



## Report of the Chief Planning Officer

### PLANS PANEL NORTH AND EAST

Date: 20<sup>th</sup> June 2019

Subject: 18/07752/FU – Change of use of residential garage to dwelling on land at 17 Oaksfield, Methley, Leeds.

#### APPLICANT

P and K  
Bilton

#### DATE VALID

29/1/19

#### TARGET DATE

21/6/19

#### Electoral Wards Affected:

Kippax and Methley

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: REFUSE permission for the reasons specified.**

#### Reasons for refusal

1. Oaksfield is a privately maintained, unmade road which does not have segregated pedestrian facilities. The proposed development would result in additional traffic movements along Oaksfield and at the junction of Oaksfield and Pinfold Lane where it does not allow for two-way passing. As such, the proposed development would be detrimental to the safe and free flow of traffic and pedestrian safety. Moreover, acceptance of this proposal would create an undesirable precedent for similar such residential proposals on neighbouring garden plots which would result in further detrimental impact on the safe and free flow of traffic and pedestrian safety. Accordingly, the proposed development is contrary to Policy T2 of the Core Strategy (2014) and policy GP5 of the Unitary Development Plan (Review, 2006) and advice contained within the NPPF.
2. The Local Planning Authority considers that the absence of any car parking provision within the site would likely lead to the parking of vehicles within Oaksfield, where such parking demands cannot be met, and would result in further restricting the ability of vehicles to pass, having detrimental impact on the safe and free flow of traffic and

pedestrian safety and a detrimental impact on the residential amenity of existing occupiers. Accordingly, the proposed development is contrary to Policy T2 of the Core Strategy (2014), policy GP5 of the Unitary Development Plan (Review, 2006) and advice contained within the NPPF.

3. The Local Planning Authority considers that the proposed development, which when viewed in context with the characteristics of the plot and its relationship to its surroundings would introduce a main dwellinghouse that would be contrary to the established pattern of development along Oaksfield that comprises low lying, ancillary outbuildings, resulting in harm to the character and appearance of the locality. Accordingly, the proposed development is thereby contrary to the City Council's Core Strategy (2014) policy P10, saved UDP Review (2006) policies GP5 and the guidance contained within the Neighbourhoods for Living (SPG) and the NPPF.

## **1.0 INTRODUCTION:**

- 1.1 This application proposal involves the change of use of an existing residential garage building on land at 17 Oaksfield, Methley in order to form a separate dwelling.
- 1.2 The application is reported to Panel at the request of former Cllr Keith Wakefield due to disagreement between the applicant and Local Planning Authority on key planning issues, which have a wider highway safety relevance, and in the interests of transparency. These are material planning considerations that give rise to issues affecting more than immediate neighbouring properties and therefore, in line with the terms of the Officer Delegation Scheme, it is appropriate to report the application to Panel for determination.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The development site comprises a parcel of land to the rear of Nos. 17 and 18 Oaksfield, Methley. The application form states that the land is all within the control of the applicant and therefore this land would no longer appear to form part of the garden areas to either Nos. 17 or 18 Oaksfield. Oaksfield is a private road, maintained by residents and serves 28 dwellings.
- 2.2 The site currently houses a single storey building containing a garage area, workshop and store. The front elevation, facing Oaksfield, contains a single garage door, a pedestrian access door and a window. The rear elevation contains a further garage door and two windows serving the garage area, while a window is also provided in the garage side elevation. The building appears to have been relatively recently constructed and is largely faced with buff brick, with red brick to damp course level and to the quoins and eaves level, with the roof being comprised of concrete roof tiles.
- 2.3 A separate shed / store, approximately two thirds the size of the garage building also exists on site, though it is located closer to the street and is in line with a number of other garages and outbuildings, including that at No. 19. The building is faced with red brick, has a corrugated monopitch roof and has two windows facing across the front of the site.
- 2.4 The frontage of the site is currently surfaced largely with loose chippings, though a grassed 'island' exists in front of the garage building, containing a medium sized tree. Whilst the loose chippings form a path around the rear of the building, the

remainder of the site is grassed. A hedge of approximately 1.8m in height forms the western boundary, a fence and hedge of a similar height forms the eastern boundary and a blockwork wall forms the rear boundary to the sports pitch beyond.

