



**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date:** 31<sup>st</sup> March 2011

**Subject:** PLANNING APPLICATION 11/00639/FU – Proposed Two bedroom detached house to garden site

**at:** 5 Caythorpe Road, West Park, Leeds, LS16 5HW

	<b>DATE VALID</b>	<b>TARGET DATE</b>
<b>APPLICANT</b> M Simpson	16 <sup>th</sup> February 2011	13 <sup>th</sup> April 2011

**Electoral Wards Affected:**

Weetwood

N

Ward Members consulted  
(Referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**APPROVE** planning permission, subject to the following conditions

- 1 3 year time limit
- 2 Development completed in accordance with approved plans
- 3 Samples of walling and roofing materials
- 4 Surfacing materials
- 5 Soft landscaping details
- 6 Landscaping Implementation
- 7 Landscaping Maintenance and retention to front curtilage
- 8 Removal of PD rights
- 9 Boundary details to be submitted (not to be greater than 1m in height on site frontage)
- 10 Details of cycle and bin storage to be submitted

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), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N12, N13, BD5 and T2

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.

## **1.0 INTRODUCTION**

- 1.1 The application is brought before Plans Panel because recently, a very similar proposal (in terms of design and appearance) was approved by Members at Plans Panel in January 2011, following an Officer recommendation of refusal.

## **2.0 PROPOSAL**

- 2.1 The application is for a two storey detached dwelling. The first floor is accommodated within the roof space of the dwelling, and the height of the proposal to the ridge is 6.4m.
- 2.2 The proposed dwelling has a living room and kitchen on the ground floor, with a side entrance, and 2 bedrooms and a bathroom at first floor level. The proposed dwelling has a footprint of 7.8m x 11.2m.
- 2.3 The footprint and siting of this proposal, is the same as the previously approved side extension. A link section between existing dwelling and the approved extension has simply been omitted from this scheme, to provide separate accommodation.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is in the West Park area to the northwest of Leeds city centre, located on the south side of Caythorpe Road. West Park is an attractive residential area, which was mainly developed in the inter war period and is characterised by Arts and Craft architecture.
- 3.2 The neighbourhood is predominantly residential and of attractive character set with dwelling within tree lined verges running the full length of the street frontage. The street scene contains differing dwelling types with varying designs and styles including detached and semi-detached units. Whilst the character of the area is in part defined by the varied appearances of the dwellings, a consistent theme within the setting is the spatial distances to side boundaries which generally range from 3m to 5m. These visual gaps within the street scene form a regular and attractive pattern of development, augmented by landscaping and mature front gardens.

- 3.3 Housing is predominantly two storey with a number of bungalows interspersed within the grain of the area. The existing buildings to the north of Caythorpe Road are two storey semi-detached and a mixture of detached and semi-detached to the south. The houses appear to have been built circa 1930's and materials are red facing brickwork, natural stone and painted sand and cement render under clay or concrete tiles. Both hipped and gabled roofs are evident with gables forming both side and front elevations. Off-street car parking is accommodated in driveways, integral garages and detached garages.
- 3.4 The building is proposed to be within the side garden of 5 Caythorpe Road which is a detached bungalow constructed in rendered masonry under clay and concrete roof tiles. The plot also accommodates a flat roof single garage which is link-attached to the side of the bungalow via a flat roof porch. The plot has two notable trees within its curtilage, a white cherry located halfway along the south east boundary which has a small crown and an oak located halfway along the southwest boundary. The site in general is fairly flat.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 08/06703/FU - Gable extension to front of roof - Approved - 2009
- 4.2 09/02260/FU - Application for a four bedroom house with integral garage – Refused 03.08.2009
- 4.3 09/03499 - Application for a four bedroom house with integral garage to garden - Refused - 05.10.2009
- 4.4 Appeals were submitted challenging the decisions on the two aforementioned applications. Both these applications were refused on the same two grounds, design/impact on the character of the street scene, and lack of private amenity space due to coverage of a large protected oak tree. Both appeals were considered together and were dismissed on the 23<sup>rd</sup> of June 2010
- 4.5 The Inspector accepted the Council's stance that the proposals would have a cramped appearance, materially harmful to the spacious character and appearance of the area. He also stated that the harm would be exacerbated by the loss of the open area of garden to the side of the dwelling which provides a welcome visual relief in the streetscene and by the substantial screening of the Oak tree and White Cherry which are attractive features in the landscape.
- 4.6 The Inspector did not consider the Oak Tree would over-shadow the rear garden of the proposed dwelling to an extent which would make this garden usable, and thus considered the proposal would provide an adequate level of amenity space.
- 4.7 Following these refusals for a detached dwelling, the applicant submitted an application for part two storey, part single storey side extension (10/03747/FU). This application was approved on 7<sup>th</sup> January 2011, by Members following an Officer recommendation for refusal.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 There has been no correspondence with the agent or applicant since the previous side extension as approved by members at Plans Panel.

