



Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 29th June 2023

Subject: 22/07259/FU – Alteration and extension of existing dwelling including two storey extension to front, single storey extension to side and raising of roof height to create new pitched roof with dormer to front; two storey extension to side to create new living accommodation, parking garage and roof terrace; erection of new timber boundary fence; new landscaping and parking areas including erection of parking impact barrier and creation of vehicle passing area at The Bungalow, Wharfedale Street, Meanwood, Leeds, LS7 2LF

APPLICANT

Mr L Riley

DATE VALID

28.10.2022

TARGET DATE

23.12.2022 (EoT Agreed 6th July 2023)

Electoral Wards Affected:

Chapel Allerton

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT planning permission subject to the conditions set out below (with amendments or addition to the same as deemed appropriate):

1. Standard time limit 3 years
2. Development to be built in accordance with the approved plans
3. Materials detailing to be approved and implemented
4. Landscaping details – including laying out of hard surface areas and vehicle spaces
5. Access road and passing place to remain clear of obstructions
6. New boundary treatments to be agreed and erected prior to building works in relation to the proposed extensions and alterations to the dwelling
7. Parking barrier details to be submitted and implemented prior to new adjacent car parking area coming into use.
8. Electric Vehicle Charging Point provision
9. Restriction to residential use as a single planning unit
10. Management Plan for future hobby use

INTRODUCTION:

1. This application is being presented to the North and East Plans Panel at the request of Councillor Jane Dowson (Chapel Allerton), with expressed support for doing so from Councillor Al Garthwaite (Headingley and Hyde Park). The application site falls within Chapel Allerton ward but is situated in close proximity to Headingley and Hyde Park ward. Given that the proposal concerns an application within Councillor Dowson's ward that she represents and to which Councillor Dowson considers that the development would have a significant effect on the ward – as detailed further below – it is considered that exceptions, as set out in the Officer Delegation Scheme, are met and it is appropriate to report the application to Plans Panel for determination.
2. Councillor Dowson has requested that the application be heard at Plans Panel on the basis that the proposal will impact on one of the cities wild green areas – namely Woodhouse Ridge. Councillor Garthwaite supports this view, expressing concern at the alleged actions of the applicant in relation to land outside of his ownership falling within designated public greenspace.
3. Woodhouse Ridge is a protected greenspace in Leeds' Site Allocations Plan and is covered by a number of policy designations relevant to its function. Concern has been expressed locally, including through Councillors Dowson, Garthwaite and former Councillor Walshaw, in relation to a number of unauthorised works allegedly carried out by the applicant on land which falls under the ownership and responsibility of the Council's Climate, Energy and Green Spaces service.
4. However, whilst there is obvious concern in relation to these matters from the Council, these are matters which are within the power of the Council's Climate, Energy and Green Spaces service to take appropriate enforcement action and which are being pursued by that Council team. The alleged actions of the applicant fall outside of the red line site boundary of the current planning application and should not be matters which influence the determination of the planning application. Planning law is clear on this point, namely that local planning authorities should not seek to withhold planning permission based on an applicant's previous behaviour or in an attempt to address issues which fall outside the purview of the planning application in front of them.
5. The current planning application seeks permission for significant alterations and extensions to the existing dwelling at the application site including landscaping, parking and access improvements. The proposals are considered acceptable when considered against the Development Plan and in light of all other relevant material planning considerations and, subject to the relevant conditions as outlined in this report, the proposals are recommended for an approval of planning permission.

PROPOSAL:

6. The application seeks permission for significant alterations and extensions to the existing house at the site in addition to associated landscaping, parking and access proposals.
7. The existing house will be extended to the front and side with a new, higher, pitched roof proposed. The new roof will include a new dormer window to front. In addition to this a substantial two storey extension is proposed to the east side of the existing dwelling and will accommodate new living accommodation at first floor level alongside

an external raised terrace area. At ground floor level the proposal will include a four car garage with a workshop and gym to the rear.

8. The proposals are intended to provide living accommodation for the applicant, his partner, and his son who are collectors and restorers of classic and vintage cars. The living accommodation will be in the form of the main dwelling and an ancillary annex with shared spaces within the building. The new parking garage and workshop area will be used by both the applicant and his son in pursuant of their hobby to restore classic and vintage cars.
9. The proposals will allow for improved living and working arrangements for the family and allow new landscaping and parking areas to be created within the site. A new timber panel fence is proposed to the site boundary to replace existing metal security style fencing and a new vehicle passing place is proposed on the access to the site.