- 2.5 The character of Oaksfield is defined by detached and semi-detached properties of early C20th appearance, with varying individual architectural designs and features. The urban form of Oaksfield is common to all of the properties in that it is their rear (north) elevations which face the street, usually separated from it by a short yard or garden area. The principal elevations are on the south side and face over the more substantive private garden areas and open countryside beyond. Notwithstanding this, most properties have the benefit of further garden areas on the north side of Oaksfield. Historically, these are likely to have been used for allotment growing and shed storage, but these plots are now largely dominated by garages, workshops and other shed / storage facilities, ancillary to the dwellings. Whilst the immediate context is residential, the land to the north is occupied by a sports pitch and Methley Primary School.

### **3.0 PROPOSAL**

- 3.1 The proposal involves change of use of what was a residential garage to a one bedroom dwelling. The external alterations are very limited and comprise replacing the existing single garage door to the front with a large window and replacing the rear garage door with a door and window.
- 3.2 Internally, the dwelling provides a lounge and kitchen area, with one bedroom and an en-suite bathroom. The total gross internal floorspace of the dwelling equates to 68sqm. No changes are proposed to the existing shed / store building on site.
- 3.3 Externally, it is proposed to landscape the front garden area and incorporate a 1.2m wide path leading to the front door, incorporating a ramp to provide level access. The path would cut across the existing grassed 'island' coming closer to, but avoiding the existing tree. A 0.9m high brick wall is proposed as a front boundary treatment, also incorporating a 1m high timber gate.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 The planning history for 17 Oaksfield is as follows:
- 09/01897/FU - Detached garage and workshop to garden plot – Approved.
  - H22/65/81/ - Detached brick garage with inspection pit to front of semi-detached house – Approved.
- 4.2 Other relevant planning history is as follows:
- 18/00635/FU - Change of use and alterations to a detached garage to form a dwelling house with three dormer windows to the rear opposite No. 16 Oaksfield – Refused (18/5/18) on grounds relating to unsuitable access and highway visibility, character and appearance and amenity grounds. The applicant subsequently appealed, though the Inspector dismissed the appeal on all grounds except for residential amenity.
  - 22/361/05/OT - Outline application to erect dwelling house opposite No.6 Oaksfield - Refused (22/12/05) on grounds relating to highway/ pedestrian safety (narrow access, poor visibility at junction with Pinfold Lane).

- 22/64/98/OT - Outline application to erect detached dwelling house at No. 2 Oaksfield - Refused (09/07/98) on grounds relating to highway/ pedestrian safety (narrow access, poor visibility at junction with Pinfold Lane, privately maintained unmade road).

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 During the course of the planning application officers have relayed the relevant planning history to the agent and explained why the proposals cannot be supported.

## **6.0 PUBLIC/LOCAL RESPONSES**

- 6.1 The application has been advertised by a site notice which was posted outside the site on 4<sup>th</sup> February 2019 and by way of neighbour notification with letters sent on 30<sup>th</sup> January 2019. As a result of this publicity, a total of two letters of objection have been received. The objections relate to the following issues:

- Oaksfield is a narrow private road, maintained by residents, which does not have the infrastructure to cope with a further dwelling.
- The road allows two cars to pass, but anything wider is problematic and requires them to reverse out as there is insufficient room to turn.
- Concern is expressed that no off street parking provision is made and there is not scope to allow on-street parking.
- Oaksfield is narrower at its junction with Pinfold Lane and provides for limited visibility, making it awkward for vehicles, particularly larger ones, to exit the street.
- The dwelling would result in an increase in traffic which cannot be accommodated.
- Vehicles parked on the road to unload can cause blockages and lead to confrontation between residents.
- The sewers and drains already operate at capacity and cannot cope with an additional dwelling.
- It is alleged that an unauthorized sewer connection has already been made.
- The privacy of neighbours would be compromised.
- If permission is granted to allow the creation of this dwelling, it would set a precedent for approximately 20 further dwellings on the other plots.
- It is alleged that when the garage was first applied for, the applicant sought for it to be a dwelling initially.
- It is alleged that the garage has never been used as such.
- The bungalow is not in keeping with the age and character of the other dwellings in Oaksfield.

## **7.0 CONSULTATION RESPONSES**

### Statutory:

- 7.1 Environment Agency: The finished floor level for the development must be a minimum of 15.158m AOD, controlled by condition. If this cannot be achieved then the EA must be re-consulted. The development is in flood zone 3 and a single storey development with the occupants sleeping on the ground floor.

## Non-statutory:

- 7.2 Highways: Highways acknowledged under application reference 18/00635/FU (16 Oaksfield) that visibility splays of 2.4m x 90m could not be achieved where Oaksfield meets Pinfold Lane. The appeal Inspector's comments raise concerns over the layout of the junction, and a similar junction layout has been proposed again, therefore highways concerns regarding vehicles passing, visibility and manoeuvring in/ out of Oaksfield remains.

