



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 1st December, 2011

Subject: Application 11/01673/RM - 1 detached dwelling house with integral garage with access off Cutler Lane, on land to the rear of 35 Lower Mickletown, Methley, Leeds LS26 9JH

APPLICANT

Mr A Thourgood

DATE VALID

21st April, 2011

TARGET DATE

16th June, 2011

Electoral Wards Affected:

Kippax and Methley

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 planning conditions:

1. Plans to be approved
2. Samples of walling and roofing materials to be agreed
3. Boundary treatment
4. Laying out of vehicle areas
5. Landscaping / Landscape maintenance
6. Replacement planting period
7. Tree protection measures during construction
8. Removal of PD Rights
9. No insertion of additional windows
10. Obscure glazing
11. Garage not to be altered preventing vehicle use
12. Unexpected contamination
13. Importing of soils
14. Construction management plan

Details of conditions to be deferred and delegated to Officers.

Reasons for approval: This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within PPS1 and PPS3 and it is considered that the proposed development is acceptable in terms of layout, scale, design and amenity and as such considered to comply with the following policies in the UDP Review: GP5, H4, BD5, N12, N13, N23, N24, N25, LD1, T2 and T24 and other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

1.1 This application is presented to Plans Panel (East) at the request of Councillors Keith Wakefield and James Lewis on grounds that the size, height and proximity of the proposed dwelling to adjacent properties will have an adverse on residential amenity of the occupants of those properties through loss of light and overshadowing. In addition, there are concerns with the access and highway safety which require careful consideration.

2.0 PROPOSAL:

2.1 The application seeks reserved matters approval for the layout, scale and appearance of a detached dwelling house with integral garage. The proposed dwelling is two storey in height with three first floor bedrooms with a fourth bedroom and study within the roofspace.

3.0 SITE AND SURROUNDINGS:

3.1 The site is situated to the north side of Lower Mickletown at the junction with Cutler Lane and comprises the former rear garden area to No.35 Lower Mickletown. The site is mown lawn bounded by tall conifer trees to the east side. The western boundary of the site is open, abutting outbuildings and fencing to adjacent dwellings situated at Waide Buildings and Lower Mickletown. There is a low level mesh fence to the southern boundary with the remaining garden area to 35 Lower Mickletown. The site slopes downwards in a northerly direction. No.35 Lower Mickletown has vehicle access from Cutler Lane. Cutler Lane is not hard-surfaced and leads to open fields (green belt) to the north and a Site of Special Scientific Interest (SSSI). The area is semi-rural in character.

4.0 RELEVANT PLANNING HISTORY:

4.1 Application Reference: P/09/05258/EXT – extension of permission for outline application (06/05802/OT) to erect a detached a dwelling with access off Cutler Lane. The application was refused under Officer delegated powers on 24th August, 2010 on grounds of the proximity to the greenbelt thereby being harmful to the semi-rural character of the area; and being contrary to the Council's objective in seeking to see Brownfield sites developed in preference to Greenfield sites. The applicant appealed the decision which was upheld by the appointed Inspector for the Secretary of State and awarded costs against the Council's second reason for refusal. The appeal was allowed in a letter dated 21st February, 2011.

4.2 Application Reference: P/09/04674/RM – reserved matters application for the erection of a 5 bedroom detached house with integral garage. The application was withdrawn dated 13-01-10 given that officers were minded to refuse the application on grounds of over development, and harm to visual and residential amenity.

