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**Report of the Chief Planning Officer**

**SOUTH & WEST PLANS PANEL**

**Date: 7<sup>th</sup> November 2019**

**Subject: APPLICATION 19/02885/FU – Two Storey Side Extension at Albert House 3 Monk Bridge Road Meanwood LS6 4DX**

**APPLICANT**

Mr. C Langton

**DATE VALID**

10<sup>th</sup> May 2019

**TARGET DATE**

14<sup>th</sup> November 2019

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**Electoral Wards Affected:**

Weetwood

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: APPROVE PERMISSION subject to the following condition:**

1. Time Limit;
2. Plans to be approved;
3. Materials;
4. Glazing
5. Tree protection
6. Landscaping details including Retention of Existing Trees
7. Construction Management Plan including construction hours

**1.0 INTRODUCTION:**

- 1.1 This application is referred to Plans Panel at the request of Ward Councillor Jonathan Bentley. Councillor Bentley considers the proposal has wider than immediate neighbour implications in design, character and conservation terms given the scale and contemporary appearance of the proposed extension which merit the consideration of Plans Panel. Councillor Bentley also notes concerns in relation to the recent use of the property as a short term holiday let and whether the proposal would add to previous impacts on residential amenity if this use were to continue.

- 1.2 The site was the subject of a previous refusal for a proposal of a similar nature in 2018 for a two storey side extension, of a contrasting design and size. This previous proposal was subsequently the subject of an appeal to the Planning Inspectorate which was dismissed.

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks planning permission to construct a two storey side extension on the west side of the dwelling. The extension will be a contemporary design which is a contrast to the ornate positive building it will adjoin. The extension will be 11.7m in width, 12.6m in length and 6.5m in height at its highest point. The proposal will be adjoined to the existing dwelling by a corridor link set back from the front elevation of the extension and the front elevation of the existing dwelling. The materials proposed for the extension are zinc panels, ashlar stone, render and aluminium cladding. The large glazing panels, windows and doors will be aluminium framed and some will have the illusion of being frameless.
- 2.2 The proposal will include a swimming pool at ground floor level with a games room, gym and sauna at first floor level. The two storey extension will benefit from a balcony to the front of the building and a screened balcony to the rear. Windows will be situated to the rear, west side and front of the extension at both ground and first floor level. All of the proposed windows on the west side and rear elevation will be obscure glazed.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site comprises a substantial and imposing detached dwelling of stone and slate construction, which dates from the Victorian era and is set within spacious gardens. The site includes a private driveway which is accessed off Monk Bridge Road and is surrounded by a number of mature trees. This driveway has recently been extended under permitted development rights. The site is within the Far Headingley Conservation Area. It is identified as a positive building within that area and therefore of significant local importance. Adjacent to the site at Number 1 is a detached, stone-built property which is primarily residential and currently has shared access via a private drive. To the East of the site properties are generally of a larger scale, with stone and slate being the dominant local form. To the West of the site is Moor Park Villas, the majority of the dwellings on this boundary have modest sized gardens that back onto the site.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The site has been the subject of a number of proposals for extensions and development since 2004 including:
- 26/665/04/FU** Change of use involving alterations of house to 4 flats, 2 houses and erection of extension to rear to form 3 flats – Approved - 08/08/2008;  
**11/01460/EXT** Extension of time period for application 26/665/04/FU - Approved - 11/07/2011.  
**14/03103/FU**- Retrospective application for change of use of coach house to form dwelling house (C3) - Approved - 21/08/2014.
- 4.2 In 2018 planning permission (LPA Reference 17/07828/FU) was refused for a two storey side extension at the site also seeking to introduce a new swimming pool, games room and gym. The Council refused the application under delegated powers on the basis that the extension proposed was, as a result of its scale, form and

position, an alien and incongruous addition which would fail to preserve the character of the Conservation Area and result in a harmful visual impact. The application was the subject of an appeal to the Planning Inspectorate (Appeal Reference APP/N4720/D/18/3204241) which was subsequently dismissed.

- 4.3 It is important to note that within the Inspector's decision letter he offers support for the general principle of an extension in the location previously (and now) proposed subject to achieving a positive design solution. In doing so the Inspector notes "the space available at the side of Albert House, which was formerly used as a market garden, offers an interesting opportunity for a bespoke scheme", going on to note "a contemporary style extension to Albert House of sufficient quality could [*in his view*] preserve or enhance the character and appearance of the Conservation Area".