SITE AND SURROUNDINGS:

10. The site is accessed via a long private drive connected to Meanwood Road. The site occupies an elevated position above Meanwood Road, which is a busy main highway, but is situated approximately 44 meters away from the road. The site lies within a mixed area in terms of land uses with predominantly residential properties to the west and immediately to the north with commercial premises to the north and east. Buildings within the proximity of the site are of various sizes and scales with the majority of residential properties being two or two and half storeys in scale. Dormer windows are a common feature of the locality.
11. The existing dwelling whilst described as a 'bungalow' sits on an elevated plinth and includes an existing lower ground floor. It is clear that the site has been utilised to serve the applicant and his son's hobby – to collect and restore classic and vintage cars – with aerial photographs of the site showing large numbers of vehicles parked at the site and along the access road at various points over the last two decades (the applicant has lived at the site for over 20 years).
12. The application site falls within the 'Woodhouse Ridge Key Corridor' of Strategic Green Infrastructure designated as such under Spatial Policy 13 of the Core Strategy. However, the application site falls outside, but is adjacent to, the Woodhouse Ridge public greenspace designation (Site Allocations Plan reference G160), the Woodhouse Ridge Urban Green Corridor designation (Saved Unitary Development Plan policy N8) and the Woodhouse Ridge Leeds Nature Area designation (Reference Leeds Nature Area 114).
13. It is clear that activities have taken place outside of land within the applicant's ownership but adjacent to the application site in recent history. The extent of these activities is however disputed by the relevant parties involved.

RELEVANT PLANNING HISTORY:

14. The following planning applications are relevant:

H34/116/90 - Detached store and garage, to dwelling (Approved 1990) (not implemented, no longer extant)
18/00094/FU - Demolition of bungalow and erect one house (Approved 2018) (not implemented, no longer extant)
15. The following planning enforcement case is relevant:

22/00166/UOPS2- Change of use of site for car storage and possible unauthorised development (Pending)

HISTORY OF NEGOTIATIONS:

16. In response to concerns raised by the Council in relation to the accuracy of the site ownership red line plan, the applicant has submitted a revised red line plan which has addressed relevant concerns.

PUBLIC/LOCAL RESPONSE:

17. The application was advertised via Neighbour Notification Letters Posted 7th November 2022.
18. Councillor Dowson has requested that the application be heard at Plans Panel on the basis that the proposal will impact on one of the city's wild green areas – namely Woodhouse Ridge. Councillor Dowson has also requested that Plans Panel members visit the site so that the impacts can be fully assessed. Councillor Dowson has noted in her representations that because the enforcement process relevant to the alleged activities of the applicant on Council owned land does not offer an avenue for local residents (including the Woodhouse Ridge Action Group (WRAG)) to have a voice that the application should be referred to Plans Panel to allow for local residents to have their say in a public forum.
19. Councillor Garthwaite has endorsed Councillor's Dowson's view as above. In addition to this Councillor Garthwaite has set out that having attended meetings of WRAG, the group has expressed concern that even in light of the inability of Plans Panel to resolve matters which falls outside of its remit, that having the application heard at Plans Panel will allow members of WRAG to put their views across in a public forum. Councillor Garthwaite also notes that she intends to pursue this further with the Council's Climate, Energy and Green Spaces service under whose remit it does fall separately. Furthermore, Councillor Garthwaite notes that what the owner of the application site does with his own property is not of a concern to WRAG.
20. Former Councillor Neil Walshaw has objected to the application on behalf of all the Headingley and Hyde Park Ward Members (at the time of objection this included himself, Councillor Garthwaite and Councillor Jonathan Pryor). Former Councillor Walshaw draws attention to the comments of WRAG noting that Headingley and Hyde Park Ward Members, at the time of writing, endorse those comments.
21. The Woodhouse Ridge Action Group (WRAG) has objected to the application. The following is a summary of the group's objections:
 - The group observed, and has photographic evidence, of red heras-style metal fencing extending beyond the applicant's boundary and into land owned by the Council leading to unauthorised enclosure of land, alongside the dumping of subsoil and excavated material (from the application site) onto Council owned land to the south of the site. These matters were reported to the Council's Planning Enforcement Team and the Council's Climate, Energy and Green Spaces service alongside local ward members;
 - The group has requested a plan be submitted by the applicant to show the line and nature of the intended enclosure of the application site with a suggestion that a more conventional fencing material (e.g. timber boarded fencing) be used;

- The group has requested that the applicant enter into a legal agreement with the local planning authority to remove unauthorised materials and fencing from land outside of the application site alongside returning the land to its previous state;
- The group has requested that planning conditions be introduced to prevent any unauthorised dumping or any other works to this land in the future.

22. Two letters of objection have been received from members of the public raising the following concerns:

- Fencing being erected on the site, which extends encroaches on land that is not owned by the applicant.
- Soil tipping on adjacent land.
- Waste being burnt on site.
- Frequent noise nuisance from the site
- Close proximity of the proposed parking spaces to 7 Wharfedale Avenue, could lead to damage if the vehicles misjudge and crash into the wall of the dwelling.
- Shared boundary wall with No7 Wharfedale Avenue should be repaired.
- Boundary hedges between Wharfedale Avenue should be retained
- Noise from the building works

CONSULTATION RESPONSES:

23. The Council's Highways Team has suggested a number of conditions to make the development acceptable including to control new surfacing, to prevent the obstruction of the access road and passing place, and in respect of electric vehicle charging points.