- 4.3 Application Reference: P/08/00940/RM – 4 bedroom detached house with double garage. Refused 30-06-08 on grounds of over development and harm to visual and residential amenity.
- 4.4 Application Reference: P/07/06565/FU/E – 4 bedroom detached house with integral double garage. Refused 17-12-07 on grounds of over development, harm to visual and residential amenity.
- 4.5 Application Reference: P/06/5802/OT/E – outline application for laying out of vehicular access and erection of a detached dwelling. Permission Granted 24-01-07.
- 4.6 Application Reference: P/06/00546/OT/E – outline application to erect 2 detached dwellings. Refused 11-07-06 on grounds of highway safety / amenity of neighbouring residents / failure to demonstrate site can accommodate two dwellings and accord with the relevant guidance.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following the Inspector's decision the applicant submitted the current application. Since the appeal decision the boundaries of Flood Zone 2 have been reviewed and all of the site now falls within wholly within Flood Zone 1, consequently in principle alone the siting of any building within the site is unrestricted.
- 5.2 Officers considered that the scale of the new proposal as originally proposed represented intrusive overdevelopment of the site and would have compromised the privacy of the occupants of neighbouring properties. The revised scheme now before Plans Panel has been reduced in its footprint by more than a third with rooms within the roof space and reliant on rooflights with no gable or dormer windows.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The original public notification process was via letters to 12 neighbouring properties dated 10th May, 2011 and a notice displayed adjacent to the site dated 20th May, 2011.
- 6.2 A joint letter of objection was submitted by Councillors Wakefield and Lewis on grounds of the impact on the residential amenity of surrounding householders due to its size, proportions and height in proximity to their properties resulting in loss of sunlight and overshadowing. Councillors expressed support for residents concerns that the proposal was over sized for the plot. In addition, whilst aware that the site has permission for a dwelling residents concerns over highway safety should be given careful consideration.
- 6.3 In response to the original public notification process 4 letters of objection were received from local residents on the following grounds:-
- Visual amenity / out of character
 - Noise disturbance, construction disruption
 - Loss of view
 - Design, layout and appearance
 - 3 storey houses, dormer features
 - Amenity – overlooking, overshadowing, overbearing development
 - Sub-standard garden space
 - Highway safety: access road / turning area / visibility
 - Potential for subsidence
 - Potential commercial use of adjacent land

- Inaccuracies of the application form
- 6.4 The revised scheme was subsequently re-advertised (for a reduced timescale of 2 weeks) by letters dated 9th November, 2011 and site notices dated 11th November, 2011.
- 6.5 In response to the additional notification a further 3 letters of objection have been received generally re-iterating previous comments, adding:
- Revisions insignificant in terms of scale, and impact on residential amenity
 - Concern over potential loss of trees and as a habitat resource for wildlife.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

Environment Agency – the EA referred the Local Planning Authority to its standing advice. But did also confirm that the site was now wholly within Flood Zone 1.

Non-statutory:

7.1 Public Rights of Way

In May 2011 the applicant was advised that a claimed byway runs down Cutler Lane crosses the site which is subject to a Definitive Map Modification Order Application based on user and historical evidence. If the application is successful the byway will need to remain open and available for public use at all times.

7.2 Highways Development Services:

No objection subject to conditions previously applied to the outline approval.

7.4 Neighbourhoods and Housing:

No adverse comments.

7.5 Land Drainage:

Note changes to Flood Zone areas, more importantly is that measures are implemented to address potential future changes to the relevant zones. No objection subject to conditions.

7.6 Contaminated Land:

No objection subject to conditions relating to the discovery unexpected contamination during the construction process, and importing of soil.

8.0 PLANNING POLICIES:

8.1

The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). 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. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal bearing in mind it is a reserved matters application and the principle has already been established through the outline application.

8.2

The application site is not specifically allocated within the City Council's Unitary Development Plan Review (2006) The following policies are considered to be of relevance:

- Policy GP5 requires development proposals to resolve detailed planning considerations including access, to avoid loss of amenity and maximise highway safety.
- Policy BD5 requires a development to pay regard to its surroundings in terms of amenity, outlook and daylight.
- Policy H4 relates to housing on unallocated sites
- Policy LD1 requires development to include complimentary landscaping.
- Policy N12 urban design
- Policy N13 building design
- Policy N23 complimentary setting of development
- Policy N24 buffer planting to designated areas of green belt
- Policy N25 boundary treatments to reflect character of the area
- Policy T2 refers to development that should be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.
- Policy T24 refers to car parking provision guidelines.

