



## Report of the Chief Planning Officer

### PLANS PANEL CITY CENTRE

Date: 16<sup>th</sup> May 2013

**Subject: Application 13/00068/FU – Demolition of workshop and erection of detached house with integral garage at land to the rear of 44 Main Street, Methley.**

#### APPLICANT

Mr A Dixon

#### DATE VALID

13<sup>th</sup> February, 2013

#### TARGET DATE

10<sup>th</sup> April, 2013

#### 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:

**REFUSE** for the following reasons:

1. The proposed development would by reason of its siting, scale and design represents development that lacks architectural continuity and is contrived in appearance thereby resulting in an incongruous feature when viewed in context with the site and its surroundings. As such the proposed development represents harm to the interests of visual amenity thereby conflicting the Policies GP5, N12 and N13 of the Leeds Unitary Development Plan Review (2006) and the design advice contained in the National Planning Policy Framework (NPPF).
2. The proposed development would by reason of its siting, scale, design and overall height result in overlooking, overshadowing and represent development that is intrusive and over dominant to the occupants of the properties at Nos. 40, 42, 44 and 46 Main Street. The future occupants of the proposed dwelling would also suffer from being unduly overlooked. As such the development would be prejudicial to the living conditions of the occupants of existing dwellings and future occupants of the proposed development. As a consequence, the proposed development is contrary to

Policies GP5 and BD5 of the Leeds Unitary Development Plan Review (2006) and the guidance contained in the City Councils Residential Design Guide - Neighbourhoods for Living.

## **1.0 INTRODUCTION:**

- 1.1 This application is presented to Plans Panel at the request of Councillor Keith Wakefield on grounds that the proposal would represent visual improvement of the site.

## **2.0 PROPOSAL:**

- 2.1 The application seeks to demolish an existing building previously used as a workshop and replace it with a 3 bedroom detached house with integral garage.
- 2.2 The new house would be part single, part two storey property containing a garage, wc and open-plan kitchen/dining room/lounge to the ground floor. Two bedrooms (one with en-suite) and the house bathroom are shown on the first floor and the third bedroom would be within the roof space served by three roof lights.
- 2.3 A main aspect window is shown to the southern elevation with the remaining main aspect windows to the north and east elevations. There are four parking spaces proposed, one to the rear of No 44, two to the eastern boundary of the site and the garage that forms part of the new dwelling house.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is situated to the north side of Main Street. The site includes a narrow unmade access (situated between Nos. 44 and 46 Main Street) leading to the bulk of the site. The site comprises a somewhat dilapidated part single, part two-storey workshop/store constructed in a mixture of materials including brick, concrete blocks and corrugated metal sheeting. Part of the building has no roof. There is a blue metal storage container situated to the north east side elevation of the building. The remainder of the site appears to have a domestic garden use and is predominantly laid to grass with a number of mature outbuildings hard-standings and decorative walling features. The site up to the rear of the building is level however the remainder of the site slopes downwards to the northern boundary of the site.
- 3.2 The surrounding area is predominantly residential and includes both old and modern housing in a variety of styles. Red brick or render are nevertheless the dominant choice of external materials although the properties off Nelson Court are noted to be built in art stone. Some commercial uses are pepper potted within buildings (sometimes residential in original design) along Main Street and serve the local community e.g. hair dresser.
- 3.3 In terms of the general layout of the area, the character immediately surrounding the application site is that of dwellings fronting onto the road they are served by - albeit some are hard up to the pavement whereas others are set back and have front gardens. The exception to this is the former church building which is set back and sideways onto Main Street as it was designed to front a side access road which is now little used. This building was purpose built as a church and accordingly is well

detailed and has a scale and massing that is much greater than the surrounding, mainly residential buildings.

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

4.1 08/05268/FU – bakery with dwelling above. Withdrawn although likely to have been refused on amenity grounds.

4.2 Enforcement:  
09/01021/UNB3 – unauthorised works to building. Building secured 26 October 2009.

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

5.1 PREAPP/11/00668: Proposal for a replacement dwellinghouse - officers unable to support the proposal

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

6.1 The application was advertised by site notices posted adjacent to the site dated 22 February 2013. 2 letters of representation have been received in response to the public notification process supporting the proposed development on the following grounds:

- Improved visual appearance of the site; and
- Existing building a potential safety hazard

6.2 Councilor Wakefield has also commented and considers the proposal to represent a visual improvement to the area. A Plans Panel determination is therefore requested.

