



## Report of the Chief Planning Officer

### **PLANS PANEL SOUTH & WEST**

Date: 17<sup>th</sup> May 2016

Subject: **PLANNING APPLICATION 15/04158/FU – Demolition of garages and erection of attached pair of semi-detached houses with associated amenity space**

at: **11 St. Ann's Lane, Burley, Leeds, LS4 2SE**

#### **APPLICANT**

Mr Amar Latif (Traveleyes Ltd.)

#### **DATE VALID**

27<sup>th</sup> July 2015

#### **TARGET DATE**

21<sup>st</sup> September 2015

#### **Electoral Wards Affected:**

Kirkstall

Y

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 following conditions:

1. 3 year time limit.
2. Development completed in accordance with approved plans .
3. Standard contamination conditions.
4. Laying out of area used by vehicles prior to occupation.
5. Details of footway crossing.
6. Use of porous surfacing materials.
7. Provision of motor/cycle parking prior to use .
8. Provision of bin store prior to use.
9. No insertion of windows to specified elevations.
10. Use of obscured glazing / fixed / limited opening windows where specified.
11. Landscaping scheme to include replacement tree planting.

12. Details of all fences, walls, boundary treatments.
13. No construction of specified buildings, dormers (remove all householder PD rights).
14. Samples of external walling, roofing, surfacing materials for inspection / to match existing.

## **1.0 INTRODUCTION**

- 1.1 This application was brought before the South and West Plans Panel on 21<sup>st</sup> April 2016 with an Officer recommendation of approval. However, several of the Panel members expressed concerns regarding the height of the 2.5-storey element and its projection beyond the rear elevation of a neighbouring house at No. 7, St. Ann's Lane. This was considered to risk harm to the residential amenity currently enjoyed by the occupier through overdominance and overbearing resulting from the excessive massing and form of the proposed dwellings.
- 1.2 The Panel therefore determined to defer a decision to allow the applicant to revise the proposals in order to address these concerns, with the amendments brought back to a future Panel meeting in order to determine whether the concerns raised have been successfully overcome. The scheme presented to the Plans Panel today is the result of discussions between the applicant, agent and Officers and is considered to satisfactorily address the potential for harm posed by the previous design. These revisions are set out in detail below.
- 1.3 This report deals exclusively with issues of scale, massing and the measures taken to address overdominance and overbearing as raised at the Plans Panel meeting in April. For detailed analysis of the site context, planning history, publicity and discussion of the other material considerations affecting the scheme which were not contested at the previous meeting, please refer back to the original report (attached at Appendix 1).

## **2.0 PROPOSAL**

- 2.1 The scheme presented to the Panel on 21<sup>st</sup> April has been amended as follows in order to attempt to overcome residential amenity concerns arising due to the height, scale and massing of part of the proposed development of semi-detached houses:
- 2.2 The ridge and eaves lines of the 2.5 storey element (where the proposal abuts the gable end of the Coach House) will be reduced in height by 1.9m, bringing the whole length of the building in line with the 1.5 storey section of the previous scheme. This section has not been increased from its previous height of 6.7m.
- 2.3 The reduction of the height of the first floor has inevitably resulted in some loss of floorspace. In order to replace this lost floorspace, the distance between the front elevation and St. Ann's Drive has been reduced from 3.5m with the facade now positioned 1.0m from the back of the footway.
- 2.4 The reduction in height has in turn necessitated the reconfiguration of the interior layout as follows. Unit 3 is now a 3-bedroom house, with the ground floor living / dining area extended by 2.5m and an additional bedroom and ensuite provided using the additional length gained through moving the façade closer to the highway. Unit 3 remains a 2-bed house, with the internal configuration unchanged.

- 2.5 Due to the lowering of the eaves height, the first floor landing window to Unit 3 and south-facing bedroom windows to Unit 4 will be replaced with roof lights. Otherwise, the position of the remaining roof lights and ground floor windows remains unchanged from the previous scheme, as does the layout of the front elevation. The garden area to the front of Unit 3 is reduced to a narrow planting strip, but the provision of private amenity space and car parking are not affected by the revisions.

### **3.0 HISTORY OF NEGOTIATIONS:**

- 3.1 Following the concerns raised at the Panel meeting on 21<sup>st</sup> April 2016, additional amendments have been negotiated in order to further reduce the impact of the development on the adjacent house at No. 7 St. Ann's Lane. These are detailed in the 'Proposal' section above and broadly involve the reduction of the 2.5 storey section to 1.5 storeys and additional accommodation to the front of the site in order to compensate for lost floorspace elsewhere.

