



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 14<sup>th</sup> April 2022

**Subject: Full Application 21/09404/FU Erection of two storey extensions to side and rear of property, new entrance porch/canopy to front and new gate in boundary wall, at 5 Church Gardens, Drighlington, BD11 1NF**

**APPLICANT**  
Mr & Mrs Cooper

**DATE VALID**  
18<sup>th</sup> November 2021

**TARGET DATE**  
13<sup>th</sup> January 2022

**Electoral Wards Affected:**

Morley North

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: REFUSE PLANNING PERMISSION for the following reasons;**

**Reasons for refusal:**

- 1 The proposed side and rear extension is considered to significantly detract from the character of the host dwelling and wider streetscene by reason of its design, alien materials, siting and scale, given the prominent corner plot location. The proposal is therefore considered contrary to Leeds Core Strategy (as amended 2019) Policy P10, saved Leeds Unitary Development Plan Policies GP5 and BD6, Policy HDG1 within the Householder Design Guide SPD and the National Planning Policy Framework.
- 2 The proposed side and rear extension is considered to pose both significant short-term and long-term impacts on the adjacent trees, protected by a Tree Preservation Order, as a result of its proximity to the proposal and associated construction and future maintenance. As such, it is considered that the proposal is contrary to Policies P12 of the Core Strategy (as amended 2019), Policy LD1 of the Unitary Development Plan Review, Policy LAND2 of the Natural Resources and Waste Local Plan and the NPPF in these respects.

## **INTRODUCTION:**

- 3 The application has been brought to Plans Panel at the request of Councillor Andrew Hutchison who considers *“that the application meets with planning policy and design. The proposed design is considered to be appropriate development being a high-quality design which is subservient to the host dwelling and complimentary to the rest of Church Gardens and Back Lane. There have been no objections raised by any party and immediate neighbours have provided support and positive comments. The conservation officer has confirmed that there will be no adverse impact to the Grade (II) listed Church. The applicant has also commissioned an up to date tree survey in connection with the TPOs that are in place. This has now been received and there will be no impact.”*.
- 4 As the Ward Member has raised material planning considerations that give rise to concerns affecting more than neighbouring properties one of the exceptions, as set out in the Officer Delegation Scheme, is met and it is appropriate to report the application to Plans Panel for determination.
- 5 As will be outlined below it is considered that the proposal is contrary with the relevant policies and guidance and thus is recommended for refusal.

## **PROPOSAL:**

- 6 The application seeks permission for a two storey extensions to side and rear of property, new entrance porch/canopy to front and new gate in boundary wall to number 5 Church Gardens, Drighlington.
- 7 The two storey side and rear extension would wraparound the south western corner of the original property, projecting 2.55-3.6m. The extension would run a length of 7.45m along the rear elevation and 8.67m along the southern side elevation. The rear element of the proposed extension would project a further 2.2m from the existing two storey projecting gable element.
- 8 Internally the proposed side/rear extension will create a bar and additional dining/living with double height ceilings at ground floor level and a covered seating area externally. At first floor level the internal arrangement will be reconfigured to create an upstairs sitting room from a former bedroom and provide a covered balcony.
- 9 The proposed front porch would span 8.1m across the front elevation and project 1.3-1.9m, accommodating a ridge height 3.3-3.6m. The porch is designed with three timber columns with stone footings and a lean-to dark grey zinc roof.
- 10 Proposed materials are timber Oak frames with stone footings and dark grey zinc roofs. To the two storey side/rear extension dark grey aluminium framed floor to ceiling windows to all elevations are proposed. It is noted that all windows within the original property would be painted dark grey from the existing original cream to match the proposal.
- 11 The alterations to the existing rear boundary wall include the insertion of a new pedestrian access timber gate onto Back Lane, removal of timber fencing atop the existing wall and increase in overall stone wall height to 2.3m with stone capping.

