



Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 29th November 2012

Subject: Application 12/03841/FU – Detached bungalow to side garden plot at 7 Brookside, Alwoodley, LS17 8TD

APPLICANT

Mr R Marshall

DATE VALID

7th September 2012

TARGET DATE

2nd November 2012

Electoral Wards Affected:

Alwoodley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE for the following reason:

The proposals, by reason of the size, scale and design of the proposed dwelling, including hardstanding, and the loss of mature landscaping within the site, would fail to reflect the character and pattern of surrounding development and would result in the loss of a mature garden area which is considered to be a positive feature within the context of this established residential area. The proposed development is therefore considered to be of significant detriment to the character and appearance of the area, contrary to policies GP5, N12, N13 and BD5 of the Leeds Unitary Development Plan Review 2006 and the guidance in Supplementary Planning Guidance 13 and the National Planning Policy Framework.

1.0 INTRODUCTION

1.1 A number of applications for the development of a dwelling on this site have been refused, including a refusal by Plans Panel (East) in May 2008 on the grounds that the proposed dwelling's size and scale, together with the loss of mature landscaping from the site, would be detrimental to the character and appearance of the area. A subsequent application for a similar scheme was refused in 2010 for the same reason, and also because the plans submitted at the time were inaccurate and on

the basis of the submitted details it appeared that the dwelling would result in the loss of the boundary hedge and lack of scope for its replacement, causing overlooking of the occupants of the neighbouring property, number 3.

- 1.2 Councillor Buckley has requested that the current application be reported to Plans Panel if officers were minded to approve, however on the basis of the site's history and Panel's previous resolution, it was considered appropriate to report the recommendation to refuse permission back to Plans Panel in this instance.

2.0 PROPOSAL:

- 2.1 Full permission is sought for a detached three bedroom dwelling within the side garden of an existing property, 7 Brookside. The proposed dwelling would be of a dormer bungalow design with two bedrooms in the roofspace – one served by a pitched roof dormer to the front and one by a rooflight to the rear – and a third bedroom on the ground floor. Excavations are proposed in the southern part of the site to provide an integral basement garage, driveway and vehicular turning area with retaining walls proposed between the drive and the hedge which runs along the site's western boundary with the neighbouring property, 3 Brookside. The proposed dwelling would be constructed of stone with a tiled roof to match the existing bungalow on the site.
- 2.2 A new access to serve the proposed dwelling is proposed in the corner of the cul-de-sac on which the site is located, with the existing access to be retained to serve the existing property. It is proposed to retain the hedge along the boundary with number 3, together with a number of mature trees around the edges of the site. The creation of the access would involve the removal of a willow tree, however replacement planting is proposed to compensate for this.
- 2.3 Since the refusal of the previous application, the proposals have been revised to correct previous inaccuracies on the plans, providing more detailed clarification regarding the separation distances between the proposed building and the western boundary hedge, and to step the rear part of the building's western elevation further away from the hedge.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site forms part of the side garden of number 7 Brookside, a large, stone fronted detached bungalow situated in the north eastern corner of this residential cul-de-sac. The garden area at present contains a number of mature trees, and the boundaries with neighbouring properties are made up of hedges of varying heights. There is also a large off-site sycamore tree close to the north western corner of the site, within the garden of a neighbouring property.
- 3.2 A dwelling has previously existed on part of the site, between numbers 3 and 7, but was demolished in the late 1970s. It is understood that, following the demolition of this dwelling, the land on which it stood was divided between these two properties.
- 3.3 Other properties on Brookside, to the west and south of the site are of a similar age and materials to number 7, but vary in their design, making up a streetscene which includes bungalows, dormer bungalows and two storey houses. There are detached houses to the north and east of varying designs and ages.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The first application proposing a detached dwelling house on this area of garden was refused in September 2007 for reasons relating to the impact on visual amenity, residential amenity and highway safety (reference 07/02338/FU).
- 4.2 A subsequent application (08/00459/FU), incorporating a number of changes to the proposals, was refused in July 2008 following a Plans Panel resolution in May 2008 to refuse permission for the following reason:

The Local Planning Authority considers that the proposed development, by reason of the amount of development in relation to the size of the plot, the size and scale of the proposed dwelling, including hardstanding, and the loss of mature landscaping within the site, would have a detrimental impact on the character and appearance of the area, contrary to Policies N13 and BD5 of the Leeds Unitary Development Plan Review (2006) and the guidance set out within Supplementary Planning Guidance: 'Neighbourhoods for Living' and Planning Policy Statement 3: Housing (PPS3).

