



**Leeds**  
CITY COUNCIL

Originator: David Jones

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**Report of the Chief Planning Officer**

***PLANS PANEL EAST***

**Date: 11/03/10**

**Subject: APPLICATION 08/06412/FU - Amendment to siting and design of Plots 145 and 146 from approved scheme (33/555/05/RM) within the Allerton Bywater Millennium Village development located off Station Road, Allerton Bywater.**

**APPLICANT**  
Barratt Homes

**DATE VALID**  
10 February 2009

**TARGET DATE**  
7 April 2009

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**Electoral Wards Affected:**

**Kippax & Methley**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:**

1. Time limit on full permission
2. Approved plans
3. External roofing and walling materials to match previous approval
4. Side windows in west elevation to be obscurely glazed and non-opening
5. No additional openings to be formed in front and side elevations

**Reasons for approval:** The application is considered to comply with policies GP5, BD5, T2 and T24 of the UDP Review, as well as guidance contained within Neighbourhoods for Living: A Guide for Residential Design in Leeds and having regard to all other material considerations, as such the application is recommended for approval.

**1.0 INTRODUCTION:**

- 1.1 This application was presented to the February Panel meeting with an officer recommendation for approval. At the meeting, Members heard representations from both Ward Councillor Lewis and the applicant and decided that further negotiations

should take place to see if the concerns expressed by the occupiers of the adjacent bungalow could be resolved. Any revisions were also to be considered by Ward Members.

- 1.2 Since the last meeting, Officers have been in discussions with the applicant about the possibility of revising the scheme. After considering a number of alternatives and the views expressed by Members at the February Panel meeting, the applicant is of the opinion the current scheme which has already been subject to amendment is both fair and reasonable. In this respect, no alterations have been made to the design or siting of the buildings and accordingly the scheme is the same as originally reported.
- 1.3 Notwithstanding the above, if Members are concerned about the buildings visual relationship with the properties which form part of the main crescent due to the design alterations which have already been made, the applicant is willing to change the art stone exterior currently proposed to red brick so it relates more to the properties to the north and west (which have yet to be constructed – but will be predominantly red brick).
- 1.4 Panel Members are advised that all of the above has been reported to Ward Councillors but obviously there are no revised plans to consider. In this respect, no further comments have been received from Ward Members over and above those originally made (by Councillor Lewis only).
- 1.5 In addition, the case officer from Planning Aid who is assisting the occupiers of the adjacent bungalow (No. 1 Station Road) with their objection has also been informed about the above. The occupiers express disappointment that a way forward has not been found and accordingly the application should either be deferred again to allow further negotiations to take place or it should be refused outright. Additional photographs have also been provided by the occupiers showing the overlooking issues which they consider to occur.

## **2.0 BACKGROUND:**

- 1.1 This application was originally brought to Plans Panel at the request of Councillor James Lewis, who as a Ward Councillor, objects to the proposed development on the grounds that the massing of the buildings is excessive due to their close proximity to adjacent bungalows and that overlooking of these properties will also occur.

## **3.0 PROPOSAL:**

- 3.1 The application seeks permission for the revised siting of two, three storey semi-detached townhouses approved under a previous larger application for 151 dwellings. The revised siting for the two dwellings is necessary due to the presence of a main drain. The properties are essentially proposed in the same position as previously approved but would be rotated by approximately 30 degrees to a more south-westerly (front) and north-easterly (rear) direction rather than the north-easterly to south-westerly orientation originally intended.
- 3.2 The design of the two properties was initially shown to be the same as the previous approval but has since been revised to exclude the front projecting glazed box at first floor level and also its associated external balcony which sits above this structure.

- 3.3 The accommodation provided within each of the dwellings briefly comprises of the following:
- Ground floor – kitchen, dining (front facing), bedroom and W.C.
  - First floor – Lounge with Juliet balcony (front), bedroom and W.C.
  - Second floor – Master bedroom with en suite (front) and second bedroom with en suite.