24. The Council's Climate, Energy and Green Spaces (formerly Parks and Countryside) team has offered comments in respect of the separate enforcement investigation relating to Council owned land to the south of the site. It is noted here that these comments are offered for information purposes as they do not relate to material planning considerations relevant to the consideration of the current planning application. The team note that, in response to complaints received that there has been (1) the erection of unauthorised fencing and enclosure of Council land, (2) the dumping of subsoil, and (3) the damage of flora to the south of the site, allegedly by the applicant, that separate site visits were undertaken by the relevant Technical Officer and Community Tree Officer to investigate these complaints. The conclusion from these site visits was that there was no evidence of work being undertaken on Council owned land with the exception of some minor shrub removal and the removal of two older tree stumps (noting that the trees to which the stumps related appeared to have been removed some considerable time ago). There was no evidence of tipping or the felling of trees on Council owned land at the time of the site visits. It was however evident that a heras-style fence had been erected on Council owned land without permission and the removal of this is currently being sought through, and actioned by, colleagues in the Council's Legal Team, on behalf of Council's Climate, Energy and Green Spaces team.

PLANNING POLICIES:

The Development Plan

25. As required by section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of decision-making in relation to this application, the Development Plan for this part of Leeds currently comprises the adopted Local Development Framework Core Strategy (2014, as amended by the Core Strategy Selective Review 2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (included as Appendix 3 of the Site Allocations Plan), the Site Allocations Plan (2019), and the Natural Resources and Waste Development Plan Document (2013 and 2015) (NRWLP).

26. The following policies from the Core Strategy are considered to be of most relevance to this development proposal:

- General Policy – Sustainable Development and the NPPF
- SP1 – Location of development
- SP13 – Strategic green infrastructure
- P10 – Design
- P12 – Landscape, quality and character
- T1 – Transport management
- T2 – Highway safety
- G1 – Green infrastructure
- G2 – Creation of new tree cover
- G4 – Green space improvement and new green space provision
- G6 – Protection and redevelopment of existing green space
- G8 – Protection of important species and habitats
- G9 – Biodiversity net gain
- EN8 – Electric Vehicle Parking Spaces

27. The following saved policies from the Unitary Development Plan are considered to be of most relevance to this development proposal:

- GP1 – Land use and the proposals map
- GP5 - Seeks to ensure that development proposals resolve detailed planning considerations, including amenity
- BD6 – All alterations and extensions should respect the scale, form, detailing and materials of the original building
- N8 – Urban Green Corridors
- N25 – Boundary treatments
- LD1 – Landscape schemes

28. The following saved policies from the Site Allocations Plan are considered to be of most relevance to this development proposal:

- GS1 – Designation/protection of green space

29. The following saved policies from the Natural Resources and Waste DPD are considered to be of most relevance to this development proposal:

- General Policy – Designation/protection of green space
- WATER7 – Surface water run off
- LAND2 – Development and trees

Relevant Local Supplementary Planning Guidance/Documents

30. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

Householder Design Guide SPD (April 2012)
Building for Tomorrow Today: Sustainable Design and Construction SPD
(August 2011 and Update Note June 2020)
Neighbourhoods for Living SPG (December 2003 including memorandum to 3rd
Edition August 2015 and Update Note June 2020)
Transport SPD (February 2023)

Other Relevant Documents

31. Other relevant documents include:

Guideline Distances from Development to Trees (March 2011, revised February 2021)

National Planning Policy Framework

32. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
33. The following sections of the NPPF are most relevant for the purposes of determining this application:
- 2. Achieving sustainable development;
 - 4. Decision-making;
 - 12. Achieving well-designed places;
34. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

CLIMATE EMERGENCY:

35. The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
36. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
37. As part of the Council's Best City Ambition, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

PUBLIC SECTOR EQUALITY DUTY

38. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. The requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.
39. In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

MAIN ISSUES:

40. The following main issues have been identified:
- (1) Relevant Material Planning Considerations
 - (2) Relevant Planning History
 - (3) Strategic Green Infrastructure
 - (4) Design and Character
 - (5) Residential and Other Amenity
 - (6) Highways and Parking
 - (7) Representations
 - (8) Other Matters

APPRAISAL:

- (1) Relevant Material Planning Considerations
41. As is outlined above, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this planning application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is important to be clear in this context what may constitute a material planning consideration in this instance.
42. As is detailed earlier in this report, the concerns of objectors, including WRAG, and local ward members principally relate to activities which have been allegedly undertaken by the applicant outside of the application site. Indeed, Councillors Dowson and Garthwaite, in addition to WRAG, in written representations to the Council, set out that they have no concerns in relation to the development proposals within the red line site boundary – that is the redevelopment of the property and the associated landscaping, parking and access works which are the subject of this planning applications.
43. Furthermore, it is understood from written submissions from Councillor Garthwaite that WRAG support the amendment put forward by the applicant during the course of negotiations to erect a timber boarded fence along the boundary of the application site as part of the current proposal.
44. As such, the remaining area of concern from WRAG and local objectors relate to the unauthorised works allegedly undertaken by the applicant outside the application site.

