



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 17<sup>th</sup> May 2018

Subject: 18/01138/FU – One detached dwelling at 238 West End Lane, Horsforth, Leeds, LS18 5RU

**APPLICANT**

Mr & Mrs J and J Hanley

**DATE VALID**

1 March 2018

**TARGET DATE**

20 May 2018

**Electoral Wards Affected:**

Horsforth

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Application recommended for refusal on the following grounds:**

1. The Local Planning Authority considers that the proposed development would be harmful to the established pattern of development and the character of the area and, given its scale and massing, would appear visually intrusive and incongruous. As such the proposal is contrary to Policies H2, P10 and P12 of Leeds Core Strategy, with policy GP5 of the Leeds Unitary Development Plan (Review 2006), with the guidance contained within Leeds City Council's Neighbourhoods for Living Supplementary Planning Guidance and with the policies and guidance set out in the National Planning Policy Framework.
2. The Local Planning Authority considers that the application would, given its location, scale, massing and design, have an adverse impact on neighbouring living conditions as a result of overlooking, dominance, overshadowing and increased noise and disturbance. As such the proposal is contrary to Policies GP5 and BD5 of the Leeds Unitary Development Plan (Review 2006), to Policy P10 of Leeds Core Strategy and with the guidance contained within Leeds City Council's Neighbourhoods for Living Supplementary Planning Guidance and the National Planning Policy Framework.

## **1.0 INTRODUCTION**

- 1.1 This application seeks planning permission for the erection of a detached dwelling on land to the rear of 238 and 240 West End Lane.
- 1.2 This application is brought to Panel at the request of the Panel Chair, Councillor Gruen as she is of the opinion the nature of conflicting views and perspectives mean the proposal is sensitive.

## **2.0 PROPOSAL**

- 2.1 This application proposes a 5 bedroom dwelling with an attached guest suite on land that currently forms part of the rear gardens of 238 and 240 West End Lane. Access to the proposed dwelling would be via the existing driveway to the side of number 238. The existing garage and side porch to number 238 would be demolished to access the site. Parking for number 238 would be retained on the existing hard standing in its front garden. The proposed new dwelling would have a detached double garage to the rear of its site as well as a hard standing for cars to park and turn.
- 2.2 The proposed dwelling would be located primarily in the rear of the garden of number 240 and its main garden area and driveway / parking area would primarily be within the part of the site that currently forms part of the rear garden of number 238. The proposed dwelling would be located at right angles to this existing pair of properties with a side elevation facing their rear elevations and the main front elevation extending parallel to the boundary with number 242 West End Lane. It would be 4.8m from the boundary with number 240 and a minimum of 4.3m (and a maximum of 5.3m) from the boundary with number 242. The property would have an overall frontage length of 24m with the main dwelling having a width of 14.5m and measuring 9.2m high (2 storeys plus rooms in the roof). Attached to the main dwelling would be a single storey element to be used as a guest suite. This element would be located 2.7m from the boundary with 38 Southway and would have a height of 4.4m (2.4m to eaves).
- 2.3 A contemporary approach has been taken with regard to the design and this is reflective of the design and character of the dwellings in the locality, as are the proposed materials of painted render with stone detailing and a grey slate roof. Windows and doors would be composite and grey powder coated aluminum.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site is currently part of the rear gardens of 238 and 240 West End Lane, a pair of large semi-detached dwellings set in substantial grounds. They are located on edge of the built up limits of Horsforth - the land opposite the site to the west is open countryside and designated as Green Belt. The properties on this part of West End Lane are substantial detached and semi-detached properties set within generous landscaped gardens. The predominant walling material is painted render with stone detailing and a mix of slate and tiled roofs.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 *238 West End Lane*  
13/03882/FU – two storey side / rear extension with first floor rooflight to side; new glass lantern roof over existing sun room and porch to front – approved October 2013.

4.2 *240 West End Lane*  
07/03160/FU – two storey side extension, single storey rear extension and porch to front – approved July 2007.