8.3 Supplementary Planning Guidance/Documents

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

National Policy and Guidance

- 8.4 PPS 1: Delivering Sustainable Development
PPS 3: Housing
PPS 25: Development and Flood Risk

9.0 **MAIN ISSUES**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Others

10.0 **APPRAISAL**

Principle of development:

- 10.1 The principle of development of the site for a single dwelling is established with the presence of a current outline planning permission resulting from the appeal process relating to a previous application (09/05258/EXT).
- 10.2 The appeal process occurred at a time when changes were made to PPS 3 and the classification of previously developed land. As such the Council refused the application on grounds that the site was contrary to the objective of directing new development to previously developed land (Brownfield) and not less sustainable Greenfield land; and the harmful impact on the character of the area in the context of the proximity of the site to green belt land.
- 10.3 The Inspector did not accept the Council's argument on the issue of Greenfield development, moreover awarded costs in favour of the applicant on this issue. In addition, the Inspector commented that whilst the changes to PPS 3 re-defined garden areas as Greenfield, it did not rule out the development of garden land providing the proposed development is in keeping with the character of the area and

satisfies all other material considerations. The Council's case was not accepted by the Inspector on this issue which is discussed in more detail (see below) and made no reference in the decision on the issue of the site's proximity to designated green belt land.

Visual amenity and character.

- 10.4 In not accepting the Council's argument on harm to the character the area the Inspector made reference to the presence of the terrace of the three houses to the west of the site (Waide's Buildings) and to the east, the position of No 37 Lower Mickletown being markedly set further back than No 35 resulting in the site being effectively an infill plot between these properties. Having noted a drawing with an indicative siting of a dwelling to the original outline approval in 2006, the Inspector went on to comment that the site had been the subject of detailed proposals for detached houses only to be rejected by reason of overdevelopment, however the Inspector identified that the parcel of land was comparable in size to some developed plots in the vicinity thereby concluding that the site was capable of accommodating a dwelling without giving rise to a cramped form of development.
- 10.5 Officer's are mindful of the variety of house types in terms of age, design, height, roof forms and materials that are prevalent in the immediate vicinity of the site. In addition, the revised scheme for the dwelling reflects the footprint of the indicative proposal of 5 years ago with its siting set away from any of its boundaries creating a spatially satisfactory relationship in the context of its surroundings. In addition, the ridge height of the proposed dwelling is set below 35 Lower Mickletown and the terrace of houses to the west of the site.
- 10.6 The northern boundary of the site abuts the green belt, and as such should include a belt of landscaping to soften the transition between open land and the built environment. Officer's note that the applicant intends to retain existing trees in the north west corner of the site to be supplemented by new hedge/tree planting and agreement to replace any trees that fail following occupation of the dwelling. Although one of the existing trees located on the common boundary and shown to be retained would be relatively close to the proposed dwelling, a condition is recommended to secure its long term management. In addition Officer's are mindful that the Inspector did not make reference to the site's proximity to the greenbelt and did not impose any conditions on this issue other than landscaping to be dealt with by reserved matters. As such, it is considered that in view of the modest scale of the plot and the retention of existing landscaping as well as new planting that the development would not adversely impact on the semi-rural character of the area.
- 10.7 Whilst local residents response to the revised scheme suggests the proposal has not been significantly reduced in scale or altered in form, the footprint of the building has been reduced by more than a third and is now in a more simplified traditional two storey gabled dwelling with only rooflights to indicate rooms within the roof space. As such it is considered that the revised proposal in terms of its scale, siting and appearance in the context of its surroundings would be comparable to a number of other properties within the area and would not result in harm to the visual integrity of the site nor the character of the area as a whole.

