



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 21<sup>st</sup> March 2013

Subject: 13/00252/FU – Swimming pool to side/rear at ‘Little Acres’, Linton Lane, Linton, LS22 4HL

#### APPLICANT

Mr Dan Butters

#### DATE VALID

18<sup>th</sup> January 2013

#### TARGET DATE

15<sup>th</sup> March 2012

#### Electoral Wards Affected:

Harewood

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 conditions:

1. Time limit on full permission;
2. Approved plans;
3. Landscaping implementation;
4. Hardstanding restriction.

**Reasons for approval:** It is considered that the proposed swimming pool is an acceptable form of development as it will not harm the character of the application dwelling, the wider conservation area nor harmfully impact upon the amenity of neighbours. As such the development is considered to comply with policies GP5, BD6, N19 and LD1 of the Unitary Development Plan Review (2006) and HDG1 and HDG2 of the Householder Design Guide SPD.

#### 1.0 INTRODUCTION

- 1.1 This application is brought to Panel as all recent applications for development of the site have been determined by Panel.

#### 2.0 PROPOSAL

- 2.1 The applicant seeks permission to construct a pool to the side/rear of the dwelling. This is to be sited on an existing lower terrace and measures approximately 6.0m in width and 14.2m in length. Stone paving is proposed to its sides and a plant room is to be built into the hillside.
- 2.2 Landscaping is proposed to the verges of the terrace which has partly been previously agreed under application reference 11/00343/RM. This includes a beech hedge and railings, new trees and shrubs and additional garden planting.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to a detached, two storey built dwelling with a hipped, rosemary tiled roof. The dwelling is an early twentieth century property built in the vernacular Arts and Crafts style and the dwelling is a positive building within Linton's Conservation Area. A recent application in 2011 gave permission for the construction of two storey and single storey extensions to the front, side and rear. These permissions have been implemented and work is in progress on site. The 2012 permission for a detached garage has not yet been implemented.
- 3.2 The property is set up from Linton Lane just above Linton Village and is located within extensive grounds. There is a reasonably severe gradient within the site with the land rising from the road level toward the dwelling. These land level changes are such that only the upper portions of the property are visible from Linton Lane.
- 3.3 The main garden areas are set to the rear and east side of the property and include a lower, terraced area to the west which is formed by two existing dry-stone walls. The garden is bounded by residential dwellings to the south and by the access drive to the east. The open nature of the garden areas make a positive contribution to the conservation area and form part of the transition from the finer grain of the village core to the more open nature of the greenbelt which lies to the east. There are a number of protected trees within the site.
- 3.4 The property is associated with a previous planning application which granted permission for three detached dwellings within the grounds; works have commenced in relation to this permission.

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

- |     |             |                                                                                                                                          |
|-----|-------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 4.1 | 08/02240/OT | Outline application to erect 3 detached dwelling houses to garden site<br><b>Approved</b>                                                |
|     | 11/00343/RM | Three detached houses to garden<br><b>Approved</b>                                                                                       |
|     | 11/00340/CA | Conservation Area Application for partial demolition of front entrance, gables and canopy to rear, bay window to side<br><b>Approved</b> |
|     | 11/00341/FU | Two storey and single storey extensions to front, side and rear<br><b>Approved</b>                                                       |
|     | 11/03316/FU | Detached house with double garage (amendment to previous application 11/00343/RM)<br><b>Approved (Panel)</b>                             |

12/01466/FU Detached double garage to front; conversion of existing detached double garage to habitable room with link extension to main house  
**Approved (Panel)**

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Pre-application advice was sought with officers of the opinion that a pool could be acceptable provided that appropriate landscaping was included with the scheme to ensure that it did not adversely affect the character of the wider conservation area.

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

6.1 The application has been advertised by neighbour notification letter, site notice and newspaper advert. No responses have been received.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 None

## **8.0 PLANNING POLICIES:**

8.1 The development plan is the adopted Leeds Unitary Development Plan (Review 2006).

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.3 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.4 UDP Policies:

GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

N19 New development should preserve or enhance the character and appearance of the Conservation Area.

