



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 20th June 2019

Subject: 19/01375/FU - Demolition of existing property and replacement new dwelling at 165 Alwoodley Lane, Leeds LS17 7PG.

APPLICANT

Mr and Mrs Taylor

DATE VALID

18/03/2019

TARGET DATE

13/05/2019

Electoral Wards Affected:

Alwoodley

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. Standard 3 year Implementation time period
2. Built in accordance with approved plans
3. Submission and approval of materials
4. Laying out of hardstanding
5. Provision of EVCP
6. Standard Land Contamination conditions and information notes
7. Submission of Drainage details
8. Submission of protection for existing vegetation on boundaries
9. Low Impact Class Licence regarding destruction of Bat Roost
10. Entrance Gates not to open outwards
11. Obscure Glazing to specified windows
12. Removal of PD rights pertaining to side facing windows
13. Hours of construction limitation – 08:00-18:00 Mon-Fri, 09:00-14:00 Sat, no construction on Sundays or Bank Holidays
14. Development to be carried out in accordance with levels shown on approved plan

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel as it is considered that it is appropriate for the decision to be made in public in light of the nature of the submissions that have been made in respect of the processing of this application.

2.0 PROPOSAL

- 2.1 Permission is sought for the demolition of the existing dwelling and the erection of a new dwelling on site. The proposed new dwelling consists of a two storey structure in an "L" shaped footprint that sits on the site in a mirrored pattern to the existing dwelling at 141 Alwoodley Lane. It has a lower (in terms of height) element that projects forward from the main part of the house that will house double garage spaces and a utility and work room.
- 2.2 The main part of the house consists of an entrance hall centrally located in the front of the building, with a feature gallery giving access to the internal staircase to the left and a snug, cloak and w.c. to the right as one enters through the main door.
- 2.3 A formal dining area is accessed from the entrance hall immediately opposite the entrance doors and to the left of that is the combined kitchen/breakfast/dining living area and to the right of the formal dining area is the formal living area. All three rooms to the rear of the property at ground floor give access to the rear garden space.
- 2.4 At first floor level over the garage, work room and utility is a proposed gym and study situated in the roofspace of the garages. In the main part of the dwelling 4 ensuite bedrooms are proposed with the main bedroom having his and hers dressing rooms and access to a balcony. The second bedroom that is located centre front of the building will also benefit from a walk-in in dressing room with the two remaining bedrooms located over the snug and formal living rooms.
- 2.5 The site benefits from extensive dense and mature planting on both side boundaries and currently has a very open aspect at its rear boundary giving very open views across the golf course. The ground levels are also shown to be reduced and so that the house will be set at a lower level.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a relatively generous plot situated in a part of Alwoodley Lane that is characterised by plots of similar dimensions. It lies to the north of Alwoodley lane itself and beyond the application site further to the north and immediately abutting the northern boundary of the application site is Sand Moor Golf Club.
- 3.2 To the immediate west of the site is 141 Alwoodley lane and to the immediate east of the site is 167 Alwoodley lane. 167 Alwoodley lane is an older property than those in the immediate vicinity and is orientated at 90 degrees to Alwoodley lane and thus its principle elevation faces the side common boundary between it and the application site. It is separated from the application site by what appears to be an area of driveway/hardstanding and then garden land up to the common boundary with the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/03633/FU – Detached house with lower ground floor parking – Refused – Subsequent Appeal Dismissed
- 4.2 15/01481/FU - Detached house with lower ground floor parking – Refused – Subsequent Appeal Dismissed
- 4.3 17/00848/FU - Detached house with lower ground floor parking – Refused – Subsequent Appeal Dismissed. The Inspector noted that the main issues related to the impact on the character and appearance of the area and the impact on the amenities of the occupiers of 141 Alwoodley Lane. The Inspector noted that it was a 3 storey building with a basement (so in effect 4 storeys). The proposal had a footprint of 17m by 20m. The Inspector concluded that its mass would be significantly greater than other properties in Alwoodley Lane. With regard to the impact on the amenities of the residents of No.141 the Inspector noted:

“Given the limited distance between the proposal and the common boundary, and as a result of the scale and mass of the side elevation that would project beyond the rear elevation of No 141, the appeal scheme would have an overbearing impact on, and create an unneighbourly sense of enclosure to, the occupiers of this property. Given the height of the proposed dwelling, I am not persuaded that vegetation would be able to soften this impact.” (para. 14, decision dated 5/2/18).

