



Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 1st April 2021

Subject: Application 20/04812/FU – One detached house with detached car port at Land Adjacent the Gables, 229 Hall Lane, Horsforth.

APPLICANT

Mr R Seib

DATE VALID

04/08/2020

TARGET DATE

12/02/2021

Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on full permission
2. Development in line with approved plans
3. Samples of materials
4. Samples of surfacing materials
5. Materials for wall infill
6. Details of boundary treatments, including gates
7. Bin store to be provided
8. Bike store to be provided
9. Vehicles spaces to be laid out
10. Driveway gradient
11. Details of electric charging points
12. Car port to be retained as open structure
13. Protection of existing trees during construction
14. Landscaping scheme
15. Noise and ventilation scheme
16. Drainage feasibility study
17. Proposed drainage scheme
18. Unexpected contamination

19. Details of imported soil

INTRODUCTION:

1. This application is brought to plans panel at the request of Councillor Dawn Collins and Councillor Jonathon Taylor. This is due to the highway impacts on the wider users of the A65 and Hall Lane.

2.

PROPOSAL:

3. This application seeks full planning permission for the construction of a dwelling on land within the garden of the property known as The Gables and located at 229 Hall Lane, Horsforth.
4. The proposed dwelling will be located towards the centre of the plot with a driveway and detached car port for 2 cars located to the west of it and the main garden area to the east. Vehicle and pedestrian access are both off Hall Lane. The proposed dwelling will have 4 bedrooms and it will be constructed of render with a tiled roof.

SITE AND SURROUNDINGS:

4. The application site is a section of garden land located to the west of the main dwelling located at 229 Hall Lane. It forms a corner plot of land lying between Hall Lane and Rawdon Road (the A65). It is located within an established residential area on the edge of the built up limits of Horsforth.

RELEVANT PLANNING HISTORY:

5. PREAPP/13/00985 – detached dwelling – advice given December 2013.
6. 16/06761/OT – detached dwelling – withdrawn December 2016 due to concerns about the design and scale of the development and the impact this would have on the visual amenity of the locality, living conditions of future occupiers, neighbouring amenity and the potential harm to the health of existing trees.
7. PREAPP/17/00114 – detached dwelling – advice given March 2017.
8. 18/06621/FU - one detached house – refused December 2018 on grounds of highway safety but the previous concerns relating to visual amenity of the locality, living conditions of future occupiers, neighbouring amenity and the potential harm to the health of existing trees were overcome.

HISTORY OF NEGOTIATIONS:

9. There have been a number of discussions since this application was submitted.
10. As originally submitted consent was sought for an access off the A65 Rawdon Road. However, it was not demonstrated that appropriate visibility or sufficient manoeuvring space could be provided and Highways advised that vehicular access should be taken off Hall Lane instead. Negotiations have since taken place to ensure the access is in the correct location with acceptable visibility and to ensure sufficient parking and turning space is provided within the site.
11. Changes to the elevations occurred as a result of the change in access (there was no longer a need to excavate land and provide retaining walls) and removal of the

attached garage. There have also been some very minor changes to the internal layout to ensure all bedrooms meet minimum space standards.

12. The other change that has occurred is that the dwelling has been repositioned within the plot to increase the depth of the main garden to improve the external amenity space for future occupiers.
13. Street scene drawings were also requested and submitted to show how the proposal will sit in relation to The Gables and with the houses on the opposite side of Hall Lane.