## **SITE AND SURROUNDINGS:**

- 12 The application relates to a large stone built detached property in Drighlington. The application property is situated within a prominent corner plot at the junction of Back Lane and A58 (Whitehall Road) within the 6-unit gated infill housing development, Church Gardens (granted under 13/02914/OT).
- 13 The property comprises an L-shape form with a centralised two storey projecting gable element with horizontal brown cladding and apex windows to the rear elevation. This existing form is identical to the adjacent properties no.s 1, 4 and 6 albeit in different orientations, with the front elevations facing the private shared road, Church Gardens. The host property accommodates gable roof forms that are finished in slate roof tiles and benefits from a large plot that is bound to the side and rear by a low stone wall and deciduous soft landscaped border (Trees and hedging) adjacent to the highways. Boundary treatment between shared side boundaries is solid timber fencing.
- 14 The south western rear and south eastern side curtilage boundaries are protected by a Tree Preservation Order (2013/3 – G1), affording protection of 2 Sycamores, 1 Lime tree, 1 Birch tree and 1 Holly. The trunks of the Lime tree (T2) and a Cherry tree (T1) are sited within 12m of the original property and 6.5m of the proposal, as shown on the submitted Arboricultural Impact Assessment (ref: TCC-1511-1).
- 15 The surrounding area is residential in character, with the exception of the stone Listed Church adjacent to the site to the NW, with the properties in the immediate area along the western end of Back Lane, comprising significant scales and stone walling.
- 16 To the north west of the application site (approx. 39m) lies St Paul's Church, a Grade II listed stone building with associated graveyard opposite the site across Back Lane, approx. 5m.
- 17 Opposite the application site 25m to the south, the properties along the A58 are characterised by earlier detached and semi-detached properties of a similar character, design and scale, which are arranged in a regular street pattern.

## **RELEVANT PLANNING HISTORY:**

- 18 13/02914/OT – Demolition of two bungalows and outline application for 6 houses. Approved 29.04.2014.
- 19 15/02210/RM – Reserved matters application for 6 houses. Approved 31.07.2015.
- 20 15/06699/RM – Reserved matters application for 6 houses. Approved 05.02.2016.

## **HISTORY OF NEGOTIATIONS:**

- 21 The case officer notified the agent of significant visual amenity concerns relating to the proposed design, siting, proximity to a listed building and materials of the two storey side/rear extension, which would constitute as a refusal. The planning officer suggested that development solely along the south eastern side boundary

should be explored to reduce prominence and mitigate design concerns and tree constraints.

- 22 During the discussion relation to the application, the planning officer sent an email to the agent, upon their request, to reiterate the points made in the earlier phone call. The planning officer (PO) stated that the proposal could not be supported and that it was considered the extent of revisions were such that they would result in a materially different proposal. The offer of withdrawal was presented. It also stipulated that if the scheme was not withdrawn, a site notice and press advertisement was required given the proximity of the development to a Listed Building (St Paul's Church). The PO explained that this additional advertisement was not requested at validation stage, as the site does not fall within the Listed Building 25m buffer on GIS maps which validation officer's use and it is the planner's discretion to request further advertisement during the assessment. In addition, a consultation from LCC Conservation Team was also requested and comments were received 15.02.2022.
- 23 The case officer notified the agent that the trees present along the western rear and southern side boundaries were protected by a TPO, therefore given the proposed close proximity of the development and protected trees, a Tree Survey and Arboricultural Impact Assessment (AIA) in line with LCC guidance was required. The agent queried why the original tree survey submitted at validation stage was not acceptable. Officers confirmed that this information was 9 years out of date and therefore unacceptable to evidence current impact. The agent submitted an up-to-date AIA 18.03.2022 and the Council's Landscape Officer consulted and comments received 29.03.2022.

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

- 24 The application was advertised by one site notice and neighbours were notified of the receipt of the planning application by letters, the deadline for comments 02.02.2022. The application received 3 letters of support from adjacent neighbours, which are summarised below:
- Proposal fully in keeping with Church Gardens estate and Back Lane
  - High quality design and materials
  - Properties are varied in area
  - No impact on Church given heavy screening by trees in Summer months.
  - Proposal will enhance quality and security of Church Gardens
- 25 Ward Member comments can be summarised as:  
Cllr Andrew Hutchison requested the application be referred to Plans Panel (22.02.2022), following the submission of the applicant's up-to-date AIA. The planning reason being that they consider the application is policy compliant, due to high quality design, materials proposed, local support and mitigation of impacts on a LB and TPOs on site. This planning reason was considered valid and the application was taken to Chair's Brief 31st March. The proposal was considered to meet the criteria for Plans Panel consideration and will be determined by Elected Members at Plans Panel.

#### **CONSULTATION RESPONSES:**

- 26 LCC Conservation Team: The proposed development would not negatively impact the positive contribution made by setting to the heritage significance of the Grade II listed church. Therefore, no conservation objections.
- 27 LCC Trees: The submitted impact assessment is missing a lot of information and the Root Protection Area (RPA) displayed is not accurate. Even in the absence of the correct information there will be, in my opinion, a significant impact on this TPO tree both in direct terms on canopy and root system, but also indirect pressure on the tree for lopping and topping over time to the detriment of its amenity. The application is therefore not supported.

