



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 9th July 2020

Subject: 19/07228/FU – Erection of a pair of two storey semi-detached dwellings at Sheri Dene, Elmwood Lane, Barwick-in-Elmet, LS15 4JX

APPLICANT

Selby Road Homes

DATE VALID

22 11 2019

TARGET DATE

EOT - 06 03 2020

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted

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 limit
2. Compliance with approved drawings
3. Submission of external materials for approval
4. Sample panel of stonework
5. Timber windows and doors (White, cream or natural finish)
6. Portico materials
7. PD rights removed (Classes A-E & means of enclosure)
8. Front wall to be retained and made good
9. South boundary wall to be repaired and made good
10. Submission of drainage scheme
11. EVCP details
12. Vehicle space to be laid out
13. Statement of construction practice
14. Footway crossing
15. Landscaping details and implementation plan
16. Contamination – Phase 2 report (Site Investigation)
17. Contamination - Remediation statement
18. Contamination – Verification reports

19. Contamination – Importing soil requirements
20. Contamination – Asbestos
21. No balconies to flat roofs
22. Details of rainwater goods
23. Hardstanding to the front to be permeable
24. Inclusion of water butts
25. Details of scheme to show compliance with Policy H10 – Accessible Housing
26. Verification of compliance with Policy H10

INTRODUCTION

1. This application is brought to Plans Panel pursuant to Part 3 2 c Exception 1 (g) of the Constitution as the Chair, in consultation with the Chief Planning Officer, considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal. This consideration is made in light of the ongoing legal proceedings relating to the previous application for the site (19/00882/FU).

BACKGROUND

2. Development of the site was granted planning permission for a similar development in September 2019 under planning application reference 19/00882/FU. However, shortly after the decision was challenged by way of a Judicial Review. The claim sought to challenge the decision on two grounds. Firstly, failure to have regard to the statutory duty within s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Secondly, that the Council failed to take into account the impact on residential amenity to the occupiers of Elmwood House and occupiers of 38,40 and 42 Main Street several properties to the rear of the site.
3. In response to the claim the Council has admitted that an error was made regarding ground one. As such the Council has conceded that there is a genuine basis for grounds for Judicial Review which will result in the decision being quashed. The Council and Claimant have agreed a consent order to quash the decision on that basis. At this time proceedings are listed before the High Court for 16 July 2020 because the Interested Party (developer) has not yet agreed the Consent Order. Should the Consent Order be agreed by all three parties then it should be approved by the court without the need for a hearing.
4. The current planning application seeks to obtain planning permission for a similar development. The application has been advertised accordingly and the assessment of the application below includes a full consideration of its impact on the setting of the listed building.

PROPOSAL

5. The proposal relates to the construction of a semi-detached pair of properties which are both of 4 bedrooms. The proposed new dwellings are two storeys in height with a gabled roof design and are a mirror image of one another. The dwellings incorporate a dual flat roofed single storey rear projection which are served by lantern lights. The dwellings will be constructed of natural stone with a natural slate roof.

6. The properties benefit from reasonably large private, rear garden areas and landscaped front garden areas. Both properties incorporate a driveway and off-street parking provision to the front, accessed from Elmwood Lane. In the case of the southern dwelling the existing access to the site is retained. An EVCP point is proposed for each property.

SITE AND SURROUNDINGS

7. A detached bungalow was previously present on the site, however it was demolished in October 2019. At the time of the demolition there was planning permission for the demolition under the grant of planning permission now subject to proceedings. The site is currently vacant and has been prepared for development.
8. The site benefits from a grassed verge between the highway and a front boundary wall. The site is flanked on either side by two, two storey residential dwellings built of stone with red tile roofs, which appear to be of quite recent construction. A former barn which has been considerably altered and is currently in commercial use (electrical contractors and engineering) is located directly adjacent to the site to the north. This building is set back significantly from the highway and the predominant building line. The dwellings to the rear of the site (along Main Street) are situated on a lower land level.
9. A Grade II listed building, known as Elmwood House (44 Main Street) is situated to the south-east of the site. The property is in residential use. The listed building fronts onto Main Street and is positioned in a slightly off-set position to the rear of the site, with the rear of the listed building facing the proposed development. The listed building and grounds are also situated on a lower land level than the development site. A curtilage listed boundary wall which is attached to the listed building extends up the south side boundary of the site up to Elmwood Lane.
10. The site and Elmwood House are situated within the Barwick-in-Elmet conservation area. The boundary of the conservation area runs along Elmwood Lane with the western side of the street falling outside the designated area.
11. The site is situated towards the north-western side of the village of Barwick which has a limited range of services and community facilities, including a parade of shops. The surrounding area is predominantly residential consisting of mainly two storey dwellings of varying design, although the surrounding buildings within the conservation area contain similar detailing elements and are generally of simple form. The palette of external walling and roofing materials is also varied.
12. The site is accessed from Elmwood Lane which is a quiet residential road. The majority of neighbouring properties appear to have off-street parking provision. Elmwood Lane is situated close to Main Street which is a key central route within Barwick-in-Elmet, linking the settlement with surrounding villages.

RELEVANT PLANNING HISTORY

13. 19/00882/FU - Demolition of existing bungalow and erection of a pair of two storey semi-detached dwellings (Granted – 04.09.2019).
14. Application 19/00882/FU is currently subject to the aforementioned ongoing Judicial Review proceedings which are yet to be determined.