#### **4.0 SITE AND SURROUNDINGS:**

- 4.1 The application boundary is tightly drawn around the curtilage of each property and accordingly only includes the area where the dwelling would be located and the associated garden areas. The foundation slabs for the properties have already been set and an element of frame construction has taken place (although no work further work has been undertaken pending the outcome of this application). The finished floor level is approximately 0.6m higher than the surrounding land due to contamination requirements.
- 4.2 The application site forms part of the larger Millennium Village development and sits within the third housing phase currently under construction by Barrett Homes. Construction work has slowed considerably due to the current economic climate so the properties intended to the north and west of the site have not yet been started. However, the semi-detached properties arranged in a crescent and fronting the greenspace to the east are nearly all complete. To the south of the site are two detached bungalows which fall outside the main Millennium Village boundary and front onto Station Road. Vehicle access to these properties is provided via a single track to the east of No.1 Station Road and wraps around part of its site. The adjoining boundary with the Millennium Village comprises of a 1.8m high, close boarded timber fence.

#### **5.0 RELEVANT PLANNING HISTORY:**

- 5.1 33/555/05/RM – Erection of 151 dwellings – Granted 16/03/06

#### **6.0 HISTORY OF NEGOTIATIONS:**

- 6.1 The application as originally submitted proposed identical house types to those previously approved and now constructed on-site to the east. These are three storey dwellings which have a two storey projecting element to the front with an external balcony area serving the master bedroom above (although the balcony area was shown to be partially screened through the use of obscure glazing and timber cladding).
- 6.2 Following the receipt of strong objections from the residents who occupy the two adjacent bungalows and in accordance with Officer advice, the external balcony and supporting glazed box at first floor level have been removed to help alleviate concerns regarding overlooking.
- 6.3 As reported within the introduction, no further amendments have been carried out to the scheme following its consideration at the February Panel with the exception of changing the main external material to red brick (from art stone) should Members consider it more appropriate.

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

7.1 The application was originally advertised by site notices posted on 16/02/09 and Neighbour Notification Letters (to the adjacent bungalows only ) on 13/02/09.

7.2 Objection letters have been received from the following:

Allerton Bywater Parish Council:

- Houses not to be built in original position and residents of the bungalows have not had opportunity to comment on their revised location before work started.
- Bungalows have never been overlooked and the proposed screening for the balconies would not overcome this issue (residents would also be able to alter the screening).
- Existing bungalows should also be shown on the layout plans.
- Copy of a petition signed by 8 households is also included which was sent to Councillor Lewis complaining about the houses being built in the wrong place prior to the application being received.

Councillor James Lewis:

- Massing of the dwellings is dominant relative to the bungalows and because of site levels.
- Overlooking would occur, particularly from the first floor living room and French doors.

Colin Burgon MP:

- Properties (due to balconies and large windows) will overlook adjacent bungalows.
- Mass and location of houses will also dominate the bungalows.
- Concerned worked started on-site.

7.3 Neighbour letters have been received from the occupiers of the two adjacent properties (some occupied noted to be disabled) and from one address at Victoria Street. The main concerns relate to the following issues:

- The buildings are too high, intrusive and imposing.
- Loss of light, privacy and overshadowing will occur.
- Property values will be devalued.
- Land levels have also been increased so the above issues are worse.
- Proposed screening to balcony is unacceptable.
- Other applications have been refused due to less serious overlooking issues and bungalows on the site would be a better.
- Buildings are approx. 8m to 10m further to the right (west) than originally proposed.
- Would not be able to enjoy rear gardens and would want to move if approved.
- Barretts knew about the pipes have not been helpful.

7.4 All third party contributors to the application were contacted via letter following the receipt of revised plans (letters sent 25/11/09).

All original contributors have indicated that the concerns as expressed above still continue to apply despite the revisions. The following additional explanation is also added following advice from Planning Aid:

- UDP Policy BD5 and extracts from Neighbourhoods for Living are quoted. Separation distances between windows in particular.
- Suggests distances apply to suburban areas, flat sites with conventional windows so are of limited relevance. Greater separation should be provided due to site level differences, three storey development, un-conventional layout.
- Development described as overbearing and restriction of outlook which are valid planning objections.

- Reason for refusal suggested based on adverse impact for occupiers of bungalows (No. 1 Station Road in particular).

## **8.0 CONSULTATIONS RESPONSES:**

8.1 None required

## **9.0 PLANNING POLICIES:**

### 9.1 Development Plan

The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region setting out regional priorities in terms of location and scale of development. No RSS policies have a specific relevance to the application site.

### 9.2 Leeds Unitary Development Plan (Review):

The site is allocated within the UPD proposal map for housing and employment under Policy H4:10

GP5 – seeks to resolved detailed planning consideration including design, access and amenity.

BD5 – all new builds should respect their own amenity and that of their surroundings.

T2 – Highway safety.

T24 – Parking requirements.

### 9.3 Local planning policy guidance documents:

Neighbourhoods for Living: A Guide for Residential Design in Leeds.

## **10.0 MAIN ISSUES**

10.1 The main issue for consideration brought about by this application is the impact the proposed dwellings would have on the living conditions of the occupiers of the adjacent bungalows (Nos. 1 and 1A Station Road) as a result of their amended siting since all other issues (e.g. highway, drainage, contamination, etc) have already been established as part of the previous application and the design alterations are relatively minor.

## **11.0 APPRAISAL**

### Impact on residents living conditions

11.1 In considering the issue of residential amenity, it is accepted the separation distances contained within Neighbourhoods for living are to be used as a guide only and where un-conventional situations occur greater distances may be necessary. This method of assessment has been followed as the distance between a site's boundary and windows to habitable rooms should normally be 10.5m. At ground floor level, a minimum distance of approximately 13.2m would be achieved to the projecting dining room (views from which are themselves limited to a corner window since the other is located at a high level). Elsewhere on the ground floor (i.e. to the kitchen area) a distance of around 14.7m would be provided as it does not project forward from the main building. Both of these distances are well in excess of the minimum requirements as referred to in Neighbourhoods for living and are therefore considered to adequately compensate for the higher finished floor level relative to the adjacent bungalow boundary.

- 11.2 With respect to possible overlooking/privacy issues from openings associated with the first and second floors, if a conventional relationship existed between the two sets of properties, a separation distance of 10.5m and 7.5m (shorter as it only serves the master bedroom) should be achieved respectively. As this is not the case since a first floor living room is proposed it is again reasonable to expect a greater distance and in this respect the 14.7m (approx) provided is, on balance considered to be acceptable now that the glazed first floor projecting box and second floor external balcony have been removed from the design.
- 11.3 Other factors which have also been taken into consideration in assessing the relationship between both sets of properties and concluding that on balance it is acceptable are the juxtaposition between No. 1 Station Road and unit 146 is not straight. As such, any views would only be possible at an angle (since the direct relationship faces onto the side shared driveway and part of the detached garage – neither of which need be private). The total distance between sets of windows would also be in excess of 26m - whereas 24m need normally be provided (e.g. 10.5m x 2 plus 3m for the additional height).
- 11.4 In addition to the above, two lines of boundary treatment are present within No. 1 Station Road. The first is positioned at the common boundary with the Millennium Village site and comprises of a 1.8m close boarded fence (which is also to be supplemented with landscaping in the future as part of the Barretts scheme). The second fence is another high, close boarded fence (set in approximately 5m from the common boundary) and separating the private rear garden for No. 1 from the rear parking area associated with No. 1A Station Road. Therefore, the initial 5m beyond the common boundary can not really be considered private and does not necessarily require the same degree of screening than had it been a private garden.
- 11.5 With respect to the comments made about the dwellings appearing overbearing and dominant to the extent that problems of overlooking and loss of light would occur, the separation distances referred to in Neighbourhoods for living are not merely designed to ensure that overlooking does not occur. They are also intended to ensure that adequate space around buildings is provided so other problems such as those referred to do not occur. In this respect, the additional distances achieved in conjunction with the site's generally favourable orientation to the north east of the bungalows in such that these problems are not considered to be as serious as reported by the neighbours and do not warrant a refusal.
- 11.6 In terms of the remaining comments as expressed by third parties, the revised siting for the buildings is not 8m to 10m west of the approved position, their orientation has merely rotated approximately 30 degrees from that originally approved. Reductions in property values are not matters for consideration within the planning process and whilst it is unfortunate construction work initially started on the proposed dwellings, it has since stopped and this application seeks to remedy the breach of planning control. As such, no further action is required at this stage pending the outcome of the current application.