Residential amenity:

- 10.8 The northerly siting of the proposed dwelling within the plot is to a large extent dictated to by its ability to successfully adhere to the required separation distances in the Council's supplementary planning guide Neighbourhoods for Living in order to prevent overlooking or appearing over bearing. To this end there are no side elevation windows included in the proposed dwelling and the siting accords with the

minimum standards within the relevant guidance with regards to window distances to the rear of the properties fronting Lower Mickletown (Nos. 29, 31 and 35). The dwelling is also sited a minimum of 2.5m away from each of its two side boundaries. To the east side this runs parallel with Cutler Lane, and to the west there is a detached flat roof store/garage in the side garden area of No. 6 Waide Buildings. It is considered therefore that the proposed development by reason of its siting and overall height would not result in harm to the residential amenity of the occupants of adjacent properties by reason of overlooking or overbearing development. In addition, due to the orientation of the plot the development would not result in overshadowing of any measurable significance to surrounding properties.

- 10.9 To avoid adversely affecting the amenity of neighbouring properties the proposed dwelling is sited predominantly towards the northern boundary of the site. Whilst this results in what appears as a relatively shallow rear garden area, Officers are mindful that in the context of its relationship to neighbouring properties that the plot benefits from other areas that effectively serve as additional private amenity space. As such the development is considered to provide a satisfactory standard of residential amenity for its future occupiers.

Highway safety

- 10.10 In the Inspector's decision whilst the access was not a reserved matter the submitted drawings did not show full details of the construction of the intended footway and that length of Cutler Lane that would serve the development. As a consequence, the Inspector imposed a condition requiring details of the construction of the carriageway and footway together with a scheme for its future maintenance. This still applies and would be resolved through the discharge of the outline condition, but ultimately the principle of taking an access from Cutler Lane has already been accepted.
- 10.11 Highway officers note that the proposed development provides adequate off-street parking and in light of the above have raised no objection as it is considered that the development would not prejudice the interests of highway safety for pedestrians and other road users alike.

Others

- 10.12 In response to other issues raised by local residents the right to a view is not a material planning consideration in the determination of this proposal. Whilst the construction process will inevitably result in temporary disturbance to local residents this would not represent justified reasoning to refuse the development. However, it is suggested that a condition to manage construction traffic is imposed on this application and the working hours are already limited by condition on the outline approval. Officers are unaware of any proposals for the use of the land or development proposals to the north of the site in the applicant's ownership. Any such scheme would require planning permission and would be dealt with in accordance with the relevant policies that applied at the time. Officers note local residents concerns regarding inaccuracies in the applicant's submission in particular regarding the pre-application consultations that did not take place as claimed, but these do not ultimately impact on the acceptability of the scheme now under consideration.

11.0 CONCLUSION

- 11.1 Officers consider that the revised proposal is acceptable in terms of its design, scale and setting in the context of its surroundings as the principle and means of access have been established through the outline application. In addition, it would not result

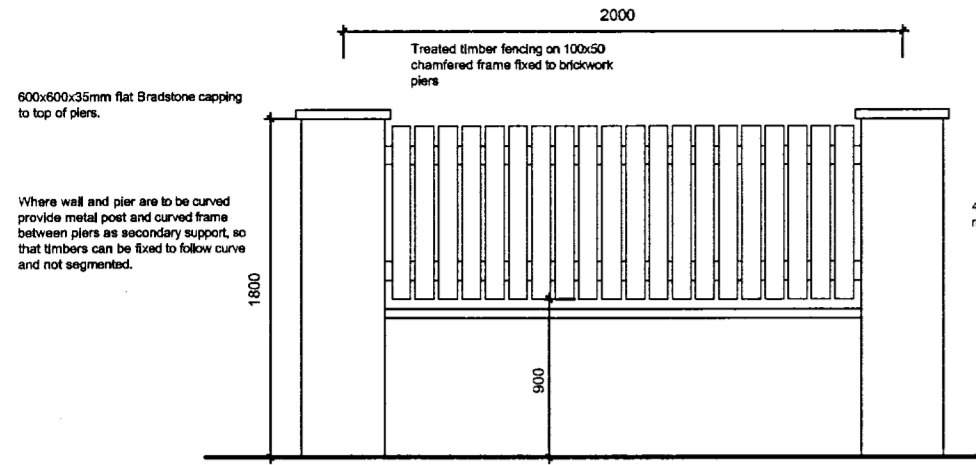
in harm of any measurable significance to the living conditions of neighbouring residents by way of overlooking, overshadowing or appear overbearing. As a consequence, the application is recommended for approval subject to the conditions stated.