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The proposal has been informed by pre application advice which was given prior to the current application submission. The pre-application advice supported the proposal in principle subject to appropriate design and detailing being resolved.

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

- 6.1 The application has been publicised by means of site notice. Councillor Jonathan Bentley (Weetwood) has requested that the application be determined at Plans Panel and it is considered that the Plans Panel request meets the relevant criteria as set out in the Council's Constitution
- 6.2 Councillor Jonathan Bentley has objected to the proposal noting the following concerns:
- Concerns that the extension will be used to expand the hospitality business being run under the guise of Airbnb.
  - Multiple complaints received from the neighbours regarding noise
  - Should the owner be applying for a change of use
  - The use of a condition to restrict the use of the property
- 6.3 A total of 37 objections have been received from local residents and other interested parties. The concerns raised can be summarised as follows:
- Loss of light to garden
  - Imposing on Moor Park Villas
  - Overshadow the area
  - Lack of privacy
  - Concerns about noise from the property and vehicles using the drive way
  - Loss of valuable open space contributing to the environment of the local community
  - Overlooking
  - Noise and pollution
  - Design
  - Road safety hazard
  - Not different from previous application submitted in 2017
  - Balconies creating overlooking
  - No effort made to consult with neighbours
  - Does not respect heritage of area or building
  - Inappropriate materials
  - Eyesore
  - Impact on visual amenity from neighbouring properties garden
  - Existing excessive noise from the property
  - Use of property as short term holiday let (Airbnb)

- Not in keeping with the Conservation Area
- Fails to address concerns previously raised by residents
- Footprint of building similar or larger in size than the main house
- Dominate the outlook from home
- Windows, doors and balconies will overlook home and garden
- Impact on biodiversity and environment
- Impact on environment from swimming pool maintenance
- Lack of clarity about the purpose of the development
- Personal use or multiple residents
- Noise pollution
- Traffic pollution
- Impact on air quality
- Reduce natural light to gardens
- Overdevelopment
- Airbnb customers using the proposed pool creating further noise
- ECHR article 8 – each person has the right to a private family life
- Residents of Moor Park Villas will be significantly negatively impacted
- Need for second drive way
- Pedestrian safety at risk
- No commitment regarding future changes of use
- Lack of detail of the proposal
- Extension is not sympathetic and does not relate well to existing buildings
- Does not preserve, complement, improve or enhance the character of the Conservation area
- Result in touristification – not in line with residential nature of the area
- Inappropriate scale
- Dominate view
- Single storey extension would be more appropriate
- Longer term plans for site must be considered by the Council
- Commercial business not a family home
- Comments raised have not been addressed

6.4 A total of two written representations of support have been received from local residents and other interested parties. The comments raised can be summarised as follows:

- High quality design complements the existing building well
- Preferable than a false copy of a 19<sup>th</sup> Century design
- Similar to a proposal at Spensfield on Otley Road
- Extension would enhance the conservation area
- Impact would be minimal due to tree coverage on monk bridge road
- Similar in height to existing Victorian billiard room
- Far lower in intensity of development than previous application
- One of the only large Victorian villas which hasn't been converted to flats in Headingley
- Proposal is in line with the design guidance for Far Headingley Conservation area

## **7.0 CONSULTATION RESPONSES:**

7.1 Public Rights of Way – No Objections

7.2 Conservation – The Council's Conservation Team are able to support the revised plans which have now addressed all previous concerns.

7.3 Design – The Council's Design Team support the proposal which has addressed their original concerns. The concerns raised were in relation to the construction of

the frameless glazing, providing CGIs prior to the approval and providing accurate sections.

## **8.0 PLANNING POLICIES:**

### The Development Plan

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan in respect of this application currently comprises the adopted Core Strategy as amended by the CSSR (2019) those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) the Site Allocations Plan (SAP) and the Natural Resources and Waste Local Plan DPD.