## **PLANNING POLICIES:**

### Relevant Legislation

- 28 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 (as amended 2019), Site Allocations Plan (2019), Natural Resources and Waste DPD (2015), Aire Valley Area Action Plan (2017), saved policies of the UDPR (2006) and any made Neighbourhood Plan.

### Development Plan

- 29 Relevant Policies from the Core Strategy are:  
Policy P10 Design  
Policy P12 Landscape  
Policy T2 Accessibility requirements and new development
- 30 Relevant Saved Policies from the UDP are:  
Policy GP5: General planning considerations.  
Policy BD6: Alterations and extensions  
Policy BD5: Seeks to ensure new development protects amenity.  
Policy N25: Boundaries of sites to be designed in a positive manner.  
Policy LD1: Landscape schemes
- 31 Relevant NRWDPD Policies are:  
GENERAL POLICY1 – Presumption in favour of sustainable development.  
Policy LAND2 – Development and Trees Development should conserve trees wherever possible and also introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm.

### Site Allocations Plan (SAP)

- 32 The SAP was adopted by full Council on 10th July 2019 and as such is now a material consideration with full weight.

### Supplementary Planning Documents

- 33 The following SPGs and SPDs are relevant:  
Householder Design Guide (2012)  
Neighbourhoods for Living (2003)

## Other Guidance

- 34 BS5837:2012 - Trees in Relation to Design, Demolition and Construction

## National Planning Policy

- 35 The revised National Planning Policy Framework (NPPF), published in 2021, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 36 Paragraphs 199 and 202 seek to establish the extent of the harm a proposal will have on a heritage asset and then weighing such harm against the public benefits of the proposal.
- 37 Planning (Listed Buildings and Conservation Areas) Act 1990  
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant listed building consent for any works the local planning 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.

## **MAIN ISSUES:**

- Impact upon Visual Amenity
- Impact upon TPOs
- Impact upon Residential Amenity
- Highway Safety
- Other matters

## **APPRAISAL**

### Impact upon Visual Amenity

- 38 Core Strategy policy P10 sets out that proposals should be of a size and scale appropriate to their context, saved UDP policy BD6 sets out that all alterations and extensions should respect the scale, form, detailing and materials of the original building, and HDG1 of the Householder Design Guide sets out that extensions should respect the scale and proportions of the main dwelling. Policy P11 furthers the need for high quality developments, especially when the proposal affects heritage assets. These policies reflect, and are supported by, guidance within the NPPF.
- 39 It is noted that the host property is sited on a prominent corner plot, adjacent to the junction of the A58 (Whitehall Road) and Back Lane, which ensures the southern side and western rear elevations are visible from the adjacent highways, especially in the winter months when the trees and hedging along the boundaries are not in leaf. The application property is situated on a slightly elevated position with the rear garden gently sloping towards the highway junction, increasing its prominence

from public vantage points. To the north west of the application site lies the Grade II listed building, St Paul's Church and graveyard.

- 40 The proposal involves the addition of a front porch, alterations to the existing rear wall and two storey side and rear extension.
- 41 The grounds of the listed church are situated only 8m west from the proposed two storey side and rear extension. Given the proposed scale, massing, incongruous design and siting, and the separation of the dwelling from the church by Back Lane, it is not considered that the proposal will have a detrimental impact upon the setting of the listed building.
- 42 The proposed highly contemporary two storey side and rear extension would wrap around the host's most prominent south western corner and be constructed in timber frames with significant glazed walling and dark grey zinc roofs. These proposed materials are a stark contrast to those of the original building. Due to the scale and massing of the side/ rear extension, collectively the siting, scale and appearance of the extension will appear alien and incongruous to the host property and within this specific stone dominated setting, which has taken inspiration from the character of the adjacent Listed stone Church and historic walls along Back Lane. It is further acknowledged that the significant glazing proposed to the extension walls are not considered to relate sympathetically to the original fenestration. In addition, the proposed introduction of the three additional gable roofs concentrated around the SW corner of the dwelling are also considered to create a cluttered arrangement of roof forms, which does not harmonise with the original property.
- 43 The extension would project a further 2.2m from the original two storey rear projecting gable. It is acknowledged that this original gable element is an important characteristic feature and design theme of the Church Gardens housing development, which is replicated on 4 out of the 6 properties (no.s 1, 4, 5 & 6) and therefore should be retained as such to maintain the ethos and distinctive character of the individual housing estate. Whereas it is considered that the proposed extension would significantly detract and compete with this existing feature and in turn the character of the host property, estate and wider streetscene, given its juxtaposing design, alien materials, unsympathetic siting and scale (greater projection).
- 44 With regards to the proposed front porch, the siting is away from Back Lane and fronts the private access road, Church Gardens. The porch is not visible within the context of the wider Listed building and its setting, and therefore, the proposal is acceptable on balance.
- 45 The proposed alterations to the existing rear wall include the insertion of a new pedestrian access timber gate onto Back Lane, removal of the existing timber fencing atop the stone wall and increase in overall height of the stone wall to 2.3m. Whilst the LPA are in support of these boundary treatment changes in principle, in terms of design and limited visual amenity impacts, it is acknowledged that the applicant has not applied for the works proposed to the wall height, which requires planning permission given the permitted development restrictions as a result of the siting adjacent to a highway. In the absence of any construction detail submitted regarding the proposed alterations to the rear wall, there also remains concerns regarding potential impacts on protected trees adjacent as a result of potential rebuilding of boundary treatments to facilitate the development construction.