HISTORY OF NEGOTIATIONS

15. The following amendments have been negotiated during consideration of the application:
- Increase in the depth of the parapet for the single storey rear projections.
 - Re-siting of the chimneys nearer to the ridgeline.
 - Windows changed from grey to white painted timber.
 - Increased depths of ground floor window head detailing.
 - Improved hard and soft landscaping and confirmation that existing boundary treatments are to be retained.
 - Submission of additional plans further indicating the relationship between the proposal and the adjacent listed building.
16. It should be noted that the previous similar planning application (19/00882/FU) was subject to significant changes following lengthy negotiations prior to permission being granted. The application was originally submitted for two modern detached dwellings. The following amendments were negotiated during the previous application:
- A move from two detached properties to a semi-detached form of dwellings.
 - Relocation of the vehicular access points.
 - Simplification of the detailing elements and fenestration.
 - Retention and refurbishment of the historic front boundary walling.

PUBLIC/LOCAL RESPONSE

17. Representations have been received from 4 neighbouring households, all in objection to the proposed development. An additional letter has also been received from Barwick-in-Elmet Parish Council.
18. The letter from the Parish Council states that it is not considered that the proposal will adversely affect the setting of the listed building. However, the Parish Council is of the view that the new development will overlook properties on Main Street and that the development would represent the over-development of the plot. Concerns are also raised that there could be issues regarding shadows late in the day which would impact on amenity.
19. The letters from the neighbouring residents raise the following concerns:
- Impact on building line
 - Overdevelopment of the plot
 - Traffic / parking concerns
 - Impact on the character of the area.
 - Loss of grass verge
 - Conformity with the Neighbourhood Plan
 - Loss of privacy / overlooking
 - Impact on boundary walling
 - Over-dominance
 - Inadequate landscaping
 - Impact upon the amenity of neighbouring properties

- Impact upon the amenity of future residents
- Harm to the significance of the Grade II listed building at Elmwood House
- Harm to the character and appearance of the conservation area
- Land contamination.
- Principle of development.
- Impact on views.
- Housing delivery (weight)

20. One of the representations included a Heritage Impact Assessment (and supplementary heritage note) produced by the Pegasus Group, which further detailed the aforementioned concerns in relation to the harm to the significance of the Grade II listed building and harm to the character of the conservation area.
21. One of the representations made several comments in relation to the previous panel report (27th February, 2020). These comments have been noted and changes have been made to this updated report where deemed appropriate.

CONSULTATIONS RESPONSES (SUMMARY)

22. Conservation Team – The proposal is to build a pair of houses fronting onto Elmwood Lane set on the same building line as the adjoining houses. The houses would have a simple form, built in stone with a ridge running parallel to the highway like the adjacent houses. The elevational treatment could be called "neo-vernacular" with a dominance of solid over void and regular ordering of small window openings. All in all, siting, form and elevational treatment and materiality will integrate with the neighbouring houses.

(i) Impact of proposal on setting of Elmwood House:

The baseline is a cleared plot. The proposed house will "take its place" in the pattern of residential development fronting both sides of Elmwood Lane within the boundaries of the historic toft and croft boundaries. It will be visible from the garden of Elmwood Lane but offset in views looking west and seen as the pattern of "back line" development along Elmwood Lane. From Carrfield Road, the new houses are in line with existing two storey house which shelter it in views looking north. It will not affect the views of the listed building along Main Street where the new houses will not be seen together with the listed building. The new development will be glimpsed in views through the narrow access between listed building and the house to the north but in this glimpsed and momentary view is not dominating as shown in the recent 3D view submitted by the applicant. The impact of the proposed houses on the setting of Elmwood House and the boundary wall will be neutral.

(ii) Impact of development proposal on Barwick in Elmwood Conservation Area:

The assessment impact on the conservation area has similar considerations to that of the setting of the listed building but with a wider purview taking into account settlement morphology and townscape. The proposed houses will sit within an established pattern of development that sits within the boundaries of the historic toft and crofts (albeit the development site is an amalgamation of several historic plots.) The lateral walls would be kept thereby maintaining the "deep history" of the toft and croft settlement pattern on Main Street which underlies the modern infill. The positive boundary wall onto Elmwood Lane would be punctured to create separate access points for the houses, but the majority of the wall would remain and the visual integrity maintained. Overall, the impact of the development on the

conservation area will be neutral and will therefore preserve the character and appearance of the conservation area.

23. Environmental Studies - On examination of Defra's strategic road maps and the layout and orientation of the proposed dwellings, noise from road traffic is unlikely to be of a level that would require specific measures over and above standard building elements. Therefore in this case we do not require an acoustic assessment to be submitted.
24. Contaminated Land – Further information required in relation to asbestos. Phase 2 Site Investigation report required. Planning conditions suggested.
25. Highways – No objection, subject to conditions.
26. Landscape – Vegetation to front (outside red line) should be retained. Add tree planting to site frontage.
27. Flood Risk Management – No objections, subject to conditions.

PLANNING POLICIES & LEGISLATION

Relevant Legislation

28. Conservation area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.
29. Listed Building: Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority ...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
30. Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Local plan, unless material considerations indicate otherwise. The Development Plan comprises of the Core Strategy as amended by the Core Strategy Selective Review (2019), Site Allocations Plan (2019), Natural Resources and Waste DPD (2013), Aire Valley Area Action Plan (2017), saved policies of the UDPR (2006) and any made Neighbourhood Plan.