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The height and extent of rearward projection have been reduced. In addition the property has been moved away from the common boundary with No.141 Alwoodley Lane.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice and newspaper advert. As a result of this publicity 46 comments have been received. Objections include:
- Proposal will fundamentally change the character of the building resulting in discord rather than harmony
 - Increase traffic
 - Will diminish the size of the garden preventing rainwater to drain naturally
 - Will be contrary to open green vistas, pleasing architectural symmetry no house is taller than the rest and others are in proportion to the size of their garden
 - Loss of light to neighbours
 - Eyesore from Golf Club
 - Side windows and balcony may create privacy issues
 - Size of proposal is enormous for a 4 bed detached property
 - Height is higher than previously rejected proposals
 - Suspicion that eventual aim is to convert house into apartments, guarantees should be made this will not happen
 - No prior consultation with local community
 - Over-development of plot
 - Floorspace of proposed dwelling exceeds that of 139 and 141 combined
 - Property is larger than previously rejected proposals all of which went to appeal
 - Property is substantially larger than existing dwelling
 - Questioning logic of the proposed internal layout
 - Potential damage to neighbours caused by foundation digging
 - Construction period will be a period of further disturbance to local residents

- Developers are ignoring recently adopted neighbourhood plan
- Fundamental principle of the current design is not materially different to the previous applications that were rejected both locally and at national level.
- Demise of existing vegetation
- Potential overlooking
- Will harm the right to quiet enjoyment of neighbouring properties
- Will set an unfortunate precedent for rest of street
- Back line of dwelling should conform to back line of neighbours and question about whether frontline of dwelling conforms to planning rules.
- Differences in land levels will exacerbate dominate and overbearing building
- Balcony facing west will result in a loss of privacy
- Issues raised will also apply to occupiers of properties on opposite side of Alwoodley lane as well as to immediately adjoining neighbours
- There are no material considerations that would justify any decision other than a refusal in accordance with the development plan
- Significant number of windows which are side looking and thus overlook neighbours
- Proposal will substantially fill the plot
- Breaches guidance within the NPPF
- The submitted design and access statement is self-serving and full of irrelevant information.
- Loss of privacy in specific regards to children using existing and private garden spaces

6.2 In response to submitted amendments:

- There are no meaningful positive changes made to the proposals.
- A two storey building must respect the rear garden alignment of existing properties to the west.
- 45 degree measurements on drawings are inductive not measure from the nearest point of the window to the proposed building
- The 45 degree rule should be discarded anyway as the rear building line of the neighbours should be followed to achieve a logical and non-detrimental positioning on the plot.
- This application has no merit at all (in the opinion of the letter writer).
- Conservatory attached to neighbours is not indicated on the drawings, the conservatory family room has been on the building next door for 30 years and this development if allowed will render it entirely redundant.
- Loss of light from sheer mass of this proposed building – overshadowing would be excessive, and would result in loss of lighting levels to various rooms in neighbours house – recommend a 50/50 light test is undertaken.
- Side of proposal will give appearance of a prison wall
- Removal of plant life
- Given the history of unreasonable and misleading applications to develop this site by the previous owners – it is not unreasonable to question or doubt the legitimacy of the application to be a single dwelling
- Consultation prior to submission should have taken place
- Similar developments on Wigton Lane which undertook prior consultation did not raise any objections.
- Issues cited in previous letters still stand following submission of revisions
- The applicant's failure to have consulted with the owners of neighbouring properties in accordance with good practice planning guidelines is disappointing. This would have enabled discussions to take place with a view

to ensuring a suitable family home could have been applied for instead of the inappropriate monolithic, high mass, over dominant building the applicant is proposing.

- The latest Plans still in our opinion shows scant respect for the properties nearby and is still unacceptably intrusive.
- Once again NOTHING of material value has changed - the property remains an over-development and a characterless monolith
- Question over quality of materials to be used in the proposed development
- Concern that the plot sits on an old stone quarry, therefore, excavation will likely require explosive charges to remove rock - this in turn could cause damage to the structure of my property and others nearby.
- That the appellant is making minor and immaterial adjustments every time an objection letter goes in, simply confirms that they know the proposal is too big for the plot.
- The application ignores the provisions of Householder Design Guide for Leeds
- The application also flies in the face of the Alwoodley Neighbourhood Plan. Should planners continue to ignore the plan in reaching their decision on this matter I will be taking the matter up with the Ombudsman and media as the community decision to overwhelmingly support the plan would once again have been disregarded.
- Modifications to the scheme which is still of a scale and massing that is entirely disproportionate to the surrounding properties and out of character with the street scene of this part of Alwoodley Lane just seem to be a way of playing the system.
- The two minor revisions are insignificant, with no material change and the proposal continues to infringe on our amenities, privacy, light and is contrary to planning policy.
- There has been no attempt to remove the floor to ceiling windows at ground and first floor level and the balcony which over look our house.

6.3 It should also be noted that a letter from planning consultants acting on behalf of objectors from 141 and 167 Alwoodley Lane. The objections raised repeated some of the points already summarised above but in the main relate to concerns that the proposal will cause harm to the amenity of neighbouring by reason of dominance, loss of sunlight and loss of privacy and will constitute an overdevelopment of the site causing harm to the character and appearance of the area. Attention is drawn to the previous appeal decision and it is contended that the criticisms raised by the Inspector to that scheme, including harm to residential amenity and impact on character, are not overcome by this application.

6.4 Ward Councillors – Comments for Councillor Buckley in respect of the proposal – “I believe this proposed dwelling is of such a scale as to be inappropriate to its location. I feel it would dominate its neighbours by dint of its massive size and height. It would also compromise the privacy of adjacent houses.” These comments were submitted in response to the initial scheme that has been modified in both its location on site and its height and dimensions since. No further comments have been received from Ward Members since the modifications have been submitted during the processing of the application.

6.5 Alwoodley Parish Council – Objects to the proposals their comments have also been cited above but in essence the main thrust of their concerns relate to size, bulk, massing, inappropriate, over domination of building, loss of privacy to neighbours, loss of light, overdevelopment of the site. The Parish Council also makes reference to Policy BE2 d) of the Alwoodley Neighbourhood Plan which

makes specific reference to the height of replacement buildings. A further representation from the Parish Council was received on 4th June stating; “*The Parish Councils previous comments have been taken into account and have no further comments on the revised plan.*”

7.0 CONSULTATIONS RESPONSES:

- 7.1 Nature Team – A bat roost has been identified as present and will need to be destroyed. This should be done under licence or under the supervision of a Low Impact Class Licence (CL21) Holder and a condition is recommended to be imposed should planning permission be granted to allow this to be undertaken
- 7.2 Land Contamination Team – Identifies that the site is located on a former quarry and that the submitted information is insufficient for a complete assessment at this stage, however given the long term nature of the site been in domestic use conditions are recommended that will ensure that relevant documentation is submitted to ensure that contamination issues are dealt with in an appropriate manner.
- 7.3 Flood Risk Management – Recommends that conditions are imposed to deal with drainage matters especially as the proposal is seeking to sink part of the development lower into the site. Confirms that the site is not known to be at risk from surface water or fluvial flood risk.
- 7.4 Highways – No objections subject to the imposition of standard conditions including the provision of EVCP.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) 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 currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013) and any made Neighbourhood Plan.

Local Planning Policy

- 8.2 The most relevant Core Strategy policies are outlined below:

Spatial Policy 1	Location of Development
Spatial Policy 7	Distribution of housing land and allocations
Policy H2	New housing on non-allocated sites
Policy P10	Design
Policy T2	Accessibility Requirements and New Development

- 8.3 Natural Resources and Waste Management Plan:

Water 6 - Applications for new development should consider flood risk, commensurate with the scale and impact of the development.

Water 7 – Controlling the surface water run-off to existing drainage systems from developments and incorporation of sustainable drainage systems into proposals.

Land 1 – Applications should contain sufficient information relating to potential for land contamination issues.

Land 2 – Trees should be conserved wherever possible and where trees are removed, suitable replacement should be made as part of an overall landscape scheme

8.4 Relevant UDPR Policies are:

GP5 – Detailed Planning Considerations

BD5 – New buildings should be designed with consideration to amenity

8.5 Relevant Core Strategy Selective Review (CSSR) policies include:

Policy H9 – Minimum Space standards.

8.6 The Alwoodley Neighbourhood Plan that now forms part of the Local Development Framework contains the following Policies that are relevant to this proposal:

Objective 2 – To seek to ensure that new developments are of a scale that do not overwhelm or are out of keeping with their surroundings and are generally sympathetic to the existing character of the Parish, including protecting our built heritage.

BE2: In particular sub paragraphs d) and e) of that policy:

d) - Replacement buildings should be of comparable height with neighbouring buildings,

e) – proposed development to be no more than three storeys high, and demonstrate on-site car parking provision is adequate to avoid on-street car parking in normal usage.

8.7 Supplementary planning policy documents:

SPG13 Neighbourhoods for Living and Addendum (adopted).

Leeds Parking Policy (SPD, adopted).

National Planning Policy Framework

8.8 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design and sustainable development. 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.

9.0 MAIN ISSUES

9.1 The main issues relating to this proposal are:

Principle/Housing Delivery

Design

Neighbours Amenity

Highways

Other Matters raised by objectors

Planning Balance

10.0 APPRAISAL

Principle/Housing Delivery

- 10.1 At the most basic level the proposal represents the replacement of a single dwelling with another single dwelling in a location that is predominately characterised by other detached dwelling houses. The site is located within the urban area close to local facilities. The proposal also satisfies the requirements of Policy H9 of the CSSR in that it meets the minimum space standards for rooms.
- 10.2 In light of these factors the proposal is considered to comply with Policies SP1 and H2 of the Core Strategy and Policy H9 of the CSSR.

Design

- 10.3 The design of the proposal is materially different from both the existing property which it seeks to replace and different from the neighbours in the nearby vicinity. It is modern in appearance with extensive use of glazing and in that sense is not “traditional”. However, other aspects of the design do take cues from a more traditional approach, including the pitched roofs eaves and secondary window elements. In terms of the projecting front garage element, there are examples of similar design features along Alwoodley Lane and there are examples of first floor balconies that exist elsewhere in the near vicinity also. It is considered that these less traditional elements and the more traditional elements are blended together in a manner that results in an overall coherent design. It is arguable that this element of “uniqueness” is actually what characterises Alwoodley Lane overall. There are very few examples of similar dwellings with the local vernacular been that of variety of styles, designs, colours and ages of units as Alwoodley Lane has evolved over its history.
- 10.4 In terms of the details of the designs, the secondary windows show heads and cill thus conform to expected traditional design criteria and help in the domesticity of the design. The larger scale windows proposed on the front and rear elevations whilst extensive, benefit from their subdivision into a myriad of smaller regularly shaped panes thus giving credence to their domestic function and reflecting a traditional method of glazing extensive areas of a building. The rooflights and balcony add an interesting modern juxtaposition of elements that is it considered do not detract from the overall design ethos. The front projection housing the garages projects forward of a similar front garage projection at 141 Alwoodley Lane, but is considered to be not so prominent a projection as to cause harm to the street scene, indeed there is dense planting on that frontage at this ‘corner’ which will likely hide the garage projection to a significant degree and particularly as the site is approached from the west. As mentioned above, there are examples of such projections along Alwoodley Lane and whilst these in no way set a precedent they are examples of how this design solution can work in spacious plots.
- 10.5 Following due consideration of the overall design, and the proposals setting well into the site in respect of potential views from Alwoodley Lane, it is considered that the design is appropriate and does not, in this instance, create an out of context incongruous element. Accordingly, it is considered that the proposal complies with Core Strategy Policy P10 and BD5 of the Unitary Development Plan Review.

- 10.6 Further and in particular regard to Neighbourhood Plan Policy BE2 sub paragraph d, the applicant's agent has submitted street scene cross-sections that clearly show the proposed development will comply with this policy. In addition, officers have negotiated a further reduction in height of the overall building from that originally submitted in order that the progressive reduction in height of buildings from 141 Alwoodley Lane through the application site to 171 Alwoodley Lane can clearly be seen. For clarity the ridge height of 141 Alwoodley Lane sits at 152.48 above ordnance datum (aod) and the revised height of the ridge for the proposed dwelling is now at 150.83 aod (previously at 151.33 aod), and 171 Alwoodley Lane sits at 148.46 max aod. This descending (from left to right as viewed from Alwoodley Lane) is considered compliant with the Alwoodley neighbourhood Plan and generally acceptable in street scene terms.

Neighbours Amenity

- 10.7 The issue of general amenity, impact on the street scene and other views is dealt with in the design section above where it is concluded that due to the positioning of the building within the site, and the overall coherence of the design ethos, that it does not create an incongruous element in the street scene. This part of the report will deal specifically with neighbour's amenity.
- 10.8 There are objections concerning the increase in the dimensions of the proposal over and above the existing dwelling and in comparison to the earlier and refused proposals previously dealt with. Whilst such comparisons are useful in terms of providing information, they are not in themselves determinative as to the acceptability of any particular proposal. Each case needs to be treated on its merits and the measure of a proposal's acceptability should only be made against the 'criteria' of adopted policy at local and national level including any adopted Neighbourhood Plan. Size, bulk and massing, or more particularly the increase thereof is not in itself unacceptable as a matter of principle. It should be noted that there are material differences between the 2018 appeal scheme (see 4.3 above) and the current application. The current proposal, as scaled from the relevant application plans, is shown to be sited closer to the common boundary with No.141 and project further beyond the rear of that property. Balanced against this the overall depth of the 2 storey body of the dwelling has been reduced, the storey height has been reduced (and consequently the ridge height) and the roof form has been amended to lessen its bulk. The new dwelling appears as a two storey dwelling rather than the appeal scheme which was a 3 storey house with a basement.
- 10.9 Likewise the use of guides such as the "45 degree rule" (as set out in the Householder Design Guide), as relied upon by the applicant, is simply a tool that is used in the assistance of the determination of proposals and again is not in itself determinative. That is to say just because a development "meets" or "exceeds" these guidelines is no guarantee that they will be approved and vice-versa simply because they contravene them is no guarantee that a proposal is inherently unacceptable an assessment of the merits of the proposal has to be made on a case by case basis.
- 10.10 The rear most corners of the proposed dwelling are 4.85 metres and 6.65 metres from the respective common boundaries with 141 Alwoodley Lane and 167 Alwoodley Lane. The rearward projection of the new dwelling on beyond the rear wall of 141 Alwoodley Lane is some 6.6 metres. In assessing the potential impact of the proposal on the amenities of the occupiers of that dwelling it is considered that the impact will not be so severe as to justify a refusal of planning permission. In

coming to this conclusion regard is also had to the 2 storey nature of the proposed house, the roof form which has been designed to reduce its massing and the relative heights and change in ground levels between the application proposal and No.141. The upper floor and roof slope will be visible from the private rear garden space of number 141 Alwoodley Lane. However, the distances involved are such that it is considered that there will not be an overbearing impact upon the amenities of occupiers of that dwelling. The views from that garden will alter as a result of this development but not so detrimentally as to justify a refusal of planning permission.

- 10.11 There are in addition to this assessment two additional aspects that help mitigate the perceived impact on the amenities of the occupiers of that dwelling, the existence of a mature verdant boundary separating the two plots. It is considered that a condition requiring that protection is put into place during the construction phase will ensure this 'hedge' is retained and protected. Additionally the applicant's agent has submitted a shadow analysis. This shows that shadows will be cast towards 141 Alwoodley Lane the early hours of the morning and that at 9am on 21 June (mid-summer), a small shadow will spill over into the garden space of the neighbouring property as a result of the apex of the roof of the dwelling casting a shadow over the vegetation along the boundary. This may enlarge as the sun rises in the sky towards mid-day, however the angle of shadow cast will also become more acute as the sun traverses the sky and the shadows turn clockwise back towards the application site till eventually at mid-day the shadows will wholly on the applicants own garden due to the north-south orientation of the plot (Alwoodley Lane runs almost east-west at this point).
- 10.12 In mid-winter the sun will be so low in the sky at 9 am on 21 December that extensive shadows will be cast by the proposed development to the neighbours property. But this will be for a relatively short duration and again the shadows will travel in a clock work direction and thus away from the neighbours boundary at 141 Alwoodley Lane till eventually at noon the shadows will only be cast over the applicants own back garden space. Likewise by this time the shadows in the rear garden of 141 Alwoodley Lane are extensive but caused by the existence of that property itself rather than the application proposal.
- 10.13 In terms of weight to be given to this analysis it is considered that it demonstrates that at the times of the year and day, having taken to two extremes of the year, mid-winter and mid-summer, that the worst case scenario for over shadowing will occur at that time of year/day (midwinter and fairly early in the morning), when the usage of that part of the garden space is likely to be at its lowest demand. And that when the demand for usage of that part of the garden space is potentially at its height the shadow cast 'impact' will actually be at its lowest, bearing in mind the worst case scenario is at 9:00 am and that during the afternoons and evenings there will be no shadow impact whatsoever.
- 10.14 Mention is made by the occupier(s) of 141 Alwoodley Lane of their rear conservatory in their submitted representations, and whilst this is not shown on the submitted drawings, it is located a further distance from the side boundary than the main part of the house. When viewed from the rear of the neighbours property it sits on the opposite side of the rear facing patio doors (those that used in the 45 degree rule analysis submitted by the applicants agent), and given that direct light into this part of the dwelling is only likely at the extremes of the day, due to its north facing aspect against a two storey building, the impact to be assessed is that of the outlook from that room. The room has glazing on three sides and so when looking towards the common boundary from within that room the main aspect visible will still be the extensive boundary treatment. Views of the upper floor and eaves and

sloping roof may be visible but again only to a similar extent that these elements of the proposal will be visible from the garden space and potentially much reduced due to angle of views that are possible from within a room from a window. As such the conclusion is that the change in outlook from this part of the dwelling is not severely impacted upon so as to justify a reason for refusal.

