



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 14/01/10

Subject: APPLICATION 09/00541/OT – outline application to erect three detached houses at the rear of Bryn, Winton House and Towerhurst, The Avenue, Collingham, Wetherby, LS22 5BU

APPLICANT

Mr M Walker, Mr M
McPherson and Mr R Grange

DATE VALID

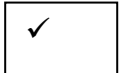
07/08/09

TARGET DATE

02/10/09

Electoral Wards Affected:

Harewood.



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the following reasons:

The application site comprises mature garden spaces that are prominent in the streetscene, provide a positive element in the landscape, are intrinsic to the character of the local area and consequently are of significant public value. The proposed development by reason of its scale, extent and layout results in the loss of these mature gardens and produces a form of development that is inappropriate in its context and that fails to take opportunities available for improving the character and quality of the area. Consequently the proposed development is contrary to policies GP5, N12, H4 and BD5 of the Unitary Development Plans Review (2006) and the guidance set out in Planning Policy Statement 1, 'Delivering Sustainable Development' and Planning Policy Statement 3, 'Housing'.

1 INTRODUCTION:

- 1.1 This application was deferred at the 10/12/09 Panel so that a site visit could be carried out at the request of Councillor Wilson and agreed by Panel. The application was originally referred to Plans Panel at the request of Ward Councillor

Rachel Procter due to concerns regarding the impact on both spatial character and residential amenity of the localities.

2 PROPOSAL:

- 2.1 The application is made in outline only seeking approval for the means of access, layout and the scale of three detached houses. The houses are sited behind and facing away from Bryn, Winton House and Towerhurst, which front onto The Avenue.
- 2.2 Plot one is sited so that it fronts onto Linton Road, whereas plots two and three both face onto the shared access drive. All vehicle access for the three houses is taken from this drive. The existing hedge along Linton Road is proposed to be kept although a new pedestrian access to plot one will be formed within it. Additional tree planting is proposed to the rear of the hedge to screen plots two and three. A postbox and road sign will be relocated as they interfere with the access point.
- 2.3 All three proposed houses are shown as two storey's high with rooms within the roof space. The overall height is shown as marginally below the height of houses on The Avenue and Wharfedale Terrace. Indicative appearance shows the proposed properties to have hipped roofs with gable features and rendered to match the host properties. Appearance is however a reserved matter.

3 SITE AND SURROUNDINGS:

- 3.1 The application site is made up of three back garden areas belonging to Towerhurst, Winton House and Bryn. These garden areas are long and wide, the curtilage of Bryn extends some 70m long by 19m wide. All three areas are currently laid out as garden space with fences, hedges and trees forming boundaries.
- 3.2 To the rear of these gardens there is a 4m wide access, which is grassed at the rear of Towerhurst but becoming more overgrown as you progress up it. This pedestrian route provides access to rear gardens and historically formed a route from the gardens up to the River Wharfe, or onto Linton Road. The access is currently blocked at the boundary of The Cottage which lies on the northern boundary of Bryn. Adjacent to the rear access is a further access road which serves properties on Wharfedale Terrace and The Bungalow. A rear parking area has been created behind the houses on Wharfedale Terrace which is used by residents of this terrace.
- 3.3 The Avenue is a development of large detached houses, dating from the 1920s. At that time there was very little development on Linton Road and The Avenue signalled new growth in the village brought about by new commuters using the station sited on the south side of Linton Road. The railway has gone now but the area has seen steady suburban growth since the Second World War. The two sides of The Avenue have similar sized detached properties, but in very different sized plots, the garden areas of those on the western side being much smaller than those on the eastern side. Adjacent to the west is the Lady Elizabeth Hastings primary school, whilst to the east of the site is a row of redbrick terraces fronting onto Linton Road (Wharfedale Terrace). A new (c. 2000) suburban estate of detached properties wraps around the side and rear of these terraces. To the south of Linton Road is again a modern suburban estate of detached properties, a mix of two-storey houses and bungalows. The boundary of the site with Linton Road consists of fencing with hedging to the rear. The boundary of the application site with Linton Road is marked by an attractive hedge and grass verge.

- 3.4 The site does not lie within the proposed Collingham Conservation Area; however it does lie close to the proposed area. There are no other policy designations affecting the site.