### **4.0 PUBLIC/ LOCAL RESPONSE:**

- 4.1 Following receipt of the plans amended to take into account concerns expressed by Members at the April meeting, a further, third round of publicity has been undertaken, involving the posting of a General site notice. In addition, electronic copies of the revised drawings have been sent directly to the occupiers of Nos. 7 St. Ann's Lane, 2 St Anne's, and the three local Ward members for Kirkstall.
- 4.2 No responses had been received at the time of writing but any comments will be reported verbally to Members at the Panel meeting.

### **5.0 PLANNING POLICIES:**

A full summary of the national and local Policy context against which this proposal has been assessed can be viewed within the original report document (attached at Appendix A).

### **6.0 MAIN ISSUES:**

- 6.1 The main issues for discussion and consideration are thus:
1. Impact on residential amenity following amendments to reduce massing and dominance.

### **7.0 APPRAISAL**

#### Residential Amenity Considerations

- 7.1 The site is roughly wedge shaped, with the wider part of the triangle to the north (St. Anne's Drive frontage) tapering to the south where the 'point' is truncated by the grounds of Laurel Cottage, a stone Victorian house which abuts the southern elevation of the Coach House building. It is bounded on either side by houses – to the East, Nos. 2-8 St. Anne's Green back onto the site at a distance of 6.8m from the boundary, whilst on the western side, the semi-detached Nos. 5 and 7 abut the site.

7.2 No. 5 has a free-standing double garage which is situated to the rear of the house adjacent to the boundary, and most of the amenity space to this dwelling is at the side and front. However No. 7 has only limited amenity space in the form of a yard to the rear, due to the property having been previously extended with a single-storey addition. These houses are set up by approximately 1.6m above the level of the hard surfaced lower site and garages. To the opposite (northern) side of St. Anne's Drive, semi-detached inter-war properties are located around 26m from the front of the existing garage block.

*Overshadowing / overdominance*

7.3 Concerns were raised at the April panel meeting by the occupier of No. 7 St. Ann's Lane regarding the potential for the original scheme to significantly reduce daylight and sunlight levels to the rear of this house, in addition to replacing an open outlook from the ground and first floor rear windows with a solid wall of stone and associated roof. The result being that the rear amenity space of that property would appear 'hemmed-in' by the extension to the solid two-storey wall of the coach house, which currently terminates level with the rear boundary of the house. The Panel members shared these concerns and asked that the scheme be modified to reduce the height of the eaves and ridge line to a level where this impact would be substantially lessened or eliminated.

7.4 The revised scheme submitted in response to this decision reduces the height of the 2.5-storey section of the building, which abutted the gable end of the Coach House and continued the massing and bulk of the older building, before turning through 45° and continuing for a further 4m on the western elevation. The overall ridge height of the section closest to No.7 will be reduced from 8.6m to 6.7m, and the eaves level from 5.6m to 3.8m. It is considered that this will bring the eaves to a similar level to that of the boundary fence to the rear of No. 7 and, with the remaining part of the building comprising a pitched roof, will significantly improve both the outlook from the ground floor windows and garden area of this property, and the impression of dominance and overbearing from the bulk and massing of the dwelling.

7.5 The reduction in the height of the ridge line will also lessen any impact on the row of terraced properties (Nos. 2-8 St. Anne's Green) which lie to the east of the proposal.

7.5 As the remainder of the scheme, including levels of private amenity space, external materials, siting and ground floor window locations, remains substantially unchanged, it is not considered that the amendments to the proposal introduce any additional planning issues which were not highlighted at the previous meeting. What first floor windows existed on the previous design have been removed and replaced with Velux roof lights, ensuring that problems of overlooking are not introduced.

7.6 The extension of the front elevation toward St. Ann's Drive necessitates the omission of the front garden area, however a planted buffer strip remains in addition to a garden area to the west of the extended portion of the building. It is considered that as this part of the building is intended to read as 1.5 storeys, with rooms in the roof space, it is appropriate to the existing buildings (the existing Coach House, particularly to its St. Ann's Lane elevation, has similar proportions, as well as managing the transition between the full two-storey properties at Nos.5 & 7 and the single-storey side extension to No. 2 St. Anne's Green, which also projects to the rear of the footway.

7.7 The gross internal floor areas of 81m<sup>2</sup> (Unit 3) and 110 m<sup>2</sup> (Unit 4) comply with the nationally described space standards for 2-bed houses (79 m<sup>2</sup>) and 3-bed houses

(102 m<sup>2</sup>) respectively. The external private amenity space provision has not changed, since the additional floorspace has been created using land to the front of the site.

## **8.0 CONCLUSION**

- 8.1 To conclude, it is considered that the negotiated amendments to this scheme have successfully overcome the concerns regarding overlooking and overdominance of No.7 St. Ann's Lane that were raised at the previous meeting. As such it is considered that the scheme fully addresses material planning considerations relating to residential amenity, in addition to those pertaining to design and appearance, parking provision and highway safety. The amended proposal is for these reasons recommended for approval, subject to the conditions listed at the head of the Report.

