
Appeal Decision

Site visit made on 7 February 2017

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 16th February 2017

Appeal Ref: APP/N4720/W/16/3161565

91, High Street, Boston Spa, Wetherby, LS23 6BH

- 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 Simon Crowther against the decision of Leeds City Council.
 - The application Ref 16/03512/FU, dated 26 April 2016, was refused by notice dated 28 July 2016.
 - The development proposed is described as *Conversion of an existing integral garage to living space & storage. The garage area is 22.6sqm. The overall site to the boundaries is 215sqm.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the application form.
3. During the appeal the appellant sought to submit new evidence. It included a plan indicating an area of land greater than that within the red line area on the application drawings. The Council, and others who might have had an interest, would have been unable to comment on this information at the time of the application and there appeared to be no exceptional reason for the late submission of the evidence. Therefore, in the interests of natural justice, the evidence was not accepted and this decision has been made upon the information before the Council at the time of the application.

Main Issue

4. The effect of the proposal upon highway safety.

Reasons

5. The proposal would result in the loss of a parking space in an integral garage. The dwelling has four bedrooms. The Council's parking standards¹ indicate that a dwelling with three or more bedrooms should have a minimum of two spaces.
6. The red line is drawn tightly around the dwelling and garden. On my visit I observed that a tall fence prevents vehicular access to a rear garden area and I could not see any other area for parking within the red line. On this basis I can only conclude that the proposal would result in the loss of the only parking space available for this dwelling and that the likely effect would be to increase

¹ Leeds Street Design Guide Supplementary Planning Document, Draft 2, 2009,

- parking demands elsewhere. The most convenient options would be to park vehicles within a shared courtyard to the rear or on High Street to the front.
7. The small courtyard provides access to the garages of six dwellings (including the appeal site). I also noted that it provides pedestrian access to dwellings and I saw a number of refuse bins. The Council report that it is well used and I observed four cars parked within it during my visit on a Friday morning. There is no evidence to say that it could accommodate any increase in demand.
 8. It would appear that the appellant must cross the courtyard to access his garage, and I note the appellant refers to an area of 215m² on the application forms. However, this area is outside of the red line on the planning application. On this basis I can only conclude that if the integral garage space was lost, it would add to the existing demands for parking in this area. Given that it is already well used I conclude that that could be to the detriment of safe parking and highway safety.
 9. Pedestrian access from High Street to the front of the dwelling is possible and there did not appear to be any parking restrictions on the road close to the appeal site. A loss of parking for the dwelling could therefore give rise to an increase in on-street parking on High Street. This classified road carries a significant volume of traffic. At the time of my visit I saw several parked cars, some of which appeared to impede the free flow of traffic, including one directly opposite the appeal site. I conclude that if the appeal were allowed, it would add to the existing demands for on-street parking and that this would be to the detriment of highway safety.
 10. The appellant informs me that the garage is used for ancillary domestic use and is slightly shorter than illustrated in the Council's Street Design Guide. I do not consider these facts prevent the garage from being capable of use for parking, or that that they amount to a justification to allow permanent conversion. The Council are concerned about precedent, but each application must be considered on its own merits.
 11. I conclude that the appeal proposal would result in the loss of parking for the dwelling and would increase demand for parking elsewhere to the detriment of safe parking and highway safety. Therefore the proposal fails to comply with Policy T2 of the Leeds City Council Local Development Framework Core Strategy, 2014 and advice within the Council's Street Design Guide for parking requirements. It fails to satisfy requirements in respect of highway safety in Saved Policy GP5 of the Leeds Unitary Development Plan Review 2006 and the Householder Design Guide Supplementary Planning Document, 2012, for converting a garage. The proposal also fails to comply with advice in the National Planning Policy Framework that, amongst other things, planning decisions should ensure that developments function well and add to the overall quality of the area (paragraph 58).

Conclusion

12. For the reasons given above I conclude the proposal would be detrimental to highway safety and therefore the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR