

**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 16<sup>th</sup> November 2017**

**Subject: 17/04886/FU– Replacement dwelling with garage and associated landscaping at 5 Wensley Drive, Chapel Allerton Leeds LS7 3QP**

**APPLICANT**

**DATE VALID**

**TARGET DATE**

Miss F White

24 July 2017

18<sup>th</sup> September 2017

**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 PERMISSION subject to the following conditions:**

1. Time limit on full permission
2. Development carried out in accordance with approved plans
3. Samples of the external building and surfacing materials to be submitted
4. Parking spaces to be laid out
5. Planning permission shall be obtained before any windows are inserted in the side elevations of the bungalow
6. Construction Works Management Plan
7. Screens shall be erected on either side of the upper decking and the side of the lower decking area that faces No.7 Wensley Drive
8. Details of feasibility study into the use of infiltration drainage methods has been submitted to and approved by the LPA
9. Details of the surface water drainage works
10. The LPA shall be notified in writing immediately where unexpected significant contamination is encountered
11. Documentation demonstrating the absence or total removal of asbestos from any building(s) to be demolished
12. Details of the footpath crossing/s and/or construction details of the reinstatement to full height footway of any redundant crossing/s to be submitted

13. Any gates erected to the access should only open inwards for the lifetime of the development.
14. Details of boundary treatment

## **1.0 INTRODUCTION**

- 1.1 This application seeks permission to demolish the existing bungalow that occupies the site and to construct a two storey dwelling. This application has been brought to Plans Panel at the request of Councillor's Eileen Taylor, Jane Dowson and Cllr Rafique, who express the following concerns in relation to the scheme;

- The proposed dwelling being set too close a proximity to the neighbouring boundary
- Detriment to the neighbours' amenity
- Overlooking, loss of privacy
- Overshadowing
- Over-dominance
- The proposed dwelling will appear unlike any other on the street and therefore will have a negative impact upon the character of the area

## **2.0 PROPOSAL**

- 2.1 The application seeks approval for the construction of a detached two storey dwelling and garage to replace a bungalow on the site. The main two storey element of the building will measure 12.8m in depth, 11.5m in width and will be approximately 8.7m in height. The proposal will include a detached garage to rear. The dwelling will be constructed of a slate roof and the elevations will feature cedar cladding and render. The proposed house is of a traditional form but it's design and use of material gives it a contemporary appearance. There is also a decking area proposed to the rear of the site.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The proposal relates to a residential curtilage which is currently occupied by a bungalow of a traditional design simple in shape and form. It is flanked by two storey dwellings, one being a detached structure the other being a semi. The dwellings in the immediate vicinity of the application site are varied in design. There is also a variance in ground levels, with the street sloping up from south to north. The garden area also slopes down towards the rear. The garden area of the property is enclosed by hedges and fences. Further to the north Wensley Drive is characterised by inter-war semi-detached white rendered houses. The site is located outside but adjacent to the Chapel Allerton Conservation Area whose boundary is located to the west.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 None

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 None

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

6.1 The application was originally advertised by site notice dated the 18 August 2017 and was advertised in the press 11 August 2017. Neighbour Notification Letters posted 31 July 2017.

6.2 Three objection letters have been received raising the following concerns;

- The footprint of the development is double size of the bungalow
- The development will lead to loss of light and views
- The proposed material for the wall at this point is wood which naturally absorbs light.
- The red line plan is inaccurate
- A flat roof garage should be proposed
- The development looks more suited to an HMO rather than a family home.
- Loss of privacy from the side elevation window
- The proposal will overshadow and result in the loss light.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways  
No objections subject to conditions.