### **Background Papers**

Application File 15/04158/FU

## **APPENDIX 1:**

Report to South and West Plans Panel (21<sup>st</sup> April 2016)

## **1.0 INTRODUCTION**

- 1.1 This amended application for the construction of two semi-detached, two-bedroom houses with parking and amenity space on the site of a garage block and former builder's yard is considered acceptable in terms of its principle and its impact on highway safety and residential and visual amenity. It is brought before the South and West Plans Panel at the request of the Kirkstall Ward Members and due to the high level of interest from members of the public and local residents.

## **3.0 PROPOSAL**

- 2.1 Permission is sought for the demolition of the existing block of five prefabricated, flat-roofed garages and clearance of the hard-surfaced former builder's yard to the rear, and their replacement with a pair of part two-storey, part three-storey semi-detached houses. Following negotiated amendments to the scheme, each dwelling will include two bedrooms, be constructed of natural stone under a pitched slate roof, and include an area of private amenity space.
- 2.2 The new development will be attached to the eastern gable end of the existing Victorian building known as 'The Coach House' (No. 11, St. Ann's Lane). The development will continue the eaves and ridge line of the older structure, and lie level with the front and rear walls of it. Due to a change in levels of approximately 1.6m

between the finished floor level of No. 11 and the hard surfaced yard, the proposed dwellings will comprise three storeys (one of which will be located in the roof).

- 2.3 The building will continue the line of the existing property for approximately Xm before turning to the north at a 45° angle. It will then continue on this 'dog-leg' plan form until parallel with the highway at St. Ann's Drive. Following revisions to the scheme, the northern elevation will be set back by approximately Xm from the rear edge of the footway, allowing the provision of a defensible garden area. This section of the dwelling will also be set down by approximately Xm from the ridge and eaves of the western section and from the Coach House, as part of a negotiated reduction to ameliorate the impact on Nos. 7 and 9 St. Ann's Lane to the west.
- 2.4 The houses, which are referred to as Units 3 and 4 (due to the earlier determination to convert the original Coach House buildings to two residential units) have been laid out to comprise an entrance hall with stairs leading onto an open-plan living area with kitchen. Upstairs there will be two bedrooms and a house bathroom. Each house will have access to a small, enclosed garden area (in the case of Unit 3, this will include a raised decked area and a front garden) via a bank of folding glazed doors. Each property will also benefit from a refuse area and cycle store.
- 2.5 Pedestrian access to the properties will be via St. Anne's Drive. In the case of Unit 4, this will be via part of the existing driveway to the eastern side of the site, which will be gated and retained to provide a route to the four spaces retained as part of the conversion of the Coach House building. Two parking spaces for this dwelling will also be provided to the western side of the driveway. For Unit 3, two further parking spaces will be laid out to the northern corner of the site, in the location of the existing garages.
- 2.6 Externally, the building has been carefully designed to avoid direct overlooking of neighbouring properties from the side windows. Main windows, including the ground floor bi-folding doors, have been positioned to be angled away from the boundaries or are at a lower level than the surrounding properties due to the topography of the site. The first floor rooms are served by Velux roof lights, whilst the western elevation is entirely devoid of windows above the ground floor level. To the eastern side, only an obscured glazed bathroom window faces the houses of St. Anne's Green. Otherwise, the windows have generally been restricted to the northern and southern elevations, which overlook the highway and the parking area for Units 1 & 2 respectively.
- 2.7 A large sycamore tree and a cherry tree were removed from land adjacent to the site entrance in November 2014, and this has been the source of many local objections (see section 6 'Public / Local Response'). A landscaping plan shows a replacement tree in this location, in addition to soft landscaping elsewhere on the site.

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

- 3.1 The application refers to a parcel of land located between St. Ann's Lane and St. Anne's Drive in Burley. The site is occupied by a number of currently disused buildings, with the remainder hard-surfaced. To the western side, fronting onto St. Ann's Lane, is a Victorian stone building 'The Coach House'. This comprises Nos. 11-13 St Ann's Lane and to the western elevation is relatively plain, a single-storey

structure dominated by its large slate roof. However, the eastern side and the southern return of this L-shaped building are much more ornate, including a stone carriage arch to the former and a two-storey projecting gable feature with clock and loft access doors to the latter. Detailing to this elevation includes sawn stone heads, sills, plinth and corbels.