## **12.0 CONCLUSION**

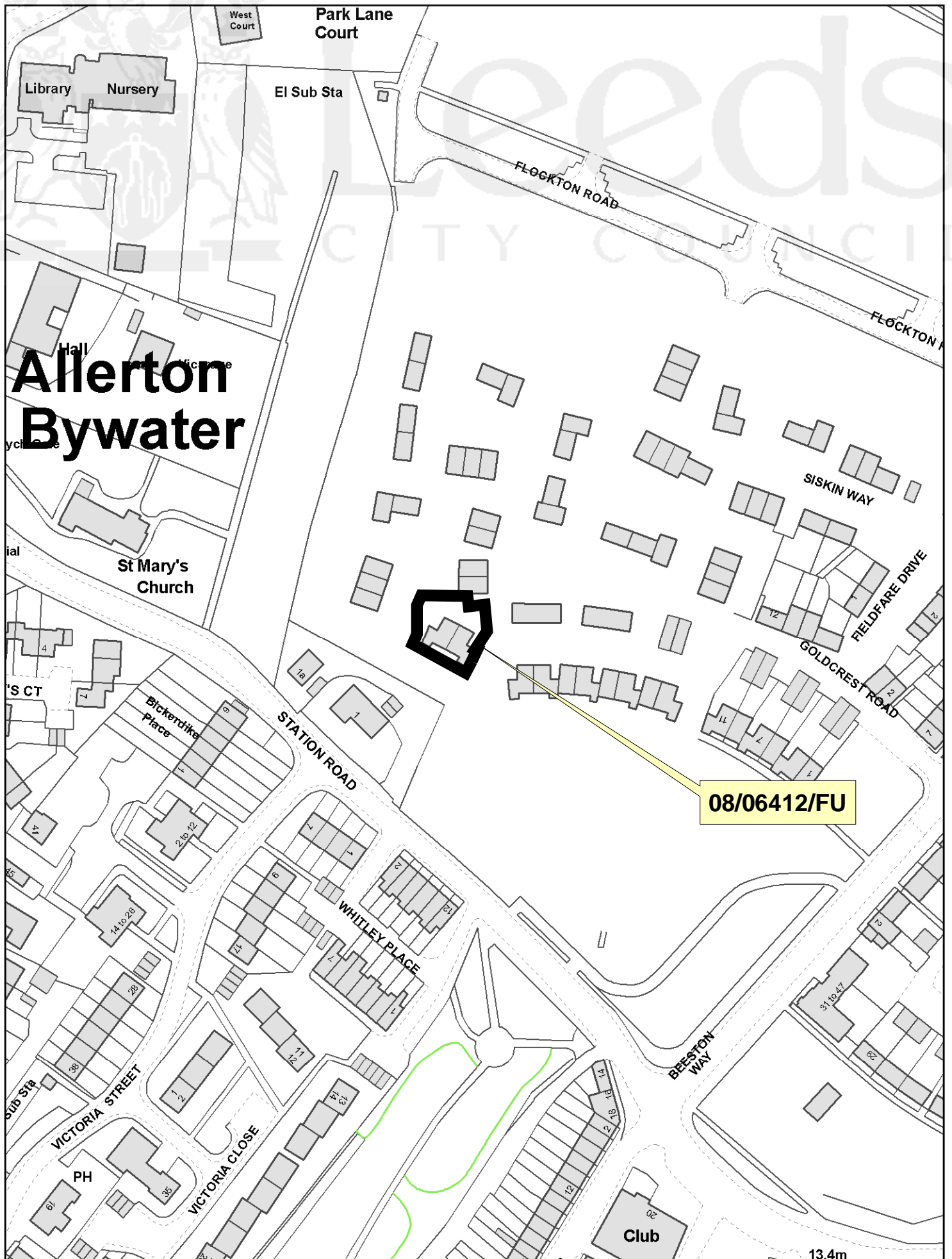
- 12.1 The concerns as expressed by third parties are noted however the separation distances which are achieved between the proposed dwellings and the adjacent bungalows are in excess of those normally required by the Council's own adopted guidance and are considered to adequately compensate for the un-conventional relation between both sets of properties and also the contemporary design of the

dwellings proposed. In this respect, the application is, on balance considered to be acceptable and would ensure the relevant occupiers living conditions are not unduly affected by issues of over-dominance, overlooking, loss of privacy/daylight or problems of overshadowing. The application is therefore recommended for approval, subject to the conditions specified.

**Background Papers:**

Application file: 08/06412/FU

Certificate of Ownership served on: English Partnerships



# Allerton Bywater

08/06412/FU

## EAST PLANS PANEL

Scale 1/1500