Oaksfield has a carriageway width of 4.5m adjacent to the junction with Pinfold Lane. In accordance with guidance, there should be a minimum width of 4.8m for the first 10m of all private roads to allow two way passing. Notwithstanding this, in accordance with current guidance (as Oaksfield serves 28 dwellings) it should be an adopted road with a 5.5m wide carriageway. The narrow carriageway makes it difficult for vehicles to turn into Oaksfield from Pinfold Lane when a vehicle is waiting at the junction to pull out. To add to the problem there are no footways on Oaksfield so pedestrians may also be walking on the carriageway. Increasing the number of dwellings on Oaksfield will exacerbate this problem and cannot be supported.

In accordance with the Leeds Street Design Guide private roads should serve a maximum of 5 dwellings, once a road exceeds this it should be constructed and designed to an adoptable standard and offered for adoption. Oaksfield is a private road currently serving 28 dwellings, the majority of which have a similar rear plot which forms an extended garden/garaging/parking on the opposite side of the Oaksfield. There are strong concerns that approving this application would set a precedent for other residents to do the same. In addition to the above no parking has been proposed for the dwelling and a dwelling in this location must have parking provided.

- 7.3 Flood Risk Management: It is noted that the site falls within flood zone 3, though there is no record of flooding. No objections provided that the development is carried out in accordance with the submitted Flood Risk Assessment, including works to the finished floor levels. Conditions are also recommended in relation to surface water drainage.

## **8.0 RELEVANT PLANNING POLICIES**

### The Development Plan

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. Any relevant made Neighbourhood Plan (none relevant in this case)

These development plan policies are supplemented by supplementary planning guidance and documents. The site is unallocated within the UDP.

- 8.2 The following Core Strategy (CS) policies are relevant:

Spatial policy 1 Location of development  
Spatial policy 6 Housing requirement and allocation of housing land  
Spatial policy 7 Distribution of housing land and allocations  
Policy H2 Housing on non-allocated sites  
Policy P10 Design  
Policy P12 Landscape  
Policy T2 Accessibility requirements and new development  
Policy EN5 Managing flood risk

8.3 The Council's emerging Site Allocation Plan (SAP) has reached a highly advanced stage, close to adoption and greater weight should therefore be accorded to it. The SAP does not identify small scale individual sites such as this. As the application site is therefore not affected by the Plan it has no particular relevance as emerging policy.

8.4 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

GP5: General planning considerations.  
N23/N25: Landscape design and boundary treatment.  
BD5: Design considerations for new build.  
LD1: Landscape schemes.

8.5 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and flooding are relevant as follows:

Policy AIR 1: The Management of Air Quality Through Development  
Policy WATER 3: Functional Flood Plain  
Policy WATER 4: Development in Flood Risk Areas  
Policy WATER 6: Flood Risk Assessments  
Policy WATER 7: Surface Water Run-Off  
Policy LAND 1: Contaminated Land  
Policy Land 2: Development and Trees

Supplementary Planning Guidance / Documents:

8.6 SPG10 Sustainable Development Design Guide (adopted).  
SPG13 Neighbourhoods for Living and Addendum (adopted).  
SPG22 Sustainable Urban Drainage (adopted).  
SPD Street Design Guide (adopted).  
SPD Designing for Community Safety (adopted).  
Emerging Policy - Core Strategy Selective Review (CSSR)

8.7 Hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/beginning of March 2019 and the Inspector's main modifications were issued in April 2019. The advanced nature of this review is such that significant weight can be attached to the revised policies where relevant:

H9 – Minimum Space Standards  
EN8 – Electric Vehicle Charging Infrastructure

## National Planning Policy Framework (NPPF)

- 8.8 The introduction of the NPPF 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. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.
- 8.9 The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 8.10 Paragraph 11(d) advises that where an application proposes housing development and the Local Planning Authority cannot demonstrate a 5 year housing land supply, then additional weight should be afforded to the delivery of housing (often referred to as the 'tilted balance'). In this instance the adopted local planning policies relevant to the consideration of this application are considered to be consistent with those set out in the NPPF and should be afforded significant weight.
- 8.11 Paragraph 108(b) of the NPPF requires that in considering development proposals, safe and suitable access to the site can be achieved for all users.
- 8.12 Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 8.13 Paragraph 110 of the NPPF advises that developments should create places that are safe, secure and attractive – which minimises the scope for conflict between pedestrians, cyclists and vehicles (c) and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations (e).
- 8.14 Paragraph 127(c) of the NPPF requires that developments are sympathetic to local character.
- 8.15 The Government attaches great importance to the design of the built environment. Section 12 (paragraphs 124 - 127) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Good functionality and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Development to be visually attractive as a result of good architecture and appropriate landscaping
  - Development to be sympathetic to local character and history, including the surrounding built environment and landscape setting,
  - Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - Optimising the potential of the site to accommodate development;

- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 8.16 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 8.17 In February 2019, the Government published its revisions to the National Planning Policy Framework. The revisions focus on the housing land supply assessments and methodology; clarification of Habitat Regulations Assessment and definitions in glossary relating to “deliverable” and “local housing need”.

