



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 17th February 2011

Subject: Application 10/05443/FU – One detached 3 bedroom house with 0.9m high fence over existing stone wall and 1m-1.4m high stone wall and gates to front on land adjacent to 12 Barleyfields Terrace, Wetherby, LS22 6PW

APPLICANT

Barleyfields Homes Ltd – R
Marchant

DATE VALID

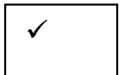
11th January 2011

TARGET DATE

8th March 2011

Electoral Wards Affected:

Wetherby



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 for commencement of development.
2. Plans to be approved.
3. Walling and roofing materials to be approved.
4. Surfacing materials to be approved.
5. Boundary treatments to be approved.
6. Detailed landscaping scheme to be approved.
7. Implementation of landscaping scheme, including provision of native hedge and new trees to north of proposed dwelling.

8. Protection of retained trees during construction.
9. Vehicular areas to be laid out prior to occupation of the dwelling.
10. The gradient of the vehicular access shall not exceed 12.5% (1 in 8), and the gradient to any pedestrian access shall not exceed 8% (1 in 12). Vertical curves shall be provided at the junction with the highway, and at any change in gradient, to eliminate sudden changes in gradients.
11. Unexpected contamination.
12. Importation of soil.
13. Remove permitted development rights for extensions and outbuildings.
14. Remove permitted development rights for new openings in the eastern elevation of the proposed dwelling.

Reasons for approval: It is considered that previous reasons for the refusal of applications for new dwellings on this site have been satisfactorily overcome, and that the proposed development would not detract from the character and appearance of the streetscene or the wider area, from the amenities of neighbouring residents or from highway safety, and would provide an appropriate level of outlook and amenity for future residents. On balance, and having taken into account representations from local residents and other material considerations, it is considered that the application is acceptable and in accordance with policies GP5, H4, N1, N12, N13, N24, N50, BD5, T2, T24 and LD1 of the Leeds Unitary Development Plan Review 2006 and guidance in SPG13: Neighbourhoods for Living, the Street Design Guide SPD, PPS1 and PPS3.

1.0 INTRODUCTION:

- 1.1 This application is reported to Plans Panel at the request of Councillor John Procter for reasons relating to the design of the building and the impact on trees. Councillor Procter has requested a site visit.
- 1.2 Permission is sought for a detached 3 bedroom house on a vacant site on Barleyfields Terrace in Wetherby, and for the erection of gates and railings along the front boundary adjacent to the highway. Previous applications for a dwelling on the site have been refused for reasons relating to their scale, design and impact on the streetscene, inadequate outlook and amenity space provision and the impact on trees to the north of the site. The current scheme seeks to overcome these concerns.

2.0 PROPOSAL:

- 2.1 Full planning permission is sought for a detached dwelling on a vacant site to the west of 12 Barleyfields Terrace in Wetherby. The proposed dwelling would be constructed of brick and render with a hipped slate roof, and would have an L-shaped footprint with the eastern section being set back within the site in line with other properties to the east, and the western section stepping forward towards the street frontage.
- 2.2 The proposed dwelling would be located in the eastern part of the site, with a drive to the east, adjacent to the boundary with number 12, and a lawned area with a path

to the front of the property. According to the submitted plans, the western part of the dwelling would be set back approximately 1.8m from the front boundary of the site and the eastern section would be set back 5.5m. Amenity space for the dwelling is proposed in the western part of the site. A small area of planting is also proposed to the rear of the proposed dwelling.

2.3 It is proposed to continue the existing natural stone wall along the front boundary of the site with gates at the end of the drive and a smaller pedestrian gate leading to the front door, and metal railings on the section of wall adjacent to the proposed garden area in the western part of the site. A hedge is proposed behind the railings and wall along the site frontage.

2.4 Following concerns during previous applications regarding the impact of the development on trees on the former railway embankment to the north of the site, which is in Council ownership, further discussion has taken place with the Council's Forestry section and it has been agreed that a number of these trees are likely to become unstable due to the steepness of the bank and the ground conditions, and that they can be removed. It is proposed to replace these trees with a native hedge and two new trees which are to be planted within the application site itself rather than on the embankment.

