



JohnsonMowat
Planning & Development Consultants

Ingenious Property Refurbishment Ltd

Land at 33A Vesper Road, Kirkstall Leeds

**APPLICATION FOR THE CONSTRUCTION OF ONE NEW DWELLING AND
ASSOCIATED ACCESS AND INFRASTRUCTURE**

PLANNING STATEMENT

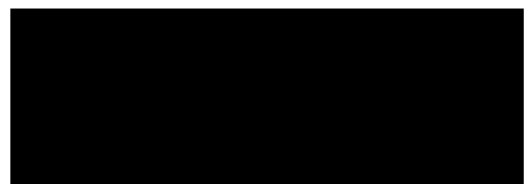


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Land at 33A Vesper Road, Kirkstall

Planning Statement

Date: 04 December 2023

Johnson Mowat
Planning & Development Consultants
Coronet House
Queen Street
Leeds
LS1 2TW





LIMITATIONS

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Ltd during our investigations.

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Johnson Mowat Planning Ltd makes no representation whatsoever concerning the legal significance of its findings or to other legal matters referred to in the following report.

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1.0 INTRODUCTION

- 1.1 The purpose of the planning system is to positively promote the spatial organisation of land in order to achieve long-term sustainable development. In the Planning Acts, 'sustainable development' means managing the use, development and protection of land, the built environment and natural resources in a way, or at a rate, which enables people and communities to provide their social, economic and cultural wellbeing while sustaining the potential of future generations.
- 1.2 Planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society, the environment and the economy. England is a geographically small, densely populated nation, with multiple demands on land and built environment.
- 1.3 The effective use of land and has a vital role to play in the supply of land for housing particularly in the encouragement of small and medium sized sites which are acknowledged to provide an important contribution to the meeting of housing requirements and can often be delivered relatively quickly.

The Proposal

- 1.4 This Planning and Design and Access Statement has been produced in support of a Full Planning Application for the construction of one new dwelling with associated access and infrastructure on land at 33A Vesper Road, Kirkstall. This application follows on from planning appeal ref APP/N4720/W/22/3308245 which provided a split decision in relation to a full application for the construction of a single dwelling to the side and extension and alteration to existing bungalow at 33A Vesper Road. The new build dwelling proposal was dismissed at appeal.
- 1.5 This Statement should be read alongside the technical documents which comprise the planning submission. These are as follows:

Detailed Plans – **Den Architecture**

Design and Access Statement – **Den Architecture**

Tree Survey and Arboricultural Impact Assessment – **Smeeden Foreman**

- 1.6 This Statement responds to the matters raised as part of the previous applications submitted in connection with this application site and identifies the relevant planning history, sets out the



relevant planning policy and concludes with the planning case in support of the proposed residential scheme.



2.0 PLANNING HISTORY

- 2.1 This scheme represents a revised scheme following the submission of planning application 22/04428/FU and the subsequent appeal against refusal of planning consent by Leeds City Council, ref APP/N4720/W/22/3308245. There is quite a substantive application history associated with the site which has factored heavily in the evolution of the development proposals.
- 2.2 APP/N4720/W/22/3308245 - Appeal for the construction of one new dwelling to side; single storey rear extension to existing bungalow with terrace to rear – split decision dated 10th March 2023 allowing the alteration and extension of the existing bungalow.
- 2.3 Given the extension and alteration proposals has been granted planning consent at appeal, it is not the intention of this application to reapply for those elements. It should however be noted that the existing bungalow and its current residential curtilage form the red line boundary area. The development proposals associated with this application however only relate to the erection of a new residential dwelling.
- 2.4 In dismissing the new build dwelling element of the appeal scheme, the Inspector concluded:
- 5. Nevertheless, the proposed dwelling would be taller than the adjacent bungalows. Although the overall height of the proposed dwelling would only be marginally higher than the adjacent bungalow, it would be particularly noticeable in relation to the eaves immediately adjacent to the existing bungalow. The proposed dwelling would also have a much wider frontage onto Vesper Road than the bungalows which it would be viewed in the context of. The frontage of the proposed dwelling which would be stepped into the wedge shape of the plot would appear crammed into the site. The resultant development therefore would appear constrained and out of scale on the site. Consequently, the proposal would appear out of character with its surroundings.*
- 2.5 This application therefore focus' on addressing this one reason for dismissing the previous appeal.
- 2.6 Outside of this appeal there is a recent planning history associated with the site:
- 19/07689/FU – Application for the construction of one new dwelling to side; single storey rear extension to existing bungalow with terrace to rear and detached garage to rear.