07/00832/FU – part single storey part 2 storey side extension, porch to front and conversion of loft to form room in roofspace – approved March 2003.

H27/44/82 – sun lounge to rear – approved April 1982.

## **5.0 HISTORY OF NEGOTIATIONS**

5.1 The plans have been revised during the course of the application in order to address Highways concerns and to amend the location / extent of driveway within the grounds of the proposed dwelling, thereby removing the driveway from the front and side of the proposed dwelling.

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 The application was advertised by a site notice posted on the 16<sup>th</sup> of March 2018 and neighbour notification letters dated the 2<sup>nd</sup> of March 2018.

6.2 In response to the original submission 8 letters of representation were received from local residents and one from Horsforth Town Council.

6.3 Horsforth Town Council object to the application and consider that the proposed dwelling would overlook adjacent properties and amenities.

6.4 The letters from local residents also raised objections, which are summarised as follows.

- Position of dwelling is incongruous to surroundings and contrary to established character and visual amenity.
- Scale and bulk will dominate and result in visual intrusion to neighbours.
- Noise and disturbance to neighbours due to location of driveway and house.
- Lack of garden for proposed dwelling.
- Will overlook neighbours and overshadow garden at 242.
- Removes most of the garden to existing dwellings and provides insufficient space around the proposed dwelling.
- Plans do not show existing mature trees in neighbouring gardens some of which would be directly affected.
- Increased traffic detrimental to highway and pedestrian safety.
- Width of access doesn't meet minimum standards.
- Not comparable to development at 1 Southway – previously developed land, served by an existing access road and comprehensively planned with regard to local character.
- Drainage is an issue in the area and more buildings and hard surfaces will worsen problems.
- Contrary to policies of the Core Strategy, Unitary Development Plan, Neighbourhoods for Living, Leeds Street Design Guide and NPPF.
- There is no material planning justification for the applicant's desire to fulfil their dream of building a new home and this does not outweigh the harm to the character of the area and neighbouring amenity. Financial challenges of an applicant are irrelevant to planning policy.

- The other justification for the development (the need to support an aging parent) is also questioned as it is already fulfilled as they live adjacent to each other.

6.5 The plans were then revised to address Highways concerns and to amend the location / extent of driveway within the grounds of the proposed dwelling, removing the driveway from the front and side of the proposed dwelling. The neighbours were re-consulted on this and 7 further representations have been received from local residents. Again, these raise objections which are summarised as follows.

- The revised plans do nothing to address the previous objections but do give rise to new objections
- Removing the proposed drive from the front of the property reduces intrusion from lights, noise and pollution to 238, 240 and 242 but does nothing to prevent overlooking.
- The revisions move the noise and disturbance from vehicles from the boundary with number 242 West End Lane to the area in close proximity to 40 Southway.
- The practicality of the design is questioned – are occupants going to carry shopping etc. from cars all the way to the front of the house? If constructed as proposed it will only be a matter of time before requests are made for additional driveway.
- The revised proposals move the driveway closer to the side of 238 and remove any access to the rear garden other than through the property. The side door of 238 also exists directly onto the proposed driveway.
- There are discrepancies in the number of parking spaces required by the applicant. This should be clarified.
- Joining the 2 drives together merely adds to the problem of cars coming out safely.
- The leniency on highway requirements is questioned. Why is the Highway Department allowing a visibility splay of 2.4m x 23m when the requirement of Leeds Street Design Guide is 2.4m x 25m?
- The driveway does not meet the minimum 3.3m width as the boundary has been measured from the boundary fence but should be from the side gutter of 236.

6.6 With regard to the revisions Horsforth Town Council have commented that they continue to object and repeat their previous comments which still stand.