- 4.3 Following the withdrawal of a further application in June 2009 (09/01549/FU) as a result of concerns regarding its impact on the character and appearance of the area, permission was once more refused for a dwelling on the site in October 2010 (reference 10/03845/FU) for the following reasons:

- 1. The submitted details contain various inaccuracies and inconsistencies and are insufficient to allow an appropriate and accurate assessment of what is proposed. As such the applicant has failed to demonstrate that the proposed dwelling can be accommodated on the site without causing harm to the character and amenities of the area or neighbouring residents, or that the existing boundary planting can be retained. The proposal is therefore considered to be contrary to policies GP5, N12, N13, BD5 and LD1 of the Leeds Unitary Development Plan (Review) 2006 and the guidance in SPG13 and BS5837: Trees in Relation to Construction.*
- 2. On the basis of the submitted information, it is considered that the proposed development, by reason of the amount of development in relation to the size of the plot, the size, scale and design of the proposed dwelling, including hardstanding, and the loss of mature landscaping within the site, would fail to reflect the character of other properties in the streetscene and would detract from the visual amenities of the area, contrary to Policies GP5, N12, N13 and BD5 of the Leeds Unitary Development Plan Review (2006) and the guidance set out within Supplementary Planning Guidance 13, PPS1 and PPS3.*
- 3. On the basis of the details submitted, it is considered that the proposed development, by virtue of the proximity of the study window in the western elevation of the proposed dwelling to the western boundary hedge, which falls below the recommended distances in Supplementary Planning Guidance (SPG) 13, and the height of this window and the internal finished floor levels above the adjacent ground level, would result in an increase in overlooking of the neighbouring property, 3 Brookside, and its garden. The lack of detail and inconsistencies on the submitted plans makes it difficult to fully assess whether the development would impact on the health or survival of the western boundary hedge, however on the basis of the information submitted, it is considered that there is potential that the hedge could be lost. In this event, and in view of the possible lack of scope for an appropriate replacement boundary treatment in this position, it is considered that the proposed development would result in an*

unacceptable level of overlooking of the neighbouring property and its garden to the detriment of the amenities of neighbouring residents, contrary to Policies GP5 and BD5 of the Leeds Unitary Development Plan Review (2006) and the guidance set out within SPG 13.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 As there have been a number of previous applications for a detached dwelling on this site, all of which have been refused or withdrawn, the applicant has been advised that a further application is unlikely to be supported, but has submitted the current application to correct inaccuracies on the plans which were previously refused, and to try and overcome previous concerns and reasons for refusal which were raised as a result of these inaccuracies.
- 5.2 Revised plans have been received during the course of the application which correct some remaining inconsistencies, and step the rear part of the building's western elevation further from the western boundary in response to neighbours' concerns regarding the impact on their hedge. The drive width has also been increased to 3.3m in response to comments received from the highways officer.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

- 6.1 Councillor Buckley has objected to the proposals on the following grounds:
- The development would result in the destruction neighbours' garden at 3 Brookside, including their mature trees. An expert arborist will confirm this.
 - Parking and turning problems would be created in the narrow cul-de-sac
 - Loss of amenity
 - The proposals for the site are out of keeping for the area
 - It is understood that the size of the 2 storey house (not bungalow as described) contravenes an existing covenant on the minimum amount of square footage permitted.
 - Previous attempts to develop this plot have all been refused
- 6.2 Councillor Buckley also requests that officers refer the application to Plans Panel if minded to approve, although as discussed above, in the light of the history of the site, it was considered appropriate for the application to be reported to Panel rather than determined under delegated powers in this instance.