Background Papers:

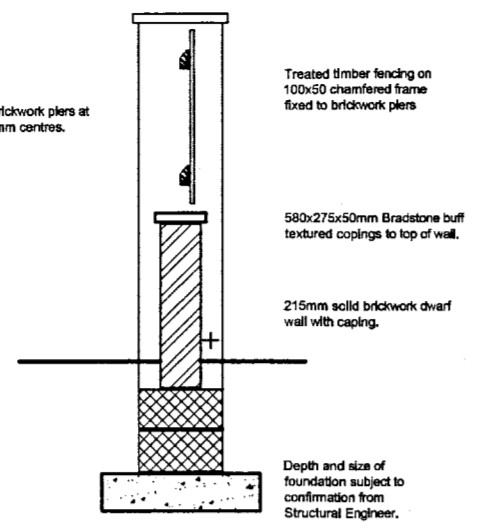
Application file: 11/01673/RM.

Certificate of Ownership A completed.

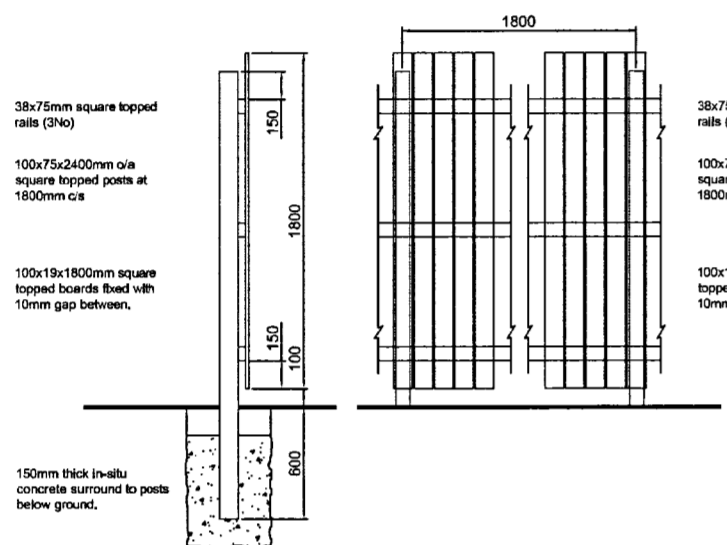