6.7 Ward Members have also been consulted on the plans but no formal comments have been received.

## **7.0 CONSULTATION RESPONSES**

7.1 Highways originally objected on the grounds of narrowness of the access, inadequate visibility and reduced turning space for 238. The plans have since been revised and additional information provided and this objection has been overcome. On the revisions Highways have advised that the annex to the proposed dwelling must remain ancillary and that a revised plan is required showing the repositioning of a wall at the end of the proposed driveway. They confirm that West End Lane is now 20mph and that the visibility of 2.4m x 23m shown on the plans is acceptable.

7.2 Flood Risk Management has no objection to this development and advice that the site is probably viable to infiltrating SuDS. Conditions relating to the submission of a feasibility study and drainage scheme are recommended.

7.3 Horsforth Civic Society objects to the application and is concerned by its “garden grabbing” nature. It is a substantial new house that will be close to other houses and

will overlook some. Very little green space is provided for the new house and left for 238 and 240.

## **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.

8.2 The following Core Strategy policies are considered most relevant

- H2 – new housing on unallocated sites.
- P10 – high quality design.
- P12 – local distinctiveness to be conserved.
- T2 – accessibility and highway safety.

8.3 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5 - development proposals should resolve detailed planning considerations.

BD5 – protection of amenity.

LD1 – protection of vegetation.

8.4 The following Supplementary Planning Policy documents are relevant:

- Neighbourhoods for Living
- Street Design Guide
- Horsforth Design Statement

### National Planning Policy

8.5 The National Planning Policy Framework (NPPF) sets out the Governments Planning Policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.

8.6 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

## **9.0 MAIN ISSUES**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highways safety

## **10.0 APPRAISAL**

## Principle of Development

- 10.1 The application site lies within an established residential area and is unallocated in the adopted Core Strategy and is also not allocated within the emerging Site Allocations Plan. Policy H2 of Leeds Core Strategy relates to residential development on unallocated sites. This policy contains 3 criteria:
1. the number of dwellings should not exceed the capacity of local infrastructure,
  2. the location should accord with accessibility standards, and
  3. Green Belt policy is satisfied.
- 10.2 The site is not within the Green Belt and the location does accord with accessibility standards detailing distances to local amenities, transport links, schools and employment. The scale and form of the development is such that it is not considered to put any undue pressure on local infrastructure including the highway network, schools and health services. The proposal is therefore considered to comply with these 3 criteria.
- 10.3 The NPPF annex specifically excludes domestic garden curtilages from the definition of previously developed land. As such, the site should be regarded as Greenfield. The Local Planning Authority therefore has a responsibility to make an assessment of relevant factors, for example, the impact of the proposal on the character of the area and neighbour amenity which is referred to in paragraph 53 of the NPPF.
- 10.4 In addition to the 3 criteria listed above, Policy H2 of the Core Strategy also states that greenfield land:
- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, and makes a valuable contribution to the visual, historic and/or spatial character of an area, or
  - b) May be developed if it concerns a piece of designated greenspace found to be surplus to requirements by the Open Space, Sport & Recreation Assessment (PPG17Audit).
- 10.5 The site is a private residential garden and as such part b) is not of relevance but part a) is. In this case it is considered that the site makes a valuable contribution to the spatial character of the area and this is discussed in more detail under 'visual amenity' below. It is considered that the scheme does not comply with policy H2 of the Core Strategy.

## Visual amenity

- 10.6 Current guidance on design matters aims to raise the standards of urban design and to create safe and distinctive places that have their own identity but respond to and reinforce local character. The NPPF states that "good design is indivisible from good planning" and Local Authorities are encouraged to refuse "development of poor design". It also states that development 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".
- 10.7 The City Council's adopted Supplementary Planning Guidance 'Neighbourhoods for Living' was produced to complement the Unitary Development Plan and specifically to provide developers in the Leeds area with further clarity with regard to:
- The themes and principles of residential design

- The character and essence of Leeds
- Submission requirements and analysis based process.

