



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

PLANS PANEL EAST

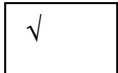
Date: 17th February 2011

Subject: Application 08/06412/FU – Appeal by Barrett Homes against the Council's refusal for planning permission for the revised siting and substitution of house types to 2 plots forming part of the Millennium Village, off Station Road, Allerton Bywater.

The appeal was dismissed.

Electoral Wards Affected:

Kippax & Methley



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are requested to note the appeal decision.

1.0 KEY ISSUES

- 1.1 The appeal relates to an application for the revised siting of two, semi-detached properties which form part of the Allerton Bywater Millennium Village. The revised siting was required to avoid underground services and a number of design alterations were also proposed to help address the overlooking concerns expressed by existing residents.
- 1.2 The main issue identified by the Inspector was the effect of the proposed re-siting of the dwellings would have on the living conditions for the occupiers of two bungalows (Nos. 1 & 1A) on Station Road, having particular regard to outlook and privacy.

2.0 SUMMARY OF COMMENT

- 2.1 The Inspector noted the dwellings in the extant scheme were angled so that the front elevations faced towards an area of open space to the side of No. 1 whereas the proposed re-siting would have resulted in them being nearer to parallel, albeit still being partly offset.
- 2.2 The separation distances proposed were acknowledged as being greater than that set out in 'Neighbourhoods For Living' although the document does indicate greater allowance should be made for un-conventional relationships. Nos. 1 and 1A are bungalows and the proposal was for 3 full storeys on an elevated site with the main living rooms at first floor level.
- 2.3 Whilst the Inspector noted the presence of two intervening fences to No. 1, the re-orientation of the building was considered to result in the outlook from the rear facing bedroom, kitchen and yard area being dominated by the height and width of the proposed building. In contrast, the extant scheme was considered to appear less dominating as greater views along and past the building would have been possible. In this respect, the proposed development was considered to cause greater harm to the living conditions for the occupiers of No. 1 than the extant scheme. In terms of impact on privacy, the appeal scheme was not considered to be any different to that approved.
- 2.4 With respect to the impact on No. 1A, despite the re-orientation, the Inspector felt adequate separation would be maintained to ensure the building would not appear overbearing to the occupants. Overlooking was also not considered to be problematic.

3.0 DECISION

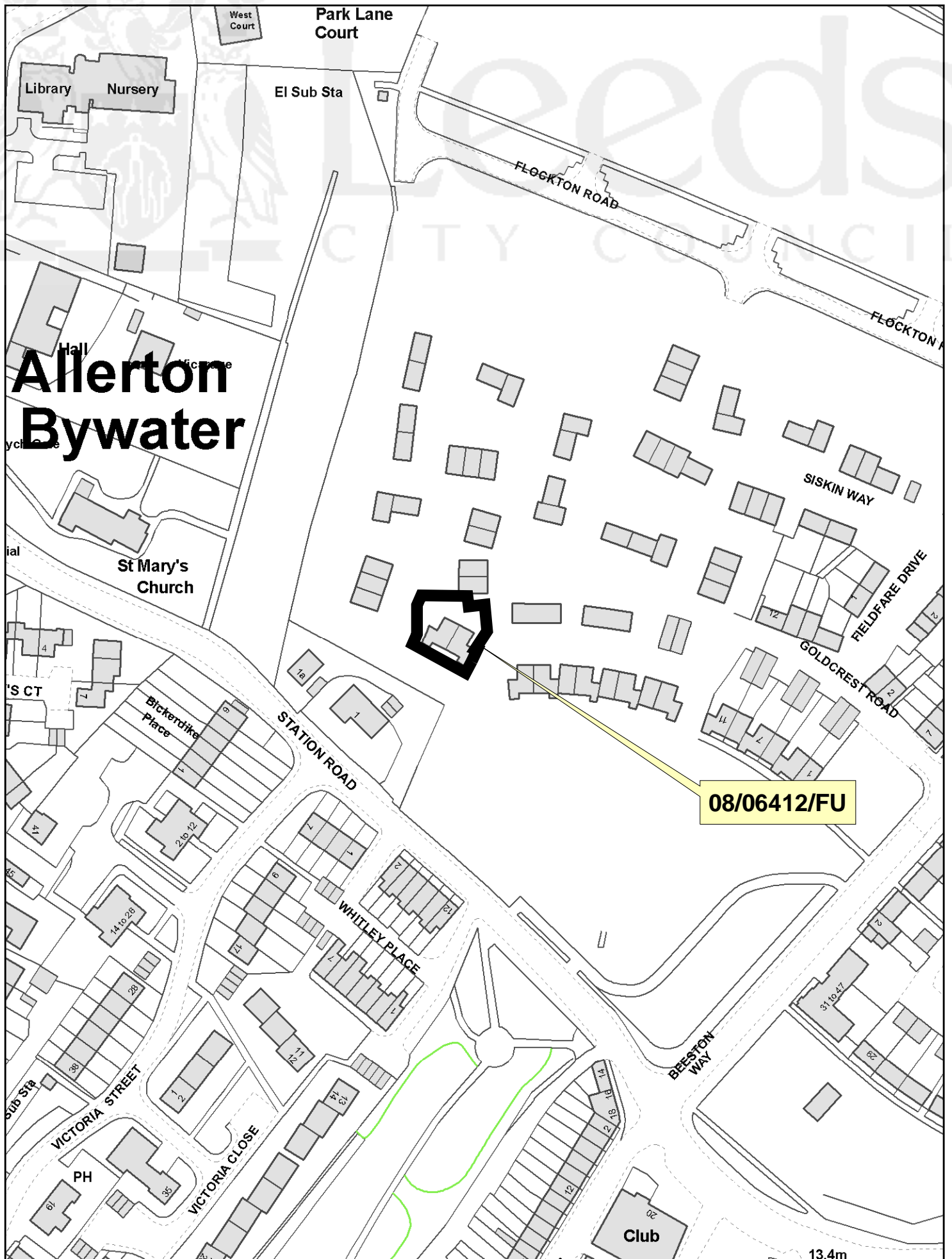
- 3.1 The Inspector concluded the revised siting of the dwellings would adversely impact on the living conditions for the occupier of No. 1 Station Road over and above the extant permission due to its overbearing impact. The appeal was therefore dismissed by letter dated 17th September 2010 due to its conflict with UDPR policies GP5 and BD5 which both seek to avoid the loss of amenity.

4.0 IMPLICATIONS FOR COUNCIL

- 4.1 This case has shown that although a scheme can exceed the separation distances as contained within 'Neighbourhoods For Living', they are to be used as a guide only and it can still be appropriate to resist applications if they are considered to adversely impact on residents living conditions.

5.0 BACKGROUND PAPERS

Planning Application:08/06412/FU
Appeal Papers (ref. APP/N4720/A/10/2129083)
PINS decision letter and report



Allerton Bywater

08/06412/FU

EAST PLANS PANEL

Scale 1/1500