LD1 Any landscape scheme should normally:

- i. Reflect the scale and form of adjacent development and the character of the area;
- ii. Complement and avoid detracting from views, skylines and landmarks;
- iii. Provide suitable access for people with disabilities;
- iv. Provide visual interest at street level and as seen from surrounding buildings;
- v. Protect existing vegetation, including shrubs, hedges and trees. Sufficient space is to be allowed around buildings to enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings;
- vi. Complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development;
- vii. Be protected, until sufficiently established, by fencing of a type appropriate to the prominence of the location, around all those parts of the landscaping susceptible to damage.

## 8.5 Householder Design Guide SPD:

Leeds City Council Householder Design Guide was adopted on 1<sup>st</sup> April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials;

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

## 8.6 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

In relation to heritage, local planning authorities are encouraged to sustain and enhance the historic environment.

## **9.0 MAIN ISSUES**

- 1) Design and Character/Conservation Area
- 2) Neighbour Amenity
- 3) Representations

## **10.0 APPRAISAL**

### Design and Character/Conservation Area

- 10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity. Leeds Unitary Development Plan Policy BD6 states that “all alterations and extensions should respect the form and detailing of the original building”, whilst policy N19 seeks to persevere or enhance the character, or appearance of the area. This advice is elucidated and expanded within the Householder Design Guide.
- 10.2 As has been outlined above the existing dwelling is an early twentieth century Arts and Crafts style dwelling which makes a positive contribution to the character of Linton’s Conservation area. Its gardens extend to the east and south of the dwelling and their open character also contributes positively to the wider conservation area. The swimming pool which is proposed is located to the south-east of the dwelling to a lower, terraced portion of the garden which lies close to the access drive and also portions of Linton Lane. As such it is important to ensure that the swimming pool is not only an acceptable addition to the property but that it also does not harm the character of the wider locality.
- 10.3 In respect of its impact upon the character of the dwelling the pool causes little concern. Although not a usual addition within the majority of rear gardens, a swimming pool is not an inappropriate addition within a domestic context. The scale of the gardens associated with the house are such that a pool can be easily accommodated without becoming an overdominant feature. The pool is to be set a little away from the main dwelling and to a lower portion of the garden, and thus its impact upon the historic dwelling and its wider setting is limited. As such the development is considered acceptable in respect of its impact upon the dwelling.
- 10.4 The impact upon the character of the conservation area is also considered to be acceptable. Although the pool is to be located on a lower portion of the garden which lies between the main house and Linton Lane because the structure is to be dug into the landscape very little will be visible above ground level. The associated machinery and the plant room are also be dug into the hillside and, as noted in the Design and Access statement, the pool cover will also be housed below ground level. The most visually intrusive aspect of the scheme is potentially the additional hardstanding around the edges of the pool and the access steps up to the higher levels of the garden, however the soft landscaping will help to mitigate this impact. As such appropriate conditions will ensure that the character and appearance of the wider conservation area is maintained.

10.5 As such the proposal is considered to be acceptable in this regard.

Neighbour Amenity

10.6 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposal should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted”.

10.7 The pool is to be sited to the south-east of the property and thus is set a little closer to Grey Gables to the south than the current dwelling. A pool use also intensifies the use of this area of the garden and thus could have an impact upon the amenity of neighbours. However, although set closer to the neighbour than the main dwelling, the 20m which is retained from the edge of the new pool area to the common boundary is considered sufficient to prevent unreasonable intrusion. Were this distance to be shortened by the hardstanding around the pool being enlarged this would cause concern, particularly as there is little boundary screening along the southern edge of the site. Because the garden and dwelling at Grey Gables is set a lower level than the application site a condition which imposes solid boundary screening could harmfully affect outlook and/or the use of garden areas. As such a condition will be imposed which restricts the extension of the hardstanding without planning permission; this will then allow the authority to assess the impact of this change upon neighbours.