#### **7.0 CONSULTATIONS RESPONSES:**

##### **Statutory:**

##### Environment Agency:

No objection in principle, subject to compliance with the findings of the submitted Flood Risk Assessment. In addition, the applicant is recommended to include flood risk precautions before occupation.

##### **Non Statutory Consultations:**

##### Highway Development Services:

Objection difficult to justify given previous commercial use of the site.

##### Nature Conservation Officer:

Bat report satisfactory. Recommendation that the existing building is not demolished during the bird nesting season.

##### Flood Risk Management:

No objection subject to the implementation of the recommendations contained in the submitted Flood Risk Assessment.

##### Contaminated Land:

No objection subject to conditions.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 The Development Plan for the area consists of the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents.
- 8.3 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.
- 8.4 As the Council has submitted the Publication Draft Core Strategy for 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.
- 8.5 The application site is not allocated within the UDPR proposals map. Nevertheless, the following policies are considered to be of relevance:

GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N12 development should respect the following fundamental priorities for urban design.

N13 design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings.

N23 incidental space around built development should provide a visually attractive setting.

N24 where development proposals abut ...other open land, their assimilation into the landscape must be achieved as part of the scheme.

N25 boundaries of sites should be designed in a positive manner, using walls, hedges or railings where appropriate to the character of the area.

N38a relates to the prevention of flooding

N38b requires the submission of FRA's.

N39a specifies that sustainable drainage should be used where possible.

LD1 requires landscape schemes as part of development proposals.

H4 relates to residential development on sites not identified for that purpose.

BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.

T2 developments need to 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.

T24 parking provision to reflect the guidelines set out in UDP Appendix 9.

- 8.6 Supplementary Planning Documents  
SPG4 – Greenspace relating to new housing development  
SPG13 - Neighbourhoods for Living  
SPG22 – Sustainable Urban Drainage  
SPD Street Design Guide.

- 8.7 National Planning Policy:  
National Planning Policy Framework (NPPF, March 2012) gives a presumption in favour of sustainable development and has a strong emphasis on high quality design. Guidance is also provided in respect of avoiding the risk of flooding.

## 9.0 MAIN ISSUES

1. Principle of development
2. Visual amenity and character
3. Residential amenity
4. Highway safety
5. Flood risk
6. Others

## 10.0 APPRAISAL

### Principle of development

- 10.1 In context with the relevant national and local planning guidelines the site includes attributes that make it both brownfield and greenfield from a policy perspective. In this respect, the scheme's impact on the open but green character and appearance of part of the site, as well as the remainder of the site is critical. The siting of the proposed dwelling is such that the greenfield component would form its main private garden and accordingly the character of this area could remain relatively unchanged subject to the retention of appropriate landscape features. As the garden area proposed for the new house is very generous, sufficient useable garden space would still exist even if it was deemed appropriate to retain most landscape features. However, as this issue could ultimately be secured by condition, the scheme can be accepted in principle. Other, more detailed considerations still nevertheless need to be addressed and are discussed below.

### Visual amenity and character

- 10.2 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". Local UDPR policies GP5, N12 N13 as well as the advice contained within Neighbourhoods for Living repeat this general message about the need to achieve good design.
- 10.3 The proposed dwelling has been designed to share some characteristics of the building it seeks to replace in that it would also have a gabled roof and be a part single and part two-storey construction. The design however, is heavily influenced in order to avoid prejudicing the living conditions of the occupants of neighbouring residential properties, resulting in one virtually blank elevation, an elevation over-dominated by windows and an elevation with an artificial window feature. This design approach is not reflective of the surrounding properties and is considered to represent a contrived design that is also lacking in architectural continuity. Whilst the proposal would result in the removal what is generally recognised as a poor building, the new dwelling fails to improve the character or appearance of the area as required by the NPPF and accordingly it should be refused.