PUBLIC/LOCAL RESPONSE:

14. The application was originally advertised a site notice posted on the 20th of August 2021.
15. 4 letters of objection were received. The objections raised are summarised as follows.
 - It will block the view from 168 and 170 Hall Lane and Hall Lane in general.
 - It will reduce light to 168 Hall Lane.
 - Access off Rawdon Road will add congestion and danger.
 - Use of the car parking spaces on Hall Lane by occupiers of the proposal is a concern as these are need for parking by 170 Hall Lane.
 - Traffic is already a problem and this will make the existing situation worse.
 - The parking spaces on Hall Lane block the flow of traffic.
 - Highway safety and disruption during construction.
 - Property is not needed – a 4 bedroom house will not provide the ‘affordable housing’ the area needs.
 - The site is unsuitable for a building plot - too small and irregular shape.
 - It is an overdevelopment of the site.
 - The site used to be a lovely garden but has been allowed to deteriorate.
 - Over the years trees have been removed.
16. A letter has also been received which supports the application but comments that the design of the dwelling is a missed opportunity.
17. Following changes to the application as a result of moving the proposed access to off Hall Lane instead of off the A65, a further site notice was posted on the 22nd of January this year and letters sent to all those who had previously written in.
18. 5 letters of objection have been received in response to this further advertisement / consultation. 4 of them were from initial objectors. The objections raised are the same as those summarised above plus that the revised access off Hall Lane will be equally as dangerous.
19. Councillor Dawn Collins and Councillor Jonathon Taylor have also raised objections to the proposals on the grounds that:
 - The site has been considered for development several times in the past and refused planning permission each time.
 - The current proposals do not solve the problems for the site.
 - Hall Lane is very busy during peak periods.
 - The access is a very close to the junction with the A65 - traffic coming off the A65 onto Hall Lane is often doing 30mph at the point where the driveway is. Visibility onto the A65 is blind.
 - The designated parking bays on Hall Lane block views up Hall Lane.

- The size and mass of the buildings proposed are too great for a very small site.

20. Horsforth Civic Society have also commented on the revisions. Their primary concern is the access off Hall Lane and that the proposals will be a danger to highway safety. With regard to turning within the site they state that there is nothing to stop someone reversing out. They also comment that the parking spaces on Hall Lane result in obstructions to traffic on Hall Lane.

CONSULTATION RESPONSES:

21. Horsforth Town Council objected to the original submission on grounds of overdevelopment and lack of parking. With regard to the revisions they state that these concerns remain and add that egress on Hall Lane is already very problematic – the junction is extremely busy and as such there is no safe access to the site.
22. Highways originally had concerns about the application and the access off the A65. As a result of discussions with Highways the access was revised to Hall Lane and they no longer raise objections. Conditions relating to access only as shown, provision of cycle facilities, driveway gradient, provision of electric charging points and the laying out of vehicle spaces are recommended.
23. Flood Risk Management has no objections subject to conditions relating to the submission of a feasibility study, existing drainage layouts and a proposed drainage scheme.
24. Contaminated Land has no objections subject to conditions relating to unexpected contamination and importation of soil.
25. Environmental Studies advise that noise maps indicate that noise levels without consideration to glazing and ventilation will result in an unsatisfactory internal noise environment. A condition relating to the submission and approval of a noise and ventilation package is therefore proposed.

PLANNING POLICIES:

26. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

27. The development plan for Leeds is comprised of the adopted Core Strategy as amended (2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Site Allocations Plan (2019) the Aire Valley Leeds Area Action Plan (2017) and the Natural Resources and Waste Local Plan (2015) and any made Neighbourhood Plans.

28. Relevant Core Strategy Policies are:

H2 – new housing on unallocated sites
H9 - minimum internal space standards for dwellings
P10 – need for good design
P12 – townscapes and landscapes to be conserved and enhanced
T2 - accessibility and safety requirements for new development
EN8 - requires electric vehicle charging points for all new dwellings

Relevant Saved Policies from the UDP are:

29. GP5 - general planning considerations.
N23 - provision of visually attractive settings to developments
N25 - boundaries to be designed in a positive manner
T24 - parking provision requirements
BD5 – new buildings to give consideration to amenity
LD1 - protection of vegetation

Natural Resources and Waste Local Plan

30. GENERAL POLICY1 – presumption in favour of sustainable development.
LAND 2 - development should conserve trees where possible and introduce new tree planting.