## **6.0 PUBLIC/LOCAL RESPONSE:**

Neighbour Notification Letters dated 21<sup>st</sup> February 2011 to 29 adjacent and nearby residents. To date 17 letters of objection and two letters of support have been received to the application. The points raised in the objections are highlighted below.

- Previous applications for a detached dwelling have been refused on this site
- The previous extension applications was always intended to be a separate dwelling and the applicant has deliberately deceived the LPA and local residents
- The government have stated they are against development upon garden sites
- Plot is too small for a dwelling
- Insufficient level of parking proposed
- The proposal is out of character with the street scene
- The proposal dwelling will appear cramped in this plot
- The approved extension was conditioned not to be used as a separate dwelling
- The proposal results in the loss of a garden area
- The proposal will have a detrimental effect on the spaciousness of the street
- The proposal will make the adjacent dwellings at no's 3 and 5 less desirable
- The Far Headingley Design Statement noted the erosion of gardens has a harmful impact on the character of the locality

The points raised in the two letters of support, are highlighted below.

- The proposal is of the same form of the previously approved extension
- The impact on the street scene will be visually improved when compared to the approved extension as the 'link' section is removed
- The plot is large enough for a detached dwelling
- Self builds should be encouraged

The issues raised in these representations will be assessed in the appraisal of this report.

## **7.0 CONSULTATION RESPONSES:**

Highways: No objections subject to conditions.

Drainage: No objection

## **8.0 PLANNING POLICIES:**

### **Local Planning Policies:**

8.2 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.

8.3 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:**

8.4 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:**

8.5 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 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;
- Design/ Appearance
- Amenity Considerations
- Highways/ Parking
- Other Issues

## 10.0 APPRAISAL

### Principle of Development

10.1 The application site consists of a side garden of a detached residential property. This site is now technically defined as green field land, following the amendments to PPS3 which were made on 9<sup>th</sup> June 2010.

10.2 The amendments to PPS3 recognise that developing garden sites can have a harmful impact on the character and appearance of a particular neighbourhood or locality. The amendments to PPS3 aim to halt such development, which is often opportunist. The amendments to PPS3 do not however prohibit all development upon land which falls within the curtilage of an existing dwelling, but aims to discourage developments which would be harmful to the character and appearance of the locality. The issue of whether the design of this proposed dwelling would harm the character of this locality is assessed separately in this report.

10.3 Given the fact the proposed dwelling is located upon an area of land which has consent for an extension of the same footprint, it is not considered this proposal could reasonably be refused on PPS3 grounds/ the principle of development, as the principle to lose this garden area to a building has already been established. The proposal is therefore, considered to be acceptable in principle, subject to an assessment against all other normal development control considerations, such as design, amenity considerations and highways.

### Design/ Impact on the Character of the Street Scene

10.4 The proposal is of the same height, footprint and mass, when compared to the previously approved extension. Due to this fall back position, it is not considered that this proposal could be refused on grounds relating to its mass, height, impact on the character of the street scene and/ or the spacing that would remain around the dwellings in this plot. Members previously concluded that the siting and height of the form of this building was acceptable. The proposal removes the previously approved 'link' extension that existed between the existing dwelling and the approved extension. The result of this actually reduces the mass and bulk of the 'extension', and increases the sense of space within the plot.

10.5 The proposed front (eastern) elevation differs from the previously approved extension as this proposed dwelling does not contain an integral garage. The window openings contained with the proposed dwelling are considered to be in scale with the size/ mass of this elevation and provide an adequate level of openings, which match the style and arrangement of the windows contained in the existing dwelling at 5 Caythorpe Road.