### Residential Amenity

- 10.4 The form of the proposed dwelling, locating the single storey garage to the west side of the proposed building is understood, as this would lessen the impact on the rear garden area of No 46. However, whilst the two storey element is 4m from the boundary with No.46 the overall two storey mass of the dwelling is likely to have a much greater impact than the current building due to its larger scale. In addition, the proposed dwelling would be positioned some distance beyond the rearmost elevation of No. 46 and with its positioning directly to the east of its garden area is likely to appear as an over-dominant feature and result in overshadowing to the detriment of its occupants living conditions.
- 10.5 As already discussed, the rationale behind the somewhat unconventional design of the new dwelling is understood in terms of trying to avoid windows directly overlooking the rear elevation of No 44 and the garden area of No 46. However, the relationship between the new dwelling and the existing property (44) is still considered to be poor as only 15m separation between the two is provided. This distance is substandard when assessed against the Council's guidance as contained in Neighbourhoods for Living as at least 18m should be required. As such, the potential of overlooking still occurs and a poor outlook for existing residents would also result.
- 10.6 With respect to the eastside elevation of the proposed dwelling, it contains several large windows serving the open plan-style kitchen/lounge/dining room at ground floor level and bedroom windows at the first and second floor levels. Whilst these do not overlook the rear elevation of No 44 they do, albeit at an oblique angle, overlook the rear garden area of No 40 and to a lesser extent No 42. They would also overlook the remaining garden area of No 44 that abuts the bulk of the eastern boundary of the application site. As such the proposed development would prejudice the existing residents ability to use their main private garden areas without being unduly overlooked, a situation which cannot be accepted.

### Highway Safety

- 10.7 Highway officers are mindful the existing access is sub-standard in terms of visibility for vehicles exiting the site but the development does seek to replace a previous commercial use. As the historic use has the potential to generate more vehicular activity than a single dwelling it would be difficult to justify an objection on highway safety grounds. Accordingly no highway objection to the development is raised.

### Flood Risk

- 10.8 The site falls in an area that is affected by three different flood zones. As such the risk of flooding ranges from "high probability" (Flood Zone 3a) to the northern part of the site, to "medium probability" (Flood Zone 2) for the area occupied by the existing workshop, culminating with a "low probability" (Flood Zone 1) for the vehicle access road between Nos. 44 and 46 Main Street. Under the Flood risk vulnerability classification (NPPF – Technical guidance, Table 2) the proposed development of a dwelling represents a more vulnerable use. For the purposes of assessing the appropriateness of such a use, all development is appropriate in Flood Zone 1; development within Flood Zone 2 should be accompanied by a Flood Risk Assessment; and within Flood Zone 3 the development needs to pass the sequential and exceptions tests.
- 10.9 The only part of the site that lies within Flood Zone 3 would be used as ancillary private amenity space for the new and existing dwellings. Due to the new dwelling being sited in Flood Zone 2 the applicant has submitted a Flood Risk Assessment that the Environment Agency have considered to be acceptable subject to conditions relating to finished floor levels and the implementation of post-development safety

procedures. The access road in Flood Zone 1 is not constrained as all development is considered appropriate in this area. As such it is considered that the proposed development accords with the relevant policy objectives in seeking to direct development away from areas at the greatest potential risk of flooding.

#### Others

- 10.10 It is noted the proposed development has received support from local residents and a Ward Member. The potential benefits which flow from replacing the existing unsightly building have already been discussed but is not considered to be sufficient to justify a new development which itself is poorly designed. In terms of the concern about public safety, it is the responsibility of the applicant to ensure the building is secure and not in danger of collapse.

### **11.0 CONCLUSION**

- 11.1 Officers consider the development to be poorly designed resulting in visual detriment to the character and appearance of the site and the surrounding area. Furthermore, the new dwelling would harm the living conditions of existing residents due to concerns relating to overlooking, overshadowing and over dominance as well as being unduly overlooked itself. As a consequence, the application cannot be supported as currently submitted and is recommended for refusal for the reasons stated.

#### **Background Papers:**

Application file: 13/00068/FU.

Certificate of Ownership A completed.



LEEDS CITY COUNCIL

- 3 APR 2013

ADDITIONAL

13/00068

The changes shown on this plan do not need further public comment

Location Plan.  
1:1250.