7.2 Mains Drainage  
No objections subject to conditions.

7.3 Contaminated Land  
No objection subject to conditions.

## **8.0 PLANNING POLICIES:**

### Development Plan

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made Neighbourhood Plan

### Core Strategy

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered the most relevant;

Policy SP1: Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context

Policy H2: Relates to new housing on non-allocated sites

Policy P10: Seeks to ensure that new development is well designed and respect its context

Policy P11: Seeks to ensure developments that affect designated and undesignated heritage assets conserve and enhance local character

Policy T2: Accessibility requirements and new development

## Natural Resources and Waste Local Plan (January 2013)

- 8.3 The following policies are considered relevant:

WATER 1: Water efficiency  
WATER 2: Protection of water quality  
WATER 7: Flood risk assessments  
LAND 1: Contaminated land  
LAND 2: Development and trees

### Saved UDP policies:

- 8.4 The following policies are considered relevant:

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity  
Policy BD5: Seeks to ensure new development protects amenity.  
Policy LD1: Seeks to ensure that development is adequately landscaped  
Policy N23: Refers to open space and the retention of existing features which make a positive visual contribution  
Policy N25: Refers to boundaries around sites  
Policy N19: Developments within and adjacent to conservation areas

## National Planning Policy (NPPF)

- 8.5 The National Planning Policy Framework (2012) 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 and promotes sustainable (economic, social and environmental) development. NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.6 Section 6 – Creating a wide choice of homes and Section 7 – Requiring good design of the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.
- 8.7 In relation to heritage assets The NPPF states that the Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.8 Guidance on conditions is provided within the Planning Policy Guidance (NPPG).

## DCLG - Technical Housing Standards 2015

- 8.9 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a Local Planning Authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the City Council is currently

developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage. The standards are met.

#### Community Infrastructure Levy

- 8.10 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12 November 2014 and was implemented on the 6 April 2015. The development is CIL liable at a rate of £45 per square metre in Residential Zone 2B (subject to indexation). The development is regarded as Self Build and therefore is exempt from the CIL charge.

### **9.0 MAIN ISSUES**

- Principle of development
- Character and Appearance
- Residential Amenity
- Highways
- Representations

### **10.0 APPRAISAL**

#### Principle of Development

- 10.1 As the proposal will replace an existing dwelling situated in an existing residential area with good road and public transport links; and links to community services. It is considered that the application site is in a sustainable location and the proposal would not exceed the capacity of local infrastructure. Given that this is a brownfield site which has been developed, it is not considered that the proposal will harm the special character of the area. Therefore, it is considered that the proposal complies with policy H2 of the Core Strategy and is considered acceptable in principle.

#### Character and Appearance

- 10.2 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality. The site is located outside but adjacent to the western edge of the Chapel Allerton Conservation Area wherein national and local planning policy requires new developments to preserve, and or enhance its character and setting.
- 10.3 As dwellings in the vicinity of the application site are varied in style and design and includes a modern rendered dwelling on one side (No.7), a traditional two storey dwelling on the other (No.3) and three storey flats opposite, the overall mixed traditional and contemporary design of the proposed dwelling and its two storey height is not a concern. Furthermore, the proposed rendered elevation mixed with cedar cladding and a slate roof, will not detract from visual amenity particularly given that properties in the area are built using different materials including render and brick. Weight in favour of the scheme, should also been given to the fact that

the street is characterised by two/ three storey buildings and therefore the proposed two storey building is much more in keeping with the character of the area, when compared to the existing bungalow.

- 10.4 The overall mass and scale of the dwelling is considered reasonable with the two storey element of the scheme maintaining a good level of separation from neighbouring boundaries and properties so as to ensure the special character of the area is not eroded, the differences in ground levels between dwellings on either side will further ensure the spatial character of the area will not be affected. Therefore, it is considered that the proposal complies with relevant planning policy guidance including the NPPF, UDPR Policy GP5 and policy P10 of the Core Strategy. Given that the existing dwelling is of no particular architectural merit its replacement with the proposal, which is of an appropriate scale and design, will not harm the character or appearance of the adjacent Conservation Area. Therefore, it is considered that the proposal complies with the Saved Policy N19 and Core Strategy Policy P11, which requires developments to not harm the character or the appearance of the Conservation Area/heritage assets.
- 10.5 The garage proposed is a single storey structure of a simple shape and form and will be positioned to the rear of the site. Therefore, it is considered that the design and scale of the garage is appropriate for its context, and will appear proportionate and subordinate to the main dwelling.
- 10.6 The decking area proposed is of reasonable scale and given that such structures are found commonly within the residential gardens, it raises no visual amenity concerns.
- 10.7 There are trees located close to where the proposed decking will be constructed, these trees are not protected by a TPO and do not make a positive impact upon the character of the area. Therefore, it is considered that any harm the development may cause to the trees is not matter that weighs against the proposal.