## **9.0 MAIN ISSUES**

1. Principle of Residential Development
2. Highways & Transportation
3. Design & Character
4. Residential Amenity
5. Consideration of Objections
6. Planning Balance

## **10.0 APPRAISAL**

### Principle of Residential Development

- 10.1 The application site currently accommodates the existing garage, as well as the shed / storage building at the front of the site. In considering whether a residential development is acceptable in principle a number of relevant factors must be considered.
- 10.2 The application site can be considered to be non-allocated land as defined by policy H2 of the Leeds Core Strategy. Policy H2 includes a number of criteria that new housing development on non-allocated land should meet and therefore is an appropriate starting point for considering the principle of residential development.
- 10.3 Policy H2 states that new housing development will be acceptable in principle on non-allocated land, providing that:
- (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
  - (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,
  - (iii) Green Belt Policy is satisfied for sites in the Green Belt.
- 10.4 For the reasons set out later in this report, it is considered that the proposal fails to satisfy criteria (i) of policy H2 in that the additional dwelling proposed is considered to exceed what is considered appropriate for the local highway infrastructure, namely Oaksfield. Criteria (ii) and (iii) are not breached or relevant to this particular proposal.
- 10.5 Nevertheless, given the failure against criteria (i), a residential use is not considered acceptable when assessed within the context of Core Strategy policy H2. Therefore

the principle of development, when considered subject to the material planning considerations discussed below, is considered to be unacceptable.

### Highways and Transportation

10.6 Oaksfield is a private no through road which is in part poorly surfaced and has no footpath. It serves 28 properties (which do not have an alternative road access to the front). Although it is relatively narrow, Oaksfield is generally wide enough to allow vehicles to pass and to provide for two-way traffic along its length. However, it narrows at its junction with Pinfold Lane where it is around 4.5 metres wide and bounded by a high wall to one side and a high hedge to the other (with no corner radii). Highways acknowledged under application reference 18/00635/FU that visibility splays of 2.4m x 90m could not be achieved where Oaksfield meets Pinfold Lane, however the applicant was proposing to narrow Pinfold Lane and extend the give way line on Oaksfield to make visibility achievable. In the appeal Inspector's comments, concerns were raised over the layout of the junction. Given a similar junction layout has been proposed again, highway officers concerns regarding vehicles passing, visibility and manoeuvring in and out of Oaksfield remain.

10.7 Oaksfield has a carriageway width of 4.5m adjacent to the junction with Pinfold Lane. In accordance with guidance, there should be a minimum width of 4.8m for the first 10m of all private roads to allow two way passing. Notwithstanding this, in accordance with current guidance (as Oaksfield serves 28 dwellings) it should be an adopted road with a 5.5m wide carriageway. The narrow carriageway makes it difficult for vehicles to turn into Oaksfield from Pinfold Lane when a vehicle is waiting at the junction to pull out. The Inspector's comments in the appeal at No. 16 Oaksfield are also relevant

*'...vehicles that meet at the junction would have to wait either in Oaksfield or Pinfold Lane to allow the other vehicles to pass. There is also a likelihood that on occasion drivers would have to reverse in this situation.'*  
Paragraph 10.

10.8 To add to the problem there are no footways on Oaksfield so pedestrians may also be walking on the carriageway. Increasing the number of dwellings on Oaksfield will exacerbate this problem and cannot be supported. The appeal Inspector commented:

*'Taking all these factors into account, it seems to me that the comings and goings associated with the existing houses in Oaksfield already result in the potential for conflict between vehicles and between vehicles and pedestrians. The introduction of a further dwelling would lead to an increase in the number of vehicles and pedestrians using Oaksfield.'* Paragraph 11

*'Whilst this increase would not be great, in my view the introduction of even the relatively limited amount of additional traffic associated with one dwelling would exacerbate the wider potential for conflict that already exists.'* Paragraph 12

10.9 Private roads should serve a maximum of 5 dwellings, once a road exceeds this it must be constructed to adoptable standards and offered for adoption. Oaksfield is a private road which exceeds 5 dwellings and the road does not meet the standards of the Street Design Guide and therefore highways will not support any further development off this road.