3.0 SITE AND SURROUNDINGS:

3.1 The application relates to a triangular shaped vacant area of land adjacent to 12 Barleyfields Terrace. It is understood that the site was formerly part of number 12, however it is now in separate ownership. The site generally slopes downhill from north to south, although levels appear to have been lowered in the eastern part of the site in the past. The western part of the site's front boundary is marked by a stone wall, however the remainder of the site frontage is open, although some temporary fencing has been installed to secure the site.

3.2 There is a former railway cutting to the north of the site, which is now used as a cycle track. The cutting has a steep embankment almost immediately adjacent to the northern site boundary, with trees rooted in the cliff face. The cutting is designated as Green Space and is part of the 'Wetherby Railway Triangle' Leeds Nature Area.

3.3 The site is in a residential area to the north of Wetherby town centre, and is surrounded by residential properties to the east and south. Properties along the northern side of Barleyfields Terrace, to the east of the site, are post-war semi-detached houses of a relatively uniform design with hipped roofs but some variation in their roofing materials and render colours. These properties and those opposite are set back from the road frontage with small front gardens around 5-7m deep. Properties along the southern part of Barleyfields Terrace are again quite regular in their design, with hipped roofs and forward projecting gables. 13 Barleyfields Terrace, to the south west of the site, is a detached stone property set back from the semi-detached houses to the east. Beyond the site, Barleyfields Terrace continues westwards and downhill to a more recent development of three detached houses, again set back from others to the east.

4.0 RELEVANT PLANNING HISTORY:

4.1 This is the sixth application for the development of a dwelling on this site. Three of the previous applications were refused (in September 2004, October 2007 and

October 2010) and two were withdrawn (in October 2007 and July 2010) for reasons relating to:

- Design not reflecting the character of other properties in the streetscene.
- Building being set forward of others in the street with blank elevations facing eastwards along the street. Failure to reflect character and pattern of the streetscene.
- Limited outlook from windows close to the northern boundary.
- Insufficient amenity space.
- Potential impact on trees along northern boundary resulting from disturbance during construction and pressure for removal from future residents resulting from overshadowing of windows.

4.2 The most recent application on the site (reference 10/03837/FU) was submitted in August 2010 and in the light of additional information regarding the health, stability and likely long-term survival rates of the trees to the north of the site, it was decided that the removal of these trees and their replacement with a hedge and 2 new trees within the site on more level ground was a more appropriate long-term solution and that on balance refusal of the application on the grounds of the loss of these trees could not be justified. However, the application was refused in October 2010 on the following grounds:

- The proposed dwelling by virtue of its scale, design and siting, which was further forward of others in the streetscene and lacked active frontages or habitable windows facing the streetscene, would be discordant and unduly prominent and would detract from the character and appearance of the area.
- The outlook from windows in the northern elevation would be limited owing to their proximity to the northern boundary, and would fail to provide an appropriate level of amenity for future residents.

4.3 All other planning history for the site relates to outbuildings at the neighbouring property, 12 Barleyfields Terrace.

5.0 HISTORY OF NEGOTIATIONS:

5.1 As discussed above, in the light of additional information regarding the stability of trees on the embankment to the north of the site, and in discussions with the Council's Forestry Section and landscape team, it was decided that on balance the removal of a number of these trees and their replacement with a native hedge and two new trees within the application site was a more acceptable long-term solution and that refusal on these grounds could not be justified. This approach is again proposed as part of the current application.

5.2 The current application has been submitted following further discussions with officers regarding the design and layout of the site and the proposed dwelling to seek to overcome the most recent reasons for refusal. As a result, the following revisions to the scheme have been made:

- The dwelling has been designed in an L-shape to provide a more gradual step forward from other properties in the streetscene, and windows have now been proposed in the eastern elevation of the forward-projecting section to eliminate the blank gable element which was previously proposed as an 'end stop' to the row of properties along the northern side of Barleyfields Terrace.

- Fenestration in the front (southern) elevation of the proposed dwelling has been revised to more closely reflect that of properties to the east in terms of the spacing, design and proportion of windows, and to provide more habitable windows facing the street.
- The roof design has been revised to a hipped roof instead of the gable design which was previously proposed, to reflect the design of other properties in the streetscene.
- The internal layouts have been revised to ensure that all main habitable room windows are south or west facing. At ground floor level, the only windows looking out onto the northern boundary would serve a kitchen, which would also have a larger south facing window, and at first floor level, the only north facing windows would serve bathrooms.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

- 6.1 Councillor John Procter has requested that the application be reported to Plans Panel for determination for reasons relating to the design of the building and the impact on trees. Councillor Procter has requested a site visit.