Horsforth Neighbourhood Plan

31. One of the objectives of the Horsforth Neighbourhood Plan is to ensure that new built development complements and enhances the character of the existing built environment.
33. Section 4.2 relates to the built environment and policy BE1 relates to character areas. One of the character areas is Hall Lane. In respect of Hall Lane it advises that development should respect important views and retain the distinctiveness of the areas varied architectural housing styles.

Supplementary Planning Guidance and Documents

34. The following SPGs and SPDs are relevant:
- Neighbourhoods for Living: A Guide for Residential Design in Leeds SPG
 - Guideline Distances from Development to Trees SPG
 - Street Design Guide SPD
 - Parking SPD
- Horsforth Design Statement SPD

National Planning Policy

35. The National Planning Policy Framework (NPPF) published in 2019 sets out the Government’s planning policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.
36. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development (this is set out in section 2 of the document).
37. The NPPF also aims to boost significantly the supply of housing and deliver a wide choice of high quality homes (section 5).
38. In respect of design, paragraph 124 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.” At paragraph 130 it 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”.

39. Guidance on ‘Technical housing standards – nationally described space standard’ was adopted in March 2015. This sets out minimum gross internal floor area requirements for residential developments.

MAIN ISSUES:

- Principle
- Visual amenity
- Residential / neighbouring amenity
- Highway safety / parking
- Representations

APPRAISAL:

Principle

40. The application site lies within an established residential area and is unallocated in the adopted Site Allocations Plan. Policy H2 of Leeds Core Strategy relates to residential development on unallocated sites. This policy contains 3 criteria:
1. the number of dwellings should not exceed the capacity of local infrastructure,
 2. the location should accord with accessibility standards, and
 3. Green Belt policy is satisfied.
41. The site is not within the Green Belt and the location does accord with accessibility standards detailing distances to local amenities, transport links, schools and employment. The scale and form of the development is such that it is not considered to put any undue pressure on local infrastructure including the highway network, schools and health services. The proposal is therefore considered to comply with policy H2 and is acceptable in principle subject to other material planning considerations.
42. In addition to the above, it should be noted that the NPPF specifically excludes domestic garden curtilages from the definition of previously developed land. As such, the site should be regarded as Greenfield. While this does not in itself preclude development, it does mean that there is no presumption in favour of its development. The Local Planning Authority therefore has a responsibility to make an assessment of relevant factors, for example, the impact of the proposal on the character of the area.

Visual amenity.

43. In this case, the impact on the character of the area is a key consideration. Current guidance on design matters aims to raise the standards of urban design and to create safe and distinctive places that have their own identity but respond to and reinforce local character.
44. There have been 2 previous planning applications on this site, both for a single detached dwelling. The first was submitted in 2016 (16/06761/OT) and was withdrawn due to concerns about the design and scale of the development and the impact this would have on the visual amenity of the locality, living conditions of future occupiers, neighbouring amenity and the potential harm to the health of existing trees.