- 3.2 The crook of the 'L' encloses a yard area finished partly in stone setts and partly in crazy paving. This is bounded by a 1.0m stone retaining wall and is itself set approximately 1.0m above the remainder of the site, which is surfaced in tarmac. The garage block, which comprises a row of five precast panel units roofed in corrugated asbestos, occupies the northern part of the site and is set back from St. Anne's Drive by approximately 5m. This and the adjacent access (via double gates to the lower yard) are also hard surfaced in asphalt. An area to the north-west of the garages is overgrown, suggesting an extended period of disuse. A triangular piece of land to the north-east, adjacent to the access, was previously occupied by the large sycamore tree mentioned in many of the local objections, and its stump remains visible.
- 3.3 There are a number of other residential properties in close proximity to the site. Laurel Cottage (No. 17 St Ann's Lane) is attached to the southern end of the Coach House premises; it is a two-storey stone dwelling which has been extended by way of a large uPVC conservatory to the rear and which has a garden and driveway that abut the southern end of the former builder's yard (also at a higher level). St. Anne's Green is a residential cul-de-sac of inter-war terraced houses. Nos. 2-16 St. Ann's Green back onto the site, separated from it by a variety of 2.0m timber board and lap panel fences, and have relatively short rear gardens of approximately 5-6m.
- 3.4 The prominent junction of St. Anne's Drive and St. Anne's Lane is dominated by Nos 5 and 7, a pair of large semi-detached Victorian houses (No. 5 has a date stone reading '1886' to the eastern elevation. This property is the more ornate of the two, with an elaborate Tudor Revival frontage with half-timbered gable feature and the original leaded timber windows. It has an extensive front and side garden bounded by a timber picket fence and dominated by a large mature beech tree to the northern corner. No. 9 has a smaller bay window and has been extended to the rear with a single storey sun room, retaining a small yard to the rear.
- 3.5 The building is located in the St. Ann's area of Burley, close to the border with Kirkstall. The southern part of St. Ann's Lane is dominated by large stone Victorian villas, whilst the remainder of the surrounding streets are largely comprised of inter-war suburban infill – the standard, traditional semi-detached hipped roofed property with bay windows and side driveways. A range of materials is used in these properties, including red brick and painted render wall finishes and natural slate, concrete double roman and red rosemary roofing tiles. However, the cluster of buildings around the road junction are older and formed exclusively from coursed natural stone.

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

- 4.1 Pre-application advice was sought in April 2015 under reference PREAPP/15/00258; this involved the erection of a pair of semi-detached houses on the St. Anne's Drive frontage and is discussed below under section 5.1.
- 4.2 A determination application for the conversion of the first floor offices of the Coach House to two flats was approved on 2<sup>nd</sup> September 2015, under application reference 15/04202/DPD.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 As noted above, an application for pre-application advice was submitted in April 2015. This suggested a pair of traditional semi-detached properties close to the street frontage of St. Anne's Drive, and conversion of the former Coach House into flats and an office (which in the event was carried out under Part 'O' of the General Permitted Development Order). Concerns were raised relating to the plain appearance of the houses and the lack of amenity space. A less intensive, more contemporary solution was suggested, resulting in submission of the original proposal.
- 5.2 The scheme as initially submitted comprised a full two-storey building with further accommodation in the roof space, set within 2.0m of the highway frontage on St. Ann's Lane and including a full-height lightwell through the northern part of Unit 3. In response to concerns regarding overshadowing / overdominance and the impact on the streetscene, the developer agreed to move the gable wall back to correspond with the building line of other properties on St. Anne's Drive, and to 'step-down' the northern part of the building from 2.5 to 1.5 stories, giving a reduction of around 2.0m in eaves and ridge height to this part. The internal lightwell has been removed and the interior reconfigured in order to make best use of the space, and minor amendments made to the parking and external layouts in response to comments from the Highways Officer.

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

- 6.1 A general site notice was posted on 14<sup>th</sup> August 2015. Following concerns raised by local residents and Members at a site meeting (again on 14<sup>th</sup> August), and a large number of representations from local residents, the application has been brought before the South and West Plans Panel for determination.
- 6.2 Twenty-seven letters of objection have been received in response to the initial publicity given to the application, including representations from all three Ward Members. A second round of publicity was undertaken on 29<sup>th</sup> February 2016, whereby Members and objectors to the original scheme were given the opportunity to comment on the revisions outlined above. Three further objections were received, including one from Councillor Fiona Venner stating that the revisions did not fully address the concerns of Members and residents, and re-iterating the request that the application be determined at Panel.
- 6.3 The main points raised are summarised in the 'Representations' section of the Appraisal.



## 7.0 CONSULTATION RESPONSES:

Highways: Initial concerns relating to driveway dimensions and levels of parking have been resolved following the submission of revised plans under which eight spaces have been provided (two each for the proposed dwellings, two for the conversion of No. 11 to flats, and two for the Traveleyes office in the same building). Conditions relating to the footway crossing, provision of bin and cycle storage and laying out of the parking areas have been suggested.