45. It is important to consider two factors here. The first is that what is before the local planning authority is the proposal for consideration at the application site. The proposals do not include the land outside the application site, which is relevant to the concerns of WRAG, local objectors and ward members. Neither can the local planning authority require the applicant to include this land within his submission so that other matters could be considered under the umbrella of the application.
46. The alleged unauthorised activities are under current investigation by the Council's Climate, Energy and Green Spaces service who have appropriate enforcement powers to take action as they see fit to address relevant matters (an update is offered in this respect at paragraph 24 of this report). The Council has, correctly, identified that the correct mechanism to take action is not within its role as the local planning authority, but as its role as the landowner. Given this is the case, it falls outside of the powers of the local planning authority, or Plans Panel acting within its role as decision maker here, to give significant material weight to such considerations. Whilst, understandably the Council has, and Plans Panel members are likely to have, concerns in relation to what has taken place outside the application site, the planning system does not serve to address other unauthorised activities which can and should be addressed through relevant powers under other 'non-planning' legislation – as is being actively pursued by the Council's Climate, Energy and Green Spaces team here.
47. This brings us on to the second matter. Local ward members have identified that the enforcement process which is relevant to such matters does not include a public forum for discussion and engagement with WRAG and other interested parties. As such local ward members have expressed a view that because the local planning authority has a planning application in front of it for determination, that to have the application heard at Plans Panel, would allow local concerns to be raised in a public forum albeit in relation to other 'non planning' matters. However, it is important to note that it would be inappropriate for Plans Panel, notwithstanding that it does not have any powers to take action in these circumstances for the reasons noted above, to be utilised for such a purpose. Plans Panel serves as a decision-making body on behalf of the local planning authority – it should not serve to seek to police other matters which fall outside of its remit. In addition to this, Plans Panel members must be mindful that planning law is clear that the planning system should not be used by local planning authorities, including Plans Panels, as a reason to withhold planning permission on the basis of previous actions of an applicant or as a forum to seek other unrelated action against an applicant. Such matters are straightforwardly not a material planning consideration which can be taken into account as part of the decision-making process.
48. Planning officers have sympathy with the position of WRAG, local residents and local ward members here in relation to the matters raised and the frustration caused in relation to activities which have taken place outside of the application site. It is also understandable that comments offered are seeking to have matters heard in a public forum which allows local voices to be heard. However, these matters have no material relevance to the consideration of the current application and Plans Panel does not serve such a purpose. Local ward members have been advised on these matters by planning officers as part of discussions.
49. This also extends to matters raised by WRAG in relation to the potential use of planning obligations (section 106 legal agreements) or planning conditions. It would be inappropriate to use such mechanisms to seek to resolve matters which fall outside of the application site and are not reasonably related to the planning application being considered. In relation to planning obligations such obligations must be (1) necessary

to make the development acceptable in planning terms, (2) directly related to the development, and (3) fairly and reasonably related in scale and kind to the development. These three requirements are set out as statutory tests at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and as policy tests in the NPPF. The use of a planning obligation here – as proposed by WRAG - would fail to meet any of the three requirements, noting that all three would need to be met. In relation to planning conditions, national planning policy (Paragraph 55 of the NPPF) includes six tests for conditions; that they are (1) necessary, (2) relevant to planning, (3) relevant to the development to be permitted, (4) enforceable, (5) precise, and (6) reasonable in all other respects. The use of conditions here – again as proposed by WRAG - would fail to meet a significant number of these tests, noting that all six would need to be met.

- 50.. On a final note in relation to the aforementioned matters, it is noted that the applicant has expressed a willingness to resolve the matters raised in relation to land outside of his ownership through the proper processes for doing so. This is ultimately be a matter for colleagues in the Council's Climate, Energy and Green Spaces service to pursue – as they are doing through the appropriate mechanisms. It is also noted that, whilst these matters are not considered to be relevant materials planning considerations which can be afforded any weight in the consideration of the current application, that the proposal, if granted planning permission, is likely to act as a driver for positive action in relevant respects. The Council, acting in its role as local planning authority, can, for example, seek to control the delivery of the new boundary treatments at the site – supported by WRAG and local Ward Members – to ensure that these are delivered as part of the development. There are also wider benefits likely to arise as a result of the proposal, including in tidying up the appearance of the site and in making a positive contribution to wider amenity, including that of the Woodhouse Ridge Key Corridor, as set out further in this report.

(2) Relevant Planning History

51. As is set out in the Relevant Planning History section of this report, the site was previously granted planning permission for a replacement house in 2018 (18/00094/FU). Whilst the Council understands that the planning permission has lapsed and so this cannot be afforded any material weight as a fallback position, it is helpful to note that the proposals were supported in principle for a replacement house at the site of a not dissimilar nature to that which is now before the local planning authority.

(3) Strategic Green Infrastructure and Biodiversity

52. As noted in the Sites and Surroundings section of this report, the application site sits within the Woodhouse Ridge Key Corridor as designated by Spatial Policy 13 (Strategic Green Infrastructure) of the Leeds Core Strategy. Spatial Policy 13 sets out that within key corridors development is expected to enhance corridor functions, including in relation to biodiversity. Core Strategy Policy G1 stipulates that development should retain and improve existing green corridor functions, particularly in areas experiencing growth. There exist a number of other relevant policies within the Development Plan which serve to protect flora and fauna and provide enhancements with Core Strategy policy G9 (supported by the NPPF) requiring a net gain to be achieved for all development proposals in respect of biodiversity.
53. The proposal includes new landscaping proposals including the planting of trees and other vegetation at the site. It is considered that this will make a positive contribution to the wider corridor function of the land. Not only will this lead to an improvement visually but this will also provide for a better assimilation into the wider corridor land alongside providing for an appropriate biodiversity net gain at the site.