10.10 The Inspector's wider comments in the appeal at No. 16 Oaksfield are also relevant:

*'The Council is also concerned that the proposal would establish an undesirable precedent for similar proposals on neighbouring garden plots. Whilst each application and appeal must be treated on its individual merits I can appreciate the Council's concern that the approval of this proposal could be used in support of such similar schemes. The Council has previously refused a number of planning applications for houses on the land opposite the houses in Oaksfield on highways grounds. A third party representation confirms that should the appeal scheme be successful other neighbouring occupiers would seek similar proposals. As such, I do not regard the Council's objection to be a generalised fear of precedent. Rather it is a realistic and specific concern. Allowing this appeal would make it more difficult to resist further planning applications for similar developments the cumulative effect of which would exacerbate the harm which I have described above.'* Paragraph 13

10.11 Notwithstanding the applicant's attempt to demonstrate the required visibility splays at the junction of Oaksfield with Pinfold Lane, the individual and cumulative effects of allowing further residential development on this private road are considered to have a detrimental effect on the safe and free flow of traffic and pedestrian safety.

10.12 No car parking is proposed within the development and highway officers have indicated that one parking space and an electric vehicle charging point is required. The absence of a space means that car parking is likely to take place outside the site, on Oaksfield itself, exacerbating issues raised in relation to its width and the ability of vehicles to pass.

10.13 The Design and Access Statement notes that the applicant's personal circumstances mean that he and his wife need this small property, so that they can maintain their independence in a mobility-friendly home. It is stated that there is a severe shortage of accommodation in the area for older people, and the proposal will create one which will benefit future generations, not just the applicants. Whilst these desires are entirely understandable, it is not possible to control who may reside in the property longer term, or therefore the longer term car parking needs. Further, it is not considered appropriate to allow the conversion of the garage to a dwelling and impose a condition restricting occupancy to the applicants only (a personal permission). The offer by the applicant to enter into a S106 Agreement or agree to a planning condition preventing car access on the site or onto Oaksfield is also considered to be unworkable and would not meet the tests for planning obligations or conditions. As such, while the applicant's personal circumstances are noted, they are not considered so significant that they outweigh the identified harm.

10.14 It is therefore considered that the proposal would be harmful to highway safety. It would be contrary to Policy T2 of the Core Strategy which requires new development to be adequately served by existing or programmed highways and not to create or materially add to problems of safety, environment or efficiency on the highway network (i). It would conflict with Policy GP5 of the UDP which expects proposals to resolve all planning considerations including (amongst other things) access and to maximise highway safety. It would also be at odds with paragraph 108 of the NPPF which requires that in considering development proposals, safe and suitable access to the site can be achieved for all users (b) and with paragraph 109 which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. Furthermore it would fail to support paragraph 110 of the NPPF which advises that development

should create places that are safe, secure and attractive – which minimises the scope for conflict between pedestrians, cyclists and vehicles (c) and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations (e).

### Design and Character

- 10.15 The NPPF sets out national planning policy in relation to design matters (section 7). The Leeds Core Strategy policy P10 outlines a number of key principles which fall under the wider objective of ensuring new development delivers high quality inclusive design and policy P12 looks to protect the character and quality of Leeds townscapes. A number of saved UDP policies are also relevant including policies GP5 and BD5 which encourage good design.
- 10.16 In the context of this application, the substantive form of the building already exists. The works to the building required in order to facilitate the proposed residential use are limited to the removal of the single garage doors to the front and rear and their replacement by a large window to the front and a door and window to the rear. The works to the front boundary, including a 0.9m high brick wall and a 1m high gate are also limited and are not at odds with what might otherwise be found in front boundary treatments for a dwelling (such structures would constitute permitted development in the case of an existing dwelling).
- 10.17 A 1.2m wide block paviour path is proposed between the front gate and the front door of the proposed dwelling, cutting across the existing grassed 'island' and coming in close proximity to the existing tree. It is considered that, as proposed, the path is likely to have some potential impact on the root protection zone area of the tree, though this could be overcome through the use of appropriate construction, as advised by an experienced arboriculturalist. Even if the siting of the path proved unacceptable, in the event that the application were to be approved, a condition could be attached for final landscape details, including the siting and design of the path, which could be amended to remedy the matter.
- 10.18 Notwithstanding the above, it is inescapable that the proposal would create a new dwelling amongst other extended garden areas, often containing garages, sheds and other ancillary structures. The Inspector's comments in the appeal at No. 16 Oaksfield are relevant:
- '... There is a wide variety of domestic outbuildings including garages, sheds and greenhouses in the residential garden areas on the north side of Oaksfield. These vary in size and design and do not form a regular pattern or layout.'* Paragraph 15
- 'Despite this, all these existing structures appear for the most part as low key single storey buildings that remain ancillary to the use of the main dwelling houses on the other side of Oaksfield to the south. The proposal would introduce a dwelling to the north side of Oaksfield. Despite the domestic character of the area, the creation of an independent residential unit there would in my view be directly at odds with this well established character and the prevailing pattern of development in Oaksfield.'* Paragraph 16
- 10.19 Whilst in the case at No. 16 Oaksfield the Inspector went on to criticise the perceived height of the building due to the addition of rear dormers, no such similar criticism could be made here. In the event of an approval, a condition could be