National Policy

National Planning Policy Framework

31. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material

considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

32. Chapter 5 relates to delivering a sufficient supply of homes. Paragraph 68 highlights that *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly”*.
33. Chapter 12 - Achieving well-designed places, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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, and that Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.
34. Paragraph 127 states that:
- “Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
35. Paragraph 130 states:
- “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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”*
36. Paragraphs 189 states:
- “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any*

contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

37. Paragraph 190 states:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

38. Paragraph 192 states:

"In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

39. Paragraph 194 states:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*

40. Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

National Planning Policy Guidance (NPPG)

41. Provides further detailed guidance on a range of planning issues, including in relation to design, determining applications, effective use of land, the historic environment and the use of planning conditions.

Local Policy

Core Strategy, as amended (2019)

42. SP1 - Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.
H2 - Relates to new housing development on non-allocated sites.
H3 - Density of residential development.
H4 - Housing Mix.
P10 - Seeks to ensure that new development is well designed and respects its context.
P11 - Seeks to ensure that heritage assets are conserved and enhanced.
P12 - Landscape
T2 - Seeks to ensure that new development does not harm highway safety.
G9 - Biodiversity improvements.
EN5 - Managing Flood Risk.
H9 - Minimum Space Standards for new dwellings
H10 - Accessible Housing Standards
EN8 - Electric Vehicle Charging Infrastructure

Natural Resources and Waste DPD (2013):

- | | | |
|-----|------------------|---------------------------------|
| 43. | General Policy 1 | General planning considerations |
| | Water 4 | Development in Flood Risk Areas |
| | Water 6 | Flood Risk Assessments |
| | Water 7 | Surface Water Run Off |
| | Land 1 | Land contamination |

Barwick in Elmet and Scholes Neighbourhood Plan (2017-2028):

44. This plan was 'Made' in 2017 and forms part of the Leeds Development Plan. The policies relevant to this proposal are:

Policy LE1: Conserving historic character.
Policy BE1: Achieving high quality and sympathetic building design.
Policy BE2: Streets and street scene.
Policy BE4: Drainage and flood prevention
Policy HO2: Type and design of new housing developments.

Saved UDPR (2006) Policies:

45. GP5 - Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
N25 - Seeks to ensure boundary treatment around sites is designed in a positive manner.
BD5 - The design of new buildings should give regard to both their own amenity and that of their surroundings.
LD1 - Seeks to ensure that development is adequately landscaped.
N19 - All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area by ensuring that:

- i. The siting and scale of the building is in harmony with the adjoining buildings and the area as a whole;
- ii. Detailed design of the buildings, including the roofscape is such that the proportions of the parts relate to each other and to adjoining buildings;
- iii. The materials used are appropriate to the environment area and sympathetic to adjoining buildings. Where a local materials policy exists, this should be complied with;
- iv. Careful attention is given to the design and quality of boundary and landscape treatment.

N20 - Demolition or removal of other features which contribute to the character of the Conservation Area and which are subject to planning control, such as trees, boundary walls or railings, will be resisted.

BC7 - Development within conservation areas will normally be required to be in traditional local materials.

Relevant Supplementary Planning Guidance

46.

SPG	Sustainable Urban Drainage
SPD	Street Design Guide
SPD	Leeds Parking
SPG	Neighbourhoods for Living
47. Barwick in Elmet Conservation Area Appraisal and Management Plan (2010): This appraisal and management plan sets out the features that contribute to its distinctiveness and identifies opportunities for its protection and enhancement.

MAIN ISSUES

48. The main issues relating to this development proposal are considered to be:
 - The principle of the development / Housing supply
 - Design and character / Impact on conservation area
 - Impact on setting of listed building
 - Residential Amenity – Neighbouring residents
 - Residential Amenity – Future occupants/Inclusivity
 - Highway Safety
 - Climate emergency

APPRAISAL

The principle of the development / Housing supply

49. The site is situated within the defined urban area of the village of Barwick. The site is a mixture of brownfield and greenfield land, with the brownfield element forming the location of a recently demolished dwelling and the garden areas of the former property being classified as greenfield land.
50. The village of Barwick is characterised as a smaller settlement within the Core Strategy settlement hierarchy. Smaller Settlements are those communities which have a population of at least 1500, a primary school, and a shop or pub. Some but not all Smaller Settlements have a local centre (such as Barwick). Smaller Settlements generally only provide a basic service level. Whilst smaller settlements

are not the priority or focus for housing delivery within the city, they are expected to make a valuable contribution to the city's growth needs. The Core Strategy highlights that Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability.

51. The site is not allocated within the adopted Site Allocations Plan. Policy H2 of the Core Strategy states that new housing development on non-allocated land is acceptable in principle providing that specific criteria are met. The proposal will not exceed the capacity of transport, educational and health infrastructure given that it relates to just two dwellings, which will create a very modest infrastructure burden. The proposal does not meet the threshold of 5 dwellings and is consequently not required to comply with the accessibility criteria contained within criterion ii) of Policy H2. Furthermore, the proposal is not situated on land defined as Green Belt, or designated as green space. Policy H2 contains some further criteria which solely relate to the developments on greenfield land. Notwithstanding the fact that the new dwellings will largely be situated on the brownfield elements of the site, these proposals also have to be assessed against these criteria. In response, the site is also not considered to have intrinsic value for recreation or nature conservation. Lastly the site is presently untidy whilst also forming a suitable infill plot within an established pattern of development. Consequently, the site is not considered to make a valuable contribution to the visual, historic or spatial character of the area (further assessed later within the report). Consequently, the proposal is considered to be in general conformity with Policy H2 of the Core Strategy having regard to the fact that the site is part brownfield and situated within a generally sustainable location within the defined settlement hierarchy.
52. Leeds currently benefits from a housing supply in excess of five years. The proposal will provide a very modest contribution to Leeds' housing supply (two units). It will provide family dwellings within a village where limited growth is anticipated over the plan period (albeit Barwick does not have a set housing target).