Other public response

- 6.2 The application has been advertised by site notice, posted 21st January 2011, and by neighbour notification letter. Five letters of objection have been received, two from the owner of 12 Barleyfields Terrace, raising the following concerns, which are addressed in the appraisal section below:

- While part of the proposed dwelling is in line with other houses in the Terrace, the other is significantly out of the building line. Will 'stick out like a sore thumb' and will not enhance the streetscene. Previous applications refused on this basis.
- Site is too small and constrained for a 3 bedroom property.
- Proposed scheme has no architectural merit.
- Existing attractive stone wall will not be enhanced by addition of a fence.
- Unattractive security fences present at the site.
- Dwelling and garage [*see comment below regarding the garage*] are too large for the site. If site was large enough for a dwelling, surely one would have been built on the site when other houses in the street were built.
- Impact on amenity of occupiers of number 12.
- No different to other schemes which have been refused on the site.
- Access drive too small to allow parking for 2 cars
- Development will result in additional parking – existing on-street parking problems close to turning head. Could affect access for emergency vehicles. Existing problems with refuse not being collected as vehicles cannot get through.
- How would construction traffic access site?
- No utilities serve the site at present – more disruption during construction.
- Loss of trees – no wildlife or amenity benefit to proposed hedge.
- There are no measurements on submitted plans so not possible to tell where the dwelling will be built or if it will obscure side windows of number 12.
- Design and Access statement refers to a garage. Plans don't show single garage, where will this be positioned, concern that this could overshadow side windows and rear garden to number 12? [*By way of clarification, whilst previous applications for a dwelling on the site have included a garage, the*

current application does not, and the description of the current application as advertised makes no reference to a single garage].

- Site was formerly garden to number 12, not utilised by other properties in the street for parking, contrary to what is stated in design and access statement.
- Owner of number 12 was not notified of the application.

7.0 CONSULTATIONS RESPONSES:

Statutory

7.1 None.

Non-statutory

Highways

7.2 Advised that the driveway to the side needs to be 3m wide, not 2.5m as shown on the plans as originally submitted. *Revised plans have now been received with the width of the driveway revised to 3m.*

Contaminated Land

7.3 No objections, subject to conditions.

Flood Risk Management

7.4 No objections.

Woodlands Officer, Parks and Countryside

7.5 Confirmed that discussions have taken place with the applicant regarding the trees on the embankment to the north of the site and development proposals for the site, and that the removal of a small number of trees and the re-shaping of a number of larger trees would be of benefit to the trees and the pathway to the north from a health and safety perspective. The steep embankment has a number of trees which require annual inspection due to the nature of the land, and the removal of a number of these trees would be of benefit rather than detrimental to the remaining landscape in the long term.

8.0 PLANNING POLICIES:

Development Plan

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The site is unallocated in the UDP. The former railway cutting to the north of the site is designated as Greenspace and a Leeds Nature Area. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations

H4 – New housing

N1 – Greenspace

N12 – Urban design principles

N13 – Design and new buildings

N24 – Development on land adjacent to open space

N50 – Leeds Nature Areas
BD5 – New buildings and amenity
T2 – Highways
T24 – Parking
LD1 – Landscaping

Relevant supplementary guidance

8.3 The following Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD) are relevant to the consideration of the application:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
Street Design Guide SPD

Government Planning Policy Guidance/Statements

8.4 The following Planning Policy Statements (PPSs) are relevant to the consideration of the application:

PPS1 – Delivering Sustainable Development
PPS3 - Housing

9.0 MAIN ISSUES

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highways
5. Trees and landscaping
6. Other issues

10.0 APPRAISAL

Principle of development

10.1 It is understood that the site was formerly part of the garden to number 12. While the two sites are now in separate ownership, the last lawful use of the site was therefore as a private residential garden. The principle of the development must be considered in the light of recent changes to PPS3, which now excludes private residential gardens from the definition of previously developed land. As such there is no longer a policy presumption in favour of the principle of residential development on such sites. The key consideration for the development of Greenfield sites such as this is therefore the impact of the development on the character of the area in visual and spatial terms. If the scheme is considered to be detrimental to the character of an area, the Greenfield designation of such sites adds weight to objections or reasons for refusal on these grounds. In the light of this, it is considered that the scheme is acceptable in principle, provided that it would not detract from the character and appearance of the streetscene or the wider area.