- 10.15 Whilst the genuine concerns of the occupiers of No.141 are noted the conclusion that has been reached is that the overall impact of the proposed dwelling on the living amenities of number 141 are not considered so significant and do not constitute sufficient reason for refusal of planning permission.
- 10.16 In regards to concerns expressed from the occupiers of 167 Alwoodley Lane, these need a degree of explanation due to the 90 degree orientation to the application site. The distance from the front corner of the proposed dwelling to the common boundary with 167 Alwoodley Lane is some 5.9 metres which expands to 6.65 metres from the rear corner of the proposed property to that same common boundary. The elevation of that building (No. 167) to the common boundary is situated in excess of 20 metres the private garden space of that dwelling is located on the opposite side of a drive/hardstanding area and goes up to the common boundary with the application site. Because of the extent of the distance between the front elevation and the common boundary with the application site there are no concerns in respect of adverse impact either through dominance or over bearing impact on the windows serving habitable rooms to that property, but consideration of the proposals relationship to the private garden space is required.
- 10.17 In a similar fashion to the common boundary with 141 Alwoodley Lane, the common boundary to 167 Alwoodley Lane is characterised by the existence of a more formal hedge. This, presumably is been maintained at the current height in order to maintain a degree of privacy between the existing garden of the application site and the private space of 167 Alwoodley Lane. The existence of this hedge mitigates any concerns in terms of the gardens relationships to one another as it maintains the existing status-quo.
- 10.18 The material change will be the introduction of side facing windows at first floor level. A study of the first floor layout plan shows that these three windows will serve two en-suites, one for each of the bedroom located on this side of the dwelling and the central one will serve a wash room. In order to ensure a high maintenance of privacy for occupiers of 167 Alwoodley Lane and the use of their garden space, a condition is recommended to ensure that these windows are obscure glazed to a sufficient level and thereafter retained as such and that no windows can be inserted without the prior submission of an application for planning permission in this side elevation.
- 10.19 The next aspect on neighbours amenity and potential loss of privacy specifically relates to the proposed rear facing balcony accessed from the master bedroom. The position of this balcony means that overlooking of 141 Alwoodley Lane is not possible, overlooking of the Sand Moor Golf Club will be extensive and there is a possibility of direct overlooking of the garden space of 167 Alwoodley Lane due to a small projection of the proposed balcony forward of the rear projection of that part of the rear elevation. However its position in relation to the common boundary measures some 13.5 metres. There is no guidance relating to balconies in the Councils adopted SPG's but using the Neighbourhoods for Living advice as a starting point, it would advise that windows serving secondary habitable rooms in relation to side boundaries should be a minimum of 9 metres. Taking into account the nature of the potential source of overlooking actually being a balcony rather

than a bedroom, the increase in distance is considered to be wholly appropriate and is acceptable both in relation to the garden space of 167 Alwoodley lane and the elevation of the actual property itself which will be in the region of 18 metres. This assessment is strengthened by the fact that the balcony has been reduced in depth by 1.0 metre as a result of officers negotiation a reduction in projection of the rear wing by 1.0 metre and thus now a concerted effort would need to be made to even look directly towards the common boundary with the neighbour at 171 Alwoodley Lane.

- 10.20 In respect of the extensive overlooking of the golf course, this raises no amenity issues that are relevant for planning.

Highways

- 10.21 The proposal clearly exceed the minimum requirements to accommodate off street car parking facilities and as such there is no objections from highways officers in respect to this proposal. This also means that the proposal is compliant with Policy BE2 (e). There are no proposals to alter the existing access point but given that the gate that exits at present is a fairly old and well used structure it is recommended that a condition be imposed that any revised form of gates to be erected at the access point shall be mounted so that they do not open outwards and thus run the risk of overhanging the public highway. Other conditions that have been suggested by Highways Officers include the laying out of the hardstanding area for vehicles to be made prior to first occupation and the provision of an EVCP.

Other Matters raised by objectors

- 10.22 There are a number of issues raised by objectors that are not directly relevant to the consideration of this case. There are also “positive suggestions” made which the planning application process is not structured to deal with and thus they have to be laid to the side and generally speaking do not form part of the assessment of the case at hand. This part of the report will however deal with the issues that are raised that are either consistently mentioned in the objections and/or those are material but not so weighty as to overcome the main consideration of the material considerations discussed in the main body of this report above.
- 10.23 Comparisons with what is on site presently – Objections of this nature hold little to no weight as what is been assessed through the planning application process is the proposal as it stand in its own right. Thus, and it has been acknowledged by some objections received, that something in the opinion of the objectors is possible for this site, in the same way the proposal as submitted need to be assessed on its own merits. By way of example the converse is also true in that if the proposed scheme represented a significant reduction in the amount of development on the site that would not itself be determinative towards an approval, so that the scheme is actually an enlargement over and above the existing building on site is not determinative as to the unacceptability of the proposed scheme. The proposal has to be assessed against the main material planning considerations and if it fails them, then amendments might be sought to reduce the scale of the scheme. As it happens in this case it is considered that only relatively minor adjustments were needed to render the scheme acceptable. On that basis it wold have been unreasonable for officers to artificially seek a reduction in the scale of the scheme in order to render it more palatable.
- 10.24 Similarly to what is discussed in 10.23 above, there was many references to the earlier decision and appeal decisions that had been made on this site over previous