4 RELEVANT PLANNING HISTORY:

- 4.1 H31/195/89/ - three bedroom detached bungalow to garden site. Refused 31/07/89. The application was refused due to the proposed dwelling being too close to the highway and the rear boundary and lack of adequate garden space for both the proposed and existing property. The proposal was also considered to be intrusive in the street scene and detrimental to the spacious character of the locality. An appeal was lodged and dismissed on 26/01/90.
- 4.2 H31/144/88/ - outline to erect detached house to garden site. Refused 01/08/88. The proposal was refused as it would not provide sufficient parking, garaging or turning area, insufficient garden area and it was also considered to be intrusive to the street scene and detrimental to the spacious character of the locality.
- 4.3 Both of the above applications were for a site at the rear of Towerhurst. There are no other relevant applications; however two properties further north along The Avenue have lost part of the garden spaces to building of The Terns development. This is land to the rear of Birkby and Oakroyd, utilised in application reference 31/183/93/FU - laying out of access roads and erection of 54 dwellings. Approved 21/07/94.

5 HISTORY OF NEGOTIATIONS:

- 5.1 Initial concerns regarding the spacing and siting of the dwellings were raised with the agents and as a result the following changes to the scheme have been made.
- The garden area of plot three has been extended by 0.5m.
 - The boundary between plots one and two has been altered to give greater outlook distances for plot one.
 - The hedge is shown to be retained fully along the southern boundary of the site (although note landscaping is still a reserved matter).
 - Some large Juliet balcony shown at first floor level of plots two and three have been removed (although note the plans are indicative only in terms of appearance).
 - Additional tree planting to the boundary between Towerhurst and Plot 1 has been added along with a larger tree species at the corner of Plot 2. The existing gap in the hedge is also to be utilised for the pedestrian access from Plot 1, rather than creating a new opening.
 - Changes have been made to drive length and turning provision at Plot 2 following discussions with highway DC officers.

6 PUBLIC/LOCAL RESPONSE:

- 6.1 A site notice was not used to advertise this application due to a lack of available streetlamps in the area on which to place a notice. Neighbour Notification Letters were however sent out on the 10/08/09 to residents on The Avenue, Dewar Close, Wharfedale Terrace, Tern Park and The Bungalow. The deadline for comments was 02/09/09.

- 6.2 Collingham with Linton Parish Council - objects to the proposal on the grounds that it forms backland development which is out of character with the area. They also consider the development to be inappropriate in its context and to not integrate well with neighbouring buildings on to Dewar Close and The Avenue. The council further considers that it will impact on local access with regard to covenants regarding access to the River Wharfe and that the development is within the flood plain. *Issues of character, context and flooding are dealt with below. The issue of covenants is a civil matter, and is not a material planning consideration.*
- 6.3 31 objection letters were received raising the following concerns;
- Highway safety - the access is considered to be dangerous due to car parking on-street by school parents. *Highway issues are considered below.*
 - Overdevelopment of the site. *Issues of siting and layout considered below.*
 - Loss of view. *This is not a material planning consideration.*
 - Harm to character of the area. *This issue is considered below.*
 - Increase in traffic. *Highway issues are addressed below.*
 - Risk of precedent and prior refusals on the site. *See discussion of principle below.*
 - Flood risk - houses in the area have suffered from localised flooding. *Issues of flooding are dealt with below.*
 - Loss of privacy and overlooking. *Issues of amenity are addressed below.*
 - Covenants providing for access from the rear gardens to Linton Road and restrict development on site. *This is a civil matter concerning the land owners of the site and is not a material planning consideration.*
 - Trees have already been removed from site. *There are no protected trees within or adjacent to the site and the site is not in a Conservation Area, residents are therefore at liberty to remove trees in their rear garden areas.*
 - Gardens are an important open area. *See discussion of character below.*
 - Noise of construction. *Strictly not a planning matter, however, given the sensitive location of the site a condition controlling the hours of construction works could be considered.*
 - Properties will have an overbearing effect. *See discussion on siting and amenity below.*
 - Garages will be converted to habitable rooms, thus increasing pressure on parking. *This can be controlled through a condition to ensure garages remain as such.*
 - Lack of detail about materials. *The application is made in outline only, indicative plans suggest that the properties will be rendered to match those on The Avenue. Condition requiring approval of materials would be applied anyway.*
 - Loss of amenity to properties on Dewar Close. *See discussion of amenity below.*
- 6.4 Neighbours were notified following some small alterations to the plans on 12/10/09. 19 further letters of objection were received, which largely re-iterated all previous concerns.
- 6.5 Neighbours were further notified of some additional amendments on 30/10/09. Similar objections were received.

