



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 11th March 2010

Subject: APPLICATIONS: 09/05215/FU – Erection of 3 Detached Houses To Site of Existing House, 09/5216/CA – Conservation Area Application to Demolish House, 2 North Lane, Oulton

APPLICANT	DATE VALID	TARGET DATE
Mr S. Leonard	7.12.2009	14.02.2010

Electoral Wards Affected:
Rothwell

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time Limit
2. In accordance with the approved plans
3. Materials to match those existing
4. Sample panel of brickwork
5. Sample panel of stonework
6. Details of boundary treatment to plot 2
7. Details of boundary treatment to plot 1
8. Submit details of soft landscaping
9. Implement the improved landscaping scheme
10. Replacement of any removed planting
11. Closing off redundant access
12. Maximum gradient of the access
13. Details of surface water discharge
14. Investigate infiltration methods
- 15-17 Details of drainage submission
- 18-19 Any unexpected contamination to be dealt with.

Reasons for Approval: The application is considered to comply with policies GP5, H4, T2, T24, N13, N18A, N19, N20, N25, N49, BD5 and LD1 of the UDP Review, as well as guidance contained within Neighbourhoods for Living and, having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION:

- 1.1 The application is the re-submission of earlier refused scheme for re-development of residential site for three dwellings in Oulton Conservation Area. The previous refusal was heard at appeal and subsequently dismissed.
- 1.2 Councillor Smith is concerned about the impact of this development. The site is in a prominent position and is considered inappropriate development in the conservation area. In view of this and the previous planning history Councillor Smith requests that the plans are referred to the member panel for consideration.

2.0 PROPOSAL:

- 2.1 09/05215/FU - 3 detached properties and associated garage accommodation. Plot 1, facing North Lane, is proposed to be a two storey dwelling, to be constructed in brick with a clay roof tile. Vehicular access would be located off North Lane. Plots 2 and 3 would be constructed in natural stone and slate, and would be two storey. Vehicular access to be taken from a separate point along North Lane.
- 2.2 09/05216/CA - Demolition of existing detached brick/render property and garage.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site consists of an existing detached brick/render property and garage. The property is set at an angle similar to no1 North Lane opposite, and is a two storey dwelling. The house is set back into the plot which accommodates a willow and other trees to the frontage.
- 3.2 The site lies on the boundary of, but within the Oulton Conservation Area. The area is predominantly residential with some offices evident further east of the site and a bakery to the west.
- 3.3 The character of the area can be generally defined as stone and slate property along Calverley Road - immediately around the site being of cottage style property set in terraces and blocks and further away as detached property. The dwellings are mainly two storey, with a variety of garden sizes. The larger dwellings tend to be set in landscaped spacious plots, although the cottages are often set closer to the back edge of the highway, again with varying garden sizes. North Lane itself is of a later era, mainly detached and semi-detached two storey dwellings generally where it integrates into the outskirts of the Conservation Area.
- 3.4 The Inspector who considered the previous appeal stated that the mature trees and gardens give Oulton an open, rural feel, even when buildings are set close to the road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 08/05302/FU - 3 detached dwelling houses to site of existing dwelling Withdrawn – 23.12.08

4.2 09/00546/FU – application for demolition of the house and erection of three dwellings – refused on the grounds of loss of dwelling, harm to conservation area, over development of the site, prominence of plot 1, loss of willow tree and poor design of houses. This appeal was dismissed, the details of which are set out in Section 10 below.

4.3 09/01011/CA – refused on the grounds of harm to character and appearance of CA. This appeal was also dismissed.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The previous planning application (09/00546/FU) was refused on the grounds of loss of dwelling, harm to conservation area, over development of the site, prominence of plot 1, loss of willow tree and poor design of houses.

5.2 A revised scheme was subject to pre-application negotiation, following publication of the Inspector's decision letter. Amendments which have been negotiated are set out in Section 10 below, and primarily involve setting plot 1 further into the site, a reduction in the volume of Plots 2 and 3, in particular a reduction from three storeys to two storeys and resultant reduction in height. Window proportions and addition of chimneys and plain verges to the gables have all been introduced. Some amendments to improve the widths of the drive and turning head address Highways' concerns.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by site notice on 11 December 2009. The following representations have been received: -
- Letters of objection from 3 local households, Oulton in Bloom and the Oulton Society

The following points have been raised:

The houses would be very prominent and dominant on the corner.

