
Appeal Decision

Site visit made on 9 May 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 May 2017

Appeal Ref: APP/N4720/W/17/3169936
33 Sandmoor Drive, Leeds LS17 7DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Sugare against the decision of Leeds City Council.
 - The application Ref 15/05502/FU, dated 2 August 2015, was refused by notice dated 31 October 2016.
 - The development proposed is described as the demolition of existing detached 5 bedroom dwelling, construction of 3 No 3 bed flats with underground parking, re-use of existing driveway/access and retention of existing landscaped gardens.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing dwelling and replace with 3 flats with underground parking at 33 Sandmoor Drive, Leeds LS17 7DF in accordance with the terms of application Ref 15/05502/FU, dated 2 August 2015 subject to the conditions set out in the attached schedule.

Procedural Matter

2. The Council changed the description of application Ref 15/05502/FU from that contained on the application form to 'demolish existing dwelling and replace with 3 flats with underground parking'. This is a more accurate description of the development proposed which I have therefore used in this decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal property comprises a large two storey detached house with projecting front and rear gables, set in an extensive plot with substantial mature planting on the site boundaries. It is located on Sandmoor Drive at a prominent junction position with Alwoodley Lane. The area in the vicinity of the site is characterised by bespoke designed, large detached two and three storey dwellings set in generous mature landscaped gardens with a substantial degree of separation between the buildings.
 5. The proposed development would involve the demolition of the existing dwelling and its replacement with a three storey building, with the third floor
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being in the roof space. It would occupy a similar position to that of the existing building. The proposed floor area would be slightly larger than the existing dwelling and the appellant indicates that its height would be approximately 0.75m higher than the existing ridge.

6. The proposed design of the building, with projecting front gables, responds to the design of the existing property and others on the street. The proposed building position, scale and mass would also be similar to that of the existing dwelling and of other properties on Sandmoor Drive. As such it would not present a significantly greater presence in the street scene than that of other dwellings in the area. Although it would have accommodation in the roof space, this is also not dis-similar to other developments in the area.
7. The proposed access ramp to the underground parking area in being located to the north of the building and behind extensive mature planting would not be readily visible in public views from the street or from adjacent properties.
8. As there would be little difference between the size of the footprint of the proposed building to that of the existing, the proposal would provide for the retention of the spacious nature of development on the plot. The overall design and scale of the proposed building, together with the retention of some of the mature landscaping, would result in a built form that would be entirely consistent with the character and appearance of other development in the area. As such, the proposed building would not appear as being prominent on this corner plot
9. Although the development would be occupied as three self-contained flats, the proposed design would be reflective of domestic scale and character of other development on the street. As such, it would not appear as incongruous, overly dominant or at odds with character or appearance of the surrounding area.
10. Taking the above factors into account, the proposed development would not cause any demonstrable harm to the character and appearance of the surrounding area. Consequently, there would be no conflict with Policy P10 of the Leeds Core Strategy (2014) or Saved Policies BD5 and GP5 of the Leeds Unitary Development Plan (2006). These policies, amongst other things, require that new development is appropriate to its context, respects the character of surrounding buildings and is of a design that considers the amenity of its surroundings.

Conditions

11. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. As a result, I have amended some of them for clarity and to minimise the use of pre-commencement conditions. I have also eliminated some for the reasons set out below.
12. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area, I have also imposed conditions concerning the external

materials to be used, details of boundary treatment, the implementation of a scheme of landscaping and details of measures for the protection of trees.

13. In the interests of highway safety I have imposed a condition requiring that the area to be used for the parking and manoeuvring of vehicles is provided prior to occupation of the development. However, given that there is no significant change in ground level between the road and the site, I do not consider that the suggested condition relating to the gradient of the drive is necessary. In the interests of highway safety and in order to protect the living conditions of nearby residents, I have imposed the suggested condition requiring details of parking and unloading areas of plant and equipment. However, given the proximity of the development to other residential properties, I have included within this condition a requirement for the submission of the proposed working hours on the site.
14. In order to ensure that the proposed development can be safely undertaken and occupied, I have imposed the Council's suggested conditions relating to the remediation of any encountered ground contamination and to ensure that any soils imported into the site are free from any contamination. In order to encourage the use of more sustainable transport modes I have imposed a condition relating to the details of cycle and motorcycle storage areas.
15. Given the extent of intervening vegetation between adjoining properties and the orientation of the proposed development to Alwoodley Lane, I do not consider that a condition requiring obscure glazing in all windows in the side elevations is necessary. Also given that the proposed development does not involve any alterations to the position of the vehicular access point, a condition relating to the removal and reinstatement of the footway crossing is also un-necessary.

Conclusion

16. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1359-01; Block Plan/Layout Plan 1359-13 R2; Proposed floor plans 1359-11 R2; Proposed elevations 1359-10.
- 3) No development of above foundation level shall take place until a sample panel of the materials to be used in the construction of the external surfaces, including hardstanding areas, shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) The development shall not be occupied until that part of the site shown to be used by vehicles on the approved plans has been laid out, hard surfaced and drained, such that surface water from the site does not discharge onto the highway. The area shall not thereafter be used for any other purpose other than for the parking and manoeuvring of vehicles.
- 5) No works shall commence until:
 - a) All existing trees, hedges, bushes shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) – ‘Trees in relation to design, demolition and construction’, unless otherwise agreed in writing by the local planning authority. Such measures shall be retained for the duration of any demolition and/or approved works.
 - b) No works or development shall commence until a written arboricultural method statement for a tree care plan has been submitted to and approved in writing by the local planning authority. The plans should include a detailed methodology of the ground works to minimise impact on tree roots. Works or development shall then be carried out in accordance with the approved method statement.

No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the local planning authority. A minimum of seven days written notice shall be given to the local planning authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.
- 6) No development above foundation level shall occur until full details of both hard and soft landscape works, including an implementation programme and notification procedures to demonstrate that the approved scheme has been implemented, have been submitted to and approved in

writing by the local planning authority. Hard landscape works shall include:

- a) proposed finished levels and/or contours,
- b) boundary details and means of enclosure,
- c) car parking layouts,
- d) other vehicle and pedestrian access and circulation areas,
- e) hard surfacing areas,
- f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include:

- h) planting plans
- i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 – 'Code of Practice for General Landscape Operations'.

- 7) No development above foundation level shall take place until details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatment, whether or not shown to be erected on the approved plans, have been submitted to and approved in writing by the local planning authority. Such walls and fences shall be erected in accordance with the approved details, before the building is occupied, and shall thereafter be retained.
- 8) Development shall not commence until details of the site working hours, access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided for the duration of construction works.
- 9) The local planning authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease. Where remediation of unexpected significant contamination is considered by the local planning authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the local planning authority prior to the recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information. Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the

Verification Report(s) shall be submitted to the local planning authority in accordance with the approved programme. Occupation of the building shall not occur until such time as all necessary verification information has been approved in writing by the local planning authority.

- 10) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the local planning authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the local planning authority prior to these materials being imported onto the site.
- 11) Notwithstanding the approved details, before development is commenced above foundation level, full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.