Harewood Parish Council

- 6.3 Object to this application on the grounds that the original boundaries to no. 5 no longer exist, therefore the area left for this new property is small and disproportionate to surrounding plots. Also vehicular access would be limited.
- 6.4 It is understood from the applicant that a meeting has subsequently been held on site with representatives from the Parish Council to discuss the proposals, however no further comments from the Parish Council have been received.

Other public response

- 6.5 The application has been advertised by site notice, posted 21st September 2012, and by neighbour notification letter. 6 letters of objection have been received, raising the following concerns:

- Design, layout and size of bungalow would be out of keeping with others in the street.
- Proposed dwelling is not only smaller than all other surrounding dwellings, and therefore out of character, but is much closer to boundaries and fails to reflect spacious setting of other properties on the cul-de-sac.
- Underground garage not reflective of others in the street.
- Proposed building now larger than previously, and the need to situate the building so close to the boundaries in order to avoid the Yorkshire Water easement crossing the site would result in a cramped development.
- Garden area too small.
- Building proposed is not a bungalow as described, as it has rooms on the first floor. Misleading in terms of describing the impact of the building.
- Hedge along boundary with 3 Brookside would be damaged by the development. Width of hedge not shown accurately on the drawings. Proximity of building to the hedge will lead to root severance during construction and the loss of the hedge, which is an important screen and of visual importance at present.
- Impact on trees and hedges of property to north.
- Has the applicant provided a tree survey as part of the application?
- Removal of willow tree at site entrance would deprive the cul-de-sac of its most attractive feature.
- Does not appear that vehicles would be able to turn within the site. Vehicles having to reverse from the site would be dangerous.
- Additional traffic, particularly during construction, would lead to additional parking on street in an area where on-street parking already creates obstructions to neighbouring properties.
- Potential for underground garage to flood – implications for ability of neighbours to get insurance.
- Noise, dust and dirt during construction.
- Inaccuracies on submitted plans in terms of size of site.
- Submitted details advise that there was previously a dwelling on the site, but this earlier dwelling was situated more on the area of land now belonging to number 3, not the application site.
- Concern that a further application has been submitted, despite four previous refused/withdrawn applications. No significant changes to proposals.
- Impact on property values.

6.6 The applicant has written a letter responding to the concerns raised, raising the following points:

- There are a variety of property types and designs within the streetscene.
- Proposed building would not easily visible within the street.
- Property is a dormer bungalow, with rooms in the roofspace, not a 2 storey house.
- Drawings have been revised to address concerns regarding the proximity of the building to the boundary.
- Highways have previously confirmed that the proposals are acceptable – developers will ensure no construction traffic obstructs neighbouring properties.
- Property is far enough from the hedge that it would not cause damage. Hedge will be protected during construction.
- Majority of pre-existing property on the site was within the grounds of number 7, not number 3.

- Would appreciate a site visit by Members of Plans Panel, as the proposed dwelling is 'pegged out' to accurately show on site where it would be located.

6.7 One letter of support has been received from a neighbouring property on High Ash Avenue to the east of the site, advising that they support the proposals because most of the site has been untended for some time, but suggest that some of the birch trees that border the site are trimmed down as they are now higher than most of the other trees and block a significant amount of light from the neighbouring property.

7.0 CONSULTATIONS RESPONSES:

Statutory

7.1 None.

Non-statutory

Highways

7.2 No objections subject to widening of drive width to 3.3m [revised plans have been received in this respect] and drive gradient no greater than 1 in 12.5 (8%).

Flood Risk Management

7.3 No objections – drainage requirements can be adequately dealt with through the Building Regulations.

Contaminated Land

7.4 No objections, subject to conditions.

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 the 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 consideration of this application.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.3 The site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations.

H4 – New residential development.

N12 – Urban design.

N13 – Design of new buildings.

BD5 – New buildings and amenity.

T2 – New development and highway safety.

LD1 – Landscaping.