Similar size houses tend to be set back with mature planting to the front.

The number, size, layout and mass of the houses adversely impact on the conservation area.

The development would dominate the local scene and would spoil the view of the Methodist Chapel.

Unacceptable garden grabbing.

Already trees have been chopped down, and further trees would unacceptably be lost.

Oulton Society would prefer smaller houses set further back into the site.

The houses are not cottages and are inappropriately proportioned.

The proposal would be contrary to the draft Oulton Conservation Area Appraisal for the aforementioned reasons.

Lack of visitor parking would compromise road safety.

The development impacts on a private right of way to the rear of the site.

7.0 CONSULTATIONS RESPONSES:

7.1 None.

8.0 PLANNING POLICIES:

8.1 The site is located within the Oulton Conservation Area as identified within the Unitary Development Plan; the following policy advice applies:

Unitary Development Plan (UDP)

GP5: Detailed Planning Considerations: seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N13: Design and New Buildings: requires development to be of high quality and having regard to character/appearance of their surroundings.

N18A: Conservation Areas and Demolition: outlines that there will be a presumption against demolition of a building/parts of a building which makes a positive contribution to the character/appearance of a Conservation Area

N19: Conservation Areas: insists that development within or adjacent to Conservation Areas should preserve their character and appearance.

N20: Conservation Areas and Retention of Features: demolition or removal of features that contribute to character of Conservation Area will be resisted

N25: Development and Site Boundaries: outlines that boundaries should be designed in a positive manner in regard to local character

N49: Nature Conservation: development proposals must not threaten significant net depletion/impoverishment of district's wildlife/habitat resources. Its design should minimise any potential adverse impact.

H4: Residential Development (sites not identified for such purposes in the UDP): development of such sites shall be in a sustainable location, within the capacity of infrastructure and complies with all other UDP policies.

T2: Transport Provision for Development: states that development proposals should not create new, or exacerbate existing, highway problems.

T24: Parking Provision for New Development: outlines guidance on the level of parking considered appropriate for development proposals.

BD5: Amenity and New Buildings: outlines that development proposals should be designed with consideration given to their own and neighbouring amenity considerations.

LD1: Landscaping Schemes: details considerations required for any landscape scheme including existing and proposed soft (and hard) landscaping

8.2 Guidance

Supplementary Planning Guidance Note 13 – Residential Design Guide – ‘Neighbourhoods for Living’ (2003)

Supplementary Planning Document – Street Design Guide (SDG) (2009)

Draft Oulton Conservation Area Appraisal. This has been out to consultation, and is likely to be adopted in April 2010.

8.3 National Planning Policy

Planning Policy Statement 1 ‘Delivering Sustainable Development’ (2005)

Planning Policy Statement 3 ‘Housing’ (2006)

Planning Policy Guidance Note 15 – Planning and the Historic Environment (1995)

9.0 MAIN ISSUES

1. Principle of Demolition
2. Character and appearance of proposals in context of Conservation Area (including design and visual amenity considerations)
3. Residential amenity considerations
4. Size of gardens
5. Removal of trees
6. Highway Safety
7. Nature conservation
8. Other Issues

10.0 APPRAISAL

Principle of demolition

- 10.1 The existing dwelling considered to be quite plain and inoffensive within the Conservation Area (CA), but is not considered so special to warrant its retention, when assessed against guidance issued within PPG15. The contribution to the Conservation Area (as a whole when consideration is made of preserving its special character) is not considered so important to warrant the dwelling's retention. The appeal Inspector stated that the house does not make a positive contribution to the conservation area, and the appeal was only dismissed on the grounds that there was no approved scheme for the redevelopment of the site.

Character and appearance of proposals in context of Conservation Area

- 10.2 (i) Plot 1. The appeal Inspector stated that plot one would be located prominently in the street, and would be incongruous in terms of its scale and height including the bulk of the roof emphasised by the row of roof lights. The Inspector considered that its impact would not be ameliorated by being at a slightly lower level than adjoining properties.

In the current scheme, Plot 1 has been resited so that is in line with the majority of the houses on the east side of North Lane. Previously, the house was between 4 and 5m setback, and this has been increased to between 6 and 6.6m.