Visual amenity

10.2 Local residents' concerns regarding the design of the development and the size of the site are noted. The application site is a former garden area to the neighbouring property, which has now been severed from this property and has been unused for a number of years. The site is not prominent within the streetscene, is not accessible to the public, and is relatively small, and its contribution to the visual character of the streetscene and to public amenity is considered to be relatively limited. There is therefore no objection in principle to the development of this site,

provided that the proposed development itself would not detract from the character and appearance of the area.

- 10.3 Previous applications on the site have been refused on the grounds that the dwellings proposed would detract from the character of the area for reasons relating to their design and siting. The dwellings which have previously been proposed were not considered to reflect the proportions, scale, roof design and fenestration of existing dwellings in the streetscene. Furthermore, it was considered that the positioning of the previously proposed dwellings forward of other properties in the streetscene, combined with the blank gable elevations facing eastwards, in close proximity to the western elevation of the existing property at number 12, would result in a stark, prominent and oppressive feature within the streetscene.
- 10.4 The current application seeks to overcome these previous reasons for refusal in a number of ways. The footprint of the building is now proposed in an L shape with two sections, which serves not only to break up the massing of the building, but also reduces the impact of the development within the streetscene by allowing a more gradual step forward, with the eastern section following the line of existing properties to the east and providing a transition between these existing buildings and the forward projecting western section of the new dwelling. It is considered that the change to a hipped roof helps to further reduce the prominence of the building within the streetscene and to more closely reflect the proportions, massing and design of the existing dwellings to the east.
- 10.5 Amendments have also been made to the proposed building's fenestration to provide larger windows than were proposed in the most recently refused application. It is considered that the scheme as now proposed provides more consistency and balance in the building's fenestration than was previously proposed, and more closely reflects the proportions of the fenestration of existing dwellings in the street. The section of the building which projects forward has now also been revised to include windows in the eastern elevation, and it is considered on balance that this helps to provide relief to the previously proposed blank gable elevation in this position and to provide a more interesting feature in views of the site along Barleyfields Terrace from the east.
- 10.6 It is considered that the development as now proposed more closely reflects the design and character of existing properties on Barleyfields Terrace and that its layout better respects the pattern of existing development to the east, following the line of existing dwellings before stepping forward as an end point to the development on the northern side of the road. On balance, it is considered that the revisions made overcome the previous reasons for refusal and on balance it is not considered that the proposed development is now acceptable in this respect.

Residential amenity

- 10.7 The concerns of neighbouring residents regarding their amenity are noted. In view of the distance between the proposed dwelling and neighbouring properties, and the fact that the only opening proposed in the eastern elevation of the building closest to number 12 is a utility room door, it is considered that any increase in overlooking which may result would be marginal and insufficient to warrant refusal. It is however recommended that permitted development rights for new openings in this elevation are removed in the interests of the privacy of neighbouring residents.
- 10.8 Concerns have been raised by the owners of number 12 regarding the impact of the development on windows in the side elevation of this neighbouring property. The distance between the proposed and existing properties, with driveways in between

them, is similar to the spacing of other properties on this side of Barleyfields Terrace, and the forward projecting part of the proposed development is now further (approximately 14m) from the side elevation of number 12, therefore it is considered that refusal of the application on the grounds of overshadowing or overdominance could not be justified.