7 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Highways - officers raise no objection in principle to the formation of a vehicular access on the line of the existing pedestrian access subject to conditions.

Non-statutory:

- 7.2 Comments from internal consultees are dealt with in the appraisal below.

8 PLANNING POLICIES:

Development Plan

- 8.1 The Regional Spatial Strategy (RSS) has no specific relevant policy to this site. However, the main objective of the plan is to achieve sustainable growth which includes locating housing development in main urban areas, particularly the principal, sub-regional and regional towns and cities (YH4, YH5 and YH7) and on previously developed land first. Policy YH8 requires LPA's to identify, protect and enhance green infrastructure, and ENV8D requires retention and incorporation of biodiversity into development and encourages networks of green infrastructure.
- 8.2 The adopted Unitary Development Plan Review (UDPR) includes the following relevant policies;
- GP5 - general planning considerations.
 - N12 – urban design principles – including spaces between buildings, respect for character, provision of lifetime homes.
 - N13 – building design should be of high quality and have regard to the character and appearance of their surroundings.
 - N39A – sustainable development.
 - N51 – new development should enhance existing wildlife habitats.
 - H4 - housing on unallocated sites should be in the main urban areas and on previously developed land first and shall comply with all other relevant policies.
 - T2 - and highway and access issues to be addressed.
 - T24 - car parking guidelines.
 - BD5 - issues of amenity.
 - LD1 – landscaping.

Relevant supplementary guidance

- SPG13 - Neighbourhoods for Living - this provides general advice on housing design, including provision of amenity, protection from overlooking, parking layout etc.
- Street Design Guide – gives guidance on street design, layout and parking provision.

Government Planning Policy Guidance/Statements

- PPS1 - Planning and Sustainable Development (2005) - advocates good design that contributes to the area and provides for sustainable development.

- PPS – Planning and Climate Change, supplement to PPS1 (December 2007) – new development should deliver a high quality local environment.
- PPS3 – Housing (2006) -provides advice on location of housing and also has an emphasis on good design.
- PPG17 – Planning for Open Space, Sport and Recreation (May 2006) – domestic gardens can play a role in providing amenity greenspace that may be of public value.

9 MAIN ISSUES

1. Principle of development.
2. Impact on spatial character of the area.
3. Impact on residential amenity.
4. Impact on highway safety.
5. Other issues, including flood risk.

10. APPRAISAL

Principle of Development

- 10.1 The application site is not located within a Principal Town (as identified in the RSS) therefore meet the requirements of RSS policy or UDPR policy H4.
- 10.2 The site, as garden area, is classed as a brownfield site which does fit with the sequential approach adopted by PPS3 that seeks the re-use of developed land to comply with sustainable development principles.
- 10.3. However, PPS3 : Housing stresses the importance of good design which contributes to the creation of sustainable mixed communities. It states, in line with policy contained in PPS1 : Delivering Sustainable Development that good design should contribute positively to making places better for people and at paragraph 13 states that:
- “Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.”
- This sentiment is also expressed in identical terms in PPS1 at paragraph 34.
- 10.4. It is considered that the proposal is inappropriate in this location in that it does not improve the character and quality of the area within which it is located and is therefore unacceptable in terms of PPS1 and PPS3

Impact on Spatial Character

- 10.5 This area of Collingham has a green and open character appropriate to the rural setting of the area. This is especially apparent on Linton Road with the visual openness provided by the rear gardens of houses on The Avenue, due to the fact that the road forms the side boundary of the gardens. This gives a distinct visual break in built development to either side and provides a highly attractive visual amenity of benefit to all who travel along Linton Road. This openness is further enhanced by the fact that on the southern side of Linton Road the boundary here is formed by rear gardens with boundary fences overhung with hedging. The openness arising from the long rear gardens gives the area an air of spaciousness which forms an important part of the character of this area. The garden areas contribute to this character by being in effect public open space within the private

realm providing long vistas of open land via glimpses between buildings and over boundaries.

- 10.6 The character of the eastern side of The Avenue is one of spacious villas set in large garden plots, with hedging and mature trees very much in evidence. The openness is enhanced as you travel up The Avenue, with views between the houses to the rear gardens beyond. These large rear gardens stretch all the way up The Avenue to open land on the banks of the River Wharfe. These gardens therefore help to bring this area of countryside down into the heart of the village and provide an important habitat corridor and element of the local green infrastructure. Due to the age of the properties these gardens are all mature and well developed and provide a spaciousness and openness that is not apparent in more modern developments within the village.
- 10.7. It is considered therefore, that to introduce built development into this openness would result in a discordant element in the streetscene and would interrupt the visual openness that provides so much to the character of this locality. Furthermore, the ability of the gardens to operate as part of the local green infrastructure and to provide this visual amenity for all will be much reduced. The proposal is therefore considered harmful to the character and appearance of the area contrary to policies GP5, H4, N12, BD5 and to guidance in PPS1 and PPS3.