- 10.8 On page 10 of this document it is stated that “developing in existing urban areas requires a response to context”. This requirement is promoted further in the *use* principles set out on page 15 where it is set out that proposals should “relate the site to its particular neighbourhood or character area and consider how particular attributes or activities can be strengthened”.
- 10.9 In the *form* section local character is discussed and it is stated (page 40) that a key objective is “to ensure that proposals respect the local character by enhancing the positive attributes whilst mitigating negative aspects”. It goes on to state that “the site context should be analysed in detail to determine its positive and negative characteristics” ...and “a more thorough analysis will be expected in sensitive areas, such as conservation areas or adjoining listed buildings. A development should reinforce or enhance the positive aspects of the locality.”
- 10.10 It is not considered the development proposed respects the form and character of the locality. The site lies in a suburban residential area with a relatively low density. Many of the dwellings, especially on this section of West End Lane, stand within large gardens, and almost all dwellings are located towards the front of their plots facing onto a road frontage. The layout and position of the proposed dwelling within the plot means it would have no road frontage and would therefore be out of character with the development in the surrounding area.
- 10.11 The siting of a dwelling in the rear garden as proposed would reduce the size of the existing rear garden and be uncharacteristic and contrary to the established pattern of development in the locality. The long rear gardens of the application site and adjacent dwellings, and their open and green nature, are highly valued positive contributors to the character of the locality and provide a sense of spaciousness that the proposal would erode. Whilst not visible from the public highway, the proposed dwelling would be highly visible in views from neighbouring houses and gardens and would, given its scale and massing, appear visually intrusive and incongruous in a garden setting.
- 10.12 In light of the above it is considered that the proposal fails to respect the historic form of development in the locality and local distinctiveness and as such is out of keeping with the established character. It is therefore harmful to visual amenity and contrary to policy GP5 of the Leeds Unitary Development Plan, to policies H2, P10 and P12 of Leeds Core Strategy, to the advice set out in ‘Neighbourhoods for Living’ and to policies contained within the NPPF.
- 10.13 Despite the above concerns with regard to the placing of a dwelling on this site and its impact on character, there are no concerns with the design of the dwelling itself. This is a contemporary approach that respects the design of the dwellings in the locality.

#### Residential amenity

- 10.14 UDP policy BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.
- 10.15 Supplementary Planning Guidance ‘Neighbourhoods for Living’ sets out a series of minimum distances to be used as a guide when planning new developments to help ensure sufficient amenity is provided to both the proposed development and also to any existing neighbouring development. However, a proposal is not necessarily acceptable just because it meets these guidelines. Regard must also be had to local character.

Furthermore, it is also questioned whether it is appropriate to use these guidelines as the development does not have a traditional layout. These guidelines are often more appropriate for new developments / estates where a proposal is not being imposed on an established development.