#### Residential Amenity

- 10.8 The mass of the structure will be set adjacent to the side elevation of the neighbouring dwellings on either side, and will project beyond their rear elevations. In relation to the dwelling to the south No.3, a separation distance of 3m will be maintained with the two storey element of the dwelling being set mostly to the side of No.3 and the single storey element that projects beyond the rear elevation being set 8m away from the common boundary. Therefore, it is considered that separation distances are adequate to ensure that the proposal will not overshadow or over-dominate No.3.
- 10.9 With the proposed dwelling being located to the south of No.7 and projecting beyond its rear elevation, it is accepted that the scheme will cast a shadow over part of No.7 and will also change the outlook from that property. However, it is considered that the level of over-shadowing and any dominance that will be experienced will not be significantly harmful to residential amenity. The proposed dwelling will be largely located adjacent to the blank side gable of No.7 being located 5m away from the dwelling. This separation distance, coupled with the differences in ground levels (with No.7 being set higher than the application site), suggests that the proposal will not have a negative impact upon the internal living conditions of No.7 by way of over-shadowing or dominance. Whilst there may be some views available of the two storey and single storey elements of the dwelling from the garden area of No.7, given the differences in ground levels and that the

No.7 has a good size garden, large sections of the which will remain unaffected by the proposed dwelling, it is considered that the proposal will not raise significant issues of dominance or over-shadowing.

- 10.10 The single storey garage will be located to the rear of the application site close to the common boundary with No.3. It is considered that the garage, due to its reasonable single storey scale and form, and will not have a significant impact upon the neighbouring properties by way of over-shadowing or dominance.
- 10.11 In relation to privacy, it is considered that the windows proposed in the front elevation of the dwelling will not offer significant views of the private areas of the neighbouring dwellings. The windows in the side elevations of the dwellings are secondary in nature some of which will be obscure glazed, and therefore it is considered that the windows in the side elevation will not offer significant views of the neighbouring dwellings. The windows in the rear elevation will maintain a separation distance of around 13m to the rear boundary, which is adequate to ensure that the proposal will not significantly overlook and affect the privacy of the dwellings beyond the rear. The side elevation windows of the single storey element that faces No.3, will overlook the screen that will be erected along the decking and therefore these windows will not raise overlooking issues.
- 10.12 The distance between the proposed decking area and the rear boundary will measure 8.5m and a distance of 21m will be maintained from the dwelling located directly beyond the rear boundary. It is considered that the proposed decking maintains an adequate separation distance so as to ensure that the privacy of the dwellings beyond the rear boundary is not harmed.
- 10.13 The lower decking area will raise ground levels by around 0.7m and it is considered that this area of the decking will offer views of No.7 Wensley Drive. Therefore, a condition will be attached to ensure a screen of 1.8m measured from the balcony floor is constructed to prevent views of No.7. There will not be significant views of the private area of the dwelling on the other side No. 3, this is due to the boundary treatment and the separation distance of over 8m.
- 10.14 It is considered that the proposed upper decking area may offer views of the dwellings on both sides and therefore a condition will be attached to ensure screens are erected to the sides of the upper decking area. Subject to these conditions being imposed, it is not considered that the proposal will raise significant privacy issues.

#### Highway matters

- 10.15 It is not considered that the level of traffic generated by the proposed development will be any different when compared to the dwelling it will replace and the site will retain sufficient space to park two vehicles. The Highways Officer has evaluated the scheme and has raised no concerns.

#### Public Representation

- 10.16 The concerns raise relating the O.S plan being inaccurate, are noted. The applicant has however disputed this claim. It is considered that O.S plan marks the boundaries of the site as accurately as possible.