Impact on Residential Amenity

- 10.8 The proposal provides the recommended amount of garden space for the new properties in line with Neighbourhoods for Living. The remaining garden areas for the host plots are also in line with guidance. Suitable outlook distances between the two sets of buildings are provided, for example plot one provides 2.5m to the shared boundary with Towerhurst and a distance of 9.5m to the garage of Towerhurst. Plots two and three have distances of 30 plus metres to the rear elevations of the host properties. The proposal is therefore not considered to result in harm to the amenity of the host or the proposed properties, due to overlooking, dominance, overshadowing or a lack of amenity space.
- 10.9 Concerns have arisen regarding overlooking and loss of privacy to properties to the east on Wharfedale Terrace and south on Dewar Close. Plot two looks onto the gable end of number one Wharfedale Terrace, which has windows at ground, first and attic level. The separation between the two buildings is 16m and plot two achieves 11m to the site boundary. This is more than adequate in terms of recommended distances from living room or bedroom windows to a boundary. Plot three faces the rear garden areas and parking areas of Wharfedale Terrace, again a suitable distance of 16m separation is provided.
- 10.10 The eastern boundary of the site is formed by a high hedge and trees which will be retained and enhanced giving an effective privacy barrier. Large Juliet windows, at first floor level have been removed from plots two and three and the second floor windows are velux windows in the roof. Although the elevational details are indicative only they do show that privacy can be protected adequately at the reserved matters stage. With regard to Dewar Close plot one is some 15m from the rear boundary, which is again considered sufficient for the protection of privacy, although again this can be controlled at the reserved matters stage.
- 10.11 The proposal is therefore considered to comply with H4, GP5 and BD5 in terms of amenity in relation to privacy distances between adjoining properties. However, in terms of the wider amenity of the neighbourhood it is considered that there will be a detrimental impact on residential amenity by virtue of the closing down of the current air of spaciousness that residents enjoy.

- 10.12 Government advice, as set out in PPG17 : Planning for open space, sport and recreation, is that green spaces perform vital functions as areas for nature conservation and biodiversity and by acting as 'green lungs' can assist in meeting objectives to improve air quality. In defining 'open spaces' PPG17 includes green spaces in and around housing and domestic gardens and village greens. The building over of these gardens areas as proposed in the current proposals is therefore at variance with government advice as to the importance of retaining such area as wild life corridors and green lungs.

Issues of Highway safety and Amenity

- 10.13. The proposed access point utilises the existing 4m wide pedestrian access. This is considered to be sufficient for the number of properties requiring access from it and the formation of a new dropped kerb vehicle crossing here is not considered to result in any issues of highway or pedestrian safety.
- 10.14. Each property provides a double garage and two parking spaces within the plot curtilage so there is adequate parking provision for both residents and visitors within the site. The retention of the garages as parking provision can be ensured through a condition which will ensure control of parking provision within the site.
- 10.15. A number of objections have been raised regarding the safety of the proposed access point given the extent of on street parking that occurs along Linton Road. This on street parking is a result of "school run" parking for the nearby primary school. The issues that arise as a result of this parking are for residents and the relevant highway services to address and should not preclude development, which Highways consider to provide a safe access.
- 10.16. The proposal has been assessed against policies T2 and T24 and guidance in the Street Design Guide and has been found to comply with relevant policies.

Other Issues

- 10.17 Some objections relate to flooding as properties in the local area have experienced such flooding in recent years. The site does not lie within the Strategic Flood Risk Zone or within the Environment Agency Flood Risk Zones so is therefore not considered to be particularly at risk. Comments from the Mains Drainage section have not raised any concerns regarding the proposal. It is undoubted, however that by allowing development additional surface water run-off would be greatly increased. The gardens currently act as part of a natural Sustainable Urban Drainage system and this would be interrupted. In light of known local concerns about recent flood events, it is considered important to ensure that the development does not result in an unacceptable increase in levels of surface water run-off that would impact on neighbouring properties. For this reason it is recommended that if approval is granted then conditions regarding surface water drainage should be applied and that all surfacing materials are porous to ensure natural drainage can occur.