Mains Drainage: Infiltration drainage should be used where possible, in conjunction with water butts to attenuate surface water runoff from proposed new roof area. Porous material should be specified for hard surfaced areas (pedestrian and vehicular accesses). However, given the scale of the scheme, drainage matters can be dealt with by the Building Inspector.

Contaminated Land Team: The site has mainly been used for residential and ancillary uses since the 19<sup>th</sup> Century, although since the 1960s there has been vehicle storage / garaging and the possibility of an abandoned below-ground fuel storage tank which was infilled with concrete on decommissioning. Whilst the proposed residential use with gardens is sensitive, most of the pertinent points have been covered within the Desktop Study, which recommends further site investigation works. As such, Minerals recommend the submission of these reports, statements and studies be covered by standard conditions.

Design Officer (informal discussions): Whilst the height and massing of the building creates some concerns over amenity, the overall design including the footprint and detailing represent an innovative response to a constrained site.

## 8.0 PLANNING POLICIES:

### Local Planning Policies:

The Core Strategy for Leeds replaced the Unitary Development Plan on its adoption on 12<sup>th</sup> November 2014. Relevant policies are as follows:

- Policy H2 refers to all housing developments on non-allocated sites, stating that these will generally be acceptable in principle provided that other material considerations such as ensuring that transport and health infrastructure have sufficient capacity are met.
- Policy T2: New development should be located in accessible locations and served by existing or programmed highways improvements, public transport and infrastructure for pedestrians, cyclists and disabled people.
- Policy EC3 refers to the safeguarding of sites currently or last used for employment purposes, the development of which will only be permitted if the proposal would not result in the loss of a deliverable employment site or the existing buildings / land are considered non-viable for employment use.
- Policy P10: New development will be expected to provide high standards of design appropriate to its scale, location and function and taking into consideration local context, car parking and the prevention of crime.

In the interim period during the preparation of Supplementary Planning Documents, a number of the policies contained in the Leeds Unitary Development Plan (“UDP”) have been ‘saved’. The Leeds UDP Review was adopted in 2006. The most relevant Policies from the Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy BD6 seeks to ensure that all extensions and alterations to existing buildings respect the materials and design of the existing building and its context.

#### **Relevant Supplementary Guidance:**

- Supplementary Planning Documents provides a more detailed explanation of how strategic policies of the Unitary Development Plan and Core Strategy can be practically implemented. The following SPDs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.
  - Development of Self Contained Flats
  - Neighbourhoods for Living

#### **Government Planning Policy Guidance/Statements:**

In addition to the Development Plan documents, the Coalition Government’s National Planning Policy Framework replaced more than 40 Planning Policy Statements and Guidance Notes in March 2012. Chapter 6 (housing) is of particular relevance.

### **9.0 MAIN ISSUES:**

9.1 The main issues for discussion and consideration are thus:

2. Principle of change of use
3. Impact on visual amenity
4. Residential amenity
5. Parking and Highways
6. Other Considerations
7. Representations

### **10.0 APPRAISAL**

#### Principle of Development

10.1 The application site is unallocated on the Site Allocations Plan, and can therefore be regarded as a ‘windfall’ development site. It has been vacant for some years, with its last use believed to have been for vehicle storage and as a lock-up garage site. A block of five prefabricated concrete garages remain in situ to the northern frontage of the plot.

- 10.2 Core Strategy policy H2 covers all new housing proposals on non-allocated sites, stating that there will be a presumption in favour of this provided that other material planning considerations are met. On balance therefore it is considered that the proposals for residential redevelopment are acceptable in principle, subject to other material planning considerations being satisfactorily resolved.
- 10.3 The development is not of a sufficient size to trigger developer contributions toward affordable housing, off-site highway works, on-site greenspace (or a commuted sum in lieu of such). It complies with the minimum density requirements of 40 dwellings per hectare set out within Policy (the site area is 0.04ha, on which two dwellinghouses are proposed).