applied to restrict permitted development rights allowing extensions and additions to the roof. Nevertheless, a fundamental point persists in that a stand-alone bungalow would appear as an alien feature, at odds with the well established character and prevailing pattern of development. There is no good reason to come to a different conclusion to that of the Inspector on what the character of area is and how that would be harmed by allowing this form of development (ad hoc dwellings amongst garages and outbuildings).

- 10.20 It is therefore considered that the proposal would be contrary to Core Strategy Policy P10 which requires development to provide good design that is appropriate to its location, scale and function. It would also be at odds with UDP Policy GP5 which seeks to avoid problems of environmental intrusion and loss of amenity. However, it is considered that there is no particular conflict with UDP Policy BD6 which requires all alterations and extensions to respect the sale, form, detailing and materials of the original building. Nevertheless, the proposal would fail to support the guidance in the Neighbourhoods for Living Supplementary Planning Guidance (SPG) which seeks to ensure that proposals respect local character by enhancing positive attributes whilst mitigating negative aspects. It would also undermine the aims of paragraph 127(c) of the NPPF which requires that developments are sympathetic to local character.

#### Residential Amenity

- 10.21 The proposal would create a detached one bedroom dwelling within a reasonably sized plot, sufficient to provide adequate garden area. It is stated that the dwelling has been designed to meet the 'Lifetime Homes' standard. It is also noted that a ramp to provide level access to the front door is proposed, which welcomed.
- 10.22 Internally, the dwelling provides for a lounge and kitchen area, a double bedroom and an en-suite bathroom. As discussed above, the Council is seeking to ensure that new dwellings meet minimum internal space standards, as set out in CSSR policy H9. When assessed against the policy, a gross internal floorspace of 50sqm is required for this type of property. In this instance, the proposed dwelling would have a gross internal floorspace of 68sqm, a double bedroom measuring 3.6m x 3.4m and within the envelope of the building there is easily space for 1.5sqm of built in storage. The spaces provided are therefore in excess of the requirements and therefore in accordance with emerging CSSR policy H9.
- 10.23 The majority of the window openings are in the front and rear elevations and are not considered to have any significant impact of overlooking to other nearby properties. Whilst an existing window is to be retained in the west side elevation, any concerns about overlooking could otherwise be overcome through the use of a condition to retain the existing boundary treatment at a height of 1.8m or otherwise replace it with a solid timber fence to the same height.
- 10.24 Whilst the quality of accommodation is, in itself, considered to be acceptable, the lack of any off-street car parking is a concern, as discussed above. The lack of parking would potentially result in parking on Oaksfield and create an element of obstruction, fuelling conflict between road users and giving rise to safety concerns, all to the detriment of residential amenity.

#### Consideration of Objections

- 10.25 The substantive comments outlined within the letters of representation are addressed in the report above. Drainage matters could otherwise be addressed through the use of conditions.

## Planning Balance

- 10.26 Taking all of the above factors into account it is considered that when judged against the policies of the development plan, the principle of development in this location is unacceptable, in that the dwelling would cause harm to the safe and free flow of traffic and pedestrian safety (caused as a result of adding a further dwelling to an already unsatisfactory situation, as well as a result of a lack of car parking provision), and harm to the character and appearance of the surrounding area as it will be at odds with the established pattern of development. These are matters that are afforded significant weight. It is concluded that there would be some benefit from the addition of one additional dwelling to the housing supply and also built to lifetime home standards, but these factors are not considered to be so significant as to outweigh the identified harm to warrant approval of the application.
- 10.27 Accordingly, it is considered that the development does not accord with the development plan, when read as a whole, and neither does it accord with the guidance as set out in the NPPF. As the council cannot demonstrate a 5 year housing land supply, the delivery of housing is a matter that normally attracts significant weight. If the tilted balance at paragraph 11(d) of the NPPF is applied, in this instance the adverse impacts of granting permission (arising from the harm that would be caused to highway safety and the character and appearance of the area), would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole.