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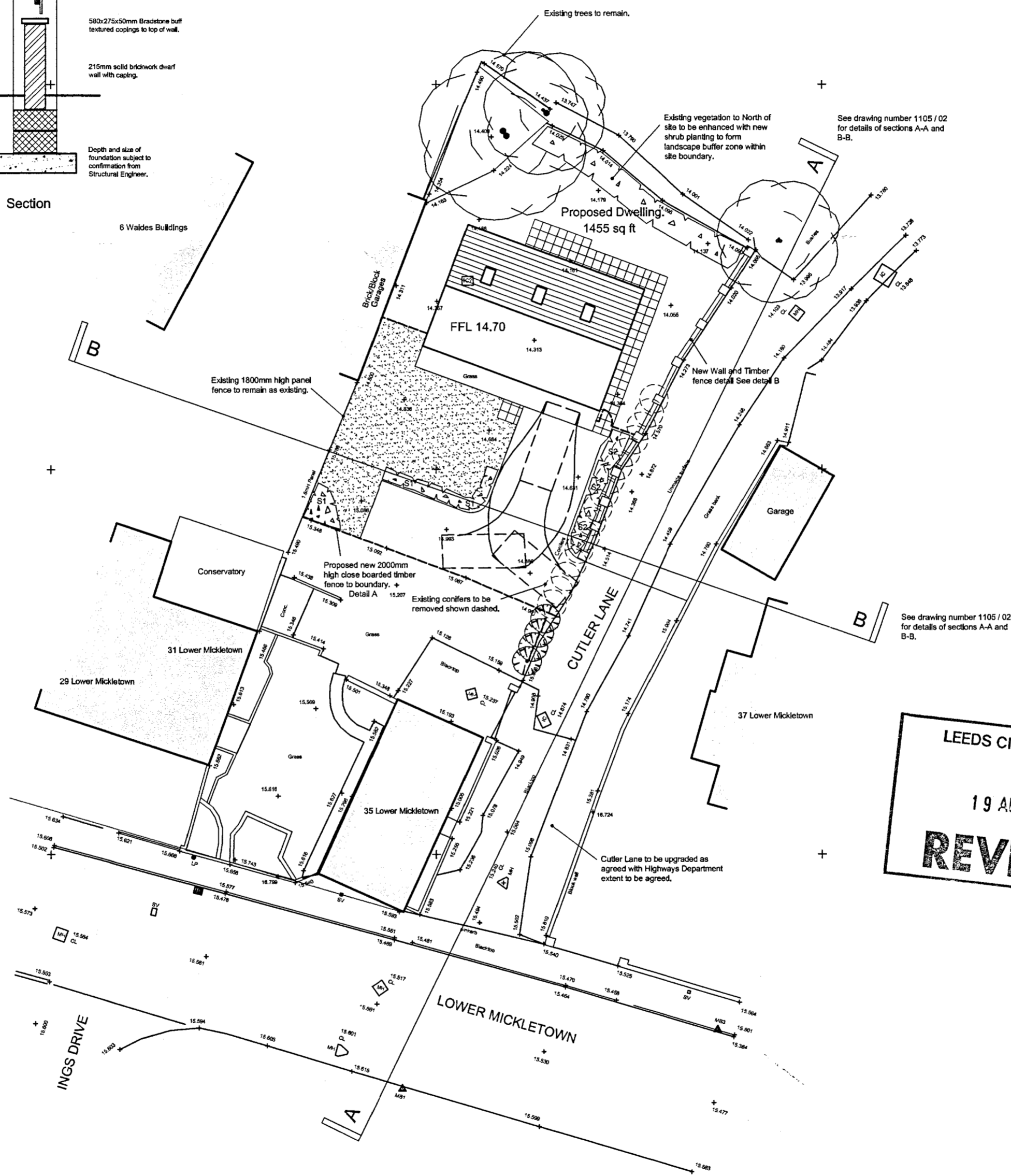
Elevation
Brick Pier and Fence Panel Detail B