2.7 The application was submitted to Leeds City Council on the 12th December 2019 and subsequently validated on the 6th February 2020 after a request for further information. Following correspondence with Case Officer a number of concerns were raised including residential amenity and impact on trees. During the course of the application process the Applicant sought to work with the Council to try to resolve these issues however the scheme was refused on the 1st July 2020 on three grounds. The reasons for refusal related to:

Concerns regarding over development of the site and impact on residential amenity as a result of shortfall of private amenity space;

Proposed works to the existing bungalow were not in keeping with the character of the surrounding area; and,

Insufficient information in relation to the potential impact of development on trees.

2.8 Following the refusal of application 19/07689/FU the Applicant has engaged with both Members and Council Officers to address the concerns raised, provide additional information and make necessary amendments to ensure that the proposals address those reasons for refusal set out above.

20/08628/FU – Application for one dwelling house to side: single storey extensions to front and rear of existing bungalow.

2.9 A resubmission application was submitted to Leeds City Council on the 23rd December 2020 to address the reasons for refusal previously stated. The application made a number of significant changes to the proposal and provided additional information to inform and support the scheme. Of significance were changes to the overall scale of the new build property and the removal of the existing garage associated with the bungalow to increase residential amenity garden space. Amendments were proposed to the overall look and appearance of both dwellings. An Arboricultural Survey was submitted in support which provided a Tree Survey as well as Tree Constraints Plan and Arboricultural Impact Assessment.

2.10 Despite the amendments, and the efforts of the Applicant to work with the Council through the application process, Council Officers indicated that there remained concerns with the proposal which were considered insurmountable within the live application. Given the timescales associated with the application an appeal against non-determination was submitted to the Planning Inspectorate.



APP/ N4720/W/21/3278821 – Appeal against non-determination of proposals at 33A Vesper Road, Kirkstall, Leeds, LS5 3NU

- 2.11 An appeal against non-determination was submitted to the Planning Inspectorate on the 12th July 2021. The appeal was dealt with via the written representation route.
- 2.12 The Council's Statement of Case indicated that if the determination had remained with the Local Authority, the Council would have refused the application for the following reason:

The Local Planning Authority considers that the siting, scale and design of the proposed new dwelling and extended dwelling would have a detrimental and harmful impact upon visual and general amenity of prospective and existing residents given the incongruous features created within the street scene. The appeal proposal is therefore contrary to Core Strategy Policies H2, H9, H10, P10, P11, P12, T1, T2, EN8, saved UDP Policies GP5 and BD6 along with supplementary guidance contained within Neighbourhoods for Living (NfL Policy SPG13), Guideline Distances to Trees (retained from RDA4 / supporting NfL), Householder Design Guide SPD, Parking SPD, Street Design Guide SPD, Kirkstall Abbey Conservation Area Map 2010 and guidance within the National Planning Policy Framework.

- 2.13 The above putative reason for reason was not consistent with the detail of the Council's Case which also conceded that the proposals were only considered to be contrary to Core Strategy P10, saved UDP Policies BD6 and GP5, Neighbourhoods for Living SPD and guidance within the National Planning Policy Framework.
- 2.14 Despite the onerous putative reason for refusal, the assertion that the scheme was contrary to policies H2, H9, H10, P11, P12, T1, T2 and EN8, as well as the raft of other SPDs, was not substantiated as part of the Council's case. Indeed, the Statement confirmed the proposal's compliance with many of these policies.
- 2.15 It is noted that no concern in relation to the proposed development's impact on trees, nor in relation to the provision of amenity space, were raised by the Council through the appeal process.
- 2.16 A rebuttal and further representations were made on behalf of the Appellant following the receipt of the Council's Statement to the Planning Inspectorate.
- 2.17 A decision was released on the 2nd December 2021 which dismissed the appeal and refused planning permission. The Inspector concluded that, by virtue of its design, the proposal would cause unacceptable detrimental impact on the character and appearance of the existing



bungalow and the area. Furthermore, due to the outlook of the residents of the existing bungalow to the west, and the proximity of the proposed new build property, the development would be detrimental to the living conditions of the bungalow occupants.