#### Design and Visual Amenity

- 10.4 At pre-application stage, the applicant was advised against a pair of traditional semi-detached properties on the St. Anne's Drive frontage, as this would represent a missed opportunity to provide a more contemporary development that responded to the unique constraints of this irregularly-shaped site. The initial proposal raised its own concerns, mainly relating to its scale and massing: at two and a half storeys, the northern gable end would have read as an incongruous feature within St. Anne's Drive, which aside from the impressive frontage of No. 5, is mostly dominated by two-storey, 20<sup>th</sup> century suburban development. It is considered that by moving the gable wall back from the road, the revised proposal now respects the building line formed by the side of No. 2 St. Anne's Green whilst still retaining the gable feature which is characteristic of the older stone development to the west, and indeed to the Coach House itself.
- 10.5 Due to its being attached to the existing eastern gable of the Coach House, the proposal will appear as an extension to this older building, and the reduction in height toward the northern run of the new building will assist in fulfilling the requirement for subservience. Although some detailing to the existing elevation will be obscured, the existing stone coping to the gable will be retained as a visual break between the old and new sections. The external walling was originally specified as being constructed from smooth, ashlar stone, however in order to provide a better match between the proposal and the existing building, this has been amended to standard natural stone blocks, coursed to match the Coach House. The contemporary influence is retained through the use of modern grey timber composite doors and windows and in the fenestration layout, since it would be difficult and not necessarily desirable to attempt to reproduce the intricate detailing to the southern elevation of the coach house building. Dark grey roof slates are specified to the roof, again to match the existing building.
- 10.6 Policy P10 of the Core Strategy relates to the external design of new buildings and states that this should be based on a robust contextual analysis of the surroundings and be appropriate to its location. It is considered that the revisions to the northern section of the building successfully address initial concerns about the three-storey appearance of the gable end and proximity to the highway, which is uncharacteristic of this part of St. Anne's Drive. The resultant stepping-down of this part of the building not only serves to address residential amenity concerns relating to massing and dominance, but also adds articulation and interest to the roof line and elevations. The revised proposal primarily considers its relationship to the existing coach house, which it attempts to reproduce in terms of scale and proportions. The angled 'dog-leg' element of the design forms part of this, as well as responding to the constrained, tapering site which is hemmed in by housing to east and west.

- 10.7 A lack of windows to the side elevations, again required in order to prevent overlooking, is not necessarily a problem when considered in the context of the northern elevation of the existing coach house structure, which is similarly devoid of openings and entirely reliant on this side on rooflights to provide natural illumination. The windows themselves, whilst of a contemporary style, also pay homage to the vertical emphasis of the existing 'clock tower' arrangement to the southern side of the existing building. The result is an extension which is sympathetic to the host structure in terms of its height and scale, incorporates some of its features whilst retaining a modern appearance, and which gives the impression of being set in space despite the 'taper' of the site to the rear. It is therefore considered compliant with the aims of Policy P10, to guidance contained within 'Neighbourhoods for Living' and to saved UDP policy BD6.

### Residential Amenity Considerations

- 10.8 The site is (excluding the existing building, which is to remain standing and be converted) roughly wedge shaped, with the wider part of the triangle to the north (St. Anne's Drive frontage) tapering to the south where the 'point' is truncated by the grounds of Laurel Cottage, a stone Victorian house which abuts the southern elevation of the Coach House building. It is bounded on either side by houses – to the East, Nos. 2-8 St. Anne's Green back onto the site at a distance of 6.8m from the boundary, whilst on the western side, the semi-detached Nos. 5 and 7 abut the site.
- 10.9 No. 5 has a free-standing double garage which is situated to the rear of the house adjacent to the boundary, and most of the amenity space to this dwelling is at the side and front. However No. 7 has only limited amenity space in the form of a yard to the rear, due to the property having been previously extended with a single-storey addition. These houses are set up by approximately 1.6m above the level of the hard surfaced lower site and garages. To the opposite (northern) side of St. Anne's Drive, semi-detached inter-war properties are located around 26m from the front of the existing garage block.

### *Overshadowing / overdominance*

- 10.10 Concerns were raised by the residents of nos 5 and 7 St. Ann's Lane regarding the potential for the original scheme to significantly reduce daylight and sunlight levels to the rear of these properties, in addition to replacing an open outlook from the ground and first floor rear windows with a solid wall of stone and associated roof. In the case of No. 7, this would position the western wall of the proposed property at a distance of around 15m from the back of the main house and first floor bedroom window, but less than 8.6m from the rear of the sun lounge extension. (Taking a 45° line from the centre of the French doors to the rear of No. 7, the distance to the proposal is approximately 8m).
- 10.11 The concerns of the occupiers of No. 7 are that the rear amenity space of that property will appear 'hemmed-in' by the extension to the solid two-storey wall of the coach house, which currently terminates level with the rear boundary of the house. The dog-leg plan form of the building means that the eastern side of the proposal will be clearly visible above the timber fence to the rear boundary, albeit at an increasing distance the further away from the existing coach house building. It is considered that the reduction in the height of the northern part of the proposal is sufficient to ameliorate the impact of the building, and coupled with the distance from the boundary will ensure that a relatively open aspect over the frontage part of the site, significantly reducing the risk of an enclosed feel to the rear amenity space of No. 7.