- 10.9 The submitted plans demonstrate that an area of amenity space can be provided within the site which meets the recommended garden space requirements in Neighbourhoods for Living. In calculating this area, regard has been given to the areas underneath the canopies of existing retained trees, and these areas have been excluded from the calculations in this respect. The provision of the amenity space in the area to the west of the proposed dwelling would involve the removal of a fruit tree in this area of the site, however the landscape officer has advised that this tree contributes little to the amenity of the site and that they have no objection to its loss. However, in view of the relatively small size of the site, it is recommended that permitted development rights for extensions and outbuildings are removed, to allow the local planning authority to retain control over any future building on the site, both to prevent overdevelopment and to ensure that an adequately sized garden is retained for future residents.
- 10.10 Previous applications have been refused on the grounds that the outlook from windows in the northern elevation of the proposed dwelling would be compromised by virtue of their proximity to the northern boundary of the site and the existing trees along this boundary. Following consultation with the Council's Woodlands Officer, it is proposed to remove a number of trees on the embankment to the north of the site and to replace these with a hedge within the site. The internal layout of the proposed building has also been revised to remove all habitable room windows from this northern elevation. Whilst there would still be kitchen windows in this elevation at ground floor level, approximately 1.5m from the proposed hedge according to the submitted plans, this kitchen area would also be served by a large south facing window which would provide more light to this area. All other windows in the northern elevation would only serve bathrooms, and on balance it is therefore considered that refusal of the application on these grounds could not be justified.
- 10.11 In view of the revisions which have been made to the proposals which seek to address previous reasons for refusal, it is considered that the proposed development would not detract from the amenities of neighbouring residents, and that on balance, the proposals would provide an appropriate level of amenity for future residents.

Highways

- 10.12 Neighbours' concerns regarding highway safety and additional parking are noted. Following concerns from the highways officer and a local resident that the proposed drive width of 2.5m was substandard, revised plans have been provided showing a drive 3m wide which is acceptable as a separate pedestrian access would also be provided. Sufficient space would be provided within the site for the parking of two vehicles, and on balance, as the majority of other properties in the streetscene lack on-site turning and therefore reverse onto Barleyfields Terrace, it is not considered that refusal of the application on this basis could be justified. The application is therefore considered acceptable in this respect. In view of the narrow nature of the access road, a condition requiring details of a scheme for the storage of materials and parking of construction vehicles at the site is recommended, in order to ensure that disruption on Barleyfields Terrace is minimised during the construction period.

Trees and landscaping

- 10.13 Concerns regarding the loss of trees from the site are noted. Whilst the loss of trees along the northern boundary of the site has formed a reason for the refusal of previous applications on the site, both this application and the previous application (10/03837/FU) were supported by additional information in this respect in the form of a tree survey and landscape statement. Discussions have been held with the Council's Woodlands Officer whose responsibilities include the management of trees along the former railway cutting to the north of the site. He has advised that the steep nature of the embankment to the north of the site necessitates an annual inspection of these trees in terms of their health and stability, and that the removal of the smaller trees to the north of the eastern part of the site, and the reshaping of a number of larger trees further to the west would be of benefit to the trees and to the cycleway from a health and safety perspective, and would be of benefit rather than detrimental to the remaining landscape in the long term.
- 10.14 The tree officer has confirmed that the trees rooted in the steep cliff face to the north of the site are likely to be suspect in terms of their anchorage and thus their long term stability and survival, and that on this basis the removal of this small group of self-seeded trees and their replacement with a native hedge and two new trees on the more stable, level ground within the application site would be a more appropriate solution to providing a landscaped buffer between the site and the greenspace to the north than the existing trees which are unlikely to survive in the long term. Following concerns regarding the visual impact of a close-boarded timber fence along this boundary, which was part of previous proposals, the plans have been revised to show a post and rail fence instead. On this basis, it is considered that the proposals would result in long term benefits in terms of the landscaping of the site, and would constitute an enhancement to the visual character and amenities of the area. The applicant has confirmed that the extension of the stone boundary wall along the site frontage would be built in natural stone, which is considered acceptable, and it is not considered that the addition of appropriately designed metal railings along the top of the wall, with a hedge behind, would detract from the character and appearance of the site. It is recommended that conditions relating to boundary treatments, landscaping and the protection of retained trees during construction works are included as part of any approval.

