
Appeal Decision

Site visit made on 5 December 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 12th December 2016

Appeal Ref: APP/N4720/W/16/3158390

The Old Stables, 7 Regent Street, Chapel Allerton, Leeds LS7 4PE

- 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 Nigel Banks against the decision of Leeds City Council.
 - The application Ref 16/03241/FU, dated 21 May 2016, was refused by notice dated 28 July 2016.
 - The development proposed is the change of use of an outbuilding (former stables), used by previous owners as a business premises, to a single residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of an outbuilding (former stables), used by previous owners as a business premises, to a single residential dwelling at The Old Stables, 7 Regent Street, Chapel Allerton, Leeds LS7 4PE in accordance with the terms of the application, Ref 16/03241/FUL, dated 21 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plan Revision B Dated 18/07/16; Proposed Site Plan Revision B Dated 18/07/2016; Existing and Proposed East Elevations Revision A Dated 14/07/2016; Existing and Proposed South Elevations Revision A Dated 14/07/2016; Existing and Proposed West Elevations Revision A Dated 14/07/2016; Existing and Proposed North Elevations Revision A Dated 14/07/2016; Existing and Proposed Ground Floor Plan Revision A Dated 14/07/2016; Existing and Proposed First Floor Plan Revision A Dated 14/07/2016; Existing and Proposed Section Revision A Dated 14/07/2016; and Existing and Proposed Roof Plan Revision A Dated 14/07/2016.
 - 3) The external surfaces, rainwater goods, window frames and external doors of the development hereby permitted shall be constructed in the materials detailed on the application form and shown on the Existing and Proposed Elevation Plans approved under condition 2 to this permission.
 - 4) The space within the site shown on the Proposed Site Plan, approved under condition 2, to this permission for four cars to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear, shall be kept available at all times for the parking and turning of vehicles, and at no time shall this be subdivided by a fence or any other means of enclosure.
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Main Issue

2. The main issue in the appeal is the effect of the proposed development on highway safety.

Reasons

3. The appeal site is an outbuilding associated with a detached house which is set at a higher level than the adjacent road. Both buildings are accessed by a shared driveway, which initially is single width but widens out to provide parking and turning space further away from the road. Due to width and steepness of the drive, and the limited visibility at its junction with the road, it is highly preferable for cars to be able to enter and exit the site in forward gear.
4. The proximity of the site to the centre of Chapel Allerton means that during the day there is a high demand for on-street parking on Regent Street, and the surrounding roads. Despite this, and the parking restrictions that apply on some of the roads in the area, I observed that there were a number of on street parking spaces available in the vicinity at the time of my visit (midday on a weekday). Moreover, the appellant has indicated that during the evening, and overnight, the demand for on-street parking in the area is much lower.
5. The proposed dwelling would be provided with two parking spaces to the south of the outbuilding, whilst the host property would continue to use the 2 spaces at the top of the drive. Whilst I accept that space on the drive way is relatively tight, the appellant's evidence shows that it would be possible for 4 cars to use these spaces independently, and still turn within the site. In the absence of any information from the Council to counter this evidence, and from my own observations on site, I am satisfied that adequate parking and turning space for 4 cars is provided within the site. As such both the existing and proposed dwelling would be provided with 2 parking spaces, and would be able to enter and exit the site in forward gear. In light of this, I consider that the occupiers of the dwelling would be unlikely to create additional demand for on-street parking.
6. Furthermore, given that the dwelling would only be a one bed house, and it is located within Chapel Allerton centre, with excellent public transport links, and a good range of services and facilities, I consider that it is probable that future occupiers may not actually require 2 parking spaces.
7. The Council have highlighted that there is no potential to provide visitor parking for either property on the site. Whilst I accept that day time demand for on-street parking in the area is high, I am not persuaded that there is inadequate capacity on the nearby roads to accommodate the small increase in demand for on-street parking that this would create.
8. The narrowness of the drive means that a car is not able to enter whilst another is exiting. However, given the proposal would only create one additional dwelling, it would not significantly increase the number of vehicles using the access. Consequently, there is unlikely to be a material increase in the number of occasions when this is likely to occur.
9. All in all, I consider that the effect of the proposed development on highway safety would be acceptable. Therefore, it would accord with Policy T2 of the *Leeds Core Strategy (adopted November 2014)* and Policy GP5 of the *Leeds*

Unitary Development Plan (Review 2006) (adopted July 2006) which require that development does not create, or materially add to, problems of safety, environment or efficiency on the highway network, and should resolve detailed design considerations.

Other Matters

10. The appeal site is located within Chapel Allerton Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. I note that the Council has no objection to the scheme in respect of any impact it would have on the conservation area. The appeal scheme would only involve very minor alterations to the external appearance of the building. As a result I am satisfied that the proposal would preserve the character and appearance of the conservation area. In addition, the appeal scheme would not result in the loss of any mature trees.

Conclusion and Conditions

11. For the reasons set out above I conclude the appeal should be allowed.
12. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of the character and appearance of the area a condition is required to control the external appearance of the area. The parking and turning area is already laid out in the site, but for highway safety reasons a condition is required to ensure these areas are retained for these purposes.
13. The Planning Practice Guidance indicates that the removal of permitted development rights should only be done in exceptional circumstances. As other conditions can be used to ensure the retention of the parking and turning spaces, I am not persuaded that the removal of these rights for this purpose, or any other reason, is necessary. In addition, as the plans indicate two potential positions for bin storage, I consider that further information on this does not need to be provided.

Alison Partington

INSPECTOR