10.12 Similarly, whilst the impact on the amenity area of No. 5 is minimal due to the screening effect of the double garage, the reduction in the roof height will also ensure that views of the proposal from the first floor bedroom window of this property are reduced to a degree that is appropriate within the built-up, suburban context of the area. The houses to the east (St. Anne's Green) have garden depths of around 7m; coupled with a 6.2m distance between the eastern elevation of the proposal and the same boundary, it is not anticipated that the proposal presents any risk of overdominating or overshadowing these houses.

#### 10.13 *Overlooking*

Although application of the guideline distances on p.57 of the SPD 'Neighbourhoods for Living' must take into account angled boundaries, changes in levels, solid boundary treatment etc., the proposal has been carefully designed so that the distances between the windows and boundaries broadly comply. Specifically, a combination of angling windows away from surrounding housing, setting them at a lower level, and using roof lights to serve rooms to the sides of the properties combine to ensure that there will be no direct overlooking of neighbouring homes.

10.14 On the southern side, a pair of doors serving a double height dining room are set down from the level of the Coach House, behind solid boundary treatment and facing into the property's garden, and a first floor bedroom is to be fitted with restrictors to prevent it being opened in a way which could facilitate overlooking for the houses to the east from an elevated position. Fenestration to the eastern side is restricted to a first floor, obscured glazed landing window, and Velux roof lights are employed within the roof space.

10.15 To the northern and western elevations, the first floor is deliberately free from fenestration of any kind, with the only windows to this side being a north-facing window serving a ground floor kitchen and a pair of patio doors to a ground floor lounge area, set at around 7.5m from the boundary. Both openings are located around 1.6m below the ground floor level of No. 7, in addition to being screened by a 1.8m timber fence. Again, lighting of the roof space bedroom is achieved via roof lights, from which casual overlooking is difficult. On balance then, and taking into account the use of conditions to ensure that particular windows are obscured glazed and / or fitted with restricted opening fittings, it is not anticipated that the proposal will lead to material overlooking of any of the surrounding dwellings.

#### Parking / Highways

10.16 The applicant initially specified only two parking spaces for each of the proposed dwellings. However, no provision was included for the existing coach house, for which a determination application was approved in 2015 for conversion to offices and two apartments. The Highways Officer raised concerns over this, and the layout was slightly modified to demonstrate that in addition to the four spaces for the new-build element, there was ample space retained within the existing yard to accommodate four vehicles associated with the conversion element.

10.17 Whilst it was advised that circulation could be further improved by reducing the size of the garden to Unit 4, this would reduce the garden area of this dwelling to below the

recommended ratio of two-thirds of the gross internal floor area of the dwelling. Cycle parking and bin storage are shown on the approved plans, and a condition recommended to ensure these are provided prior to occupation, along with the laying out of all hard-surfaced vehicle areas.

- 10.18 A number of residents have raised concerns about the addition of vehicle movements to an already congested area. However it is considered that the existing configuration of the site for garages and parking could potentially generate a similar number of movements if returned to full use, which would not require a planning application. On balance then, the proposal is not considered to materially add to or exacerbate problems of on-street parking demand or congestion and thus complies with Core Strategy Policy T2, saved UDP policy GP5 and to guidance contained within the Authority's supplementary documents 'Street Design Guide' and 'Car Parking'.

#### Other Considerations

- 10.19 The loss of the mature sycamore and cherry trees to the eastern corner / boundary of the plot have resulted in objections from local residents, as these were a much-loved feature of the streetscene and provided amenity value and shade as well as a wildlife habitat. The manner of removal (on a weekend, and without notice) has also generated concerns that the trees were being removed at a time when the Council would be unable to deploy an officer to prevent this, in an attempt to remove a potential constraint that would have been taken into account in any subsequent planning application for redevelopment.

However it has since been clarified (and supporting evidence provided) that the sycamore was over two hundred years old and reaching the end of its life. This was evident from significant die-back of branches in the crown and uplifted buttress roots, both suggesting that far from being a healthy specimen as claimed, the tree was in a severe state of distress. Furthermore, a large hollow defect was identified within a critical supporting section of the main stem of the tree where wood had rotted away significantly weakening the structure. This, combined with the quantity of dead branches within the crown carried the risk of unexpected, significant failure at any time with a very real possibility of injury to persons or damage to property. As a result, it was concluded that removal was the only option.

The adjacent cherry tree had developed in conjunction with the sycamore and was believed to be self-seeded, as it was too close to the larger tree and as a result was leaning at an angle (carrying the possibility of sudden uprooting).

The trees were not covered by a Tree Protection Order and the site does not lie within a Conservation Area. As such the trees were not protected from felling and the applicant was not in breach of any laws or policies by removing them. The applicant has agreed that replacement planting would be feasible and that this can be included in a standard landscaping condition.

- 10.20 The Contaminated Land Officer requested the submission of a Phase I Desk Study in support of the application. Whilst this recommends further intrusive site investigation works and remediation if necessary, it is considered that this information can be supplied post-determination and secured by conditions.
- 10.21 The Mains Drainage Officer is satisfied that the surface water drainage requirements of the scheme can be sufficiently controlled under the Building Regulations. Whilst the car parking area to the rear is existing, it has been recommended that any resurfacing

be carried out using porous materials that allow rainwater to soak into the ground beneath and thus reduce the pressure on the local surface water drainage system.

### Representations

- 10.22 Thirty letters of representation were received via the council's web site to the original proposals, predominantly from residents of surrounding houses on St. Ann's Lane, St. Anne's Green and St. Anne's Drive, but also including individual objections from the three Ward Members. The main concerns raised can be summarised as follows:

Overshadowing and overdominance, particularly of Nos. 7 and 9 St. Ann's Lane which lie to the west of the proposal, and of the rear elevations of houses to St' Anne's Green to the east;

Loss of privacy through overlooking of gardens and windows from the proposed roof lights;

Loss of outlook;

Insufficient parking provision resulting in demand which cannot be accommodated on street, exacerbating existing problems with on-street parking (particularly on match days at the nearby Headingley cricket and rugby grounds);

Loss of a large, mature Sycamore tree and adjacent cherry tree which were removed without notice in November 2014, possibly as they would have posed an obstacle to redevelopment;

Overdevelopment of the site;

Implications of construction works on the foundations of older adjacent buildings and boundary walls;

Potential for occupation by students or as a HMO and associated noise nuisance / anti-social behaviour;

Noise and disruption associated with demolition and construction works.

- 10.23 Following re-notification of original contributors of changes to the scheme in March 2016, three further letters were received, re-iterating earlier concerns regarding traffic / parking, loss of the trees and overdominance / overshadowing.

- 10.24 Councillors Illingworth and Venner have also maintained their initial objections to the revised scheme. Councillor Illingworth raises concerns regarding the loss of the trees, stating that he does not accept the applicant's justification that they were in a dangerous condition. Councillor Venner notes that although the revisions are an improvement over the original scheme, the reduction in height does not fully ameliorate the impact of the proposal on No. 7, and that due to the initial level of concern over the scheme, a Panel determination would be appropriate.

- 10.25 The concerns regarding massing and overdominance have been discussed in detail in the 'Amenity' section of the Appraisal above; whilst the amendments to the northern part of the building will not completely negate any impact on the property at No. 7 St. Anne's Lane, they will reduce it to a point where it is acceptable on balance. The proposals comply with guideline distances contained within 'Neighbourhoods for Living'.

- 10.26 Whilst it is not possible to control the specific demographic to whom the apartments are sold or let, the applicant has indicated an intention to occupy one of the properties (along with the office accommodation approved under the separate determination application at the adjacent Coach House) on completion.
- 10.27 Following revisions to the layout, it is considered that adequate parking provision has now been made available for the proposed houses (four spaces to the east and west of the dwellings) and the previously determined flat / office conversion of the Coach House (four spaces within the rear yard area). Although the junction remains in the same location, slight widening will take place and an obstructive gate removed. It is not anticipated that a significantly greater number of vehicle movements will occur than when the site was previously in use as garages, offices and a builder's yard.
- 10.28 The felling of the mature sycamore and cherry trees (and the manner in which it was carried out) was cited by the majority of the commenters, who expressed concern that its primary purpose was to facilitate development. The applicant has countered this, stating that the trees were in a dangerous condition and close to the end of their lifespan, and has provided a statement from the contractor who carried out the work to corroborate this. Although details of replacement planting have not been provided on plan, landscaping is a matter which is normally secured and controlled by way of planning conditions.
- 10.29 A number of residents have raised concerns that there is potential for additional windows to be added to elevations which have been intentionally left blank in order to prevent overlooking from the upper stories of the development. However this can be controlled by imposing a condition to prevent any further insertion of windows under permitted development. Overlooking from Velux roof lights has also been mentioned, however this is not generally considered to be a problem as roof lights are usually positioned at a height and in a manner that discourages the observation of surroundings from them.
- 10.30 Other matters such as loss of outlook, construction noise / dust, and stability of land are either outside the scope of materiality and / or covered by separate legislation.

## **11.0 CONCLUSION**

- 11.1 To conclude, it is considered that the negotiated amendments to this scheme, which will provide much-needed housing on a currently derelict site, have successfully overcome concerns regarding overlooking and overdominance of surrounding properties. As such it is considered that the scheme fully addresses material planning considerations relating to visual and residential amenity, and parking provision / highway safety. The proposal is for these reasons recommended for approval, subject to the conditions listed at the head of the Report..

### **Background Papers**

Application File 15/04158/FU





# SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