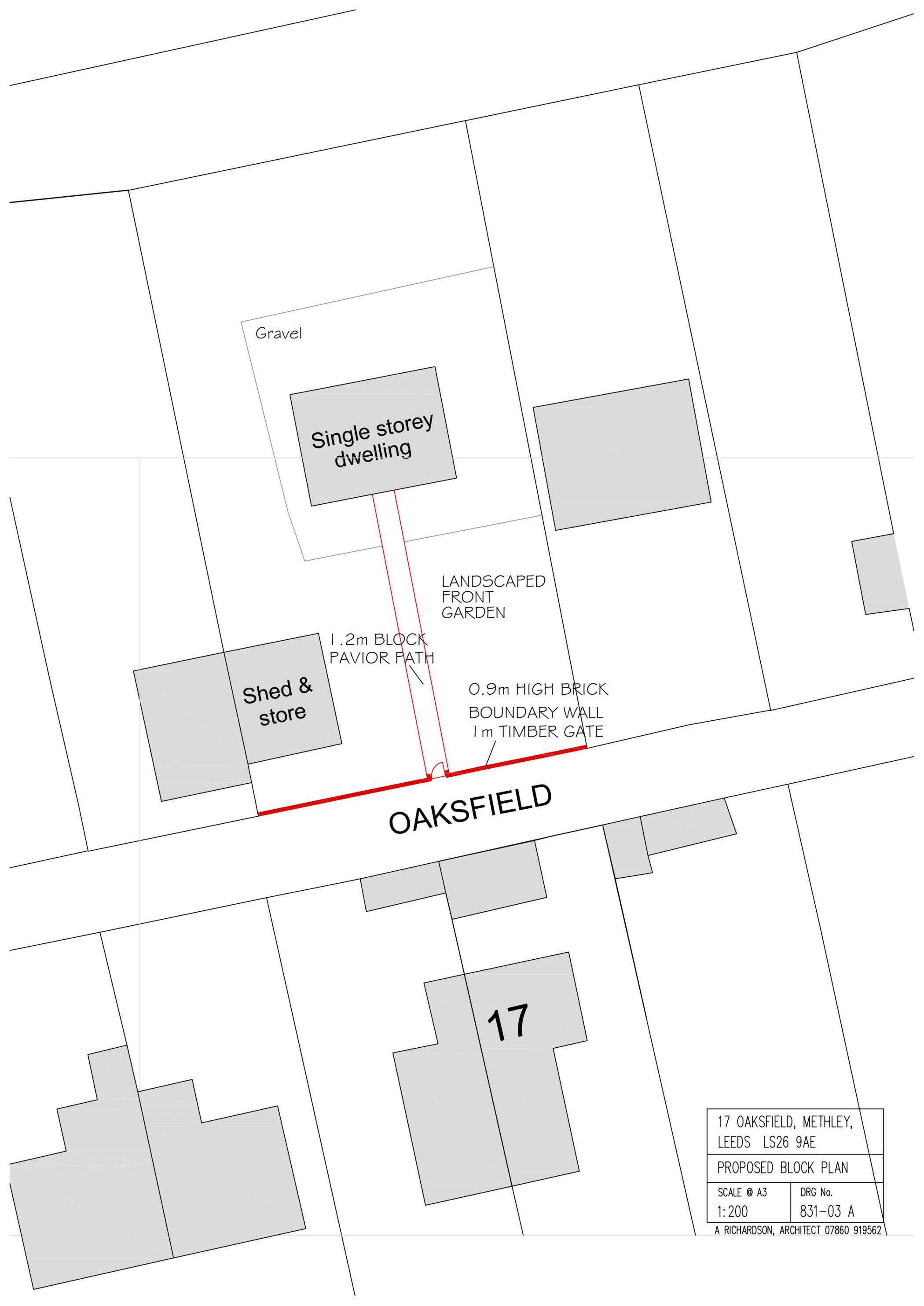
## **11.0 CONCLUSION**

- 11.1 In conclusion, it is considered that the proposed development would add unacceptable further development to a private road, giving rise to specific and cumulative highway safety concerns. Additionally, the lack of any car parking provision serves to underscore those concerns. The siting of a dwelling in this location would also create an alien feature in this part of the street, contrary to the character and pattern of development in Oaksfield. Accordingly, Members are recommended to refuse planning permission for the reasons stated at the head of the report.