Relevant supplementary guidance/documents (SPGs/SPDs)

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

National Planning Policy

- 8.5 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

9.0 MAIN ISSUES

1. Principle of development
2. Impact on the character of the area
3. Trees and landscaping
4. Residential amenity
5. Highways
6. Other issues

10.0 APPRAISAL

Principle of development

- 10.1 The site is within an existing residential area of Alwoodley, just outside the Leeds Ring Road and close to the A61, and is in a reasonably sustainable location. As the site is a residential garden it does not fall within the definition of 'previously developed land' in the NPPF. Whilst the classification of garden sites as 'greenfield', does not specifically rule out their development in principle, it allows the local planning authority a greater degree of control over developments which would result in the loss of residential gardens which can form an important part of the character of an area. In assessing such applications therefore, careful consideration needs to be given to the prevailing character of the area and to any impact that the proposed development would have on this.
- 10.2 Whilst it is noted that a dwelling has previously occupied part of the corner of this cul-de-sac, this is understood to have been demolished over 30 years ago. The land on which it formerly stood has subsequently been subdivided and its character has changed over this period to become part of the mature and established garden areas to either side. In view of the considerable period of time which has elapsed since its demolition and the subsequent change in the character and nature of this land over this time, it is considered that little weight can be attached to the existence of this former dwelling in the determination of the current application. The proposals therefore have to be considered on their own merits and taking into account the impact of the development on the character of the area as it exists today, not as it did over 30 years ago. It is on this basis that the proposals have been considered.

Impact on the character of the area

- 10.3 Brookside is a cul-de-sac which, whilst having some variety in the design of its houses, is characterised by large dwellings in relatively substantial plots. In contrast the proposed development, a compact dormer bungalow on a small corner site, would be considerably smaller in terms of its scale than any other property in the streetscene and is not considered to reflect the prevailing character of the area in this respect.

- 10.4 Whilst it is noted that a dwelling formerly stood within the area between 3 and 7 Brookside, this was on a site which was larger and contained a dwelling of a size more reflective of the character and setting of surrounding properties, having been built as part of the same development. The subsequent subdivision of the site following the property's demolition means that the application site is now a smaller area of land which is restricted to the corner of the cul-de-sac rather than having a street frontage, thereby restricting its presence within the streetscene. This, together with the need to retain an easement for the sewer which crosses the site, significantly constrains the size and position of the proposed dwelling, meaning that it is positioned close to the side and rear boundaries, with its principal elevation facing the side elevation of the existing property, 7 Brookside, rather than being oriented to address the streetscene as other properties in the cul-de-sac do. The proposals would therefore appear cramped within the site and would fail to appear as an integral part of the streetscene, disrupting this existing pattern of development.
- 10.5 Previous reasons for refusal have referred to the loss of mature landscaping within the site. As noted above, the character of the site has changed considerably over the past 30+ years since the previous dwelling was demolished, and it has evolved to form mature garden areas as part of the properties to either side, which are now integral to the established character of the streetscene. Whilst relatively overgrown at present, this and the neighbouring garden are considered to be positive features within the wider character of this mature residential area, with their mature trees, hedges and landscaping providing a visual break between other developments in the streetscene. Whilst the proposal to replace the willow tree on the site frontage with new planting and to retain hedges around the site are noted, and that these would provide some screening of the proposed development, the removal of other trees and planting from within the site is an inevitable consequence of the development, and elements of the building would still be evident in public views of the site. Guidance in the NPPF specifically excludes residential gardens from the definition of previously developed land in recognition of the positive role that such sites can play as part of the established character of mature residential areas. In this instance, it is considered that the site is a positive element of the streetscene and that the loss of this open area and its development with a new dwelling which, as identified above, would extend close to the boundaries and appear cramped within the site, would be of significant detriment to the character of the streetscene and the wider area as a result.
- 10.6 In the light of the above, it is considered that the proposed development, by virtue of its size, scale, design and layout, would fail to reflect the character of other properties in the streetscene and would detract from the visual amenities of the area, contrary to policies GP5, N12, N13 and BD5 of the UDP and the guidance in SPG13 and the NPPF.