- 10.17 The comments made that the footprint of the development is double the size of the bungalow, is noted. It is considered that the footprint of the dwelling proposed is not excessive and sufficient amount of garden space will be retained.
- 10.18 The comments made by the objectors on either side of the site relating to the loss of light and views are noted. Given the fact that the two storey element of the building will largely be set facing the side gables of the dwellings, with a good distance maintained from the prominent windows of the dwellings and the most usable areas of the garden i.e. the areas closets to the rear wall of the dwelling, it is considered the proposal will not cause a significant loss of light or views. For similar reasons, it is not considered that proposal will unreasonably overshadow or over-dominate the neighbouring dwellings.
- 10.19 The comments made relating to the materials proposed, are noted. It is considered that the materials proposed to be used including the wood cladding are acceptable and will not harm visual amenity or lead to a loss of light as is implied by the objector.
- 10.20 The comments made that garage proposed should have a flat roof, is noted. A flat roof garage is being proposed.
- 10.21 A member of the public has commented that the development looks more suited to an HMO rather than a family home. It is considered that all dwellings have a capability of conversion to a HMO, and therefore the scheme cannot be refused on this point.
- 10.22 The concern raised relating to the loss of privacy has been discussed within the report.
- 10.23 The concerns raised by Ward Cllrs that have been highlighted at the head of the report have also been addressed within the report.