- 10.16 The proposed dwelling would be located a minimum of 4.3m (and a maximum of 5.3m) from the boundary with number 242 West End Lane and would have an overall length of 24m, 14.5m of which would be 9.2m high (2 storeys plus rooms in the roof). Windows in this elevation would be between 4m and 5.3m from the boundary and at first floor level would serve a study and landing area. Guideline distances set out in Neighbourhoods for Living advises that such windows should be a minimum of 7.5m from the boundary to prevent any adverse overlooking. The proposal would seriously impact on the privacy of number 242 from first floor windows and also number 240, as a proposed bedroom window faces directly towards this property at a distance of only 4.8m from the boundary. The proposal therefore does not comply with these guidelines with the SPG.
- 10.17 Number 242 would also be seriously dominated by the proposed dwelling due to its scale and massing and proximity to the common boundary. For these reasons and given the orientation of the sites to one another the proposed dwelling would also cast considerable shade to the garden at 242, including to its main outside seating area. This would have an impact on the residential amenity of this property and therefore does not comply with policy GP5 of the UDP.
- 10.18 The proposed access would be to the side of number 238, via the existing driveway which runs immediately along the outer side wall of this dwelling and immediately adjacent to the side of number 236. Such a proposal would therefore result in an increase in noise and disturbance to the occupiers of these neighbouring houses from additional pedestrian and vehicle movements. Furthermore, there would be a significant increase in noise and disturbance to neighbouring properties, including to numbers 238 and 240 with their reduced gardens, resulting from the domestic activities associated with the proposed dwelling given the more intensive use of this rear garden area.
- 10.19 In order to try and overcome concerns about the impact of vehicle movements on neighbouring properties the extent of the driveway has been reduced. It was originally proposed to run along the rear boundary with 238 and 240 and then along the common boundary with number 242. Whilst this would reduce some noise associated with vehicle movements to some properties, it would have only a minimal impact on noise and disturbance from the site. It must also be questioned if this is a realistic solution as the front of the property is some distance from the parking areas.
- 10.20 In light of the above it is considered that the proposal conflicts with policies GP5 and BD5 of the Leeds Unitary Development Plan, to Policy P10 of Leeds Core Strategy and to guidance set out in 'Neighbourhoods for Living'
- 10.21 Despite the significant intrusion into the rear gardens of numbers 238 and 240 West End Lane, the proposal would retain gardens of sufficient size for these existing dwellings and would also provide a garden of sufficient size to serve the proposed dwelling, when assessed against guidelines set out in Neighbourhoods for Living. These guidelines recommend that private gardens should be a minimum of 2/3 of the gross floor area of the dwelling with a minimum depth of 10.5m from ground floor living rooms.



## Highways

- 10.22 In relation to highway safety, the plot is of sufficient size to accommodate a vehicle turning area, off-street car parking and a satisfactory means of access. Sufficient parking (2 spaces) is retained for number 238 on the existing hard standing in its front garden.
- 10.23 Highways have confirmed that West End Lane is now 20mph and that the visibility of 2.4m x 23m shown on the plans is acceptable. This is 2m shorter than the requirement set out in the Leeds Street Design Guide (LSDG) (requires 2.4m x 25m) but Highways have advised that this is appropriate in this instance.
- 10.24 When looking right out of the driveway sightlines of 25m are achievable, however when looking left it is only possible to see for 23m. Despite this, vehicles approaching from the right will be driving on the side of the road nearest the site therefore it is more important visibility to the nearside kerb is achievable in this direction. Vehicles approaching from the left will be driving on the left hand side of the road (opposite side of the road to the site) where a sightline of 23m is achievable to the nearside kerb. Visibility of 2.4m x 25m is however achievable to the centre line of the road meaning oncoming vehicles would be visible for the desired 25m.
- 10.25 The adjacent property has visibility splays of 2.4m x 8m which is considerably less than those of proposed site and the standards in the LDSG. Notwithstanding the above paragraph section d of paragraph 3.120 of the LDSG states "Relaxations may be considered if the full recommended standards are not achievable" and in this situation relaxed standards are seen to be appropriate. In this case, it is not considered that an objection over 2m of visibility when looking left out of this site can be justified for the reasons stated above.
- 10.26 At the access onto West End Lane the proposed dwelling would share an access with number 238. It is not considered that this would result in any additional conflict as the area of shared space is purely for vehicles to enter and exit the site and not for the parking of vehicles.
- 10.27 In light of the above the Highways Department do not raise objections as the proposal would not prejudice the pedestrian or highway safety. The proposal therefore complies with Policy T2 of Leeds Core Strategy.

## Other matters

### *Representations*

- 10.28 The comments made by local residents are summarised in the 'Public/Local Response' section above and it is considered that the planning issues relevant to this application have been discussed in above appraisal. However, and notwithstanding this, the following points, raised by neighbours, require further comment (neighbour comments in *italics*).
- *Plans do not show existing mature trees in neighbouring gardens some of which would be directly affected.*  
These trees are not within the application site and whilst some of the branches do overhang the site they are unlikely to be directly affected by the proposed development. If the application were to be progressed with a recommendation of approval then it would be appropriate to condition tree protection measures and the submission of an arboricultural method statement.