Trees and landscaping

- 10.7 One of the reasons for the refusal of the previous application for a dwelling on the site, in 2010, related to the lack of information regarding the relationship between the proposed dwelling and the hedge to the west, between the site and the adjacent property at number 3, and to a number of inaccuracies and inconsistencies between the submitted plans in this respect. The plans submitted with the current application have now been revised to correct these inconsistencies and to show the correct position of the proposed dwelling in relation to this hedge.
- 10.8 According to the submitted plans, at its closest point, the proposed dwelling would be 2.2m from the centre line of the western boundary hedge, and around 1.9m from

the hedge itself. The proposals have been revised during the course of the application to step the rear part of the proposed building closest to the hedge further away from the boundary. The landscape officer has advised that whilst relatively close to this boundary hedge, in view of the size and type of hedging along this boundary, there would be sufficient space for the excavation works to be carried out in this part of the site without significant damage to the hedge and its root system, and that in his view refusal of the application on this basis could not, on balance, be justified, subject to appropriate protection of this hedge being installed prior to the commencement of works on the site.

- 10.9 Concerns have previously been raised regarding the relationship between the rear elevation of the western part of the building and the off-site tree within the neighbouring garden to the north, and this part of the building has been stepped further from the rear boundary to provide a greater degree of separation from this tree. Whilst the proposals do include a window in the rear elevation of the building facing onto this tree, this would serve a utility room and in view of the non-habitable nature of this space and the separation between this area and the tree, the landscape officer has advised that this is unlikely to result in significant concerns regarding the tree's impact on light and outlook from this north-facing room and subsequent pressure for the tree to be cut back or removed as a result. On this basis, it is not therefore considered that refusal of the application on these grounds could be justified, provided that the root system of this tree was adequately fenced off and protected during any construction works.

Residential amenity

- 10.10 The previous application for a dwelling on the site in 2010 was refused partly on the grounds that the information provided was insufficient to demonstrate that the hedge along the western boundary with number 3 could be retained, and that the loss of this hedge, and therefore the screening it provides, together with the positioning of a study window in the elevation of the building facing this neighbouring garden, would detract significantly from the privacy and amenities of these neighbouring residents.
- 10.11 The current application has subsequently been revised to correct the inaccuracies and inconsistencies on the previous plans and correctly show the relationship between the building and the hedge. An en-suite bathroom window is proposed in the part of the building closest to this boundary, 2.5m from the boundary and around 20m from the neighbouring house itself, and a study window is proposed in the rear part of this western elevation, which is set slightly further from the boundary (3.2m from the boundary and around 21m from the neighbouring dwelling). As discussed above, the landscape officer has now advised that on the basis of the submitted details, he considers that the hedge could be retained, and in the light of this and the separation distances between the proposed windows and the boundary and the fact that conditions could be attached to require these windows to be obscure glazed, it is not considered on balance that the revised proposals would result in a significant increase in the degree of overlooking of this neighbouring property or that refusal of the application on this basis could be justified. In the event that permission were to be granted, conditions requiring these windows to be obscure glazed and the boundary hedge to be retained, protected during works and replaced in the event that it were to die would be recommended.
- 10.12 In view of the distance between the proposed dwelling and neighbouring properties, together with its 1½ storey dormer bungalow design, with relatively low eaves levels, it is not considered that the proposed development would result in a significant increase in overlooking, overshadowing or overdominance of any neighbouring properties or that refusal of the application on these grounds could be justified.

10.13 Concerns regarding the relatively small size of the proposed dwelling's garden area are noted, however on the basis that the garden area retained would be in excess of the 2/3 floorspace recommended in Neighbourhoods for Living, the proposals are considered to be acceptable in this respect.

Highways

10.14 Neighbours' concerns regarding increases in traffic and on-street parking as a result of the proposed development are noted. The proposed development would provide parking for two cars within the site, together with additional parking space on the drive, and in the light of this and the revisions to increase the drive width to 3.3m in line with their advice, the highways officer has raised no objections to the proposals and therefore it is not considered that refusal on this basis could be justified.

10.15 On the basis of the submitted plans, the gradient between the site entrance and the proposed basement garage would be around 1 in 10.5 (9.5%). Although highways guidance generally recommends a maximum gradient of 8% (1 in 12.5) for new development, the highways officer has advised that on the basis of the relatively small scale of the proposed development, as a single dwelling, they do not consider that a refusal of the application on this basis could be substantiated.