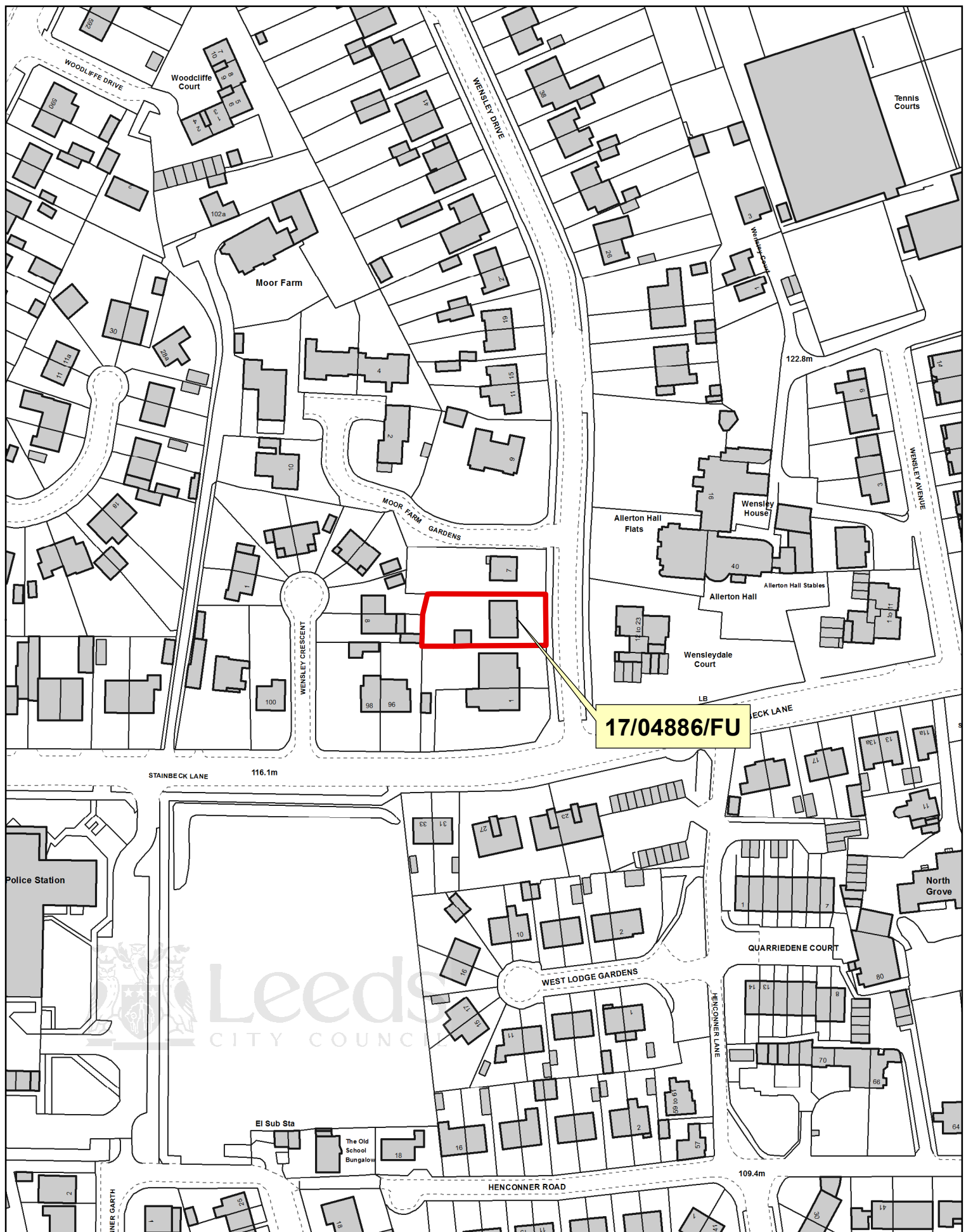
## **11.0 CONCLUSION**

- 11.1 In light of the above, it is considered that the design, scale height and principle of the development are acceptable within the immediate context whilst Highways have found that the parking provision is acceptable and no specific highway safety concerns have been raised. As such, the proposed scheme is compliant with the relevant policies and guidance detailed within this report and subject to the conditions listed at the head of this report approval is recommended.