22/04428/FU – Application for one dwelling house to side: single storey extensions to front and rear of existing bungalow.

- 2.18 The application was submitted to, and validated by, the Council on the 27th June 2022. The application sought to address the concerns raised in the previous appeal. In particular amendments were made to the proposed alterations to the bungalow to provide natural light to habitable rooms and ensure that the front elevation was consistent with the street scene.
- 2.19 With regard to the new build dwellings changes were made to the proposal to reduce its overall scale, including reducing the ridge and eave heights.
- 2.20 On the 22nd September 2022 the Council refused planning consent on the following ground:
- 1) *The Local Planning Authority considers that the siting, scale and design of the proposed dwelling would have a detrimental and harmful impact upon the character and appearance of the street scene, creating an over development of a constrained garden area within a visually prominent location thus harmful. The proposal is therefore contrary to Core Strategy Policies P10 and P12, saved UDP Policies GP5 and BD6, Neighbourhoods for Living SPD and guidance within the National Planning Policy Framework.*
- 2.21 An appeal was lodged, the outcome of which has already been addressed within this section.
- 2.22 The application proposals provided as part of this submission have had full regard to the application history and outcome of the recent appeal decision in order to bring forward a scheme which is supported by the development plan and should be granted planning permission without delay.
- 2.23 The relevant outcomes of the planning history are cross referenced where appropriate within Section 5, The Planning Case, of this Statement.



3.0 PROPOSED DEVELOPMENT

The Application Site

- 3.1 The site is located on Vesper Road, Kirkstall in a residential area on the north-west side of Leeds. The area is characterised by bungalows and two storey dwellings along Vesper Road. The application site is currently occupied by an existing bungalow which is similar in character and appearance to those within the street. The proposed new build dwelling would sit to the side of the existing bungalow which is to be retained and has gained planning consent for alterations and extension already.
- 3.2 33A Vesper Road benefits from a larger garden than the neighbouring dwellings with an open area to the rear and side towards Vesper Lane. To the east of the site are a number of existing trees which are located on a bank between the application site and a public footpath.
- 3.3 Whilst the topography of the site itself is not significant it is acknowledged that the site is elevated with a circa 4m drop in level between the rear of the site and the gardens on properties on Vesper Lane below. This relationship has been carefully considered in the development of these proposals in order to protect residential amenity of both existing and future occupiers.
- 3.4 The site is in a sustainable location with the main urban area and in easy reach of nearby Kirkstall, Horsforth, Headingley and Kirkstall Bridge Shopping Park which offer a range of shops and leisure facilities. The new Kirkstall Forge Train Station is within easy walking distance from the site and there are regular bus services to Leeds City Centre from nearby bus stops.
- 3.5 The site is not located within the Kirkstall Conservation Area and it is located within Flood Zone 1 at the lowest risk of flooding.

Application proposals

- 3.6 A full description of the application proposal is provided within the accompanying Design and Access Statement. The application proposes the erection of two bed dwelling with garden to the rear to the rear and side. The property takes a simple linear form, replicating the linear nature of the bungalows on the street.
- 3.7 The revised linear form makes provision for a kitchen/ diner, downstairs wc and lounge area. The first-floor hosts two bedrooms and bathroom. The internal arrangements of the proposed property meet Nationally Described Space Standards.



- 3.8 Vehicular access is provided from Vesper Road and allows for off road parking for two cars. A dual EVC is proposed. Previously iterations of the scheme have found the access arrangements to be acceptable.
- 3.9 This application reduces the vertical scale of the new build property, lowering the eave and ridge height from that previously proposed, however retaining a two-storey dwelling.
- 3.10 The new dwelling is proposed in the widest part of the site and is shaped on plan to avoid encroachment into the canopy and root protection areas of the existing neighbouring mature trees beyond the site's eastern boundary. This is evidenced on the Proposed Site Plan.
- 3.11 The form of the house is designed to minimise its massing and visual impact and sit comfortably with the adjacent bungalow and other properties on Vesper Road as is demonstrated in the visualisations and elevational drawings submitted.
- 3.12 In terms of visual appearance, the new house is set back from the front of the site and will be partly screened by the trees to the east. The Proposed Site Plan demonstrates the step change in building line along Vesper Road, the new build property is in keeping with this pattern. Visual impact will consequently be minimal when viewed from Vesper Road. The proposed building is of contemporary design with a proposed material palette which replicates the approved bungalow scheme including elements of cladding and stone and render. All these materials can be found along existing bungalows on Vesper Road.
- 3.13 Appropriate boundary treatments are proposed in the form of a 1.8m timber boarded fence to provide privacy and prevent overlooking to nearby properties.