10.16 Concerns have been raised regarding additional traffic and on-street parking during construction. As the proposed development is small in scale and any period of construction is therefore likely to be relatively short-lived, it is considered that this could be satisfactorily addressed through the imposition of a condition requiring details of provision for contractors during construction, to ensure that this was managed to prevent disturbance and obstruction to neighbouring properties.

Other issues

10.17 Concerns have been raised regarding the potential for flooding of the basement garage and neighbouring properties as a result of the excavation works proposed to create this area. The Council's Flood Risk Management section have raised no concerns in this respect in response to this or the previous scheme proposing a basement garage, and on this basis it is not considered that refusal of the application on these grounds could be justified.

10.18 In response to concerns regarding inaccuracies and inconsistencies on the plans as originally submitted, revised plans have now been received to address these.

10.19 Concerns regarding the impact of the proposed development on property values are not material planning considerations and therefore can be given little weight in the determination of the application.

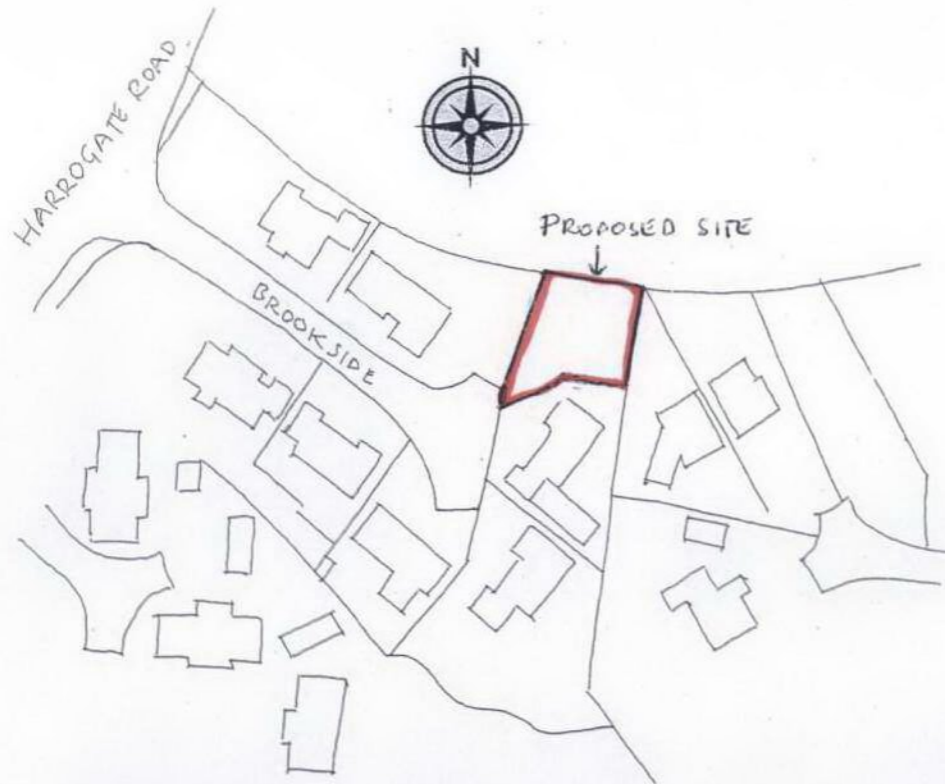
11.0 CONCLUSION

11.1 In the light of the above, it is considered that the proposals would fail to reflect the character of surrounding development in terms of its size and its position and orientation within the streetscene, and would therefore disrupt the character and pattern of the streetscene, to the detriment of the visual amenities of the area. It is therefore recommended that the application is refused.