- 46 The proposed side and rear extension is considered to significantly detract from the character of the dwelling and wider streetscene by reason of its design, alien materials, siting and scale, given the prominent corner plot location. The proposal is therefore considered contrary to Leeds Core Strategy policies P10, saved Leeds Unitary Development Plan policies GP5 and BD6, Policy HDG1 within the Householder Design Guide SPD and the National Planning Policy Framework.

#### Impact upon Trees

- 47 The Tree Preservation Order (TPO), Ref:2013/3 – G1, was granted 01.02.2013, one year before the site was granted outline permission, 13/02914/OT, for the demolition of the existing bungalows and erection of 6 dwellinghouses. The TPO affords protection of 2 Sycamores, 1 Lime tree, 1 Birch tree and 1 Holly situated along the south western rear and south eastern side boundaries adjacent to the highways, Back Lane and the A58. The reason for the TPO relates to the significant amenity value that these trees provide to the setting of the immediate area and Listed Church adjacent. It is further considered that their retention was intentional in view of providing significant soft screening of the 2013 housing development.
- 48 The early mature 17m tall Lime tree (T2 – which is protected by the TPO) and 4m Holly tree (T1) are located in closest proximity to the host dwelling and proposed development. The submitted Arboricultural Impact Assessment (ref: TCC-1511-1), shows the trunks of T2 and T1 are sited within 12m of the original property and 6.5m of the proposed side/rear extension. The canopy of T2 is shown to be touching the outermost corner of the proposed two storey side/rear extension and the canopy of T1 retains a separation distance of 1.8m. The RPA of T2 is shown to intersect proposed hardstanding and set 600mm away from the extension.
- 49 The LCC tree officer has provided consultation comments in response to the updated Tree Survey and Arbicultural Impact Assessment (ref: TCC-1511-1). They concluded that the submitted report is lightweight, missing necessary information and presents inaccurate root protection areas (RPA).
- 50 With regards to the root protection areas of the closest TPOs (T1 & T2) on site, the tree report is not considered to accurately show the existing RPAs. Given that the trees lie adjacent to an existing adopted highway and boundary wall, they would present a displaced root spread further into the applicant's garden to mitigate the impact of this hard landscaping. Therefore, in the absence of correct information it is assumed that the impact on the RPA as a result of the proposed development construction would be greater than suggested.
- 51 Concern is raised over the potential impacts as a result of construction access and the construction zone. The submitted AIA states that tree protection including fencing and ground cover will be implemented to create the proposed Construction Exclusion Zone (CEZ), however no specific detail is presented. With regards to the proposed site access no details have been given in the AIA. In the absence of sufficient information being provided, it is possible to assume that the site access for construction purposes could be taken from Back Lane, not Church Gardens, via the former vehicular site access to no. 2 Back Lane (the bungalow pre-2015 housing development), now a stone wall. This is noted as being directly adjacent to the TPOs (T1 & T2), posing an impact to the RPAs and canopies. The applicant intends to make alterations to the existing wall, including inserting a new gate access and create additional height, as shown on plan, which would accord with

rebuilding the wall post construction of the proposed side/rear extension. As for the construction zone, notwithstanding the unknown access arrangement, it is considered that the construction zone required would also be sited within the RPAs and canopies of trees T1 and T2, therefore would pose significant threat as a result of scaffolding, vehicles and other construction processes.