45. The second application (18/06621/FU) was submitted in 2018. At this stage it was considered that the previous concerns relating to visual amenity of the locality, living conditions of future occupiers, neighbouring amenity and the potential harm to the health of existing trees were overcome. However, there were now concerns about the vehicular access and the application was refused on highway safety grounds (discussed in more detail below).
46. The current proposal is significantly different to the 2018 application, although the dwelling is located in a very similar position towards the centre of the site. The access has been moved further west and the attached garage omitted in favour of a detached car port structure. With regard to the design of the dwelling, the previous scheme was 2 storeys but the first floor was formed by rooms in the roof. The current proposal is a traditional 2 storey dwelling, to be constructed of render with a tiled roof. Street scene elevations have been submitted to show how the proposal will sit in relation to its neighbours. These have been key in understanding the visual impact of the proposal.
47. Although a generously sized dwelling, its overall size and proportions are of a domestic scale, and also reflective of nearby properties. The proposed dwelling is set back from the Hall Lane road frontage and space is retained around it such that there is sufficient spatial separation between it and its boundaries and the existing dwelling, The Gables. In this respect it meets the recommended distance to boundaries set out in Neighbourhoods for Living.
48. It is considered that the overall design approach (proportions, scale, form and detailing) is reflective of and sympathetic to the locality and that the proposed dwelling will sit comfortably with its neighbours and within the existing street scene and will not be out of character with the area or visually intrusive. The proposed materials (render and tile) are also highly appropriate to its setting.
49. The boundaries of the site are largely remaining as existing. There will be a need to divide the plot from The Gables and it is expected that this will be achieved via a mix of hedge and fencing. Conditions are recommended to agree the detail. The only other changes relate to the creation of 2 new openings in the brick wall forming the Hall Lane boundary to allow vehicle and pedestrian access to the new dwelling. An existing access into the site will be walled up. It is expected that bricks from the openings created can be used to achieve this and a condition is recommended.
50. There is quite a large area of hard standing proposed to the front / west of the dwelling to ensure sufficient space for parking and turning but, other than at the vehicle entry / exit point, this does not extend to the boundaries of the site. As such space is retained for soft landscaping to soften this area so that the hard surface does not become an overly dominant feature. The landscaping of this area is proposed to be conditioned.
51. There are 2 trees within the site and a number of others within the garden retained at The Gables. The proposed dwelling is 12.6m from the nearest tree within the site and 15.8m from the other. It is 13.5m from the nearest tree at The Gables. These distances exceed the recommended distances set out in the Council's Supplementary Planning Guidance 'Guideline Distances from Development to Trees' and as such it is not considered that there will be any adverse impact on these during construction or once the dwelling is occupied. A condition is recommended requiring protective fencing to be provided during construction.

52. As mentioned by some local residents, it is noted that over recent years a number of trees have already been removed from the site. Back in 2013, when the first pre-application enquiry was submitted for a dwelling on this site, Landscape colleagues were asked to consider a Tree Preservation Order. However, they did not consider the trees to be worthy of such protection. Notwithstanding this, the applicant has previously agreed to carry out some additional tree planting as part of the development. This will be agreed as part of the landscaping scheme to be conditioned, although it must be recognised that any new trees will need to be suitable species for a residential plot.
53. The location of both bin and cycle stores are shown on the proposed site plan and full details of what these will look like has been provided (timber garden store and screening). These are considered visually appropriate for the site and locality.
54. In light of the above it is therefore considered that the proposed development will not cause harm to the character and appearance of the application site or the existing street scene. As such the proposal complies with policies GP5, N23, N25 and LD1 of the Leeds Unitary Development Plan (Review 2006), with policies P10 and P12 of Leeds Core Strategy, with the objectives and policy BE1 of the Horsforth Neighbourhood Plan, with the guidance set out in Leeds City Council's Neighbourhoods for Living and Guideline Distances from Development to Trees Supplementary Planning Guidance and with the guidance set out in the National Planning Policy Framework.

Residential/Neighbouring amenity.

55. Given its design and location and the location and design of its neighbours it is considered that the proposed dwelling will not have any adverse impact on the living conditions of neighbouring properties as a result of overlooking, dominance or overshadowing.
56. As stated above, street scene elevations have been submitted to show how the proposal will sit in relation to its neighbours. These have been key in understanding the relationship with neighbours and any impact on their living conditions.
57. The proposed dwelling is situated across Hall Lane from numbers 168 and 170. The site is also at a lower level than these properties. The public highway measures 10.5m and there is 26m from the front of 168 Hall Lane to the side of the proposed dwelling (it is to be built side on to Hall Lane). This far exceeds the 12m minimum distance set out in Neighbourhoods for Living and will mean that there is no adverse impact on these neighbours as a result of dominance, loss of light/overshadowing or loss of privacy. With regard to privacy, the only openings in the side elevation facing towards these properties are a door and window serving a ground floor utility room.
58. Similarly, the sections also show the relationship with The Gables. The proposed dwelling is 11m from the boundary with this property. The Gables is also set a further 15m from the boundary on its side and is at a slightly higher level than the application site. Given these distances / this relationship it is not considered that there will be any adverse impact on the amenity of The Gables or future occupiers of the proposed dwelling as a result of dominance, loss of light/overshadowing or loss of privacy.
59. Concerns have been expressed by the occupiers of properties on the opposite side of Hall Lane that the proposal will block views from their homes. It is accepted that the proposed dwelling will be visible in views from these properties and that it is likely to block the view over the valley to the south from some of the windows in their front