Design and Character / Impact on Conservation Area

53. Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. The NPPF states 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. It is therefore fundamental that new development should generate good design and respond to the local character. The NPPF goes on to state that 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.
54. Policy P10 of the Leeds Core Strategy deals with design and states that *inter alia* alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets

and spaces that make up the public realm and the wider locality.

55. Policy BE1 of the Barwick in Elmet and Scholes Neighbourhood Plan has similar aims and relates to 'Achieving high quality and sympathetic building design'. It requires any new developments to demonstrate good quality design, responding to and integrating with the surrounding built character and landscape, taking account of key design principles such as scale and character. New development should wherever possible draw upon and be inspired by the best design features of the conservation area. The policy also requires local or sympathetic building materials and for developments within conservation areas to conserve or include detailing features such as sills, lintels, chimney stacks and porches.
56. In addition, Policy HO2 of the Neighbourhood Plan relates to 'type and design of new housing developments' and requires new developments to reflect their surroundings and be similar in terms of density, footprint, separation, scale and bulk. The policy also states that support will be given to developments which:
- provide one and two storey housing in keeping with the rest of the built form,
 - provide new housing on smaller sites within the established settlements which assimilate into the existing community,
 - Re-use redundant buildings
 - Re-use previously developed land before greenfield sites
 - Reflect the existing built form with garden and backland development supported only where it does not result in housing density which is out of keeping with the locality.
 - Provide appropriate landscaping.
57. The proposal lies within the Barwick in Elmet Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when granting planning permission. Development Plan policies, and in particular Policy N19, also seek to conserve the historic character of designated areas. The NPPF is clear that any harm to a designated heritage asset, should require clear and convincing justification.
58. Policy LE1 of the Neighbourhood Plan relates to 'Conserving historic character' and requires development proposals to be sensitively designed to consider the rural and historical character of the area and pay due regard to the importance of non-designated historic assets.
59. The proposed dwellings will be constructed of natural stone and slate which are common and traditional building materials both within the immediate context and the wider conservation area. It is noted that both adjacent dwellings incorporate red tile roofs. However, the presence of red tile roofs within this part of the conservation area is limited and such roofs when found are generally scattered around, usually in clusters of no greater than two dwellings. Within this context the use of slate is appropriate and supported.
60. The proposed dwellings are two storey in scale and incorporate a gabled roof form, which is typical of the surrounding conservation area context. Whilst the new dwellings will be semi-detached properties, the form and scale of the pair of dwellings will be similar to the adjacent detached units. Furthermore, the siting and orientation of the dwellings is considered to be sympathetic, with the new dwellings positively addressing Elmwood Lane, whilst retaining a suitable set back from the highway, creating a consistent stepped building line with the adjacent dwellings.

The proposed dwellings will be two storey in scale, however the semi-detached pair are set away from both site boundaries of the plot, ensuring that adequate and characteristic spatial relief between the dwellings is retained. The staggered nature of the building line further helps to create visual breaks and reduces the potential massing of the development.

61. The design of the new dwellings has taken inspiration from positive features from neighbouring dwellings within the conservation area. A key characteristic of the neighbouring buildings is their simple elevations (especially at first floor level) and uncluttered roofs. The proposed dwellings respect this prevailing character and incorporate simple elevations which feature characteristic heads and cills detail, corbels, timber openings and a window design which takes inspiration from the neighbouring terrace to the south, which is identified as a positive building within the associated conservation area appraisal. The properties incorporate a modest canopy (portico) above the front doors. Small single storey front additions are a feature of the neighbouring properties and the proposed design is considered suitable and not out of keeping with the street scene. The proposed rear orangeries are of sympathetic design and scale and will be largely screened from public views. The proposal also incorporates chimneys on the front facing roof slope. Chimneys are a common feature within the conservation area and provide important vertical articulation. The neighbouring chimneys are of varying design and siting. A notable attention to detail has also been applied to the smaller elements of the scheme, such as the EVCP points, which take the form of a screened modest timber box and have been sited to reduce their prominence, to ensure that they assimilate appropriately within the surrounding context.
62. Furthermore, the existing site is currently of an untidy appearance with very little vegetation. The proposal includes the creation of landscaped front and rear garden areas which will tie in with the salient character of the area and will be an improvement on the current situation.
63. Overall in general design terms the proposal is considered to be sympathetic to the existing streetscene. In particular, Policy BE1 of the Neighbourhood Plan supports such developments which draw upon and are inspired by the best design features of the conservation area. Policy HO2 of the Neighbourhood Plan also expressly supports develops which amongst other things are one or two storey in scale, provide new housing on smaller sites and re-use brownfield land, all of which the proposal achieves.
64. In terms of the site's contribution to the Conservation area the Barwick-in-Elmet Conservation Area Appraisal and Management Plan provides an assessment of the special architectural and historic character of the conservation area and guidance and policies to maintain that special character taking into account settlement form, activity and grain, key views and architectural character. Under 'Settlement form', it refers to the village's "medieval linear form, with Elmwood Lane marking the rear of the former toft plots" and says that while the linear strips of former crofts to the west have been largely obscured by late 20th century development, "the backland character of Elmwood Lane is an important feature in the settlement". In that the listed building is within the conservation area there is a great deal of overlap between the setting of the listed building and the special architectural and historic interest of the conservation area, with the application site lying adjacent to Elmwood House. The Barwick-in-Elmet Conservation Area Appraisal recognises the importance of toft and croft layout which it says were laid out in a standardized form, "with regular-sized house plots (tofts) and long narrow garden plots (crofts) lining the west side of a new street running south". The application site is an