### **Background Papers:**

Application file: 17/04886/FU

Certificate of ownership: Certificate 'A' signed by the agent



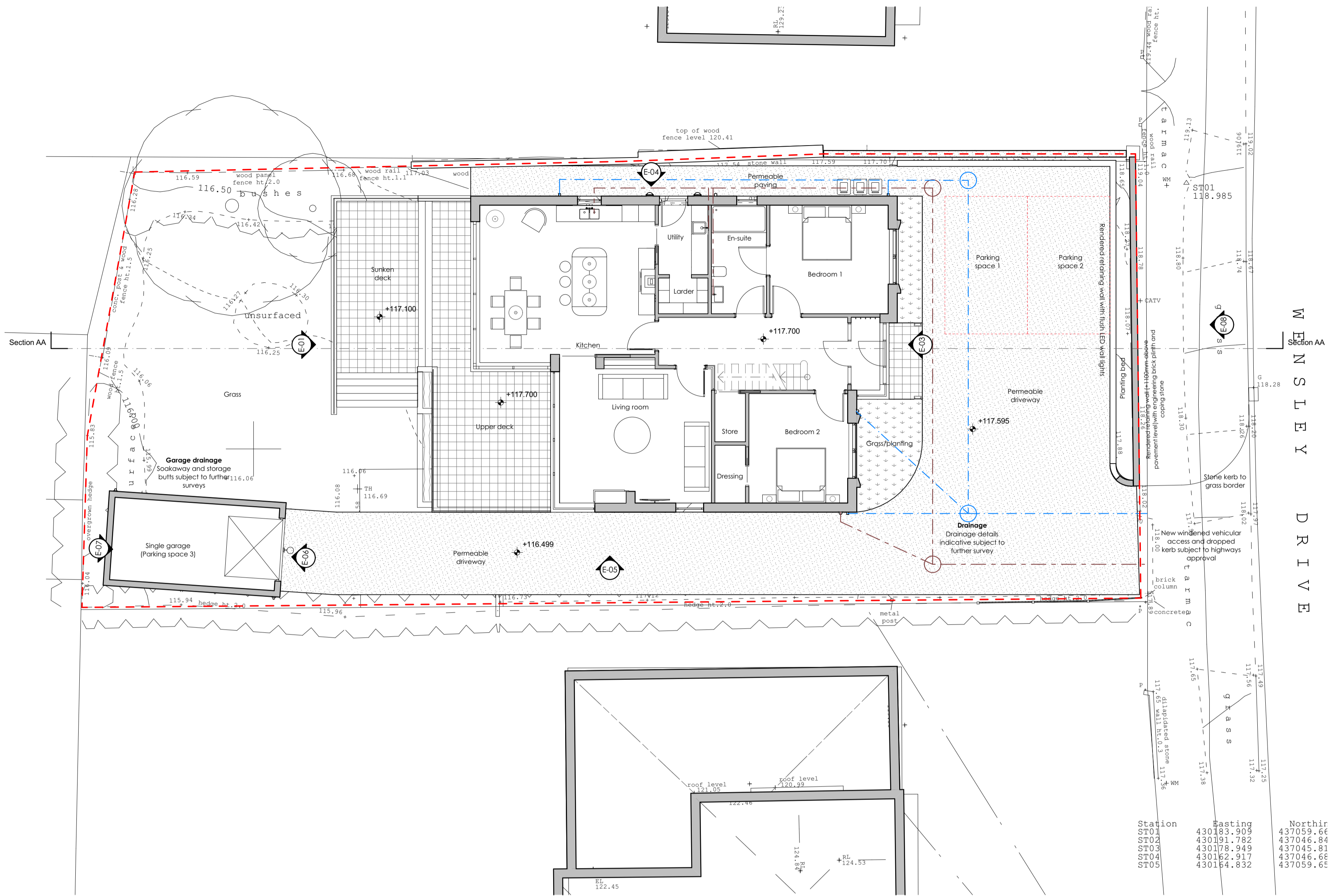
# NORTH AND EAST PLANS PANEL

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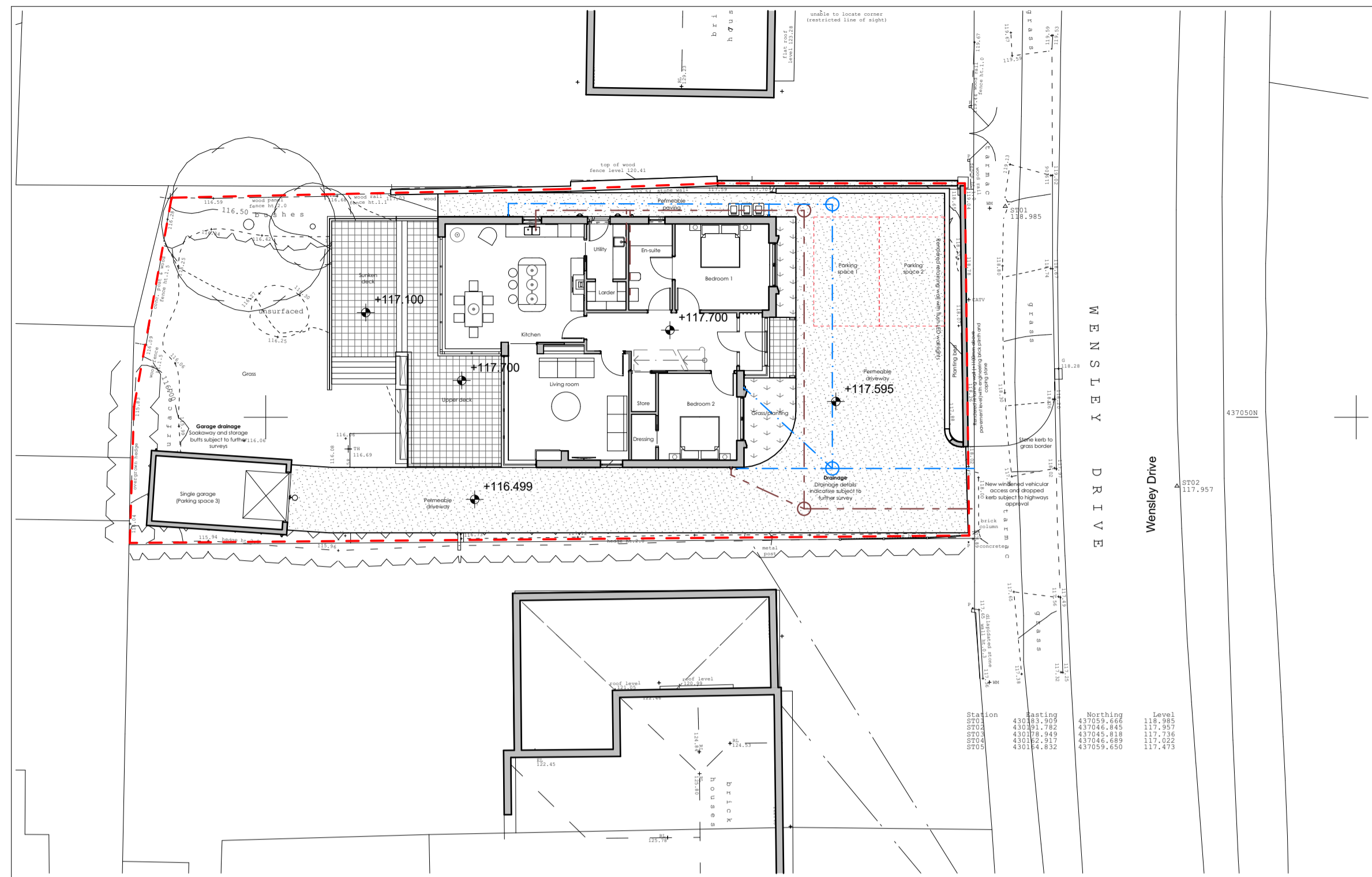
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500