54. As such the proposal is considered to be in keeping with relevant Development Plan policies and guidance including Core Strategy policies SP13, G1 and G9 and the NPPF in relevant respects.

(4) Design and Character

55. As noted in the Sites and Surroundings section of this report, the application site sits within a mixed area in terms of surrounding land uses but notably surrounding residential properties are predominantly two or two and a half storeys in scale with dormer windows being a common feature of the locality. The application site itself is of a generous size and it has previously been accepted that it could reasonably accommodate larger buildings (planning permission 18/00094/FU).
56. The proposed alterations and extensions to the building are significant in nature. However, it is not considered that these will overdominate or overwhelm the site given the above. It is also considered that the extensions represent a sympathetic form of development which is reflective of the surrounding built environment. The extended and altered dwelling would include living accommodation for the applicant and his partner and, in separate ancillary accommodation, his son. The proposed alterations to the main building will retain its simple rectangular footprint and pitched roof, allowing it to blend with neighbouring buildings that also feature traditional pitched roof rectangular forms. While the two-storey extension is of considerable size, it will have a similar pitched roof and rectangular shape and include a link between the two main habitable areas. Furthermore, the use of matching materials will ensure a cohesive integration of the two structures.
57. It is also noted that the site is not prominent in any wide-ranging public views. Although the dwelling will be positioned significantly above the main highway (Meanwood Road) and visible from it, the distance of approximately 44m from the highway edge means that the proposal is not expected to be overly prominent. Therefore, its impact on the visual amenity of the road will not be significant. Similarly, the dwelling will be situated approximately 22m away from the highway edge of Wharfedale Street, providing a comfortable separation distance that ensures it does not appear prominent or have a significant impact on the character of the street.
58. When viewed from the protected greenspace and public right of way to the north, the development will be situated considerably below the level of the footpath and will be seen in context with the other built developments to the south, east, and west of the site. Additionally, the massing of the dwelling will be screened and softened by mature vegetation and the proposed fencing. As a result, it is anticipated that the proposal will not appear intrusive or out of character from the perspective of the public right of way.
59. Significantly, whilst the proposal includes extensive new built development at the site, it does so alongside a sympathetic proposed landscaping arrangement. The proposal will not only introduce more sympathetic boundary treatments but also include soft landscaping areas, tree planting and other vegetation which will represent a significant improvement on the site's current appearance. These matters are appropriate to control by way of planning condition.
60. The proposals also include the provision of a parking barrier within the site alongside a formalisation of parking areas and the access road (the latter including the formulation of a vehicle passing place). These are appropriate within this context and relevant matters can be controlled by condition.

61. On the whole, it is considered that the proposed alterations, extensions and associated works represent an acceptable form of development which will respect the character of the existing property and wider streetscene, the proposal will meet the wider aims of Core Strategy policies SP13, P10 and P12, saved UDP policies GP5 and BD6, policy HDG1 of the Householder Design Guide, and the guidance contained within the NPPF in these respects.

(5) Residential and Other Amenity

62. Development proposals should seek to reasonably protect the amenity of both existing and future residents alongside the amenity of other neighbouring sites in different uses.

63. The proposed extensions and alterations will be situated approximately 17.5m away from the nearest dwelling at 2 Wharfedale Street. This separation distance is deemed adequate to prevent any negative impact on neighbouring amenity in terms of overshadowing/loss of light, overdominance/loss of outlook or overlooking/loss of privacy. The proposed roof terrace will be situated to the south of a site most recently in use as a children's nursery to the north, but the separation distance retained to that site of 6.5m is considered to be appropriate given the nature of the neighbouring land use.

64. As a result, the proposal raises no concerns in relation to this or any other neighbouring site in terms of such amenity impacts. Furthermore, the proposals will provide for a good level of amenity for the applicant and any future occupiers of the development. As such the proposal is acceptable in amenity terms and can be considered to meet the wider aims of Core Strategy policy P10, saved UDP policy GP5, policy HDG2 of the Householder Design Guide, and the guidance contained within the NPPF in these respects.

(6) Highways and Parking

65. As is set out earlier in this report, the circumstances at the application site are relatively unusual in that the applicant and his son collect and restore classic and vintage cars as a hobby. The aerial photography of the site over the last 20 years show – at various times – that this hobby has included the storage of a large number of vehicles at the site. It is helpful to note here that whilst it is unusual to have such a large number of vehicles at any one time for the purpose of a hobby, not only has this situation clearly persisted for some time at the site, but the Council can find no evidence that this is part of a commercial operation that would suggest this goes beyond a hobby in this context. As such the considered conclusion here is that the nature of the activities do relate solely to the hobby of the applicant and his son.

66. Putting aside the matter of the applicant's hobby, in normal circumstances new car parking provision for a development of this scale and nature would only attract a requirement to provide for a modest number of car parking spaces – almost certainly less than the seven formal parking spaces proposed here (consisting of four parking spaces in the proposed garage and three to the driveway area to front). In normal circumstances therefore, the proposal would include for an overprovision of on-site car parking spaces.