4.0 PLANNING POLICY

4.1 The whole purpose and intention of the planning system is to enable the development of appropriate sites which are sustainable as defined by the National Planning Policy Framework (the Framework) and in particular as set out at paragraph 8.

4.2 The duty in Section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the Development Plan.

4.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”

4.4 Paragraph 2 of the Framework recognises the provisions of Section 38(6) stating “planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account when preparing the development plan, and is material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements”.

4.5 The development plan for this residential scheme comprises the following local documents: -

Saved policies of the Leeds UDPR (July 2006);

The adopted Leeds Core Strategy (CS) (November 2014) amended by the Core Strategy Selective Review (CSSR) (September 2019);

Site Allocations Plan (SAP) (July 2019); and,

Natural Resources and Waste Local Plan (NRWLP) (January 2012).

4.6 National policy guidance is provided by the National Planning Policy Framework (the Framework) which was initially adopted in 2012; most recently updated July 2021. It is recognised that the CS was adopted having regard for the provisions of the 2012 Framework. The Framework is a significant material consideration.



Leeds Core Strategy Selective Review

General Policy

- 4.7 At page 26, the CS contains a 'General' policy that seeks to align the CS with the Framework. The General Policy is a decision taking policy in that it commences... "when considering development proposals...".
- 4.8 The policy requires the Council to take a 'positive approach' to fit with the Framework, and to 'work proactively with the applicants jointly to find solutions which mean that proposals can be approved wherever possible...'. The policy informs: -
- "Planning applications that accord with the Policies of this Plan (and where relevant, with policies in neighbouring plans) will be approved without delay, unless material considerations indicate otherwise."*
- 4.9 The General Policy contains a test of harm that reflects the test found at paragraph 11 of the Framework.
- 4.10 The supporting documents of this application address all issues of harm and demonstrate that impacts arising from the development are not of such magnitude that they would "significantly and demonstrably outweigh the benefits" (underlining our emphasis).
- 4.11 It is our case that these proposals accord with the policies of the CS, therefore the application under this General Policy should be approved.
- 4.12 The most relevant development CS policies are set out below: -
- Spatial Policy 1: Location of development
 - Spatial Policy 6: Housing Requirement and Allocation of Housing Land
 - Policy H2: New Housing Development on Non-Allocated Sites
 - Policy H9: Minimum Space Standards
 - Policy P10: Design
 - Policy P12: Landscape
 - LAND 2: Development and Trees



Leeds Unitary Development Plan and Review (July 2006)

- 4.13 The original Leeds UDP was approved in 2001. This plan was reviewed and following consultation and a Public Examination the UDPR was adopted in July 2006, prior to the adoption of the Framework. A number of policies in the UDPR were 'saved' by Direction of the Secretary of State in September 2007 and June 2009. The UDPR 'saved policies' forms part of the Leeds Development Plan until such time as it is replaced by the emerging Local Development Framework. Those policies that were saved, were not saved because they were up-to-date, they were saved to ensure continuity in the plan led system and a stable planning framework locally and in particular a continual supply of land for development. The weight which can be afforded to these saved policies will reduce over time and in relation to the adoption of new policy at the national level.

Policy GP5

- 4.14 The policy sets out that:

“Development proposals should resolve detailed planning considerations (including access, drainage, contamination, stability, landscaping and design). Proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life, and highway congestion, to maximise highway safety and to promote energy conservation and the prevention of crime. Proposals should have regard to the guidance contained in any framework or planning brief prepared for the site or area.”

- 4.15 The above policy is essentially a checklist of issues which must be addressed when an application is prepared. It is not a policy which sets out criteria or parameters against which applications can be tested. It is considered that for the reasons set out in this statement the proposal is in accordance with this policy and meets all criteria set out.