10.6 Two previous appeals for a detached dwelling upon this plot were dismissed by the Planning Inspectorate in June 2010. The proposed dwellings were considerably

larger than the dwelling now subject of this application. These proposals left a 2m wide gap at the front with the side boundaries with the adjacent properties. The Inspector considered the size/ siting of these previously proposed dwellings would *'result in a development which would have a cramped appearance, materially harmful to the spacious character and appearance of the area'*.

- 10.7 This proposal includes a 3m distance to the side (at the front) of the proposed property with no 5, and a 5m distance with the boundary with no 3, which increases the space around this proposed dwelling, when compared to the previously refused applications, and as a result it is considered it no longer appears cramped within the street scene. As stated above, the form, mass and siting of the proposal already benefits from planning consent as an extension to the host property, as a valid fall back position.
- 10.8 The only real difference when compared to the recently approved extension, in terms of impact on the character of the street scene is that the proposal would have its own additional, separate driveway. The Inspectors whom determined the previous appeals, did raise concerns regarding the amount of hard paving to the front of the dwelling, and considered this to have a harmful impact on the character of the street scene. However, it is considered that the smaller dwelling now proposed, does increase the availability and potential for soft landscaping within the plot, and subject to a suitable landscaping scheme, and that the amount of hard paving would not appear overly dominant within the street scene. The proposed plot has an average width of 15m, and the proposed driveway is 3.4m in width. As such less than ¼ of the front curtilage area would be hard paved.
- 10.9 The Inspector also considered the previously proposed dwellings would *'involve the visual loss of the garden and obscure views of the trees'* (which are located towards the rear boundary of the site). The previously approved extension also resulted in the loss of this garden area and also obscured views of these rear trees. It is therefore not considered that this issue now would constitute a valid reason for the refusal of the application. For all of these reasons it is considered the proposal follows the policy guidance of BD5 and N13.

#### Amenity Issues

- 10.10 The proposed dwelling does not face further forward to the front or rear elevations when compared to the adjacent dwelling at no 5, or when compared to the previously approved extension. The side southern facing elevation only contains an external door, and two velux windows serving a landing. It is therefore, not considered the proposal would result in any additional over-looking or loss of privacy on occupiers who live adjacent to the site.
- 10.11 The rear garden of the proposed dwelling varies in depth between 13m and 15m, which is a similar depth to the two previous proposals upon this site, for a detached dwelling. The lack of useable private amenity areas was a reason for refusal, on both of the previous applications, and much of the proposed garden area is covered by the crown of a protected Oak tree. The Inspector of these two previous appeals considered that the usable garden areas were of an adequate size, and did not support this reasons for refusal, although he acknowledged the protected Oak tree would over-shadow much of the garden. As the dwelling now subject of this application is smaller than the previously proposed detached dwellings, and given the Inspectors previous decision on this issue, it is not considered that the application could be refused on these grounds.

- 10.12 The proposal also includes an additional curtilage area to the side, south-eastern elevation of the property which varies in depth between 3 and 5m. The previous applications upon this site did not have an garden area in this location, as the previous proposals for a dwelling were wider, and took up an proportion of the plot.

#### Highway/ Parking

- 10.13 Highways have raised no objections to the proposal subject to conditions, which include having the front boundary to a maximum height of 1m to ensure adequate visibility. These conditions will be imposed in the approval of this application. The proposal includes a driveway which leads to the side of the property. This driveway is capable of accommodating two vehicles. This level of parking provision is considered adequate for a 2 bedroom dwelling of this size. For these reasons it is considered that the proposal follows the policy guidance of T2.

