to reduce the bulk and massing of what is quite a large property.
- 10.7 In brief, the revisions achieved to the scheme include:
- A reduction in the mass and dominance of the roof by changing the roof form from gabled to hipped; this has reduced the impact of the proposal on the street scene;
 - A reduction in the amount of fenestration to the projecting front gable in order to give a more domestic appearance;
 - A reduction in the number of dormer windows on the rear facing roof plane from three to one; this has improved the appearance by reducing the dominating effect of the dormers; and
 - Improvements to the design of the rear single storey elements, such as changes to roof pitch, to make them better harmonise with the host building.
- 10.8 The front elevation of the property would include a projecting gable structure which would provide an architectural feature to emphasise the front entrance, and also to provide internal illumination to the hallway and staircase area. This feature is considered to be in scale with the host property and reflects a projecting gable in evidence at no.409a. The front elevation would also include a canted bay window.
- 10.9 The roof form would be hipped, and would also include three roof lights to illuminate two bedrooms housed in the roof space. To the rear, the property would include a projecting single storey element at ground level, with a single pitched roof dormer window to the roof.
- 10.10 The existing stone boundary wall to the site frontage would be retained, but these would be topped with metal railing to an overall height of 1.8m. No gates have been proposed.
- 10.11 Little detail has been provided regarding boundary treatments and as such further details of the proposed treatment of all boundaries should be required by condition.
- 10.12 Overall in terms of impact upon visual amenity and the street scene the proposal is considered to be acceptable.

Neighbour amenity:

- 10.13 Space about the dwelling would be adequate to both protect the amenity and privacy of neighbouring occupiers, as well as to provide a suitable level of private amenity space for prospective occupiers. Distances to side boundaries would be approximately 4m to the existing property at 409a, and 2.6m to the proposed adjoining property.
- 10.14 A garden length of 15m from the outlook of the main habitable room would provide a good level of amenity and mean that occupiers of the opposing properties on Tinshill Drive would be protected from overlooking. Overall the proposal meets the requirements of Neighbourhoods for Living and is considered to be acceptable.

- 10.15 First floor side windows would be to bathrooms, and would incorporate obscured glazing to eliminate any problems of overlooking.

Highways:

- 10.16 The applicant has elected to remove the gates from the proposal as the previously proposed gates would have caused a highway safety issue by potentially causing vehicles to have to wait on the highway. The inclusion of gates should therefore be restricted by condition.
- 10.17 The surface treatment would be macadam to car parking and manoeuvring areas.

Other issues:

- 10.18 Work has already commenced on what appears to be a large outbuilding sited in the south western corner of the site. However this is not shown on the submitted plans and does not form part of this application. This structure does not have the benefit of planning permission, and neither is it considered that works of this scale could be considered to be incidental to the enjoyment of the dwelling house, and hence they may not benefit from permitted development rights.
- 10.19 Therefore the likely cumulative impact of these works if implemented plus those applied for as part of this application would be excessive and would constitute an overdevelopment of the site. The outbuilding may also cause a loss of amenity for neighbouring occupiers due to comings and goings etc.
- 10.20 The removal of the works thus far implemented, and the reinstatement of the garden area, should therefore be required by condition.
- 10.21 Councillor Bentley has expressed concern that neither dwelling proposed includes a garage. In response, there is no legitimate planning reason to insist on a garage provided adequate car parking is provided which is the case. Both dwellings would have space to erect a garage if such was required.

10/03618/FU – four bedroom dwelling:

Visual impact:

- 10.22 The four bedroom property is proposed to be constructed from red brick with red concrete interlocking roof tiles. The design also features a canted bay window, hipped roof form and canopied front door. The rear elevation includes a projecting single storey element. There would be a fourth bedroom accommodated in the roof space, however this is shown to be illuminated by roof lights to the side and rear.
- 10.23 The design of the property essentially refers to the existing adjoining property to the north, and is similar to it in terms of overall size and ridge height.
- 10.24 The street scene elevation submitted by the applicant depicts overall ridge heights to be falling in line with local topography. The ridge height of the proposed no.411 is shown approximately 0.4m lower than 409a, and the ridge of the proposed no.411a is shown approximately 1.5m lower than no.411. Details of finished floor levels should be secured by condition. .

Neighbour amenity:

- 10.25 The property would enjoy a good amount of space about the dwelling, with a rear garden length of over 16m. It would be sited relatively close to the boundary with the proposed no.411 at 1.3m, however overall the relationship between the two properties is considered to be acceptable. It is understood that the property would be occupied by members of the applicant's extended family.
- 10.26 In view of the falling topography of the site it is considered appropriate to require further details of finished floor levels by condition.
- 10.27 First floor side windows would be to stair areas and bathrooms, and would incorporate obscured glazing to eliminate any problems of overlooking.