Policy N25 – Boundary Treatments

- 4.16 In line with the requirement of this policy positive boundary treatment is proposed which is in keeping with the surroundings.

Policy T24 – Parking provision

- 4.17 The policy sets out that: -

“Parking provision in all development proposals should reflect the detailed guidelines contained in Appendix 9 in Volume 2”.



4.18 The proposal complies with this guidance.

Natural Resources and Waste Local Plan (2012)

4.19 Adopted in January 2013, and subsequently updated in September 2015 to include policies in relation to Minerals Transport, the NRWLP forms part of the Development Plan. The following policies are considered to be of relevance to the determination of this application.

Land 2: Development and Trees

4.20 The policy seeks to conserve trees wherever possible. Where planting has to be removed to facilitate a scheme, suitable tree replacement should be provided on a minimum three for one replacement ratio.

National Policy

National Planning Policy Framework (February 2019)

4.21 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications.

4.22 Planning law does however still require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.

4.23 It is convenient to set out the relevant provisions of the Framework which will provide the basis for decision making in this instance.

4.24 There are three dimensions (paragraph 8) to sustainable development comprising **economic**, **social** and **environmental** roles.

4.25 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating: -

"For decision-taking this means:

c) **approving development proposals that accord with an up-to-date development plan without delay; or**



d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date¹, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

4.26 This report addresses the relevance of (i) above (in bold) at Section 5 of this report.

4.27 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

Section 4: Decision Making

4.28 In determining applications, paragraph 38 states: -

“Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area”.

4.29 Paragraph 47 requires “that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise” in line with the established plan-led planning system.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

² The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; **designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63)**; and areas at risk of flooding or coastal change.



Section 5: Delivering a Sufficient Supply of Homes

- 4.30 Paragraph 60 states that in order to “*support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay*”.

Section 11: Making Effective Use of Land

- 4.31 The Government remains committed to encouraging high density development and the most efficient use of land. Paragraph 120 (d) “*Planning policies and decisions should...promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively*”. Although the use of minimum density policies is encouraged the Framework does not advocate any national standards for such minimum densities. Paragraph 124 also specifically refers to the need to reflect the type of dwellings needed in an area and respect for the character of that area.

Section 12: Achieving Well Designed Places

- 4.32 Paragraph 126 stresses the Government’s commitment to achieving good design, high quality buildings and places.
- 4.33 Paragraph 133 advocates that local planning authorities should ensure that “*they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for Life*”.
- 4.34 The paragraph also goes on to state that “*local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)*”.

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 4.35 This section of the Framework seeks to ensure the planning system supports the transition to a low carbon future in a changing climate and taking full account of the flood risk and coastal change.



4.36 New developments should be planned to avoid increasing vulnerability to the range of impacts arising from climate change, help to reduce greenhouse gas emissions, increase the use and supply of renewable and low carbon energy and heat.

4.37 Development should be directed to the areas at the lowest risk of flooding.

Section 15: Conserving and Enhancing the Natural Environment

4.38 This Section of the Framework seeks to ensure that decisions contribute to and enhance the natural and local environment including minimising impacts on and providing net gains for biodiversity and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improved local environmental conditions such as air and water quality, taking into account relevant information.

Section 16: Conserving and Enhancing the Historic Environment

4.39 This section relates to conserving and enhancing the historic environment. It is confirmed that the site is not located within a conservation area nor does it contain a listed building or sit within the setting of a listed building.

National Planning Practice Guidance (March 2014)

4.40 The Planning Practice Guidance (PPG) was published as a live 'working' document on 6 March 2014.

4.41 The PPG forms the Government's guidance into specific categories relating to different aspects of the planning system.

Other Material Considerations

4.42 The Council have a raft of supplementary planning documents and guidance documents which are a material consideration to the determination of the planning application, these include (but are not limited to) Neighbourhoods for Living and Guideline Distances to Trees. These documents have been considered in the determination of the application.



5.0 THE PLANNING CASE

5.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

The Principle of Development

5.2 The National Planning Policy Framework (the Framework) indicates that the presumption in favour of sustainable development should be on the basis of every planning decision and sets out a core principle to proactively drive and support sustainable economic development to deliver the homes that the country needs. For decision taking this means approving development which accords with an up-to-date development plan.