- 10.3 Crucially however there are significant differences and improvements to the design, height and massing. The overall height has been reduced from 8.2m to 7.8m and the roof slope has been reduced from 35 degrees to 30 degrees and the roof lights which contributed to the dominance of the roof have been deleted. As such, the house has become a genuine two storey house, rather than two storey with rooms in the roof space. Plot 1 would be constructed in brick, which is a feature of the houses along North Lane, and as the house faces North Lane, it is considered that stone (which is the main material used in the conservation area) would not be appropriate for this plot. The dwelling therefore would be compatible with the adjoining houses along North Lane and would be keeping with that particular part of the Conservation Area.

- 10.4 (ii) Plots 2 and 3

The appeal Inspector noted that other dwellings along Calverley Road are similarly positioned and in some cases abut the footway. The Inspector noted that these dwellings are more cottage style rather than the substantial houses proposed (and refused). It was considered that the larger houses tend to be set back in more substantial grounds.

- 10.5 The revised application addresses these concerns in the following respect. The house has been reduced in length from 13.5m to 10.8m and the height has been reduced from 8.2m to 7m. Of particular significance is the loss of the accommodation within the roof (and the loss of the roof lights) and the roof slope being reduced from 35 degrees to 22 degrees, which means that the roof will be totally subservient within the street scene, rather than dominating as previously submitted. This will be in keeping with the cottage style developments in the area, see below.
- 10.6 In addition the window proportions have been amended to provide windows with a more vertical emphasis than the 'horizontal' emphasis of the previous. Plain verges have been added and chimneys introduced, which are more in keeping with the area. There is a mix of window styles in area, although timber windows are supported by UDP policy and PPG15 advice.
- 10.7 The revised proposal, therefore is considered to be in keeping with the street scene and the character and appearance of the conservation area.
- 10.8 It is noted from a 'design' standpoint that if the dwellings were built in stone, as their style was very simple, they would be in keeping with the conservation area, and Officers consider that as the current houses are in natural stone, and are simplified over the previous scheme, that from a design standpoint, the scheme is considered acceptable.

Residential amenity considerations

- 10.9 The house is set in 3m from the side boundary to the nearest house, which has some secondary aspect windows in this elevation. The principal windows to the adjoining house are in its front and rear elevations. A distance of 9m is achieved to the side property which is considered an acceptable distance in terms of dominance of the side of that property. No windows are proposed in the side of Plot 1 therefore no overlooking. Plots 2 and 3 are set away from the side boundaries, and windows overlook Calverley Road and their gardens to the rear. 1 Chapel Yard would not be dominated or overlooked.

This issue was supported on appeal by the Inspector, who concluded that the living conditions at No.4 (adjoining house) would not be harmed. The resiting of the house further into the site (see above) would not materially alter the circumstances, and Plot 1 would not intrude into the rear aspect of No.4.

The flank wall Plot 1 is only 10m from the rear of Plot 2, however the windows are secondary (the principal windows overlook Calverley Road), and only 9m is required in Neighbourhoods For Living SPG).

Size of gardens

- 10.10 Plot 1's garden is compliant with guidance on garden sizes contained in Neighbourhoods For Living. The gardens proposed to Plots 2 and 3 are closer to 50% than the two-thirds recommended. The appeal Inspector stated that as the dwellings are suitable for families it is important that there is sufficient useable outdoor space. However, the Inspector stated that the deficiencies in garden space would not be so significant as to harm the living conditions of future occupiers. The current proposal is very similar to the previous proposal for garden sizes, although the reduction of the second floor accommodation in plots 2 and 3 has improved the floorspace to garden ratio.

Removal of trees

10.11 On the previous application the Local Planning Authority raised concerns that there was inadequate space for new planting, and local residents and The Oulton Society raised concerns at the loss of the dominant willow tree in the front garden. The appeal Inspector however stated that the stone wall would be retained and there would be scope for modest shrub planting to the frontage. Although noting that the site is open and attractive the Inspector did not consider this to be an essential feature which is to be retained. Furthermore, the Inspector considered a satisfactory landscaping condition could deal with such matters.

Highway Safety

10.12 The proposal is considered satisfactory. Revised plans have been submitted which improve the width of the driveway serving plots 2 and 3 and improve the turning facility without impinging materially on the garden sizes. No highway safety concerns are raised. Garages and open spaces in front are proposed, and this complies with current highways guidance.