8.2 The Core Strategy was adopted by the Council on 12<sup>th</sup> November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

Spatial Policy 1 – Location of Development

Policy P10 – Design

Policy P11 – Conservation

Policy P12 - Landscape and Townscape

Policy T2 – Accessibility and New Development

Policy G8 - Protection of Important Species and Habitats

Policy G9 - Biodiversity Improvements

8.3 There are no relevant policies from the Council's Site Allocations Plan.

8.4 The most relevant saved policies from the Leeds Unitary Development Plan are outlined below.

GP1 - Land use and the Proposals Map

GP5 - Development control considerations including impact on amenity

BD6 - Alterations and extensions should not harm neighbouring amenity

N19 - Conservation

LD1 - Landscape Design

### Neighbourhood Plans

8.5 None

### Supplementary Planning Documents and Guidance

8.6 Relevant supplementary planning documents and guidance are outlined below:

- Neighbourhoods for Living SPG (December 2003)
- Street Design Guide SPD (August 2009)
- Householder Design Guide (March 2012)
- Natural Resources and Waste Development Plan Document (January 2013)
- Parking SPD (January 2016)
- Far Headingley, Weetwood and West Park Neighbourhood Design Statement (September 2014)

Other relevant documents include:

- Far Headingley Conservation Area Appraisal and Management Plan (November 2008)
- The Guideline Distances to Trees Document (March 2011)

## NPPF

- 8.7 The National Planning Policy Framework (NPPF) (2019) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. 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.
- 8.8 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development means that the planning system has three overarching objectives - economic, social and environmental objectives – which are interdependent and need to be pursued in mutually supportive ways.
- 8.9 Section 12 of the NPPF is entitled 'Achieving well-designed places' and at paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 124 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.10 Paragraph 127, amongst other things, states that planning decisions should ensure development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 129 sets out that in assessing planning applications, local planning authorities should have regard to the outcome of design discussions, including with the local community. 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, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 8.11 Section 16 of the NPPF is entitled 'Conserving and enhancing the historic environment'. Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate their significance, so that they can be enjoyed for the contribution to the quality of life of existing and future generations. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

## Climate Emergency

- 8.12 The Council declared a climate emergency on the 27<sup>th</sup> of March 2019 in response to the UN's report on Climate Change. As part of the Council's Best Council Plan 2019/20 to 2020/21 the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

## **9.0 MAIN ISSUES:**

9.1 The following main issues have been identified:

- (1) Design, Character and Conservation
- (2) Impact on Neighbouring Amenity
- (3) Trees and Biodiversity
- (4) Highway Safety
- (5) Other relevant considerations.

## **10.0 APPRAISAL:**

### Design, Character and Conservation

- 10.1 The proposal falls within the Far Headingley Conservation Area. The general thrust of local and national planning policy reflects the statutory requirement set out in s.72(1) Planning (Listed Building and Conservation Areas) Act 1990 that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. .
- 10.2 The Far Headingley Conservation Area Appraisal offers general support for contemporary additions to important positive historic buildings noting that new development should be “sustainable, high quality, well designed 21st century architecture that responds to its context in terms of urban design”. The Conservation Area Appraisal goes on to note that “poorly designed and detailed pastiche development can be as eroding to special character as development that shows no regard for its setting”.
- 10.3 The Far Headingley, Weetwood and West Park Neighbourhood Design Statement states that “new development should respect and contribute positively to the existing context, its townscape and landscape”.
- 10.4 As noted in the Relevant Planning History section of this report the Council refused the previous proposal on the grounds that the extension proposed (also of a contemporary design) was an alien and incongruous addition which would have failed to preserve the character of the Conservation Area and result in a harmful visual impact.
- 10.5 In dismissing the subsequent appeal the Inspector offered the view that the principle of a contemporary extension to the west side of the property had the potential to meet the relevant policy and guidance requirements. Indeed the Inspector noted in his decision that “the local area within which the site is located, whilst having a coherent character is capable of successfully accommodating a variety of buildings with new development alongside old”.
- 10.6 It is clear that the applicant has taken on board the previous comments of the Council and the Inspector in putting forward the current proposal. This has ultimately led to a much more sympathetic design solution being proposed.
- 10.7 The proposal will be set back significantly from the public highway and footway and will be screened by mature trees to the front of the property meaning that it is not overly prominent within the wider streetscene. The two storey side extension will be constructed from a range of sympathetic contemporary materials. The rear walls will be constructed from render, the side elevation will be constructed from render and

zinc panels with the front elevation constructed from part ashlar stone and part zinc panels. The roofing materials which will be visible from the side and rear elevations will be constructed from dark grey aluminium cladding which are considered sympathetic. The large glazed windows and doors will be aluminium framed. The extension will also be subservient to the existing property as it is set down from the main building's roof and set back from the front elevation of the existing dwelling. All these features represent considerable differences to the previously refused scheme.