11 CONCLUSION

- 11.1 The application is made in outline and seeks approval of the layout, the access and the scale of development. The layout is considered to result in detriment to the spatial character and visual amenity of this locality and the harm that arises from this is considered to outweigh all other matters. Members are therefore recommended to refuse planning permission on these grounds.

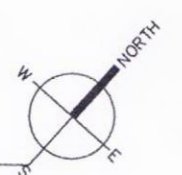
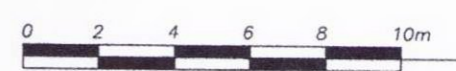
Background Papers:

Application file. 09/00541/OT

Certificate of Ownership – signed as applicants.



09/00541



SITE AREA: 0.1702 Hectare

- KEY
- 01: NEW VEHICULAR ACCESS WITH DROPPED KERBS
 - 02: COMMUNAL BIN AREA FOR WEEKLY COLLECTION
 - 03: PRIVATE SHARED ACCESS DRIVE
 - 04: BIN STORE FOR DWELLING

NEW TREES SHOWN WITH CROSS IN MIDDLE. SUGGESTED SPECIES NOTED ON PLAN

THE AVENUE

LINTON ROAD

- REV J (27 NOV 09/ MB) FURTHER LANDSCAPE SCREENING ADDED. ACCESS TO PLOT 1 MOVED TO EXISTING BREAK IN HEDGE
- REV H (30 OCT 09/ MB) RED LINE AMENDED. ADJ. ACCESS. SPAYED DROPPED KERBS SHOWN. PLOT 2 DRIVE INCREASED IN LENGTH TO 5.6m. GROUND FLOOR GLAZED LEAN-TO ADDED TO PLOT 2 DINING AREA. ROOF LIGHTS ADDED OVER LIVING SPACES
- REV G (15 OCT 09/ MB) GARDEN AMENDED TO PLOT 1. PLOT 3 BOUNDARY INCREASED TO GIVE 10.5m FROM DINING ROOM. PLOT 1 MOVED AWAY FROM SIDE BOUNDARY. LAND USE BEHIND 1 WHARFEDALE TERRACE NOTED
- REV F (28 SEP 09/ MB) FOOTPRINTS REDUCED (GARAGES REDUCED IN WIDTH). PLOT 1 SIDE WALLS MOVED IN BY 300mm EACH SIDE. PLOT 3 MOVED TO EAST AND REAR WALL MOVED IN BY 300mm. GAPS BETWEEN PLOT 2 AND 3 INCREASED TO 3500mm. GAP BETWEEN GARAGES OF PLOT 2 AND PLOT 1 GARAGE INCREASED TO 3500mm. INCREASED AREA OF GRASS/ GARDEN ADDED. EXISTING HEDGE TO LINTON ROAD SHOWN AS RETAINED. EXISTING GATE POSTS SHOWN AS RETAINED
- REV E (21 SEP 09/ MB) COMMENTS FROM PLANNERS. DROPPED KERB ACCESS. 10m LONG DRIVE AT 4.8m WIDE. NOTE RE SIGN AND POST BOX MOVING ADDED. 10m TURNING HEAD AMENDED. GARAGES SHOWN DEEPER (6m)
- REV D (18 SEP 09/ MB) THICK LINE ADDED TO SHOW BUILT FORM ABOVE SINGLE STOREY
- REV C (05 FEB 09/ MB) EXISTING CYPRESS SHOWN RETAINED. PROPOSED TREE NAMES ADDED
- REV B (16 JAN 09/ MB) MINOR AMENDS TO ROOFS CAPES
- REV A (08 JAN 09/ MB) PLOTS 2 AND 3 MOVED. PLOT DIVISIONS ADJUSTED TO SUIT EXISTING FENCE LINES. PLOT 3 GARDEN REDUCED IN SIZE. ACCESS ROAD CURVE SHALLOWED. WINTON HOUSE LAND TAKE ADDED. SITE AREA REDUCED. EXISTING HAWTHORN SHOWN AS RETAINED