Nature conservation

10.13 Previous bat report states very low likelihood of presence of bats, and this is accepted by Council's nature Conservation Officer.

Other Issues

10.14 Representations have raised the issue of a private right of way. However, this is a private matter, and not a material consideration which can be taken into account in assessing the planning application.

11.0 CONCLUSION

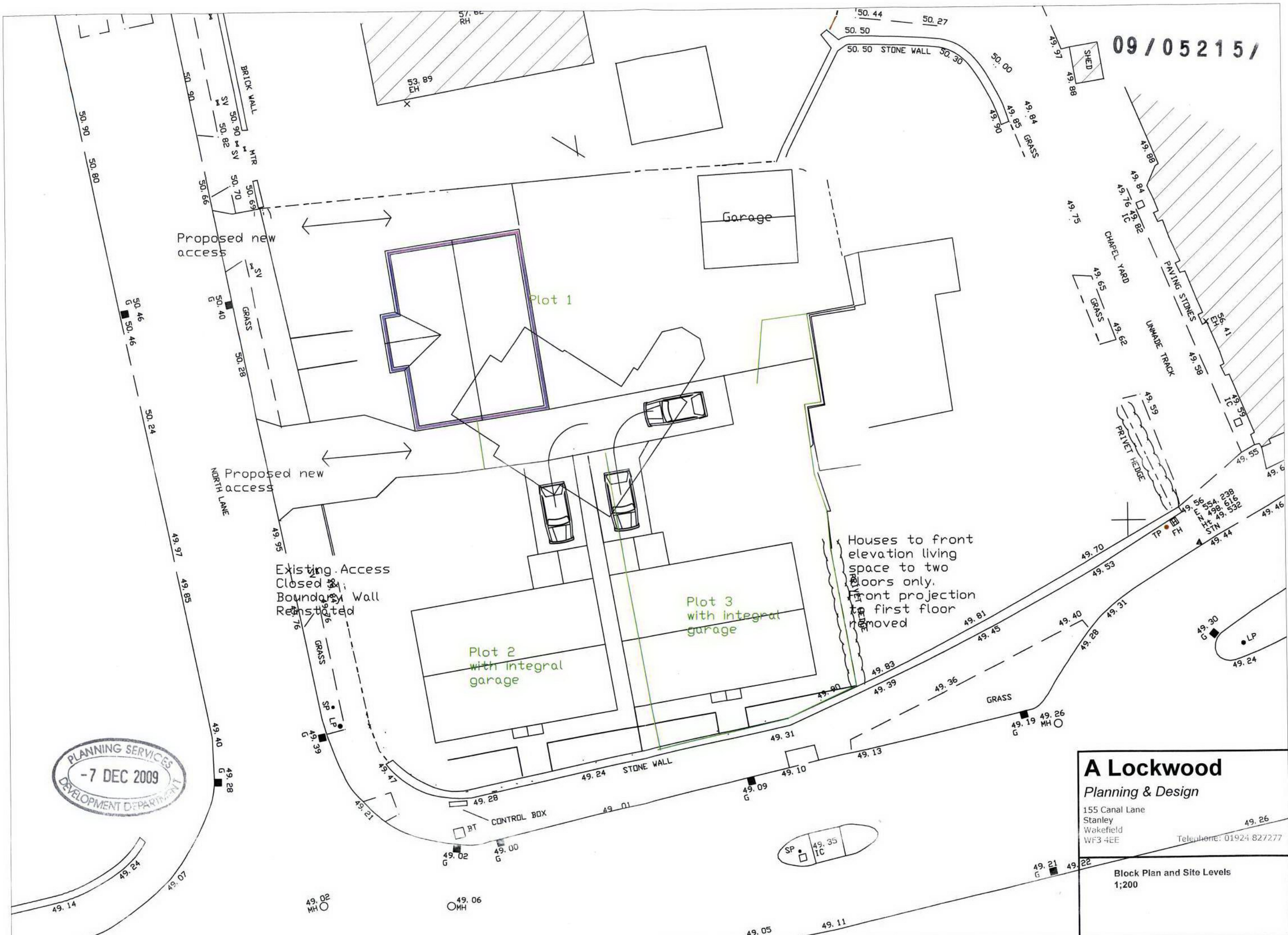
11.1 On balance, and taking into account the comments of the appeal Inspector and other planning considerations, the revised proposal is considered acceptable.