- 10.8 Overall it is considered that the extension will represent a positive contemporary contrast to the positive Victorian Villa located within the Far Headingley Conservation Area. Furthermore, the Council considers that the existing property lends itself to a contemporary design solution in particular noting that the existing building has a complex distinctive design which would be difficult to replicate well without eroding the character of the area with a poorly designed pastiche copy. The Council's Conservation Team consider that any addition to the existing building should therefore set itself apart from the existing building, as the proposed two storey extension attempts to do.
- 10.9 Considering the above, the proposal will, as a minimum, preserve the character and appearance of the Far Headingley Conservation Area. It is furthermore considered that this represents a more sympathetic alteration than any of the alternative pastiche proposals considered to date as the existing buildings complex and distinct design removes the feasibility for an extension to be constructed in a similar form to the existing building without detracting from the overall appearance. Therefore the proposal on the whole complies with policy HDG1 from the Council's Householder Design Guide, policies P10 and P11 of the Core strategy and saved policies GP5, BD6 and N19 of the Council's Unitary Development Plan.

#### Impact on Neighbouring Amenity

- 10.10 It is important to note that the proposed extension considered under the previous refusal in 2018 (17/07828/FU) was considerably larger in size and scale, and closer to the rear boundaries of the neighbouring properties at Moor Park Villas. It is noted that the Council raised no objections to that proposal on the grounds of impacts on neighbouring amenity. Neither did the Planning Inspector who determined the subsequent appeal. The current proposal has been scaled back in width, length and height when compared with the previous proposal. The previous proposal was 15m in width, 18m in length and 8.2m in height.
- 10.11 The proposal is situated on a large site capable of accommodating the proposed two storey side extension, without risking a sense of an overdevelopment of the site.
- 10.12 With respect of the distances retained to neighbouring properties, the proposal complies with the guidance contained within the Householder Design Guide which states that the distance between a blank side wall (in this instance the extension) and main room windows (of neighbouring properties) should be a minimum of 12m. The distance between the proposals West side elevation and the closest neighbouring properties at Moor Park Villas on the West side is 13.4m. It is considered that this distance will mitigate against an unreasonable impact through any loss of outlook or dominating impact when viewed from any neighbouring properties. Furthermore the proposed extension will not overdominate or cause a loss of outlook, from the neighbouring rear gardens at Moor Park Villas, as the distances maintained between the extension and the common boundaries with the neighbouring properties will mitigate any potential significant harm.

- 10.13 The proposal is not considered to cause overlooking to the neighbouring properties to the west side or rear on Moor Park Villas as all windows on the side and rear elevations are to be obscure glazed. This can be controlled through a condition in the interest of protecting residential amenity.
- 10.14 Whilst the property to the rear of the extension at no.9 Moor Park Villas had the potential to be overlooked by the proposed balcony as submitted on the original plans, the applicant has amended the proposal to reduce the length of the balcony significantly with the remaining balcony being proposed to be screened by 1.8m high obscure glazed screening, preventing such an impact. The balcony will not lead to an overlooking of the property or garden of no.5 Monk Bridge Road as it will be screened by the existing dwelling.
- 10.15 The balcony to the front of the two storey side extension will not introduce overlooking as it is set a sufficient distance from the neighbouring properties at Moor Park Villas. The side of the balcony adjacent to the neighbouring properties at Moor Park Villas will be screened by the external walling of the extension. Furthermore more the balcony will not overlook the gardens or main windows of no.1 and no.5 Monk Bridge Road as the balcony is set a sufficient distance from the neighbouring common boundaries. Hence no unreasonable overlooking impact will be introduced by the front facing balcony.
- 10.16 The orientation of the sun in relation to the existing property, proposed extension and neighbouring properties is such that significant overshadowing will not be introduced over neighbouring properties or gardens. The extension will fall within much of the shadow of the existing dwelling during some hours of daylight, and during others the development will not make a significant impact, therefore the proposal will not introduce an unreasonable additional harm through overshadowing.
- 10.17 As a result the proposal does not unreasonably impact upon the residential amenity of neighbours. Considering the above, the proposal is considered to comply with policy HDG2 from the Council's Householder Design Guide, policies P10 and P11 from the Core Strategy and saved policies GP5 and BD6 from the Council's saved Unitary Development Plan which all seek to protect amenity.

#### Trees and Biodiversity

- 10.18 The trees on site, including a number of significant mature specimens, are situated a sufficient distance from where the proposed extension will be constructed. However the Council is aware that through the construction process trees (and in particular roots and canopies) can be harmed if the correct protection measures are not in place. Therefore conditions are proposed to ensure that important trees to be retained are not harmed through the construction process of the extension.
- 10.19 The proposal will lead to the loss of part of the existing garden area which is currently undeveloped. However, this will not lead to the loss of any trees or significant features for wildlife or those which are considered significant in biodiversity terms. The remainder of the gardens, which are extensive, will be retained to serve the development and in doing so will retain the sites important biodiversity functions.

#### Highway Safety

- 10.20 The existing property has sufficient onsite parking provision to serve the site. The property benefits from parking to the rear of the site as well as 2 large drives. The proposal is not considered to cause any impacts on highways safety therefore the proposal complies with policy T2 of the Core Strategy.

#### Other Relevant Considerations

- 10.21 There are a number of further relevant considerations which are summarised under relevant headings below.

#### *Short Term Holiday Let*

- 10.22 Until recently the property has been used, on occasion, as a short term holiday let and advertised on a popular short term letting website. The Council is aware that the use of the property as such has led to a number of complaints from local residents as a result of noise and disturbance from guests staying at the property. This concern has also been raised by local Ward Members previously and the site has been the subject of a planning enforcement investigation which has considered this matter.
- 10.23 In objecting to the proposal Councillor Bentley notes that the proposed extension may be likely to increase instances of noise and disturbance at the site if used in connection with the existing property as a short term holiday let.
- 10.24 In response to these concerns the applicant has removed the property from the short term holiday let website in question and written to confirm that he does not intend to continue this use if the extension were to be granted planning permission. The applicant has reiterated that the property is his family home and the proposed extension would be for the benefit of himself and his family.
- 10.25 Whilst the concerns of local residents and Councillor Bentley are noted, it is not considered that the wider issue of the use of the property in the past is a relevant material planning consideration for the current application. Consideration of the current proposal should only seek to consider those matters relevant to the extension of the property in use as a private family home as is put forward in the current application. It is noted however that even if the short term holiday let use were to continue in the future, contrary to the applicant's written confirmation that he does not intend for this to be the case if planning permission is granted, the correct mechanism to address this would be through appropriate planning enforcement action, or, in relation to instances of noise and anti-social behaviour, through appropriate non-planning powers to take action.

#### *Driveway*

- 10.27 A number of written representations which have been submitted to the Council refer to the construction of a driveway at the property citing concerns in relation to this. However, these works, carried out under permitted development rights, do not form part of the current application and so do not form a material planning consideration relevant to its determination.