elevations. However, impacts on views are not a material planning consideration and whilst this will be unfortunate it is not a matter on which the application can be assessed. In terms of impact on neighbouring living conditions, as discussed above, the matters considered relate to dominance, light and privacy.

60. The Council has recently adopted Core Strategy Policy H9 which sets out minimum space standards for new dwellings. This follows on from Government guidance on space standards in March 2015. With regard to the accommodation proposed, H9 sets a minimum gross internal floor area requirement for a 2 storey, 4 bedroom dwelling of 97m² for 5 people, 106m² for 6 people, 115m² for 7 people and 124m² for 8 people. The number of people relates to the number of bed spaces to be provided. The proposed dwelling has a floor area of 174m² and therefore exceeds the largest recommended minimum floor area.
61. H9 also sets minimum bedroom sizes of 11.5m² for a double bedroom and 7.5m² for a single bedroom. The bedrooms proposed measure 18m², 17.8m², 15.5m² and 11.2m², therefore meet / exceed minimum sizes.
62. It is expected that residential schemes provide external amenity space for future residents. With regard to individual dwellings this should equate to 2/3 of the gross floor area of the dwelling as set out in Neighbourhoods for Living. A dwelling of 174m² should therefore ideally have a private garden area of 116m². In this case the private garden area to the rear / east of the dwelling measures at least 200m². It also exceeds the minimum depth of 10.5m set out in Neighbourhoods for Living (it has a depth of at least 11m) and there are other areas of incidental garden space to the front and side.
63. Environmental Studies colleagues have advised that noise maps indicate that noise levels from the adjacent A65 Rawdon Road, without consideration given to glazing and ventilation, would result in an unsatisfactory internal noise environment. If approval were to be granted it is considered that this matter could be satisfactorily addressed via a condition requiring the submission and approval of a noise and ventilation package prior to the start of construction works on the dwelling.
64. In light of the above, it is therefore considered that the proposed development will not have any significant or adverse impact on neighbouring amenity and will provide a good living environment for future occupiers. As such the proposal complies with policies GP5 and BD5 of the UDP, with policies H9 and P10 of the Core Strategy and with the guidance set out in Leeds City Council's Neighbourhoods for Living Supplementary Planning Guidance.

Highway safety / parking

65. The site lies in a sustainable location near to local services and amenities and with good access to public transport.
66. 2 parking spaces are proposed along with space to turn within the site so that vehicles can exit in a forward direction. The parking spaces will have electric vehicle charging points and an open sided car port will be provided over them.
67. Cycle storage for 4 bikes will be provided within a garden store, meaning it will be enclosed, covered and lockable. A condition is proposed requiring this to be provided prior to the occupation of the dwelling.