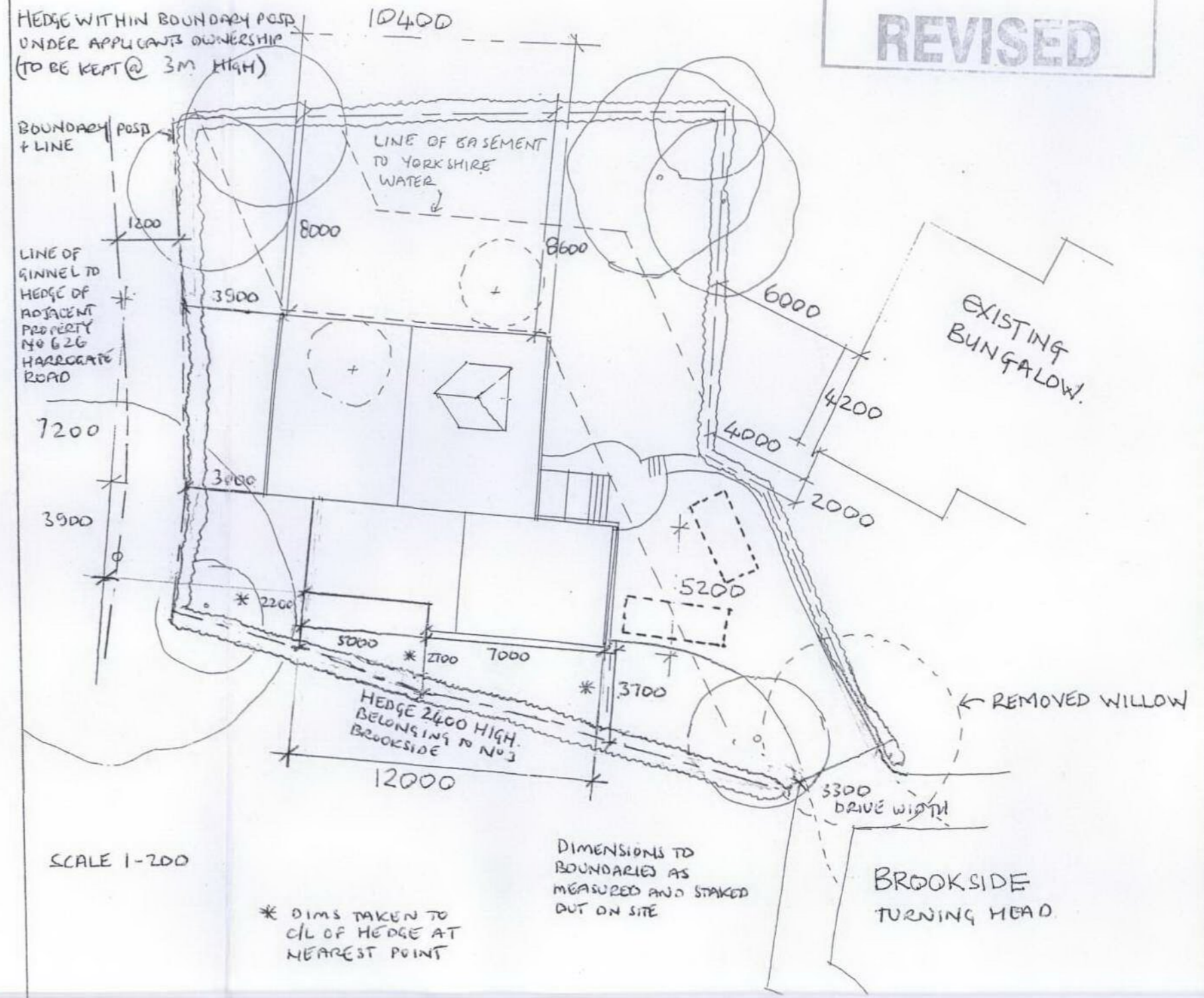
Background Papers:

Application and history files 10/03845/FU, 09/01549/FU, 08/00459/FU, 07/02338/FU.
Certificate of Ownership: Signed by applicant.