amalgamation of two crofts subdivided to create a separate rear plot in the 19th century and then developed in the late 20th century when the previous bungalow was built. The spatial frame of the plot is defined by tall side walls extending from Main Street and returning along Elmwood Lane (although reduced in height and partially rebuilt in brick) demarcating the rear of the historic toft and croft. The site is currently fallow following the recent demolition of the bungalow and appears as an anomaly given the established pattern along Elmwood Lane of modern frontage residential development.

65. The proposed houses will sit within an established pattern of development that sits within the boundaries of the historic toft and crofts (albeit the development site is an amalgamation of several historic plots.) The lateral walls would be kept thereby maintaining the "deep history" of the toft and croft settlement pattern on Main Street which underlies the modern infill.
66. A key aspect of the conservation interest at the site is the historic stone front boundary wall which matches the adjacent properties and runs up the east side of Elmwood Lane. The front wall of the site has previously been unsympathetically increased in height with the addition of some red brickwork in the past. The proposal includes retaining the majority of the stone wall and refurbishing it, by removing the brick elements and making good the stone built areas, where necessary. The positive boundary wall onto Elmwood Lane would be punctured to create a new access points for one of the houses, but the majority of the wall would remain and the visual integrity maintained. The curtilage listed wall which runs up the east part of the site will also be retained (repaired where necessary), and exposed as part of the new development. Furthermore, the proposal will also retain a large amount of the existing front grass verge which is a positive feature of the streetscene and conservation area.
67. In light of all of the above factors it is concluded that the design and detailing of the proposal is considered to be sympathetic and in keeping with the character and appearance of the existing streetscene. Overall, the impact of the development on the conservation area will be neutral and will therefore preserve the character and appearance of the conservation area. Accordingly, the proposal would comply with policies P10 and P11 of the Core Strategy, policies GP5, N19, BC7, LD1 and N20 of the UDPR and policies LE1, BE1 and HO2 of the Neighbourhood Plan and would also not conflict with the guidance set out in the NPPF. As such, the legal duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is discharged in regards to this appraisal.

Setting of the Listed Building

68. A Grade II listed building, known as Elmwood House (44 Main Street) is situated to the south-east of the site. It is an early 19th century house fronting straight onto Main Street. It has architectural value as a well-preserved example of a late Georgian house with carefully controlled proportions and arrangement of windows and a timber doorcase with a modillioned cornice which extends to the interior with its double pile room layout, staircase and panelled doors. It has historical value as illustration of the development of polite architectural style in contrast to the surrounding vernacular buildings.
69. The rear elevation of the building faces the site. The proposal is considered to be within the setting of the listed building. Section 66 (1) of the Planning (Listed Building and Conservation Area) Act 1990 requires that where a development affects a listed building or its setting, special regard should be given to the

desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Further paragraph 194 NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

70. The council's Conservation and Design Team's lead officer has given in depth guidance in respect of this proposal and that advice in so far as it relates to the setting of the listed building is set out in the following paragraphs.
71. Heritage England advice note GPA3 (second edition) 'The Setting of Heritage' Assets provides advice on the setting of heritage assets. Setting is as defined in the NPPF and comprises the surroundings in which a heritage asset is experienced. Elements of a setting can make positive or negative contributions to the significance of an asset and affect the ways in which it is experienced. Historic England states that setting does not have a boundary and what comprises an asset's setting may change as the asset and its surrounding evolve. Setting can be extensive and particularly in urban areas or extensive landscapes can overlap with other assets. The contribution of setting to the significance of an asset is often expressed by reference to views and the GPA in paragraph 11 identifies those views such as those that were designed or those that were intended, that contribute to understanding the significance of assets. In assessing the extent to which setting may contribute to the significance of an asset (step 2), Historic England sets out a number of attributes and these include the assets surroundings and the experience of the asset.
72. Elmwood House's wider setting is the village of Barwick-in-Elmet, particularly its position in a continuously built up linear street frontage to the principal street. The continuous frontage is a function of a historical plot division consisting of a narrow frontage to a long strip of land of land running back from Main Street to Elmwood Lane, known as a "toft and croft", betraying the medieval (probably planned) origins of the settlement. The spatial pattern is reinforced by boundary walls that run back from the frontage to Elmwood Lane. The setting is appreciated from Main Street, Carrfield Road and Elmwood Lane, and could therefore be said to be relatively confined. The glimpsed view between the gable of the listed building and the building to the north from Main Street is important as it shows the depth of plots, although views to Elmwood Lane showing the original extent of the historic toft and crofts cannot be readily appreciated because of existing development on Elmwood Lane. Views from Carrfield Road and Elmwood Lane show the parallel pattern of historic and more modern development within historic toft boundaries defined by stone walls stretching back from Main Street. In this way, it is possible to read co-existing phases of the medieval tofts and crofts defined by stone boundary walls overlaid by a much more modern speculative infill.
73. The baseline is a cleared plot following the demolition of the bungalow. The Pegasus heritage's analysis, the removal of buildings from the plot has not restored the development site to the historical toft and croft which map evidence shows was subdivided in the 19th century, the boundary of which is today is marked by a high hedge. The separate ownership has eroded visual evidence of a shared curtilage and functional dependency of a toft and croft but the historical spatial unit can still be read due to the lateral boundary walls. In effect, the proposed houses will "take their place" in the pattern of residential development fronting both sides of Elmwood Lane within the boundaries of the historic toft and croft boundaries. They will be visible from the garden of Elmwood Lane but offset in views looking west and seen as the pattern of "back line" development along Elmwood Lane. From