68. As has already been mentioned, there have been 2 previous planning applications on this site, both for a single detached dwelling. Both of these proposed an access on to Hall Lane at the point where there is an existing gated access.
69. The first application in 2016 (16/06761/OT) was withdrawn due to concerns about the design and scale of the development and the impact this would have on the visual amenity of the locality, living conditions of future occupiers, neighbouring amenity and the potential harm to the health of existing trees. However, the access onto Hall Lane was considered acceptable to Highways.
70. The second application in 2018 (18/06621/FU) was considered to have overcome the previous concerns relating to visual amenity, living conditions and the potential harm to the trees. However, there were concerns about the vehicular access and the application was refused on highway safety grounds. The reason for this concern was that since the previous application (2016) there had been a change to Hall Lane as a row of parking bays had been installed immediately adjacent to the application site. The proposed access therefore could not be supported as the introduction of a vehicle crossing at the location identified would have had impaired visibility due to parked cars, which would have been detrimental to road safety, both pedestrian and vehicle safety.
71. The current proposal is still for an access off Hall Lane but it has now been moved 2m to the west, further away from the parking bays. Highways colleagues have given this proposal serious consideration and have been on site to look at the existing situation and take measurements. In light of this they consider that an access point in the proposed revised location will not have any adverse impact on pedestrian and vehicle safety in the vicinity and that appropriate visibility, parking and turning space can be provided.
72. Concerns have been expressed about the impact of the proposal on traffic in the area, especially given the proximity to the junction with the A65. Whilst it is accepted that this is a busy road and junction it is not considered that one additional dwelling will have any significant or adverse impact on traffic flows in the area and appropriate visibility towards this junction (as well as in the other direction) will be provided from the proposed access.
73. In light of the above, it is considered that the proposal raises no road safety concerns and complies with policies GP5 and T24 of the UDP, with policies T2 and EN8 of the Core Strategy and with the guidance set out in the Parking and Street Design Guide Supplementary Planning Documents.

Climate Emergency

74. The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
75. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 148 and footnote 48 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
76. As part of the Council's Best Council Plan 2020 to 2025, 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.

77. Leeds Core Strategy policies EN1 and EN2 relate to reducing carbon dioxide emissions and sustainable design and construction. However, this is for schemes of 10 dwellings or more. As this application relates to the construction of a single dwelling these policies are not applicable. However, EN8 is relevant to all developments and requires the provision of electric vehicle charging points. The applicant has agreed to this and a condition is proposed to ensure it is carried out. As such the proposal is acceptable in respect of climate change considerations.

Representations

78. It is considered that the key matters raised in the submitted representations have been addressed in the above appraisal.
79. One issue that has not been directly discussed is that the site is too small for a dwelling and the associated parking etc. The site area measures 666m². The footprint of the dwelling is 90m² and the total floor area of the dwelling is 174m². Whilst it is a substantial property, as has been set out above, it significantly exceeds minimum space standards and its private garden area also significantly exceeds the minimum requirement for a dwelling of its size. It can also provide the required parking and manoeuvring areas with space still available for soft landscaping. As such it is not considered that the site is too small for the dwelling proposed.