- *Drainage is an issue in the area and more buildings and hard surfaces will worsen problems.*  
Flood Risk Management have been consulted on the application and do not consider that the proposal would adversely affect drainage in the area. There is no evidence to suggest that, if approval were to be recommended, surface water drainage could not be adequately controlled by conditions.
- *There are discrepancies in the number of parking spaces required by the applicant.*  
The application form submitted with the application advises that 10 parking spaces would be provided for both the existing dwelling at 238 and the proposed new dwelling. The applicant has since clarified that the existing dwelling would retain 2 parking spaces on its driveway to the front and that 3 spaces would be provided within the site of the new dwelling.

10.29 Correspondence has also been received from the applicant in response to the objections raised. One of the issues raised in this is that the proposal is not detrimental to character as there are a number of garden land developments in the immediate vicinity. The 'garden' sites referred to are detailed below along with planning officer comments on them.

#### 10.30 *252 West End Lane*

It would appear that this property was approved under applications:

- H27/201/87 – outline application to layout access and erect detached house with double garage to nursery garden – approved December 1987.
- H27/37/88 – 5 bedroom detached house with detached double garage to nursery garden site – approved March 1988.

Whilst this property is built in a 'backland' location it would appear to have been built on the site of a former nursery garden. It is also not considered to be directly comparable to the current application site given this dwelling is situated further from its boundaries with a greater amount of space around it. Access to it is also not immediately adjacent to the side of neighbouring properties. It was also approved a significant time ago with different planning policies than today.

#### 10.31 *2a Southway*

It would appear that this property was approved under application:

- H27/154/79 – laying out of access and erection of 3 bedroom detached dormer bungalow with detached garage – approved June 1979.

Again this property was approved a significant time ago with different planning policies than today. It also appears to have built on the site of a former nursery garden.

#### 10.32 *254 West End Lane*

This property was approved under applications:

- 27/176/02/OT – outline application to erect detached house – approved October 2002.
- 27/82/03/FU – 5 bedroom detached house with detached double – approved May 2003.

This is not considered to be comparable to the application proposal as it is located on a plot with a road frontage onto West End Lane. Access to it is also directly off West End Lane and not along the side of neighbouring properties.

10.33 *Four Corners, West End Lane*

The only planning history that can be found in relation to this property is an extension in 2004. The property therefore appears to have been built prior to 1974. For this reason and due to the fact it has a road frontage, it is not considered comparable to the current application.

10.34 *1 Southway*

This is a recent development of 4 houses (15/06872/FU) and is not considered comparable to the development proposed as part of this application. The site of 1 Southway was previously developed land, where a dwelling was demolished to allow for 4 houses. The 4 houses are served by an existing access road and all have a frontage facing onto this. This development was comprehensively planned in order to respect to local character e.g. the road form and layout reflects that on the opposite side of the entrance to Southway off Brownberrie Lane. It should be noted that this application was originally refused, as officers considered that 4 houses was cramped and incongruous to local character, but was allowed on appeal.