Site Layout.  
1:500.



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Client  
Mr. A. Dixon.  
Project  
Proposed Dwelling.  
44, Main Street.  
Methley. LS26 9JE.

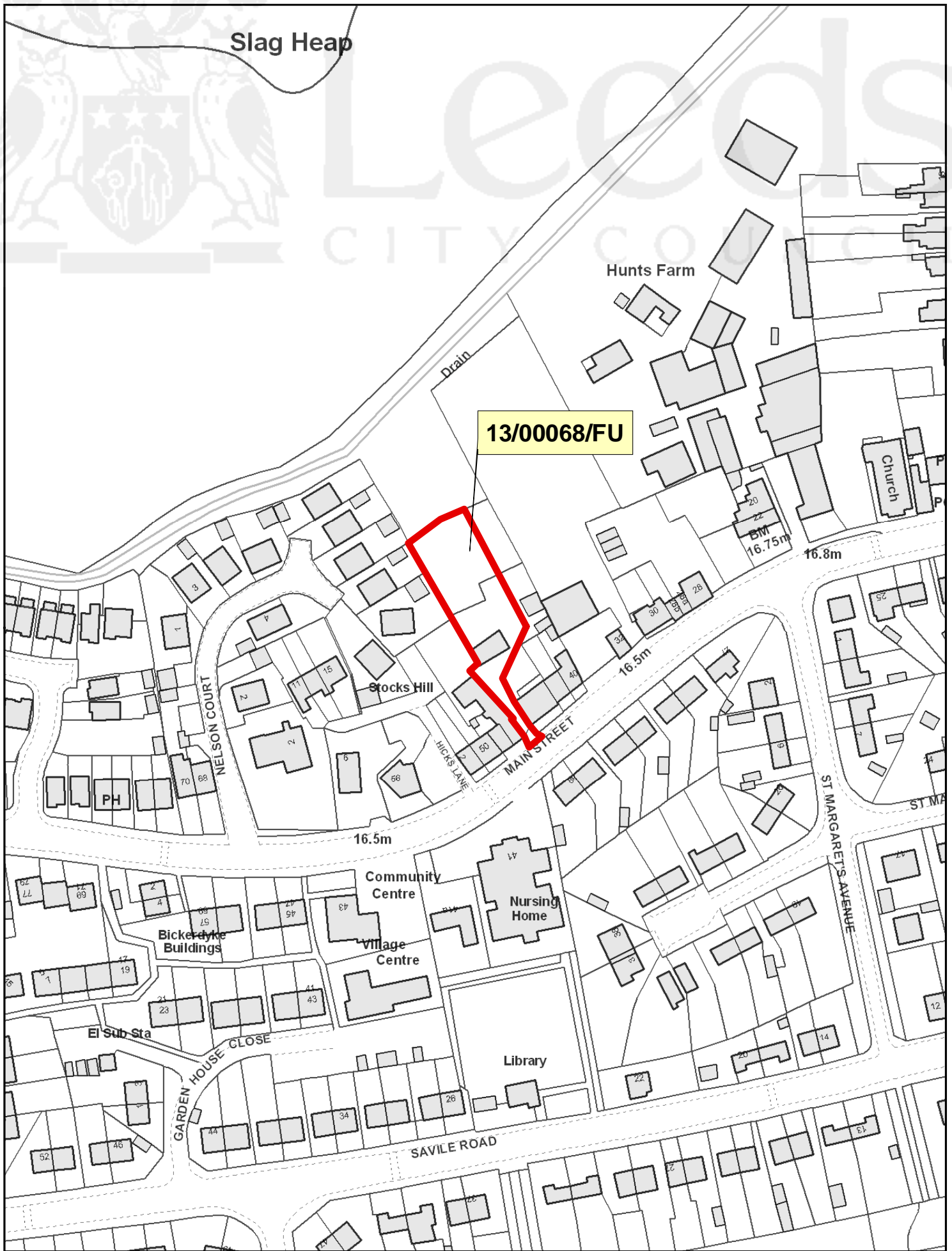
Title  
Site Location Plan as  
Proposed

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Scale  
1:500  
Date  
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# NORTH AND EAST PLANS PANEL