67. However, the evidence before the Council, that a large number of vehicles are likely to be stored at the site once the development is completed means it is sensible to consider whether the proposals could reasonably meet this need. With this in mind, the applicant has set out that the intention post development is that no more than 12 vehicles will be present at the site at any one time. Given that this will go beyond the

seven formal spaces available, the Council subsequently asked the applicant to offer clarity on where the additional five vehicles will be parked/stored.

68. In response the applicant has set out that, in addition to the seven formal spaces proposed, it is expected that the workshop area will be sufficient to store three vehicles in the process of being repaired/restored and there is further potential for up to two vehicles to be parked to the front of the garage and up to four vehicles to be parked to the front of the main house. This will provide for a combined total of up to 16 formal and informal parking spaces at the site.
69. The applicant's response in this respect is considered to have addressed any relevant concerns and officers consider, particularly bearing in mind these activities are somewhat longstanding at the site at present, that this would provide for an acceptable solution which would represent an improvement over the existing situation. As such the proposals are considered to provide for an adequate level of on-site parking that are responsive to the unusual circumstances in this instance without leading to harmful highway impacts. Furthermore, it is considered that the formalisation of the parking arrangements through the development will address some of the concerns resulting from the haphazard way vehicles are stored at the site at present. The Council's Highways team has also suggested that a condition be attached to any permission granted requiring details of electric vehicle charging point(s) to serve the development and it is considered this is appropriate in the circumstances. It is also considered appropriate to agree further details with the applicant as to how the site will be managed in future if the development proceeds through planning condition. Such a condition would look to agree measures to limit noise and disturbance to nearby neighbours.
70. The proposed alterations to the private access road to the site – to provide for a vehicle passing place – are also considered to be an improvement over the existing situation. Further to advice from the Council's Highways Team, it is considered appropriate to control works relating to the resurfacing of the relevant section of this access road. It would also be appropriate to attach a condition to any planning permission granted to ensure that the access road and passing place remain free of obstruction to provide a safe and usable access, not only for the applicant but also for vehicles visiting the site or for emergency vehicles. In addition to the proposal addressing some of the existing parking concerns at the site, it is also considered that this will go some considerable way to addressing concerns in relation to the obstruction of the access road which has occurred in recent history.
71. As such the proposal is acceptable in parking and highway terms and can be considered to meet the wider aims of Core Strategy policies P10 and T2 saved UDP policy GP5, and the guidance contained within the Transport SPD and NPPF in these respects.

(7) Representations

72. As is noted in the Public/Local Response section of this report the application has attracted comments from Councillors Dowson and Garthwaite and objections from former Councillor Walshaw on behalf of himself and Councillors Garthwaite and Pryor, from the Woodhouse Ridge Action Group (WRAG) and from two local residents.
73. The substantive points made through these representations in relation to the activities which have occurred outside of the red line site boundary are discussed in Section 1 of this appraisal. It is noted that the applicant has amended the red line site boundary and proposed timber boarded fencing to the site boundaries in response to matters relevant to the planning application. Furthermore, the applicant has responded to

concerns raised in relation to the proximity of proposed parking spaces to the residential site at 7 Wharfedale Avenue (including the potential risks of vehicles colliding with the dwelling's wall) through an amendment to the scheme to install a parking barrier within the application site. The applicant has also set out in writing his commitment to work with the Council in relation to matters outside of the application site.

74. Additional concerns have been raised in relation to noise and waste management at the site and in relation to noise from building works that would result from the granting of planning permission. In the first respect, the proposal would be for residential extensions and alterations and whilst these would allow for the continuation of the applicant and his son's hobby to restore vintage and classic cars, these would not amount to a commercial use of the site which would raise concerns in relation to noise and waste management. Any permission granted would be controlled to prevent a commercial use of the site and to ensure appropriate management of the site in the future. Furthermore, it is helpful to note here that not only could these activities continue at the site under the current arrangements, but that the granting of permission for an internal garage and workshop area should assist in tackling noise issues in particular by moving such activities indoors. In the second respect, the proposed development is relatively modest in the context of the requirements of the construction phase and it is not considered, as a result, that this will lead to unreasonable noise and disturbance, notwithstanding that existing government legislation governing building operations already ensures that appropriate measures are in place to minimise disturbance to neighbours during the construction process.
75. The suggestions made in respect of the future repair and maintenance of the shared boundary wall with 7 Wharfedale Avenue and the retention of the boundary hedge along Wharfedale Avenue are noted. In respect of the latter, the proposal does not include the removal of the hedge. In respect of the former, this would be a civil matter between the parties involved rather than a matter which should be controlled through the planning process.