Section



Timber Screen Fence Detail A



Site Layout 1:200

Key

- Trees to be removed.
- Trees to be retained.
- Existing Levels.
- 450x450 paving.
- Timber Screen Fence 2000mm high, see detail A
- Wall / Timber Screen Fence see detail B

Landscaping Key

Shrub Bed 1
 Lavendula Spica
 Mahonia Aquifolium
 Cotoneaster Horizontalis
 Potentilla Fruticosa (Jackmans Variety)
 Hebe "Carl Teschner"

Shrub Bed 2
 Cotoneaster Horizontalis
 Lavendula Spica
 Hebe "Autumn Glory"
 Hebe "Midsummer Beauty"

Planting specification
 Shrubs to be nom 200/225mm pot types to be planted at 3 No per sq.m.

Rev C - 15.08.11 - Revised following planning officers comments 09.08.11.
 Rev B - 27.07.11 - Revised following planning officers comments 18.07.11.
 Rev A - 14.04.11 - Drawing advanced to Planning Submission. SJH

NOTE: This drawing is to be used for Planning approval purposes only.

LEEDS CITY COUNCIL
 19 AUG 2011
REVISED

Preliminary / Comment	Planning	<input checked="" type="checkbox"/>
Building Regulations	Construction	<input type="checkbox"/>

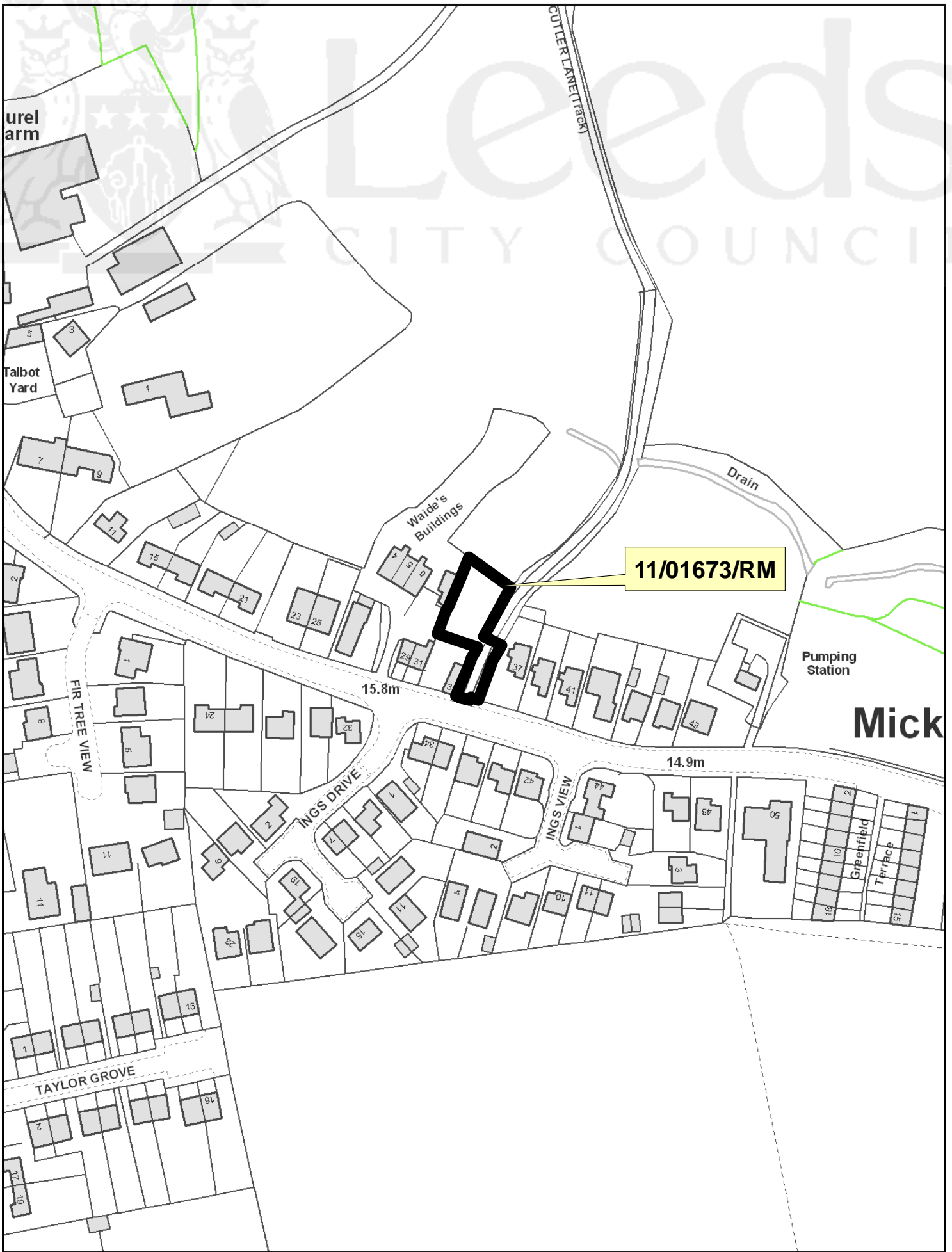
Drawing Title
Proposed Site Layout

Client
Mr A Thourgood

Project
Proposed Dwelling on Land to Rear of 35 Lower Mickletown, Methley, Leeds, LS26 9JH.

Drawing No.	Scale @ A2	Drawn
1105 / 01 c	1:200	sjh
	Date	Checked
	April 2011	

NOTE: This drawing is to be read in conjunction with drawing numbers 1105 / 00 & 02.



EAST PLANS PANEL