GF-Ground Floor  
1:100



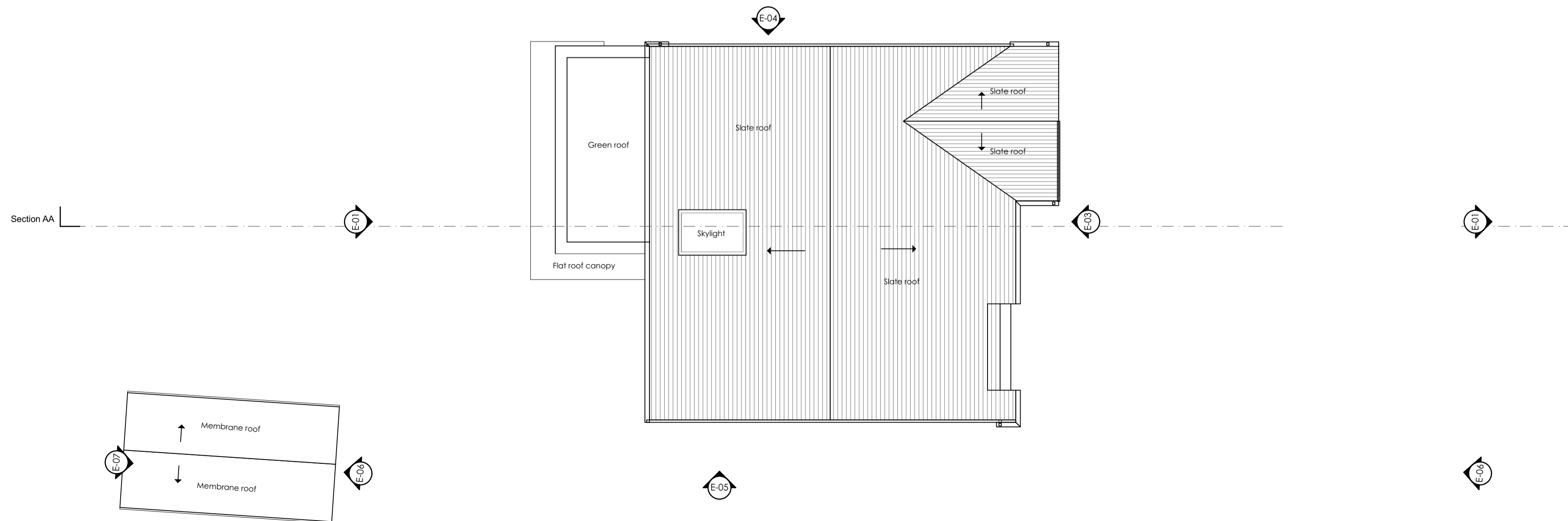
Site Plan  
1:200

**Notes:**  
Please note that this drawing is based on a third party survey and is subject to a detailed building survey.  
Contractor to check all dimensions. Any discrepancies to be reported to the architect.  
Samples of roof and wall facing materials to be provided for approval by the architect and local authority.  
All structural details in strict accordance to Structural Engineers design and calculations.  
All foundation and drainage works to be carried out under the inspection of and approved by the Building Control Inspector.  
All changes to the existing structure are indicative only and subject to local authority approvals.