CONCLUSION:

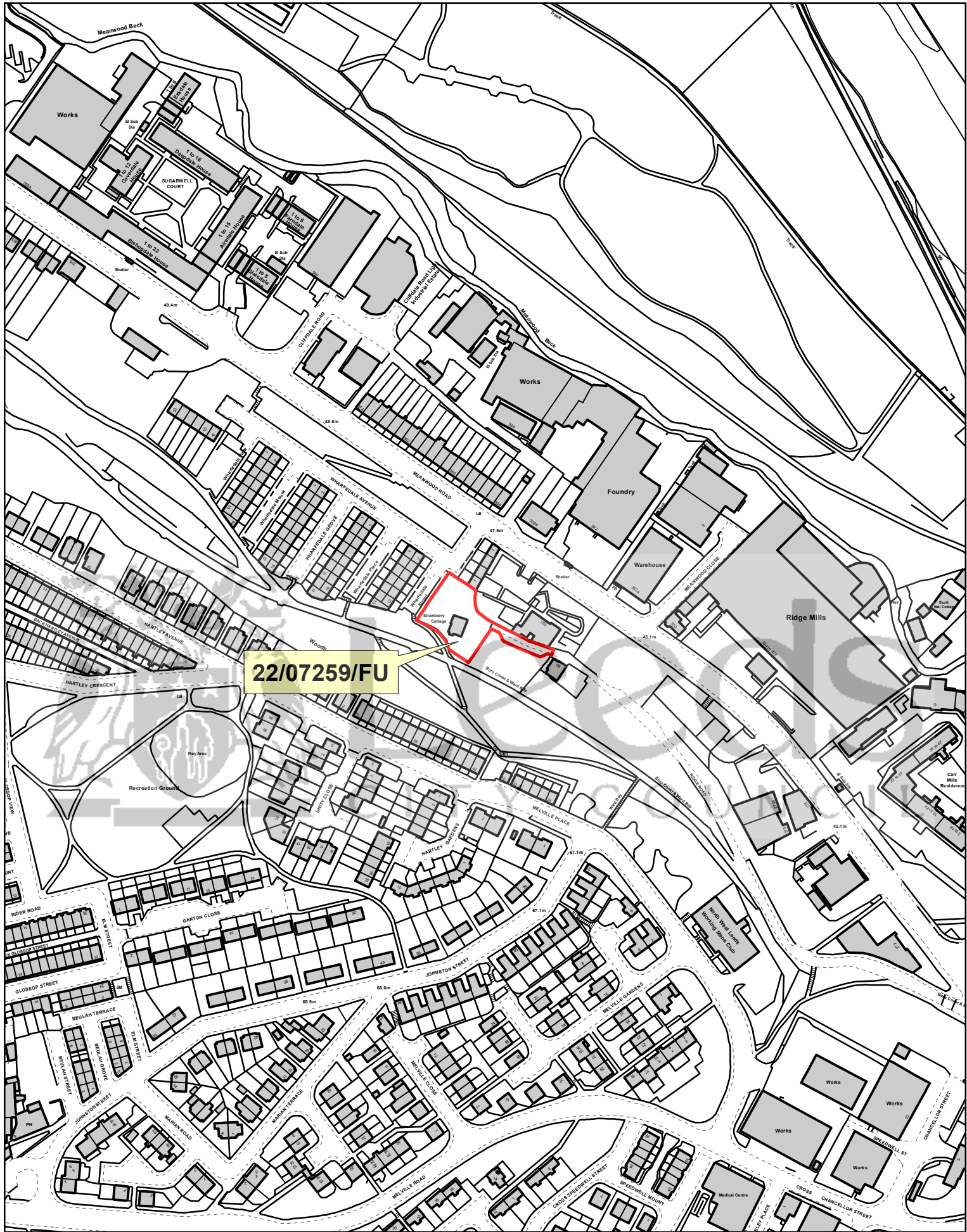
76. The proposal represents significant alterations and extensions to the existing house at the site in addition to associated landscaping, parking and access proposals. However, it is considered that the proposals have addressed all relevant material planning considerations and are in-keeping with the requirements of the Development Plan and other relevant policies and guidance.
77. The proposals will lead to material improvements at the site in terms of its corridor function within the wider Woodhouse Ridge Key Corridor as designated by Core Strategy policy SP13 through new landscaping and the planting of trees and other vegetation. Existing hedges at the site will be retained. This will lead to visual amenity and biodiversity benefits including allowing for a net gain to be achieved for biodiversity commensurate with policy G9 of the Leeds Core Strategy.
78. The new built form at the site has been designed sympathetically for its context and will allow for the applicant, his partner and son to live at the site and fulfil their hobby to collect and restore classic and vintage cars in a space fit for purpose and which should lead to material improvements for not only the applicant but for nearby residents in terms of noise and disturbance. The proposals do not lead to any significant concerns in respect of neighbouring amenity or in terms of car parking provision or impacts to the highway. Indeed, in respect of car parking and matters

relating to the use of the access road to the site, it is considered that the proposal will lead to a betterment over the existing situation.

79. Whilst comments raised by local ward members and the Woodhouse Ridge Action Group in relation to alleged activities which have occurred outside of the application site, including unauthorised works likely to have caused harm to Council land which is protected by a number of planning policy designations (protected public greenspace, urban green corridor, Leeds Nature Area) are noted, and a great deal of sympathy is held by planning officers in respect of relevant matters, for the reasons set out in this report, these do not form material planning considerations which can be afforded any significant weight in relation to the consideration of the proposal. The Council's Climate, Energy and Green Spaces team are already taking appropriate action under relevant powers to address these concerns through the appropriate mechanisms for doing so. Neither is Plans Panel an appropriate forum to air grievances which should be addressed through relevant 'non-planning' processes. As such they would not be reason to refuse the application.
80. As a result and taking into consideration all the aforementioned and other relevant considerations, the proposal is recommended for a planning approval, subject to the conditions noted at the start of this Report and amendment of/additions to the same as deemed appropriate.