5.3 Spatial Policy 6 of the Leeds Core Strategy Selective Review sets out a housing requirement for 51,952 (net) new dwellings across the period 2017 and 2033. Whilst the Site Allocations Plan identifies housing allocations which are expected to assist in the delivery of the majority of these dwellings (46,352 dwellings) an allowance for windfall sites is also included in the housing requirement.

5.4 Windfall sites are considered to comprise of schemes lower than the SHLAA site capacity threshold (less than 5 dwellings usually) and schemes which were unpredicted in the SHLAA. The development of this site constitutes windfall development. The development of this site therefore accords with Spatial Policy 6.

5.5 The site is located within the urban area and identified as “white land” on the Development Plan Policies Map. The context of the site is residential and therefore the residential nature of the proposal is wholly appropriate and in keeping with the surrounding site uses.

5.6 Policy H2 of the CSSR confirms that new housing will be acceptable in principle on non-allocated lands providing it meets a number of requirements. The site is not located in the Green Belt nor does the development of any greenfield portion of the site harm any value the site has as amenity space. The site does not provide a valuable contribution to the visual, historic and spatial character of the area. The proposals are compliant with Policy H2 of the CSSR.

5.7 During the extensive site planning history, the principle of residential development has not been disputed at this site. The Council have previously confirmed that *“given the development seeks to create a single new dwelling it is considered the scheme does not create infrastructure issues. In addition, as the site lies within an established residential area it is considered the*



principle of the development is appropriate subject to detail amenity considerations³". The Inspector at appeal 3278821 concluded that the principle of development was also acceptable confirming that *"the proposal would provide an additional dwelling in an accessible location which would contribute to choice in the housing market"*. In light of the acceptance of the principle of development the Inspector in the most recent appeal decision (appeal ref 3308245) did not need to have regard to the principle.

- 5.8 The context within which this application sits has not changed and these conclusions remain relevant to these application proposals.
- 5.9 The principle of development is therefore clearly established and has previously been agreed by the Council. The proposal accords with Spatial Policy 1, Spatial Policy 6 and policy H2.

The Matter of Dismissal

- 5.10 Given the extensive history of the application site and development proposals, it is not considered necessary to go over old ground. This application looks to uphold all previously agreed principles and matters relating to highways, access and parking, impact to trees, ground conditions, contamination, drainage, provision of residential garden amenity areas and seeks to focus on the key matter of dismissal at the last appeal decision. It is again necessary to return to paragraph 5 of the Inspector's decision.

5. Nevertheless, the proposed dwelling would be taller than the adjacent bungalows. Although the overall height of the proposed dwelling would only be marginally higher than the adjacent bungalow, it would be particularly noticeable in relation to the eaves immediately adjacent to the existing bungalow. The proposed dwelling would also have a much wider frontage onto Vesper Road than the bungalows which it would be viewed in the context of. The frontage of the proposed dwelling which would be stepped into the wedge shape of the plot would appear cramped into the site. The resultant development therefore would appear constrained and out of scale on the site. Consequently, the proposal would appear out of character with its surroundings.

- 5.11 The key matter which this application therefore addresses is the character and appearance of the proposals and how this impacts the character and appearance of the surroundings.