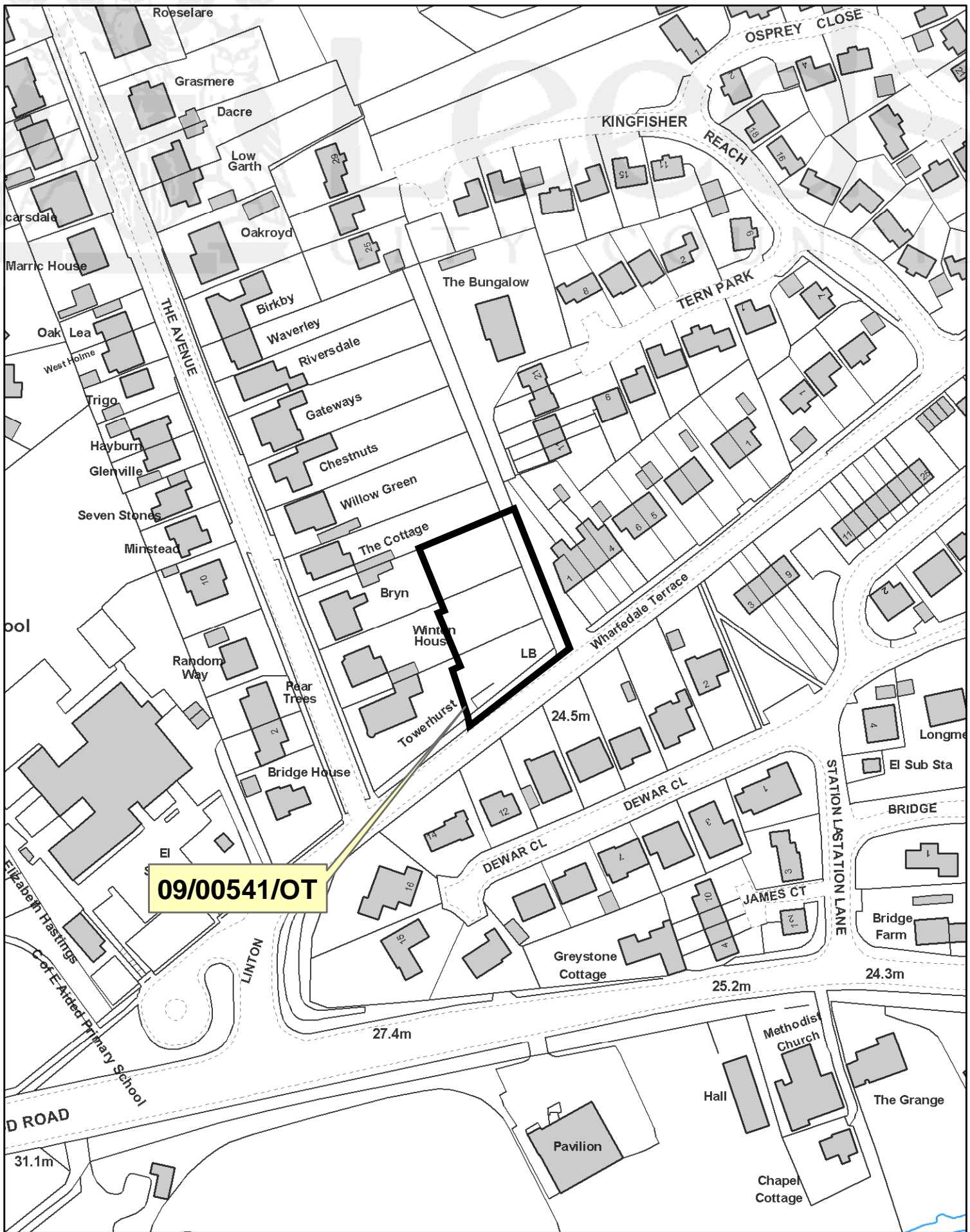
WILDBLOOD MACDONALD

Chartered Architects
Parkhill Studio, Parkhill, Walton Road,
Wetherby LS22 5DZ
T 01937 585 226
F 01937 580 329
mail@wildblood-macdonald.com
www.wildblood-macdonald.com

LEEDS CITY COUNCIL
Please refer to Decision Notice
- 1 DEC 2009
REVISED

PROPOSED DEVELOPMENT AT LINTON ROAD,
COLLINGHAM, LEEDS
PROPOSED SITE LAYOUT

Scale	1:200@A2	Date	27.11.08	Drawn by	MB
Job no.	1955	Drawing no.	1955(SK)005	Revision no.	J



EAST PLANS PANEL I

Scale 1/1500

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL

This map is based upon the Ordnance Survey's Digital data with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
(c) Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
(c) Crown Copyright. All rights reserved. Leeds City Council O.S. Licence No. - 100019567 2008