BACKGROUND PAPERS:

81. Application file reference: 22/07259/FU
Certificate of ownership: Cert A signed by the Agent



22/07259/FU

NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1 / 2500



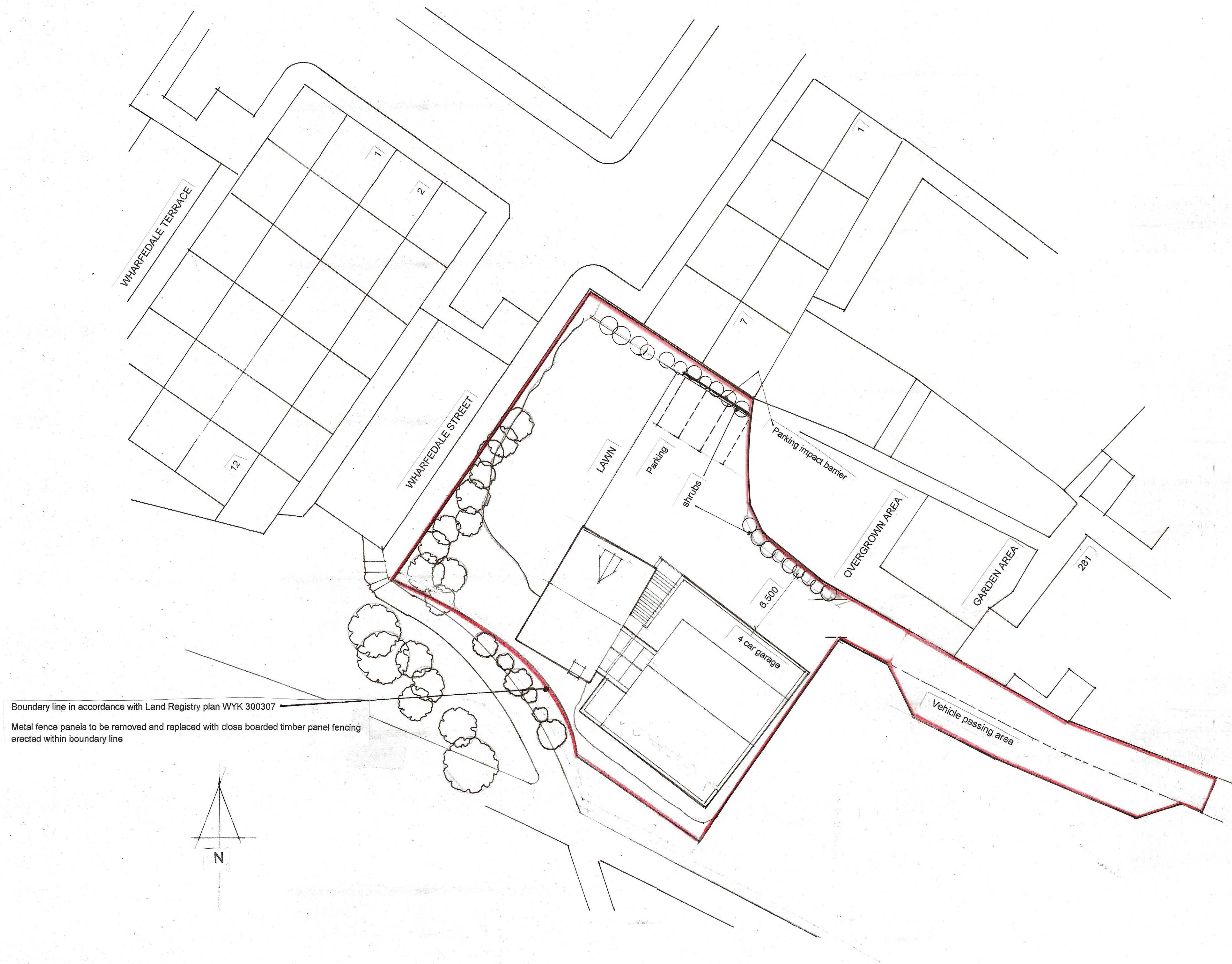




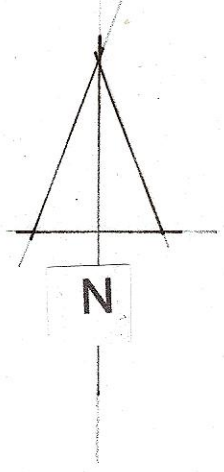
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PLANS PANEL PRESENTATION

SCALE 1:2500



Boundary line in accordance with Land Registry plan WYK 300307
 Metal fence panels to be removed and replaced with close boarded timber panel fencing erected within boundary line



A boundary line amended

planning unit ARCHITECTURAL SERVICES · DESIGN · PLANNING 16 chequerfield ave • pontefract • wf8 2tb	PROJECT	SCALE 1:200 @ A1
	THE BUNGALOW WHARFEDALE ST LEEDS	DATE
	TITLE	SEPT 2022
	SITE BLOCK PLAN	DWG NO
		22-475-06