Other issues

- 10.15 The area to the north of the site is designated as a Leeds Nature Area. With the exception of the removal of a few trees whose long term survival is considered to be unlikely in any case, no alterations are proposed which are likely to affect the wider nature aims of this area, therefore it is not considered that refusal of the application on this basis could be justified.
- 10.16 One neighbour has raised concerns that the submitted plans do not have measurements on them, meaning that it is not possible to assess the impact of the development on the neighbouring property. While the submitted plans do not include written measurements, they are drawn to scale, and it is therefore considered that the level of information provided is sufficient to allow an accurate and appropriate assessment of the proposals and for a decision to be made on this basis.
- 10.17 The owner of number 12 has raised concerns that they were not notified of the application. This correspondence was received after an email objection had already been received from the owner of this neighbouring property, and therefore, whilst this oversight is regrettable, it is clear that she was aware of the application, possibly as a result of the site notice which was also posted. In view of this and on the basis that she has provided comments and that these have been taken into account in the foregoing appraisal, it is not considered that her opportunity to comment on the

application has been prejudiced by this. It is not therefore considered necessary to send a new neighbour notification letter to the objector. The error has been drawn to the attention of the validation team and the objector's complaint in this respect is also being addressed separately.

- 10.18 Concerns regarding the temporary metal mesh fencing which has been erected at the site are noted. It is understood that this is a security measure, however it is not considered that the fencing is an appropriate long-term boundary treatment for the site as it fails to reflect the character of other boundary treatments along Barleyfields Terrace. The matter has therefore been referred to the Council's Compliance team for further investigation.

11.0 CONCLUSION

- 11.1 On balance it is considered that the development would be appropriate within the streetscene and would not detract from the character and appearance of the site or the wider area, the amenities of nearby residents, or from highway safety. Therefore, subject to the conditions set out above, it is recommended that the application is approved.

Background Papers:

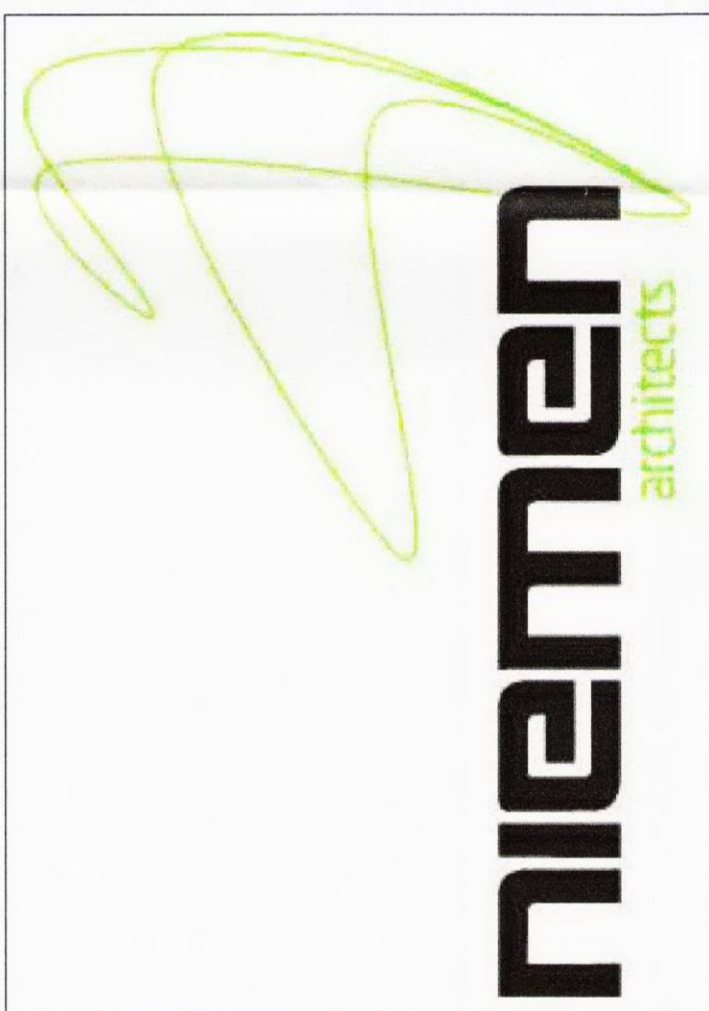
Application file and history files 10/03837/FU, 10/02469/FU, 07/03229/FU, 07/01481/FU and 31/363/04/FU.

Certificate of Ownership: Signed on behalf of applicant.