Carrfield Road, the new houses are “in check” with existing two storey house which shelter it in views looking north. It will not affect the views of the listed building along Main Street where the new houses will not be seen together with the listed building. The new development will be glimpsed in views through the narrow access between listed building and the house to the north but in this glimpsed and momentary view is not dominating as shown in the recent 3D view submitted by the applicant.

74. The development plot as a cleared site contributes positively setting of the Elmwood House listed building. This derives from the boundary walls stretching between Main Street and Elmwood Lane defining the historical toft and croft rather than use which in common with the adjoining tofts and crofts is the result of the subdivision and residential infilling. The development proposal will maintain the boundary walls and reinstate “back to-back pattern” of development between Main Street and Elmwood Lane. The analysis of views shows that new houses will not dominate the listed building in views from the garden and surrounding streets. In this context, the proposed development is considered to do no harm to the setting of the listed building and can therefore be said to preserve its special interest.

Residential Amenity – Neighbouring residents

75. Core Strategy Policy P10 and saved UDP policy GP5 note that development should protect amenity whilst policy BD5 notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”.
76. The proposed dwellings will be situated a sufficient distance from neighbouring properties and main garden areas to prevent a significantly harmful overshadowing impact or loss of light to neighbouring windows or garden areas. Similarly these distances will prevent any undue loss of outlook from neighbouring properties. Notably neither of the adjacent properties, to either side of the application site, contain any main windows within their side elevations which face the proposal. The nearest building to the north-east is also commercial in nature containing limited openings. To the south is a dwelling and the proposed dwellings are sited so that they project beyond the rear of that property. However, there is a reasonable degree of separation between the dwellings and that, in combination with the orientation, means that the new development should not appear overbearing or result in any loss of sunlight or cause shadowing to the property to the south. It is noted that the dwelling to the south has a large detached outbuilding sited adjacent to the common boundary with the application site. The buildings to the rear are located on a lower land level. However, the two storey bulk of the development will be situated over 18 metres from the rear boundary and approximately 28 metres at its closest point to the rear of 42 Main Street which is directly to the rear of the application site. These distances are considered to be more than adequate, even when allowing additional distance to compensate for the change in land levels to prevent any undue overshadowing or overdominance.
77. The proposed two storey bulk of the new dwellings will also be situated over 23 metres, at its closest point, to the adjacent listed building (to the rear), which is considered more than adequate even when taking the land level differences into consideration to prevent any significant overdominance. Furthermore, the proposal will be situated to the north-west of the listed building, consequently it will not result in any undue overshadowing given the sun’s path. The two-storey element of the proposed dwellings will be situated approximately 4.8 metres from the listed building’s garden area at its nearest point. This distance is considered acceptable and the dwellings will not unduly dominate the neighbouring private amenity space,

even when compensating for the land level differences, especially given its offset relation to the listed building's garden area. The proposed orangery elements of the proposal will be situated approximately 4.3 metres from the listed building's garden. This distance is considered to be adequate, given the single storey nature of these elements and the existing substantial stone wall. Overall it is considered that the proposal will not be unduly detrimental to the amenity of any neighbouring properties in terms of loss of light, over-dominance or loss of outlook.

78. Given the separation distances highlighted above it is also considered that the proposal will not result in any undue loss of privacy to the rear, even taking into account the land level differences. The distances to the properties to the rear of over 23 to 30 metres from the first floor windows exceed the recommended minimum distance of 21 metres contained within Neighbourhood for Living. Even considering the land level changes it is considered that this distance is more than adequate to prevent any undue loss of privacy. The rear windows within the proposed dwellings will directly face towards the rear of the site. The adjacent listed building is situated in an offset position to the east/south-east of the windows. As such it is considered that no undue overlooking of adjacent listed building or private amenity space will occur. Furthermore, the proposed first floor windows will be situated over 23 metres from the listed building's rear elevation, which contains a secondary window (which is currently being used as a study), as its nearest point. Given these distances and spatial relationship with the neighbouring listed building it is considered that no undue loss of privacy will occur to the neighbouring occupants.
79. Adequate separation distances (over 21 metres) are also provided to the neighbouring dwellings to the front. It is noted that the proposed dwellings contain a kitchen window within their side elevations. However, this opening is not considered to cause any significant overlooking concerns, given that the southern window will be screened by the existing high boundary wall which will be retained. The window within the north elevation will also only overlook the car parking area for the adjacent commercial area. The presence of secondary/tertiary windows within side elevations at ground floor level can also assist with security and surveillance. It is therefore considered that the proposal will not be unduly detrimental to the privacy of any neighbouring occupants.
80. As such it is considered that the proposal will not significantly harm neighbouring amenity in any of the above respects.