10.8 As such the proposal is considered to be acceptable in this regard.

Neighbour Representations

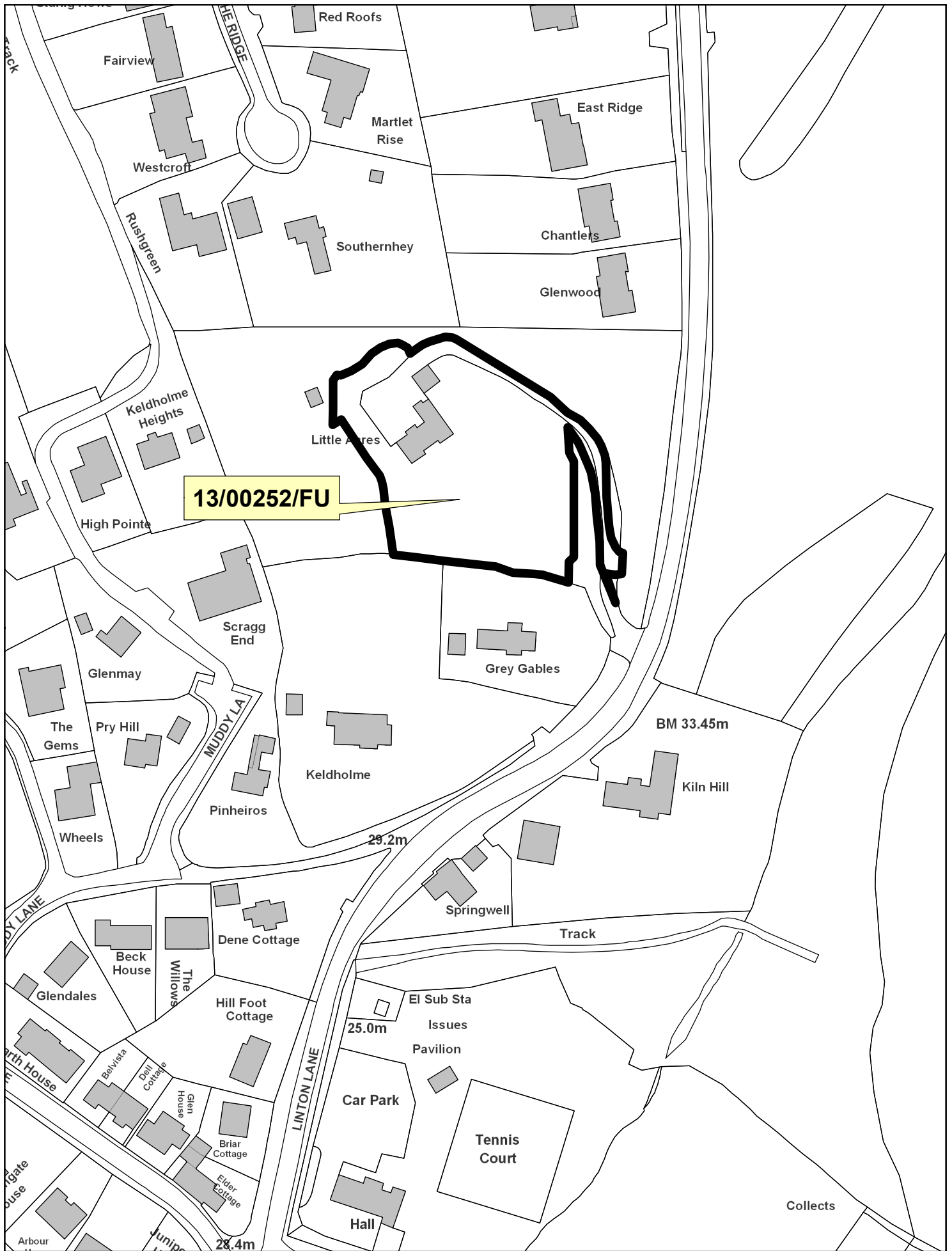
10.9 No comments have been received in relation to the application.

**11.0 CONCLUSION**

11.1 The application is therefore considered to be acceptable. The pool area will not negatively affect the character of the application dwelling nor that of the wider conservation area and will not have an unreasonable impact upon neighbours. As such the proposals are compliant with the relevant policies and guidance and approval is recommended.

**Background Papers:**

Application files      13/00252/FU  
Certificate of ownership: Certificate A signed by agent



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