## 11.0 CONCLUSION

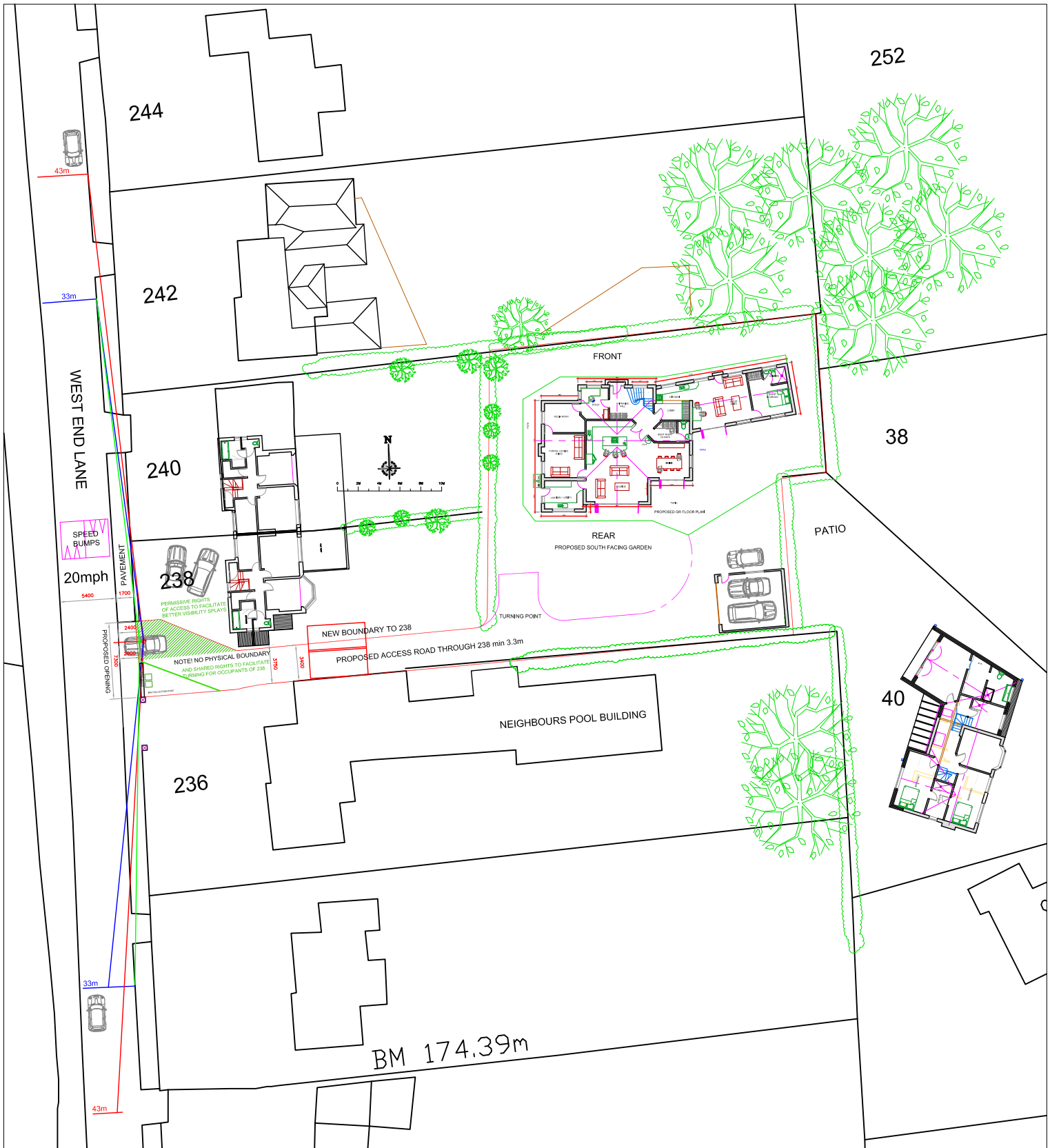
11.1 This application raises significant and serious concerns with regard to its impact on both visual and residential amenity. It is considered that the proposal is inappropriate to local context and character and would be highly intrusive to neighbouring properties, having a harmful impact on their living conditions as a result of dominance, overlooking, overshadowing and an increase in noise and disturbance. For these reasons the proposal is considered to be contrary to both local and national planning policy, hence the recommendation of refusal.

### **Background Papers:**

Planning application file: 18/01138/FU

Planning application file: 12/04631/FU

Certificate of ownership: signed by applicant.