#### Other Issues

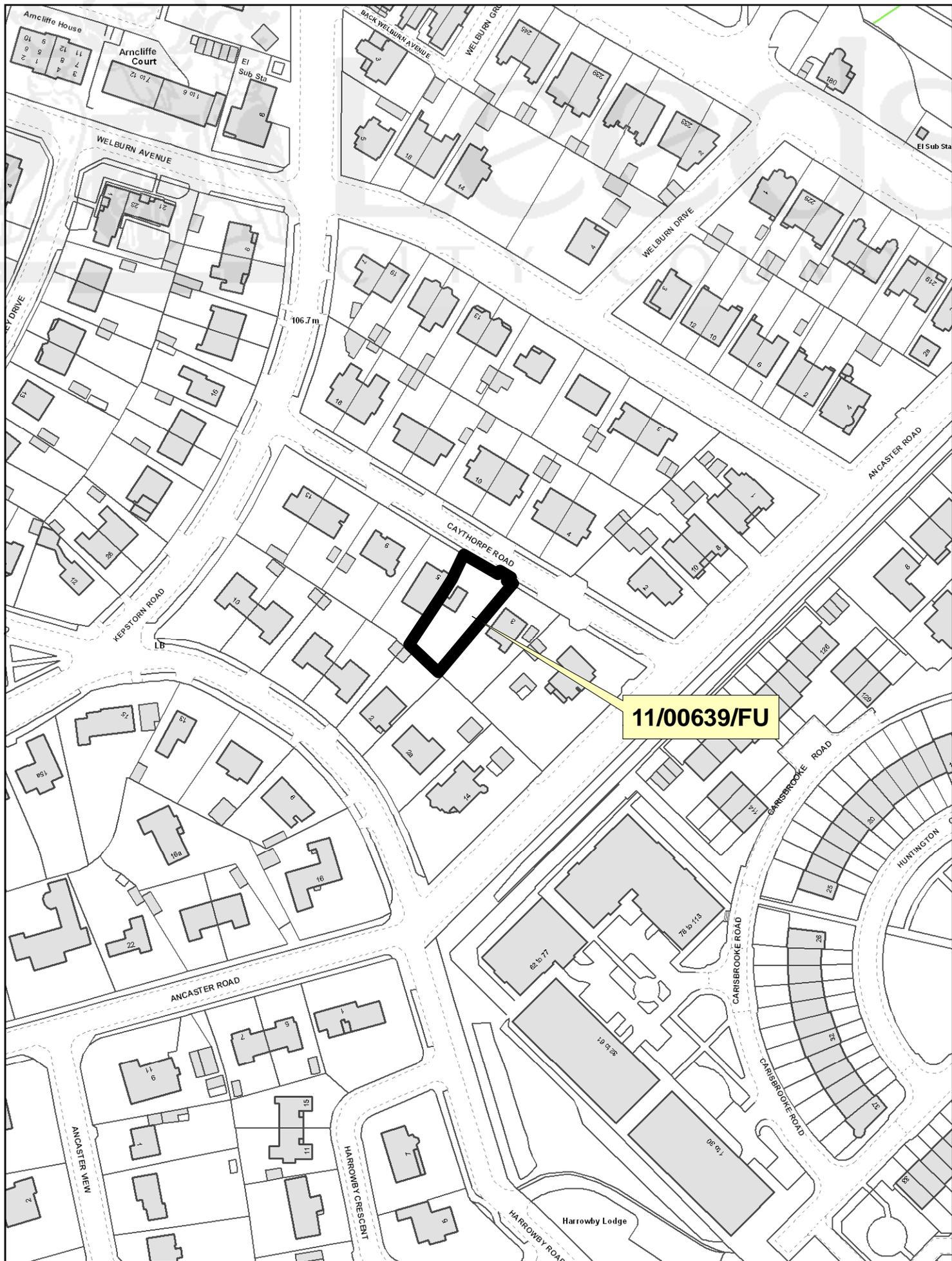
- 10.14 The planning history of this proposal can not prejudice the views taken on the application. The application has to be assessed against its own merits against the relevant planning polices whilst bearing in mind the valid fall back position of the previous approval. The fact the previous extension was conditioned not to be occupied as a separate dwelling has no bearing on this proposal, as this application effectively seeks to remove this condition, by seeking planning consent as a separate detached dwelling.
- 10.15 Permitted Development rights would be removed on the approval of this application, to ensure the site is not over-developed, to protect the character and visual appearance of the street scene, and to ensure adequate levels of off-street parking.

#### **Conclusion**

- 11.1 Due to the fall back position of the previously approved side extension, it is not considered the proposal could be refused on grounds relating to design and the impact on the character of the street scene. The proposal is not considered to have an adverse impact on the living conditions on adjacent or nearby residents or harm highway safety. The proposal is therefore recommended for approval, subject to conditions.

#### **Background Papers**

Previous files 10/03747/FU, 09/03499/FU and 09/02260/FU



# WEST PLANS PANEL