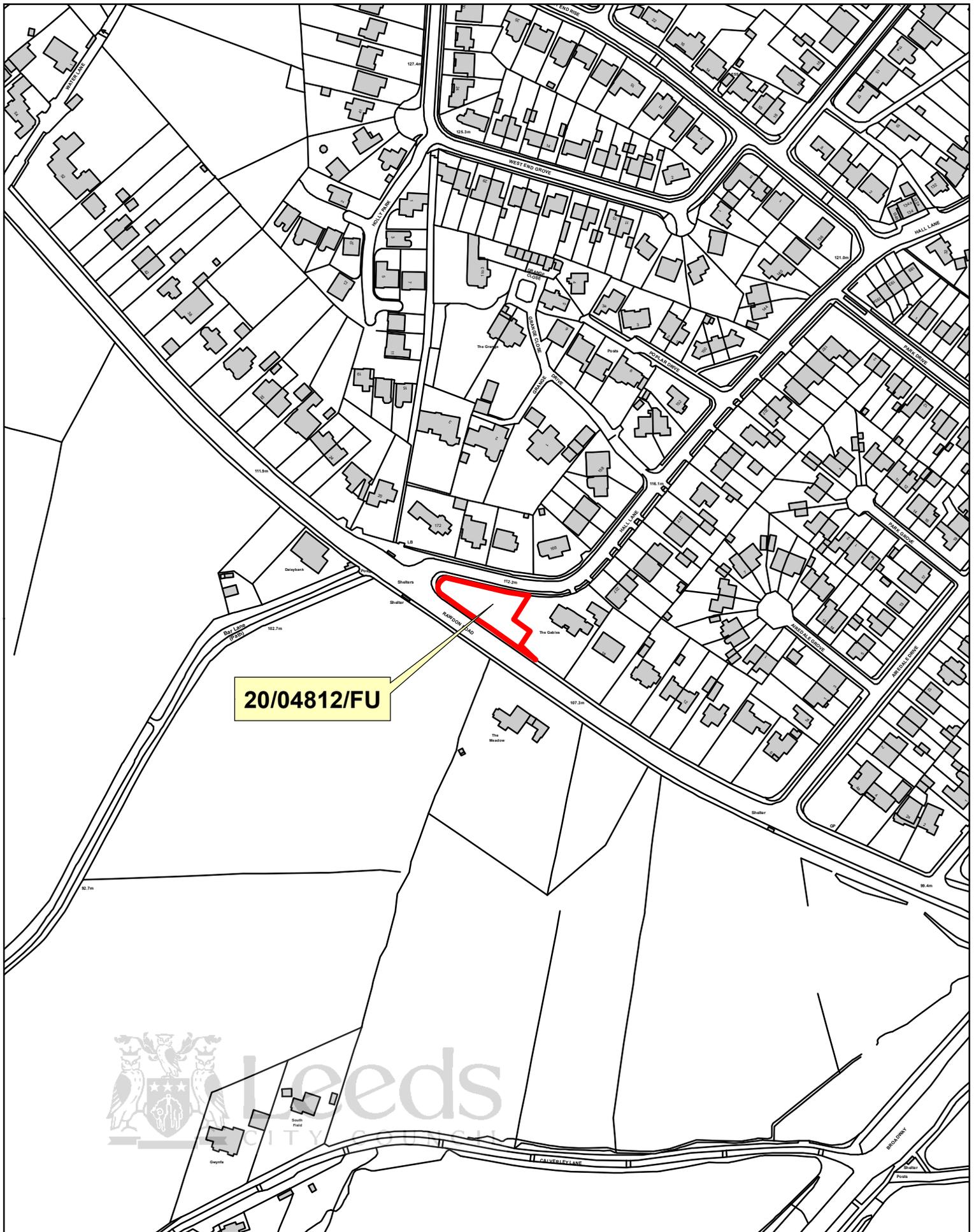
CONCLUSIONS:

80. The proposed development is considered to be visually appropriate to its residential setting and will provide a satisfactory living environment for future occupiers without adversely impacting on neighbouring living conditions. It will also not be detrimental to highway safety and will provide the required level of parking.
81. Overall, it is considered that the application complies with both local and national planning policies. Approval, subject to the conditions outlined at the beginning of this report, is therefore recommended.

Background Papers:

Application files.

Certificate of ownership: signed as applicant.