LEEDS CITY COUNCIL
Please refer to Decision Notice
31 JAN 2011
REVISED



Barleyfields Terrace



MR R MARCHANT
Land adjacent 12
Barleyfields Terrace,
Wetherby

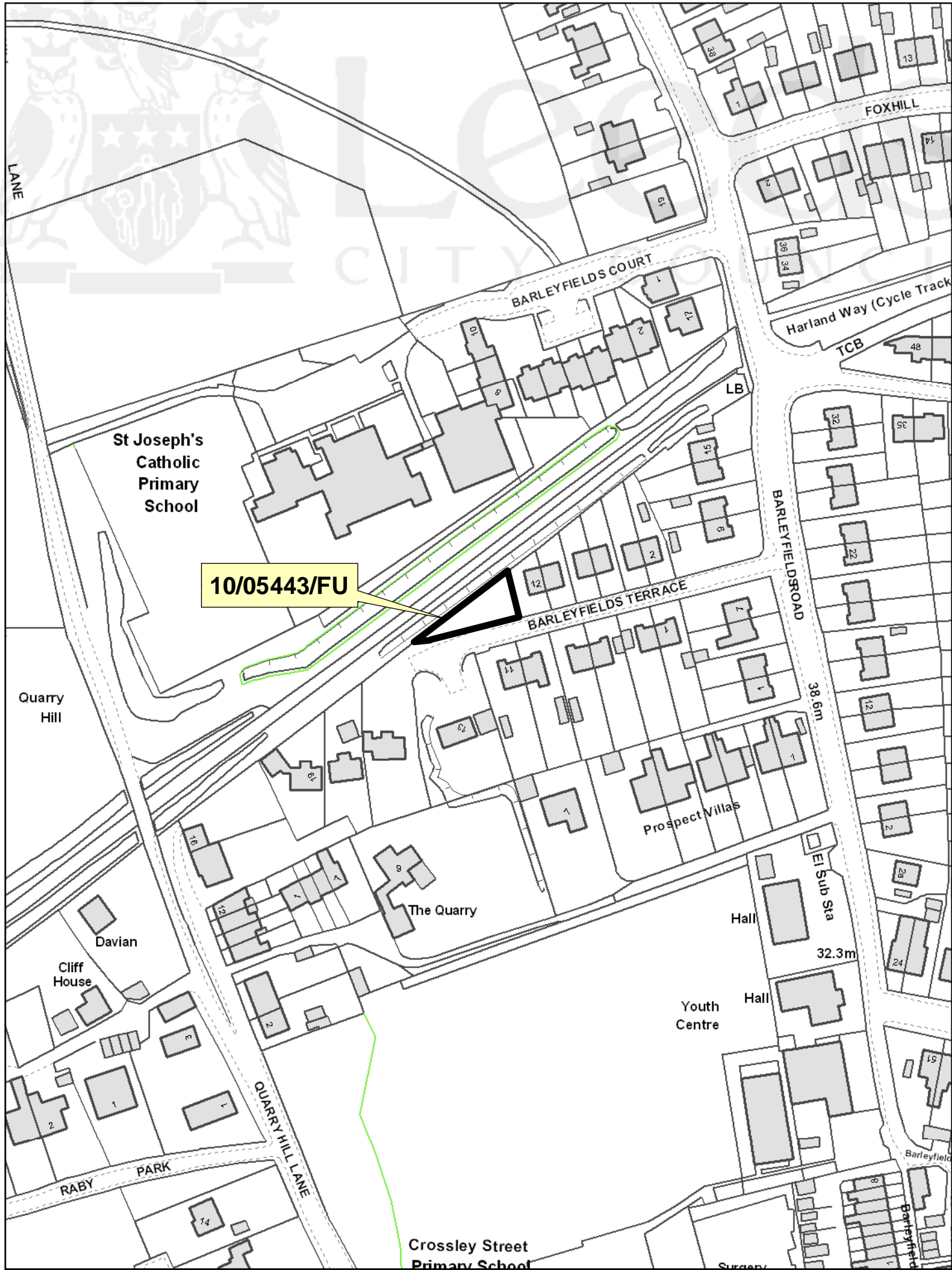
Site Layout Plan

| | |
|----------------|--------|
| Project number | 2353 |
| Date | NOV'10 |
| Drawn by | OMB |
| Checked by | SAN |

2353_100C

Scale 1 : 100 Paper A1

1 Site Layout Plan
1 : 100



10/05443/FU

EAST PLANS PANEL