years. The opinions of the previous Appeal Inspectors are of course material considerations but again they are not automatically determinative for future proposals on the same or nearby sites. The proposal presently under consideration is materially different from those earlier schemes which all represented a variation on a theme for a specific requirement for accommodation the “in the round” assessment of those schemes found that they were unacceptable for the reasons given and these reasons were upheld in the main by appeal inspectors. However they were as already stated variations on a theme in that the design ethos for that property was fundamentally different to the design ethos for this proposal. Thus it is right and proper that this proposal be treated on its merits and it is to the architects and his clients merits that they have, in the views of the officers, been able to promote a scheme which is still substantial but meets the criteria of the Local Planning policy. It is the assessment “in the round” that draws the conclusion of a schemes acceptability and this is the complex interaction of bulk, massing, position, design and other such details that informs the recommendation.

- 10.25 Future use – This was a concerns of the earlier schemes and has been cited several times in the submitted objections as to the “true” intentions of the applicant to establish a larger property on this site. The response of the LPA in this instance is exactly the same as in the previous instances, the future intentions of the developer or otherwise are not a material consideration. Any sub-division of the property into two or more units of accommodation would require the benefit of planning permission and that would, be assessed and treated on its own merits at the time. Such conjecture cannot and does not hold any weight in the decision making process for the current proposal.
- 10.26 The lack of prior consultation with the local community is regrettable, however whilst the LPA and central Government advocate that such consultation takes place, there are no absolute requirements for applicants to do so and the absence of such community consultation does not weight in the balance at the decision making stage as the proposal has to be treated on its merits as submitted.
- 10.27 That the floorspace of this single dwelling exceeds the combined floor space of neighbouring dwellings is not a material consideration. The proposal has to be assessed against the adopted planning polices and national planning guidance.
- 10.28 The internal layout of the prosed building is of interests to the planning authority only in as much as it extends to the impact on amenities of the future occupiers and the amenities of occupiers of the surrounding properties. This has been assessed as part of the main considerations above.
- 10.29 The disturbance in relation to the construction period is a matter of fact, it can be mitigated to a limited degree through the planning system by the imposition of hours of construction through a condition. This is recommended in the report above.
- 10.30 Whether or not the developers are ignoring the Adopted Local neighbourhood Plan is not really the issue, what is the issue is that when assessed by the LPA the scheme is assessed against the requirements of all local and national planning guidance that is of relevance to the particular development in question. It is considered that the requirement s of this have been met in the body of the report.
- 10.31 Will set a precedent for rest of street. In planning terms there is no such thing as a precedent, applications are treated on their own individual merits measured against the prevailing Planning Policy.

- 10.33 The suggestion that the rear line of the proposed dwelling should follow the rear “building line” of the existing dwellings particularly 141 Alwoodley Lane is not considered an appropriate methodology for assessing applications for planning permissions. The issue to the rear of dwellings and their developments is one of amenity for neighbouring occupiers rather than any sense of uniformity that might apply more so to the front “building line” of the street, and even in that context that there is variety, as there already is in Alwoodley Lane is not a negative aspect but a positive contribution to the character of the area.
- 10.34 The Design and Access statement submitted with any application is a tool to assist in the assessment of the proposed development, whilst it is a requirement to be submitted with various classes of proposal it does not form a document upon which the final decision or recommendation is based.
- 10.35 Question over quality of materials to be used – This is addressed as it is in the vast majority of cases through the imposition of a condition requiring that materials be submitted to the LPA for approval.
- 10.45 Reference to the use of explosives for excavation is considered unfounded and almost certainly controlled under other legislative requirements over and above the planning system.
- 10.46 That small adjustments have been made to the scheme over the duration of the application is not an indication that the developer also considers the scheme to be too big, but is a response to legitimate discussions between the agent and the case officer.
- 10.47 Reference to the Householder Design Guide is not necessary for the assessment of this case as the development is not a domestic extension the proper document for reference in this category of documents is the SPG Neighbourhoods for Living.

Planning Balance

- 10.48 Taking all of the above factors into account it is considered that when judged against the policies of the development plan the principle of a replacement house in this location is acceptable, that the dwelling would not cause harm to the character and appearance of the surrounding area, that there would be some impact on residential amenity but this is not so significant as to warrant the refusal of the application and that there will be no harm to matters of highway safety. Accordingly, it is considered that the development accords with the development plan, when read as a whole, and accords with the guidance as set out in the NPPF.
- 10.49 Paragraph 11(d) of the NPPF 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. As the council cannot demonstrate a 5 year housing land supply the delivery of housing is a matter that attracts significant weight. However, in this instance as there is no net gain in housing numbers this weight is accordingly very limited in this instance. Whilst regard is had to the objections raised by local residents there are no matters of such weight that would count against the grant of planning permission.