LEEDS CITY COUNCIL
 - 5 NOV 2012
REVISED



Site location 1:1250



SCALE 1-200

DIMENSIONS TO BOUNDARIES AS MEASURED AND STAKED OUT ON SITE

* DIMS TAKEN TO C/L OF HEDGE AT NEAREST POINT

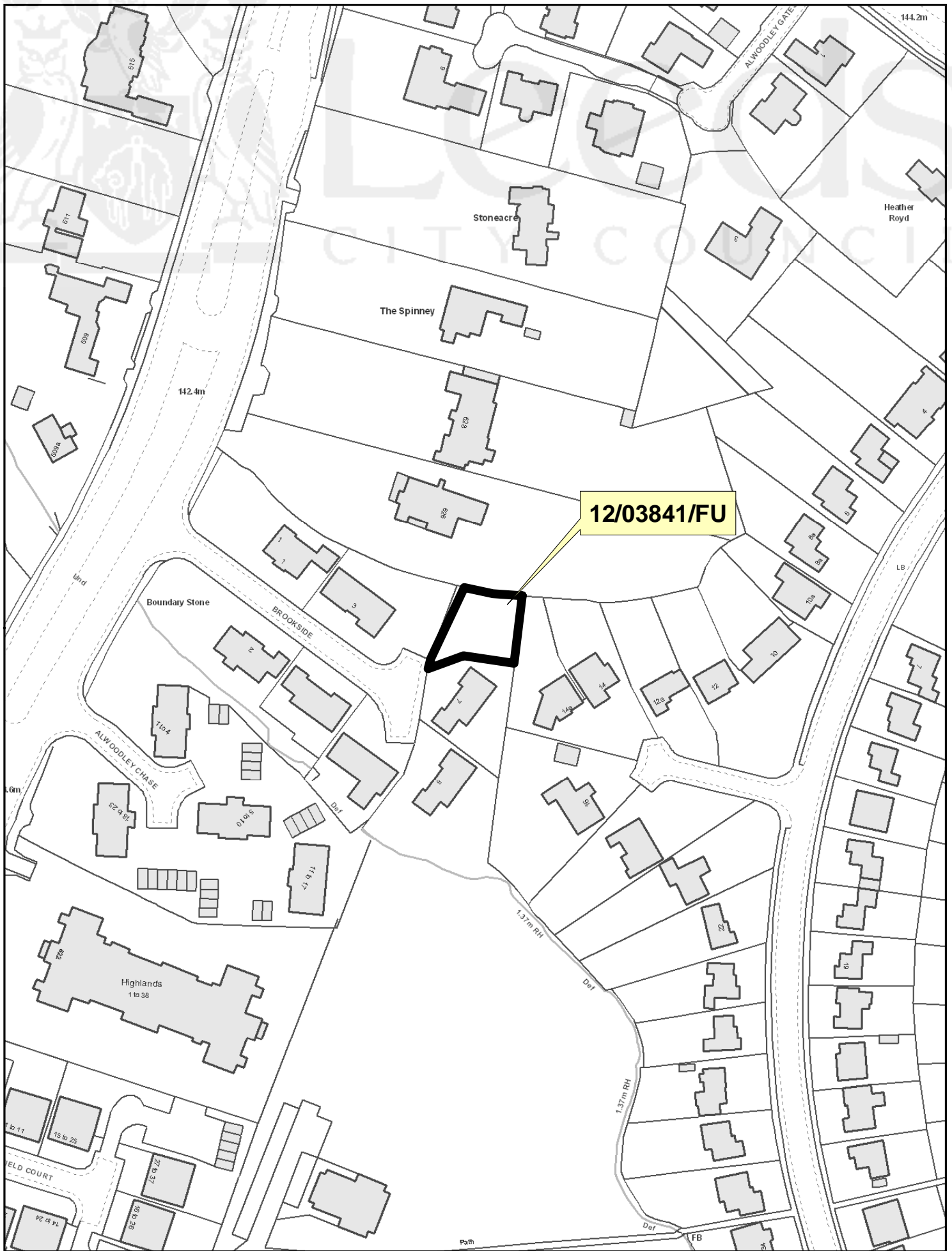
REV B - 14-10-12 UTIL/STORY MOVE IN FROM BOUNDARY TO PLOT 3
 DEWE WIDTH INCREASED TO 3.3m
 REVC - 27-10-12 DIMENSIONS AMENDED TO ACUAL ON SITE MEASUREMENTS - DETAILS ADDED

Pritchard Associates
 12 Carr Manor View
 Leeds LS17 5AQ

NOTES:

All dimensions must be checked on site and not scaled from this drawing

Client	Mr Robert Marshall	Scale	1-200	Drawing Title	
Job Title	Land adjacent 7 Brookside Leeds	Drawn by	hsp	Org No.	8.11.1.1
		Date	8.2011	Rev	A/Bc



NORTH AND EAST PLANS PANEL