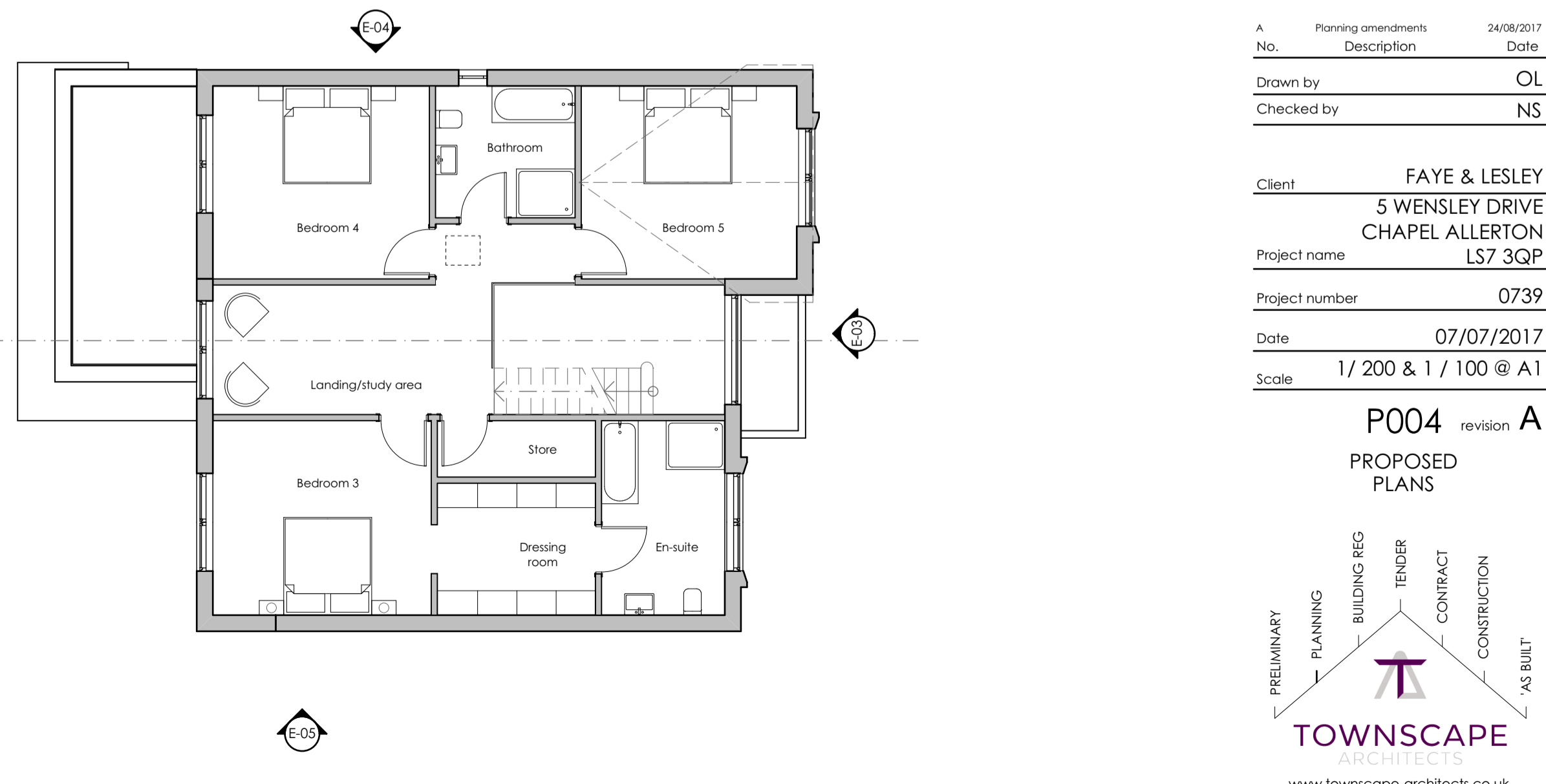
1:200 0 2 4 6 8 10m  
1:100 0 1 2 3 4 5m  
1:50 0 0.5 1.0 1.5 2.0 2.5m

Construction staff and operatives must ensure the principal contractor has provided thorough and accurate information on all Health and Safety aspects relating to the designs identified on this drawing, including the review of:

The Designers note that the following health and safety risks have not been eliminated during the design process:



03-Roof  
1:100



01-First Floor  
1:100

A	Planning amendments	24/08/2017
No.	Description	Date
Drawn by	OL	
Checked by	NS	

Client FAYE & LESLEY  
5 WENSLEY DRIVE  
CHAPEL ALLERTON  
Project name LS7 3QP  
Project number 0739  
Date 07/07/2017  
Scale 1/ 200 & 1 / 100 @ A1

P004 revision A  
PROPOSED PLANS