## **11.0 CONCLUSION**

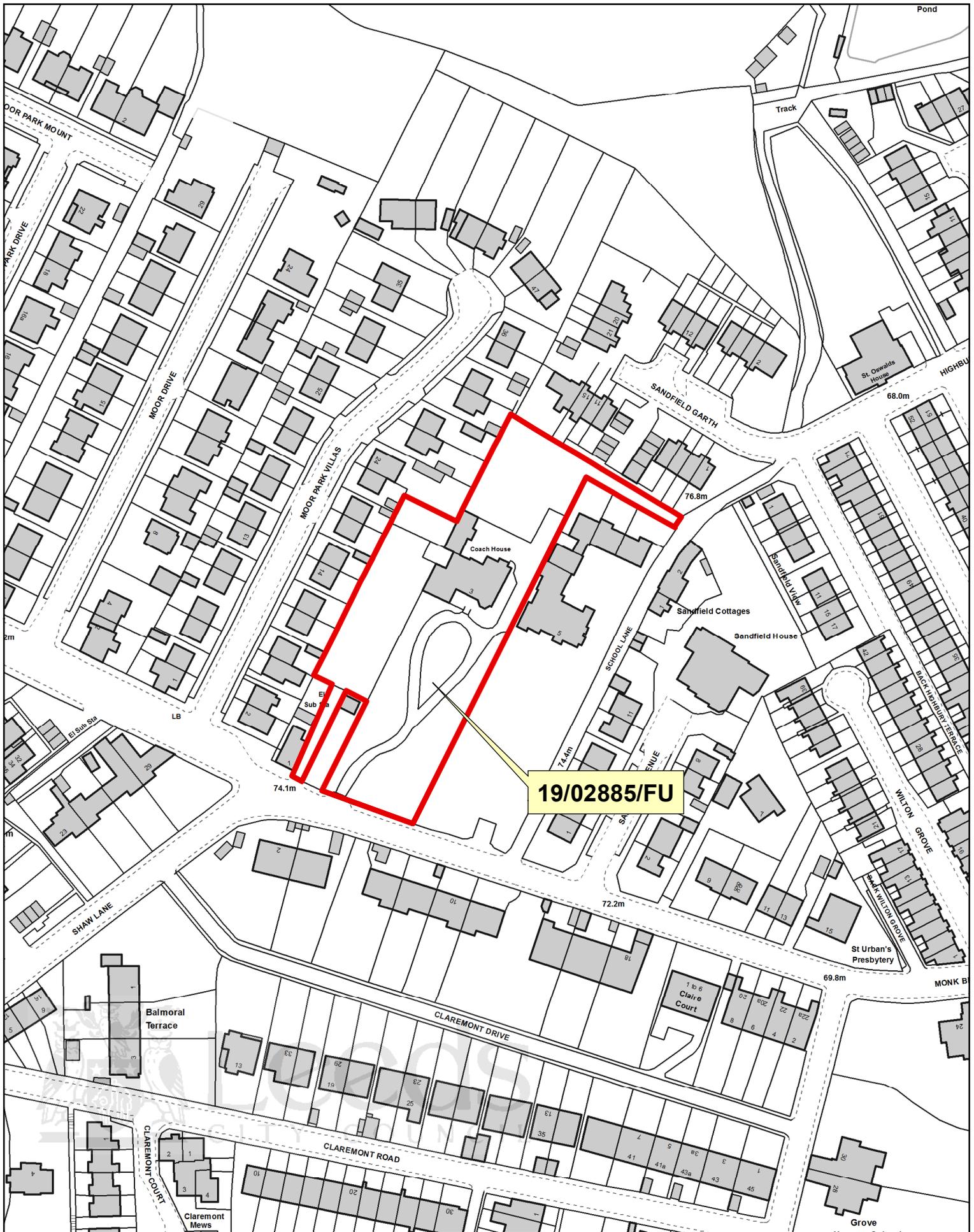
- 11.1 The proposed extension is considered to have responded positively to previous concerns of the Council and the Planning Inspectorate in respect of design,

character and conservation matters. The resulting extension is considered to represent a sympathetic and appropriate addition which will, as a minimum, preserve the character of the Far Headingley Conservation Area. As is set out in this appraisal it is considered that the approach taken is in accordance with all the relevant local guidance in this respect.

- 11.2 The proposal will provide for a good level of amenity for the applicant and his family and will not lead to any unreasonably harmful impacts on neighbouring residential amenity. The proposal will protect important existing trees and features and will preserve the wider landscape character and biodiversity function of the site. The proposal does not raise any highway safety concerns.
- 11.3 The comments of Councillor Bentley and local residents have been fully taken into account. However, it is not considered that the presumption in favour of granting permission is outweighed by the concerns raised, particularly when considering the Planning Inspectorate's comments in respect of relevant matters offered as part of the recent appeal decision.
- 11.4 The previous use of the property as a short term holiday let would not serve as reason to refuse the current application and it is noted that the Council has relevant powers to address any issues which would arise through such a use. Notwithstanding this, the applicant has nevertheless committed to cease this use in the interests of reassuring the Council in respect of these concerns.
- 11.5 In conclusion it is considered that the proposal complies with the development plan and that no other material considerations outweigh this. Taking into account the above, and all other relevant material planning considerations, it is therefore recommended that the proposal be approved, subject to the conditions listed at the top of this report, for the reasons outlined within this report.