20/04812/FU

SOUTH AND WEST PLANS PANEL

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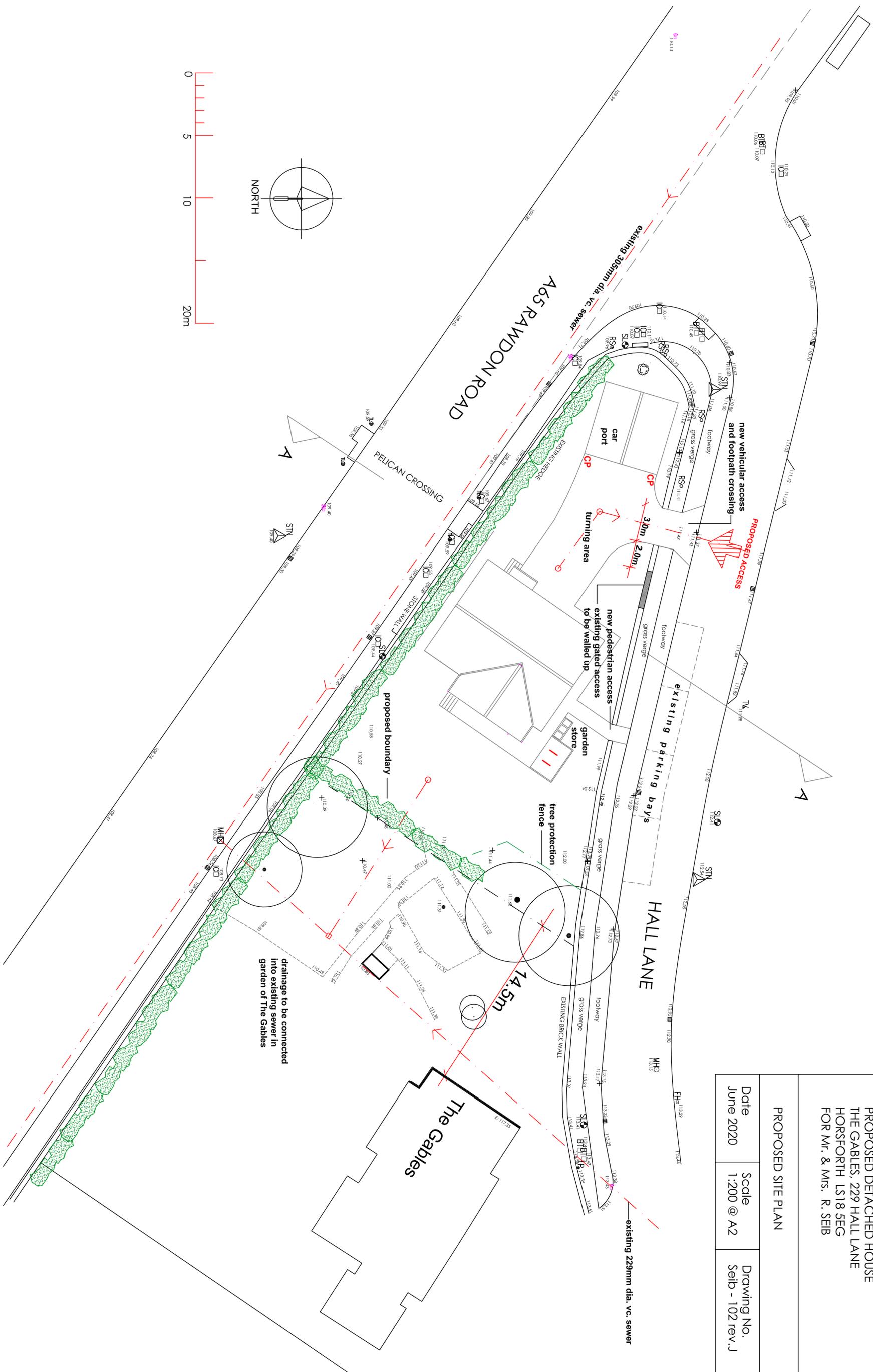
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all the existing trees are to be retained and are outside of the canopy and root protection extents.
 New drive crossing and highway changes to be in accordance with West Yorkshire Highways Department standards and specification.
 New drive to be formed using permeable paving

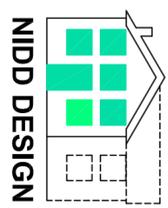
CP - garage to be fitted with 2no. electric vehicle charging points. EVCP to be 32Amp with type 2 Mennekes connections, mode 3 on a dedicated circuit
 secure cycle storage to be provided with Sheffield stands suitable to accommodate 4 cycles



PROPOSED DETACHED HOUSE
 THE GABLES, 229 HALL LANE
 HORSFORTH LS18 5EG
 FOR MR. & MRS. R. SEIB

PROPOSED SITE PLAN

Date	Scale	Drawing No.
June 2020	1:200 @ A2	Seib - 102 rev.J



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