CLIENT  
 MR. & MRS JAMIE HANLEY

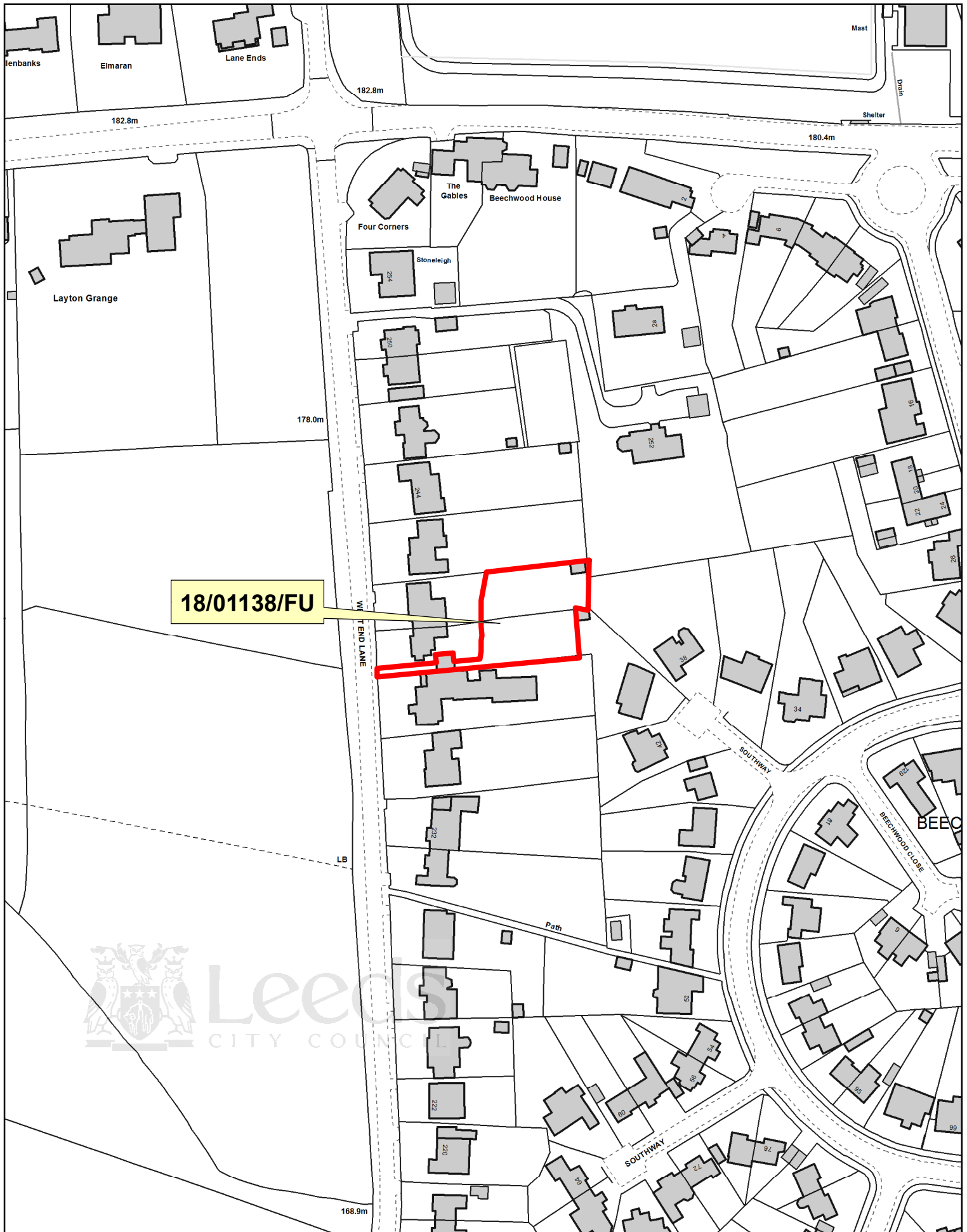
PROJECT  
 238 / 240 WEST END LANE  
 HORSFORTH LS18 5RU

TITLE  
 LOCATION PLAN

SCALE 1:500  DATE 12/02/18

DRAWN PMS CHECKED TBA

2842 05 



# SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2018 Ordnance Survey 100019567

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

SCALE : 1/1500