**Background Papers:**

Certificate of Ownership – Mr C Langley



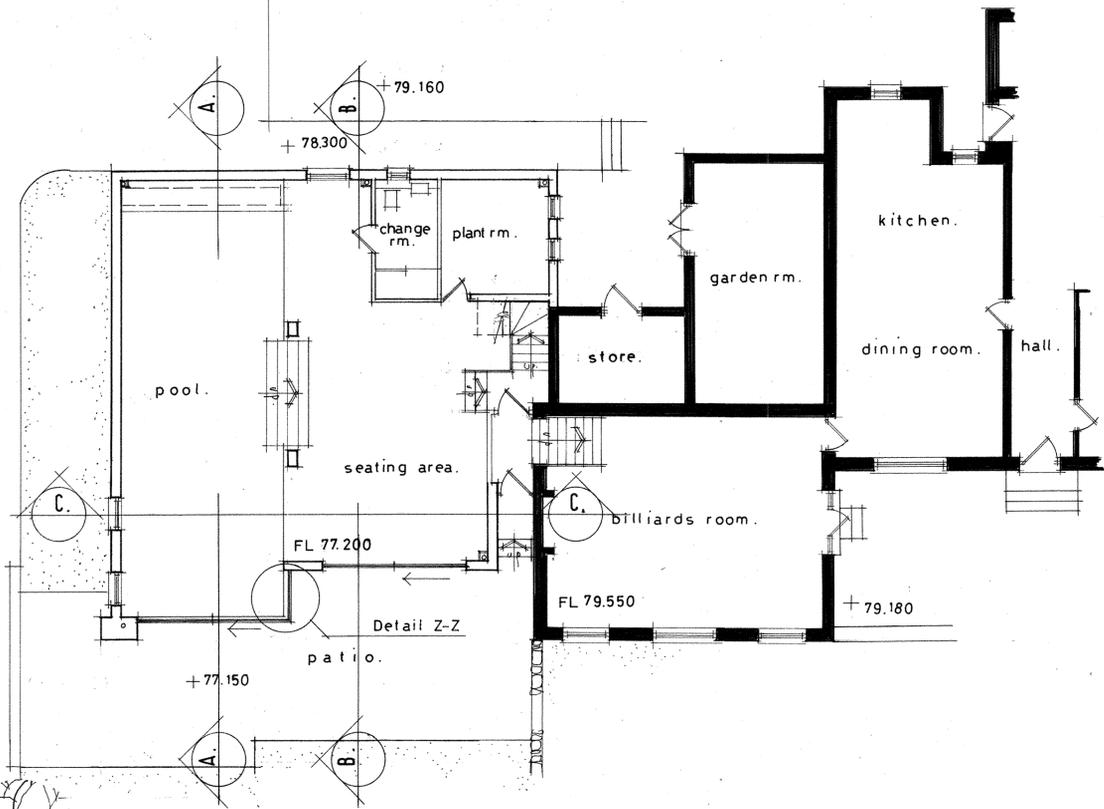
# SOUTH AND WEST PLANS PANEL

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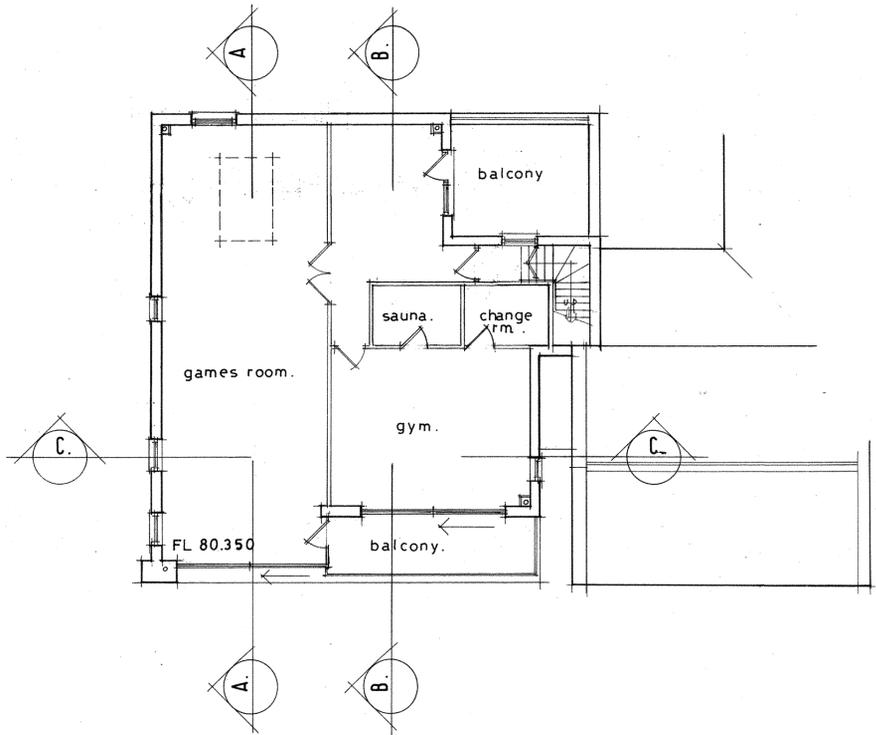
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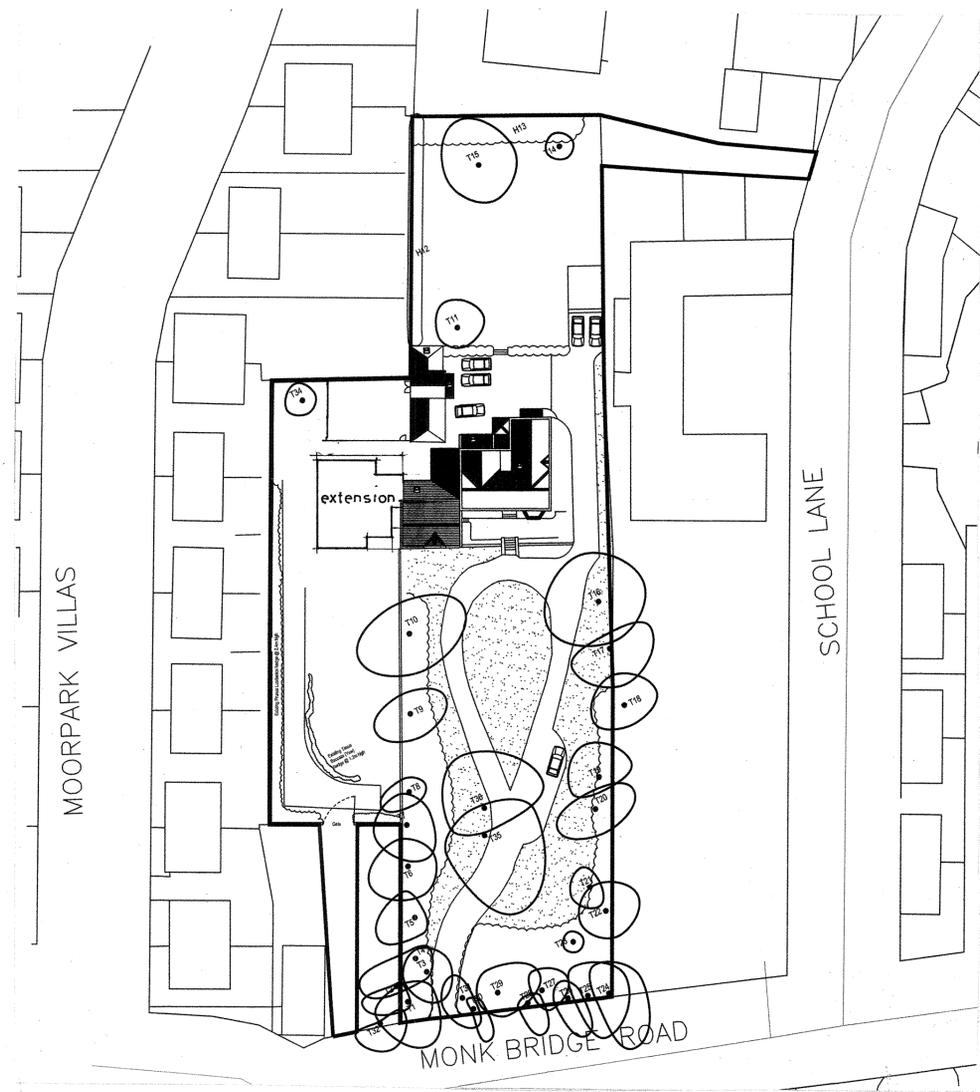




Ground Floor.



First Floor.



Block Plan.

NICK WITCOMB ARCHITECTURAL DESIGNS LTD.			
■ PLANNING PERMISSION	■ BUILDING REGULATIONS	■ LISTED BUILDING CONSENT	■ RESIDENTIAL & COMMERCIAL
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PROJECT:	Proposed Extension, Albert House, Monkbridge Road, Headingley, LS6 4D.X		
CLIENT:	Mr C W Langton		
DRAWING TITLE:	Prop. Ground, First Floor & Block Plans		
SCALE: 1:100 1:500	DRAWING No: 1910/02/B	DRAWN: NCW	DATE: May 2019