### **Background Papers:**

Planning Application file 18/07752/FU

Certificate of Ownership: Certificate A signed by the agent on behalf of the applicant.



Gravel

Single storey dwelling

Shed & store

LANDSCAPED FRONT GARDEN

1.2m BLOCK PAVIOR PATH

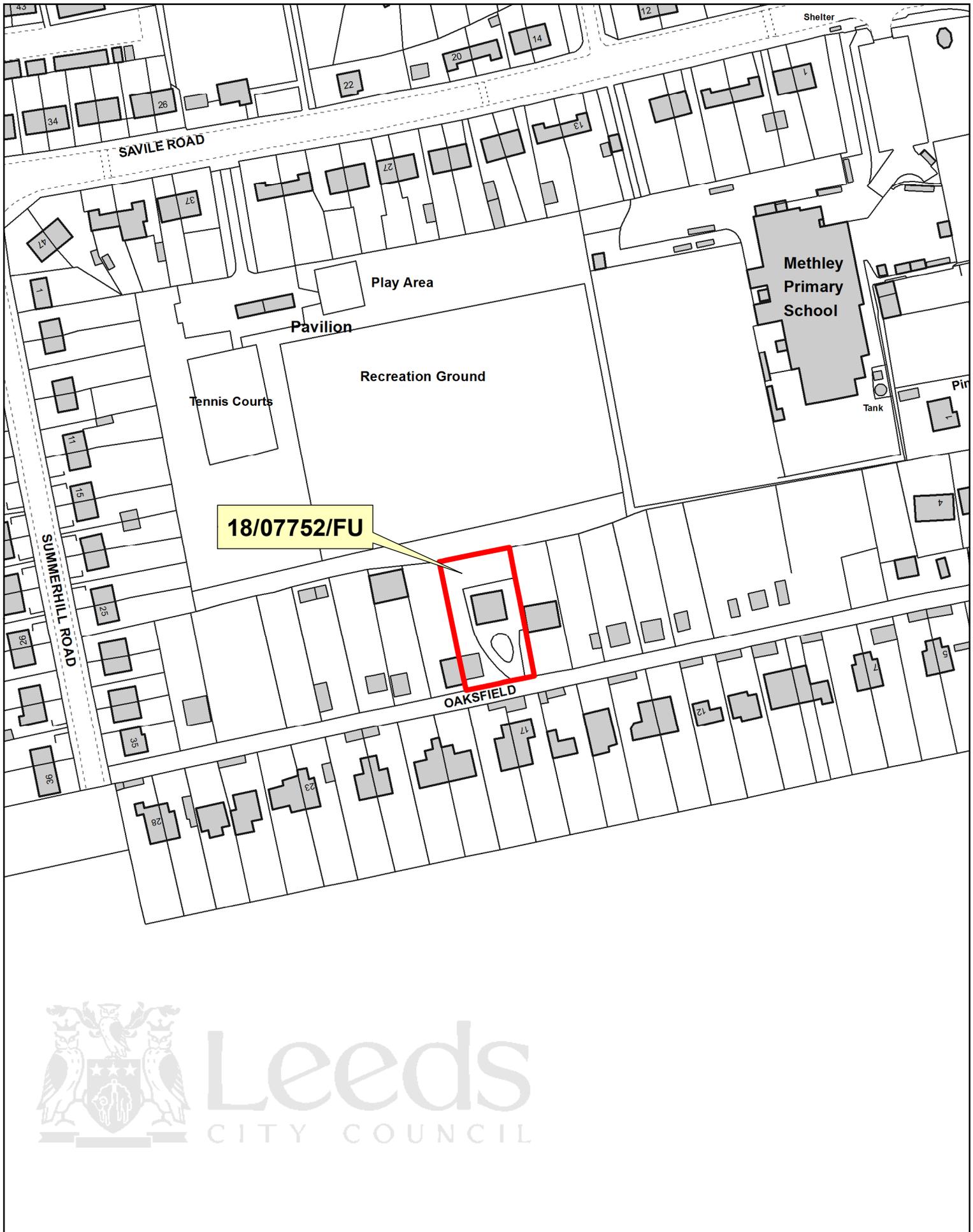
0.9m HIGH BRICK BOUNDARY WALL  
1m TIMBER GATE

OAKSFIELD

17

17 OAKSFIELD, METHLEY, LEEDS LS26 9AE	
PROPOSED BLOCK PLAN	
SCALE @ A3 1:200	DRG No. 831-03 A

A RICHARDSON, ARCHITECT 07860 919562



Leeds  
CITY COUNCIL

# NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