Residential Amenity/inclusivity – Future occupants

81. The NPPF (paragraph 127), states decisions should ensure that developments create a "high standard of amenity for existing and future users". New residential development should look to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensures an appropriate juxtaposition of rooms both within a property and with neighbouring properties to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity areas for the enjoyment of occupiers.
82. The proposed new dwellings are reasonably large in size and meet the minimum space standard requirements contained within the Core Strategy (as amended 2019). The dwellings are designed so that they will receive adequate sunlight, outlook and will maintain suitable levels of privacy between dwellings. The

dwelling also benefit from significant rear private garden areas. The neighbouring properties to the rear are located on a lower land level. Given the distances and relationship between the proposal and the neighbouring properties to the rear and east/south-east it is considered that the occupants of the new dwelling will benefit from an adequate level of privacy. Overall it is considered that the proposal provides a good standard of amenity for future occupants.

83. Policy H.10, the delivery of accessible housing, requires the provision of one unit to meet part M4(2) of the Building Regulations. Specifically that it is 'accessible and adaptable'. Both units are capable of meeting the requirements and planning conditions are suggested to secure and deliver compliance with Policy H.10.

Highway Safety

84. Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the applicants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure. As outlined within the spatial policies of the Core Strategy it is also expected that development is sited within sustainable locations and meets the accessibility criteria of the Core Strategy. In addition Policy BE2 of the Neighbourhood Plan relates to 'Streets and Streetscene'. The policy seeks to improve connections from developments, whilst also requiring that adequate off-street parking is provided within sites
85. The proposed dwellings both incorporate hardstanding to the front which is large enough to accommodate the required two off-street parking spaces per dwelling. Consequently, the proposal is considered to provide adequate off-street parking provision and is unlikely to significantly increase the need for on-street parking within the locality. The southern dwelling will retain the existing vehicular access. A new access is to be provided for the northern dwelling. This access is set away from the neighboring accesses and achieves suitable visibility splays (2.4 x 43m), given the context of Elmwood Lane which is a generally quiet residential road. The proposal will create two dwellings. The additional traffic impact of two additional dwellings will be negligible. Consequently, the proposal is not considered to be detrimental to highway safety.

Climate Emergency

86. The proposal relates to a minor development and does not meet the thresholds for compliance with Core Strategy policies EN1 (Climate Change – Carbon Dioxide Reduction) and EN2 (Sustainable Design and Construction). The proposal does however relate to the re-development and efficient use of a part brownfield site located within an established urban area within the settlement hierarchy. The development also incorporates two EVCP's, water butts and the hardstanding to the front will be permeable (secured by planning condition). Furthermore, the proposal will result in a net increase in vegetation and landscaping at the site in particular in relation to new tree and hedge planting (given that the baseline for assessment is an untidy site generally devoid of landscaping), in line with Policy G9 of the Core Strategy which will have biodiversity and carbon capture benefits. Overall, the proposal is not considered to raise any notable concerns in relation to the Council's Climate Emergency declaration.

REPRESENTATIONS

87. As previously outlined eight letters of representation have been received, all in objection to the proposed development. The main issues raised are responded to below:

- Impact on building line – There is no building line as such along this part of Elmwood Lane, given sites location near a curve in the road the building line is staggered and inconsistent. Nevertheless, the proposed dwellings will be sited and orientated in a sympathetic manner, and will retain a significant setback from the highway to the front. Consequently, no conflict is found in this regard.
- Overdevelopment of the plot – The density of the proposed development and spatial separation is considered to be appropriate given the surrounding context.
- Traffic / Parking concerns – This issue is covered appropriately within the appraisal above with no significant harm identified.
- Impact on the character of the area - This issue is covered appropriately within the appraisal above with no significant harm identified.
- Loss of grass verge – The majority of the existing grass verge will be retained, with only a small section lost to provide access to the second dwelling. The loss of a small part of the verge is not considered to be significant.
- Conformity with the Neighbourhood Plan – The proposal has been assessed against the relevant requirements of the Barwick and Scholes neighbourhood Plan within the appraisal above.
- Loss of Privacy / overlooking- This issue is covered appropriately within the appraisal above
- Impact on boundary walling – The proposal will retain and make good the boundary walls to the sides of the site. The development will also enhance the existing front boundary wall by removing the incongruous brick element, whilst the visual integrity of the wall is still considered to be maintained following the creation of a second vehicular access. Consequently, no harm is identified in this regard.
- Over-dominance - This issue is covered appropriately within the appraisal above.
- Inadequate landscaping – The revised plans indicate that the proposal will provide a net increase in vegetation and landscaping at the site. The detailed landscaping works will be subject to a planning condition requiring the further approval of details.
- Impact upon the amenity of neighbouring properties - This issue is covered appropriately within the appraisal above. .
- Impact upon the amenity of future residents - This issue is covered appropriately within the appraisal above.