11.0 CONCLUSION

- 11.1 For the reasons set out in this report it is considered that planning permission should be granted subject to the conditions set out at the head of this report.

Background Papers:

Application files: 19/01375/FU

Certificate of ownership: The site is owned by the applicant.



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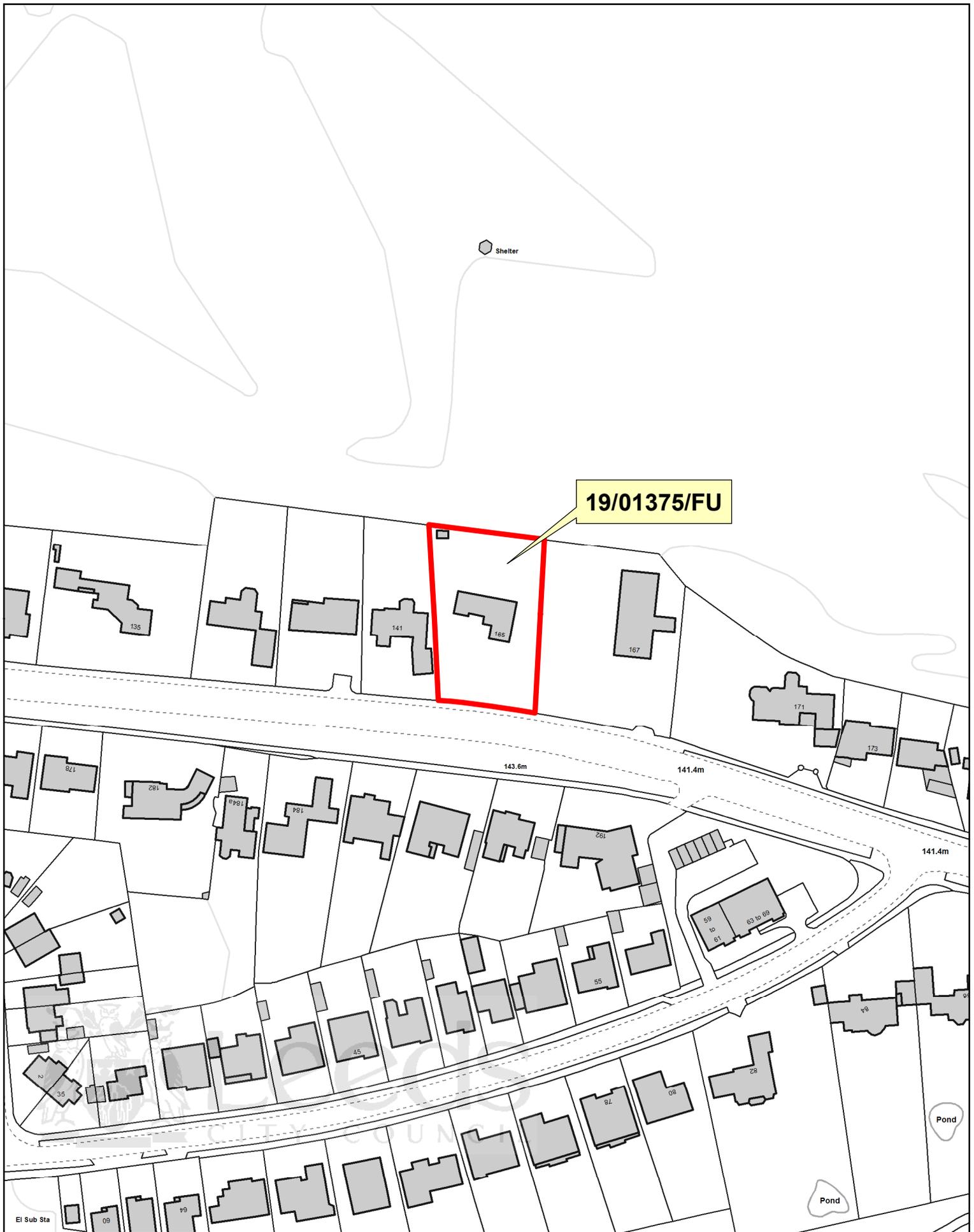
DATE	REVISION	REV. NO.

Project
New Dwelling
165 Alwoodley Lane,
Alwoodley,
Leeds
LS17 7PG

Drawing Description
Proposed Site Plan
Scale
1:100 @ A1
Client
Mr & Mrs Taylor

Drawing No.
200/01-PL(3)
Date
May '19





NORTH AND EAST PLANS PANEL

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