- 52 The tree officer highlights that the submitted report fails to provide details of any potential drainage and the proposed and existing site levels, which is a requirement of national guidance BS5837 - Trees in Planning. The proposed ground floor plan illustrates steps leading from the new patio around the side/rear extension into the garden, sited adjacent to the TPOs, which suggests a change in levels which could require a small retaining wall to be created. This poses significant impact on the RPA, as a result of potential excavation into the RPA or grading out of levels.
- 53 Long term impacts are anticipated as a result of the proposed two storey extension, as the extension will be conflicting with the canopy and RPA of T2 as it continues to grow, creating indirect impact. This includes potential structural integrity concerns with regards to the RPA and foundations and the need to cut back the canopy to preserve the integrity of the extension. It is further acknowledged that given the orientation of the proposed extension to the north of T2, the TPO would create significant overshadowing in the summer months in full tree cover, compromising the heavily glazed design of the side/rear extension. Therefore, it is considered that the competition for light, potential tree sap and leaf fall will put pressure on the TPO for further lopping back in the future, which would be to the detriment of the health and longevity of the tree. Also, to the amenity value of the tree in terms of its shape. An unsatisfactory situation of conflict would be set up if this development was allowed, given the proximity, which would create residential amenity concerns for current and future occupants.
- 54 As such for the reasons above, it is considered that the current and future integrity and health of the existing TPOs T1 and T2 would be impacted as a result of the construction and presence of the proposed two storey side and rear extension, given the close proximity of the development. Which conflicts with Core Strategy policy P12 which seeks to protect to ensure the character, quality and biodiversity of Leeds' townscapes and landscapes, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process. The proposal would also lead to conflicts with policy LD1 of the UDP, Policy LAND2 of the NRWLP and the NPPF in these respects.

#### Impact upon Residential Amenity

- 55 In this instance, given the context of the application site within a large plot and distances maintained to shared boundaries, it has been considered that there are no concerns to neighbouring properties residential amenity, over and above the existing situation in relation to overshadowing, overlooking and overdominance.

#### Highway Safety

- 56 The proposed development does not interfere with the existing parking arrangement on site, and is compliant with policy T2 of the Core Strategy, guidance contained within the Leeds Householders Design Guide, Leeds Street Design Guide and the NPPF.

Other Matters

- 57 All material planning considerations raised through representations have been covered within this report.

**CONCLUSION:**

- 58 For the reasons outlined in the above report and taking into account all other material considerations. Officers recommend that planning permission is refused for the proposal as it is contrary to a number of adopted development plan policies and policy within the National Planning Policy Framework.

**Background Papers:**

Application files

21/09404/FU

Certificate of ownership:

Certificate A signed by the agent



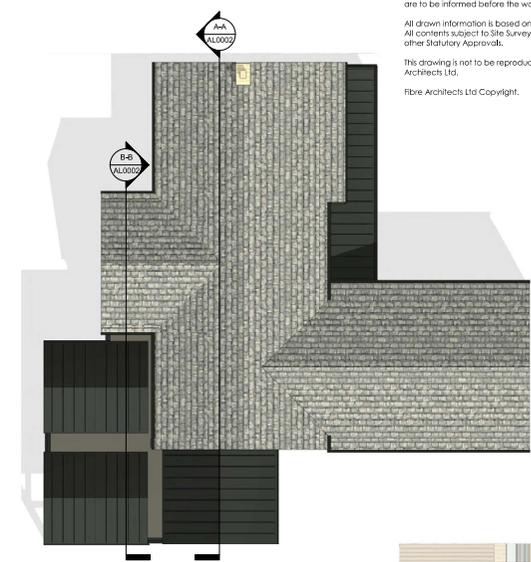
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Ground Floor Plan



First Floor Plan



Roof Plan



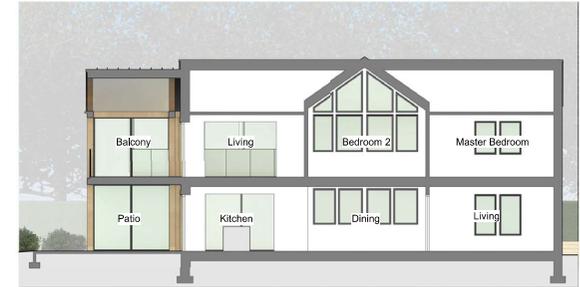
Street Boundary Wall Elevation



North East Elevation



South East Elevation



Section A-A



South West Elevation



North West Elevation



Section B-B

| No. | Revisions                       | Date  | By | App'd      |
|-----|---------------------------------|-------|----|------------|
| 1   | Revised Elevation               | 21/05 | DA | SL/11/2021 |
| 2   | Client Change Drawings B011 INF | 11/08 | DA | MD         |
| 3   | GH Formwork Approved            |       | DA | MD         |
| 4   | As Issued                       | 02/02 |    |            |

GA INFORMATION  
 AS PROPOSED

Scale 1:100 0 5m 10m

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