Highways:

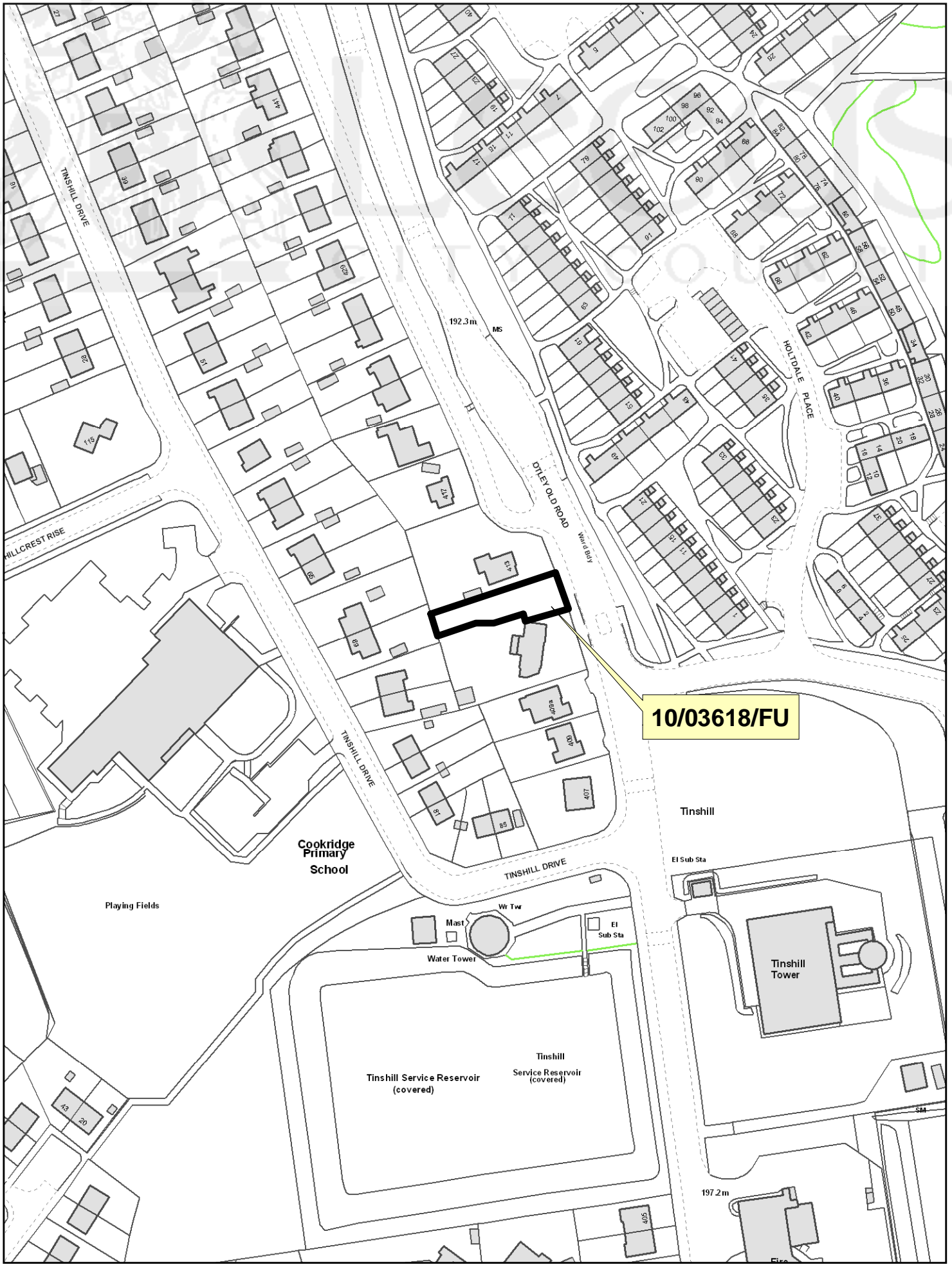
- 10.28 The applicant has elected to remove the gates from the proposal as the previously proposed gates would have caused a highway safety issue by potentially causing vehicles to have to wait on the highway. The inclusion of gates should therefore be restricted by condition.
- 10.29 The surface treatment would be macadam to car parking and maneuvering areas.

11.0 CONCLUSION:

- 11.1 The proposed development results in two dwellings on the site of a single dwelling, but this is on a plot which is substantially larger than its typical neighbours which can accommodate the development whilst respecting the character of the area and not resulting in problems of unacceptable impact on neighbours or other planning detriment. Approval is therefore recommended.

Background Papers:

Application files 10/03618/FU & 10/03620/FU



WEST PLANS PANEL