12.0 Background Papers:

Application and history files.

Certificate of ownership signed by applicant.

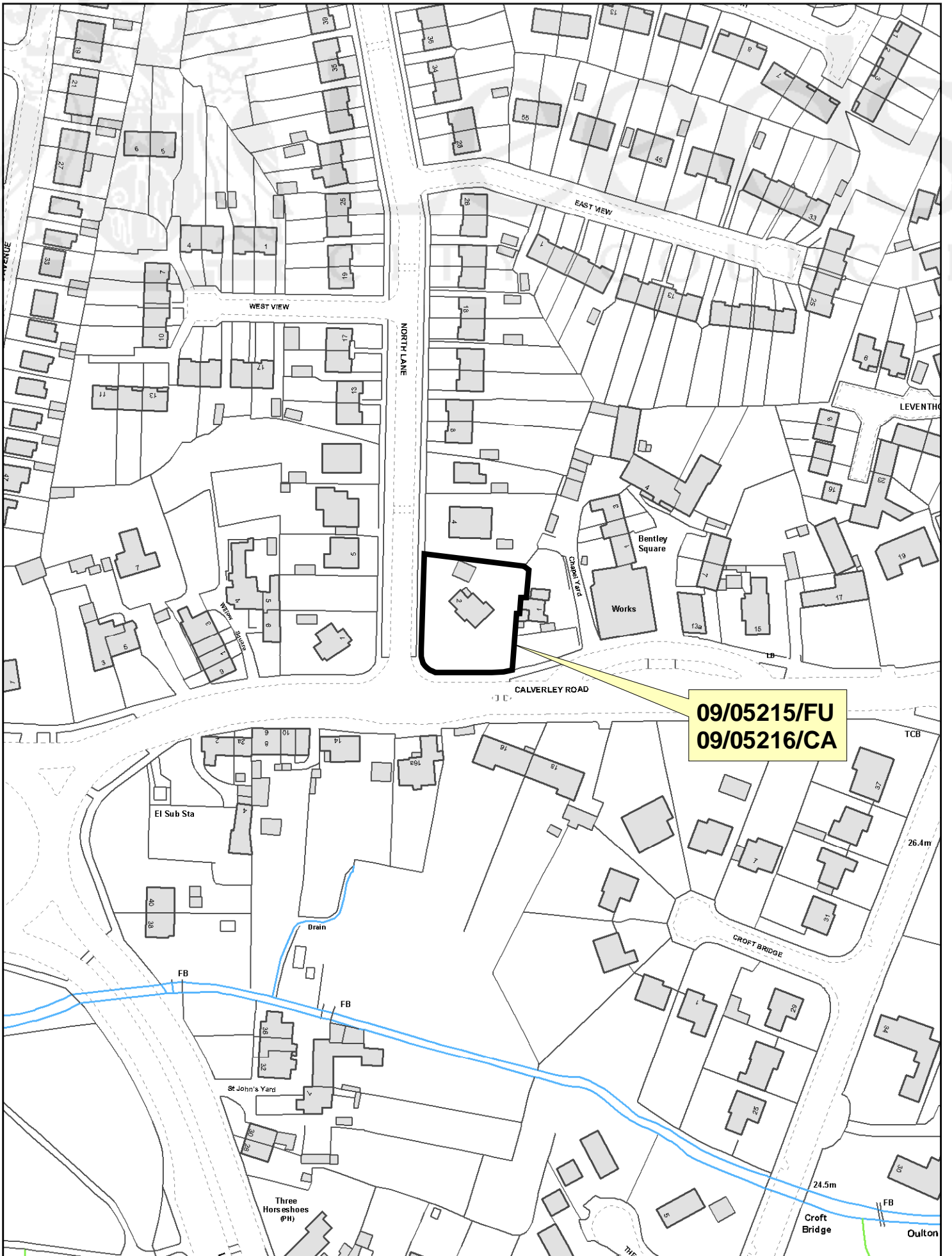
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 -7 DEC 2009
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Block Plan and Site Levels
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Scale 1/1500