³ Council's Statement of Case to Appeal Ref 3278821



- 5.12 Of primary concern of the Inspector were the overall height of the proposal and the overall width of the frontage.
- 5.13 Firstly, addressing the height of the proposed building. The proposals before the Council now has reduced the overall ridge height by circa 611mm, this has in turn reduced the overall pitch of the roof. The Design and Access Statement, along side the Proposed Site Elevation drawings clearly show that there is variation ridge height between the existing 33A Vesper Road bungalow and its neighbouring bungalow to the east. The proposed new build property maintains a ridge height in keeping with this neighbouring property.
- 5.14 The proposed eave height remains consistent with 33A Vesper Road as previously requested by Council Officers. The front elevation of the proposed dwelling is symmetrical in nature and as such is in keeping with the character of the street.
- 5.15 The proposed material palette using stone, render and wood cladding again mirrors the consistent appearance of the existing bungalows and reinforces the character of the street. The Inspector found the previously proposed material palette to be acceptable stating “*the proposed dwelling would be constructed of contemporary materials which would not look out of place in this location, where a range of styles of houses can be seen*” (paragraph 6). It is not considered that the proposed material palette could give rise to a reason for refusal.
- 5.16 The Inspector was critical of the previous proposal width. The appeal proposals sought consent for an L shaped dwelling which was intended to maximise on the available space available within the wedge-shaped application site. Noting that the prevailing character was for ‘narrow frontages’ in this locality it was found that the wider frontage on to Vesper Road would appear constrained and out of scale for the site and out of character for the locality.
- 5.17 Responding to these comments, the application seeks permission for a linear dwelling, like the form of the existing linear bungalows. As a result, the proposed dwelling has a narrow frontage in the street scene in keeping with the identified and prevailing character of the area.
- 5.18 As a consequence of the removal of any sideward built form the residential amenity space around the new property is increased and a greater stand off from the existing trees. It is again reiterated that all built form is outside of Root Protection Areas and canopy areas for the trees.
- 5.19 This application submission has demonstrated that the proposal is of a high quality which respects the character and quality of the locality and surrounding buildings.
- 5.20 In light of the changes to the proposal represented in this planning application it is considered that the reasons for which the previous appeal was dismissed have been fully addressed



resulting in a proposal which is in accordance with Policies P10 and P12 of the Leeds Core Strategy, policies GP5 and BD6 of the UDP and with the advice of Neighbourhood for Living and National Planning Policy.



6.0 SUMMARY AND CONCLUSIONS

- 6.1 This application represents a revised application following an extensive planning history including three planning applications and two appeals. As a result, the scheme has been subject to a significant design evolution process to ensure that the application before the Council today is acceptable.
- 6.2 Proposals for the alteration and extension of the existing bungalow have already been approved under appeal reference 3308245. This application does not seek to reapply for these elements, The development proposals associated with this application is the erection of a single dwelling with associated access and infrastructure works in land at 33A Vesper Road.
- 6.3 Following the determination of the appeal many of the issues which have previously been the subject of extensive discussion are now considered to be resolved. Either through the negotiations with the Council or through the Inspectors determination matters relating to highways, access and parking, impact to trees, ground conditions, contamination, drainage, provision of residential garden amenity areas etc have been agreed as acceptable. It is therefore considered that the only matters to resolve relate to those issues upon which the appeal was dismissed; the overall height and width of the proposed dwelling and the impact of this in relation to character and appearance on the street scene.
- 6.4 Section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the Development Plan. Where development accords with an up-to-date Development Plan permission should be granted without delay.
- 6.5 Section 4 of this report has established that the Leeds Development Plan comprises the Core Strategy and Core Strategy Selective Review, saved policies of the Unitary Development Plan Review and Natural Resources and Waste Local Plan. This is the appropriate starting point for determination of the application.
- 6.6 The principle of residential development on this site was considered acceptable during the planning history and is not disputed. The Council have acknowledged that the site is in a sustainable location. This matter has not changed in relation to this submission.
- 6.7 The site represents infill development and would constitute a windfall site. The Core Strategy expects windfall sites to help contribute to the Districts housing supply over the plan period. The Council have not previously raised any objection to the principle of residential development on this site.



- 6.8 The proposals have been amended for this submission, reducing the height and massing of the proposed detached dwelling. The proposed eave heights are consistent with the existing bungalow at 33A Vesper Road and the ridge height has reduced since the last application and is in keeping with the overall step change in height along the street scene. The width of the property has reduced, removing any side development and now presenting a linear form in keeping with the existing bungalows. As a result, the appearance of the proposed dwelling presents a narrow frontage contributing to the spacious character of the area.
- 6.9 This application is considered to have addressed all remaining concerns in relation to this development site. Such matters should no longer substantiate reasons for refusal.
- 6.10 The analysis provided in Section 5 of this Statement demonstrates that the proposals are policy compliant and should therefore be approved without delay.
- 6.11 The Framework requires the Local Planning Authority to undertake a simple planning balance exercise to establish whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 6.12 Taking account of all of the above factors, including merits of the scheme taken as a whole, the report has demonstrated that when assessed against the requirements of the Framework, there are no adverse impacts that would arise from the residential development of the site. In accordance with paragraph 11 of the Framework, permission should therefore be approved without delay.