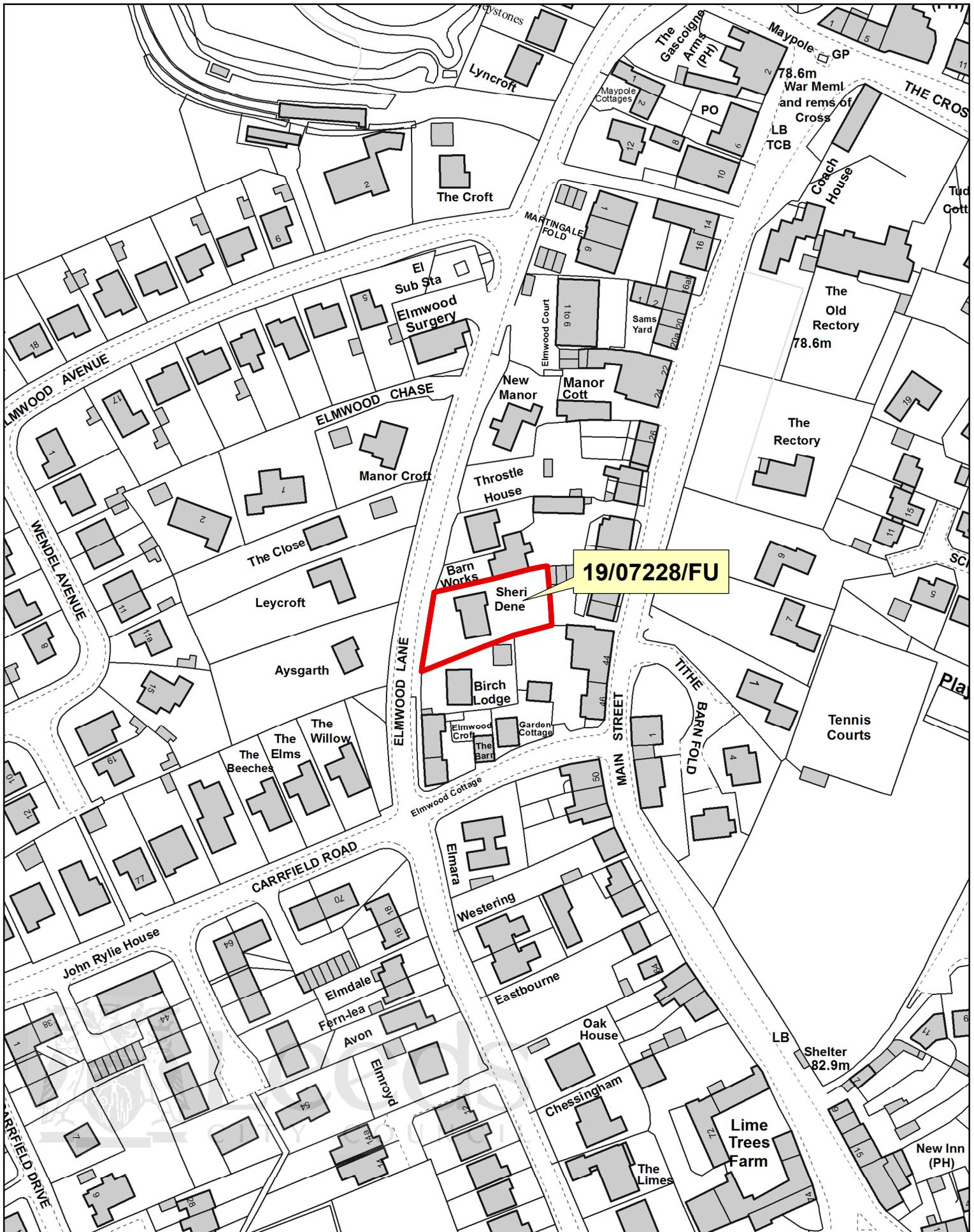
- Harm to the significance of the Grade II listed building at Elmwood House - This issue is covered appropriately within the appraisal above. .
- Harm to the character and appearance of the conservation area - This issue is covered appropriately within the appraisal above.
- Land contamination – It is noted that the previous bungalow has already been demolished. However it is considered that any land contamination issues on the site can adequately be dealt with via the use of planning conditions.
- Principle of development - This issue is covered appropriately within the appraisal above.
- Impact on Views - Loss of views in the general sense is not considered to be material planning consideration. In general planning is concerned with land use in the public interest, as opposed to private interests. Notwithstanding this, the impact on outlook and conservation area views has been considered in the appraisal above.
- Housing delivery (weight) – The proposal will provide two dwellings. The delivery of appropriate small scale housing sites (windfall) is very important to Leeds' overall housing delivery and is expressly supported within the Barwick and Scholes Neighbourhood Plan. Notwithstanding this, the proposal is considered to comply with the Development Plan and the developments contribution towards housing delivery has not been given undue or defining weight in this instance.

CONCLUSION

88. In light of the above, it is concluded that the proposal would preserve the character and appearance of the conservation area, and would not harm the setting of the Elmwood House and the curtilage listed wall, preserving its special interest. It is also considered that there would not be undue harm to nearby residents through overlooking, dominance and overlooking, and there would be no material harm to the local highway network, or any other material harm. The proposal is therefore considered to accord with up-to-date planning policies within the Development Plan with no material considerations to indicate otherwise. In accordance with guidance within the NPPF and the local planning policy guidance and legal tests set out above, it is recommended that the application be approved subject to conditions.

Background Papers:

Application files: 19/07228/FU
 Certificate of ownership: Certificate A signed by agent



NORTH AND EAST PLANS PANEL

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SCALE : 1/1500



