
Appeal Decision

Site visit made on 14 March 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 28 March 2017

Appeal Ref: APP/N4720/W/16/3162944

56 Stratford Terrace, Leeds, West Yorkshire LS11 6JE

- 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 Ms Fuzzia Khoganiwal against the decision of Leeds City Council.
 - The application Ref 16/03289/FU, dated 21 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is a change of use of ground floor to a shop, and an access to first floor dwelling via rear access door.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. At my site visit I was unable to gain access to the inside of the building although the agent had been notified of, and attended, the site visit. There is no clear reason why access could not be arranged and this is the second time an Inspector has attended the site and been unable to gain access to the building. In that light I have proceeded to determine the appeal from what I saw on site and the drawings before me. In any event, as set out below, viewing of the internal space was not determinative of the outcome.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether the development would provide acceptable living conditions for the future occupiers of the proposed first floor dwelling; and
 - iii) the effect on the living conditions of the occupiers of neighbouring houses with regard to noise and disturbance.

Reasons

Character and appearance

4. The site is located within a densely developed suburb of Leeds. The surrounding area is characterised strongly by long terraces of dwellings with a uniform appearance giving a definitive consistency to the street scenes.
 5. The existing property is a mid-terrace dwelling. It has a square bay window with a black painted window cill and lintel, and a front door to the side. With
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the exception of a small porch at No 44 and a modern window frame at No 58, all the other properties near to the site in the terrace have these same design features.

6. The proposal would involve the removal of the bay window and in its place the provision of a shop front. The shop front would project approximately as far forward as the existing bay window and be around the same height. However, it would be wider, would incorporate a front door and would contain far more glazing. The result would be that the property would appear significantly different from the other houses in the terrace disrupting the characteristic repetitive visual rhythm of the terrace, and therefore appearing incongruous. It is also likely, though not included in the proposal, that some signage would be provided on the building which would represent an additional departure from the uniformity of the terrace.
7. There are some shops on some of the street corners in the area, including at No 24 Bude Road a short distance to the south west of the site. However that unit's position on the street corner means it is not visually contained within a terrace. Indeed whilst shops on street corners are a common occurrence elsewhere in the area, shops in mid-terrace positions are not.
8. In summary the incongruity of the proposed development in its setting would harm the character and appearance of the area. Accordingly it would conflict with Policy P10 of the Leeds Core Strategy (CS) and Policy GP5 of the Leeds Unitary Development Plan (UDP) which both aim to ensure development is designed to be appropriate to its location. It would also fail to accord with Policy BD6 of the UDP which requires extensions to respect the original building, and the guidance within the National Planning Policy Framework (the 'Framework') which supports a good design in all development.

Living conditions – future occupiers

9. The rear garden of the property is small and would be the only personal amenity space available to the dwelling above the shop. The plans show that the only access to the basement, which would appear to be part of the commercial unit, would be through this garden area. This would mean the users of the garden would not have exclusive use of the garden and would not have any privacy. Though the high density nature of the terrace means overlooking between houses and gardens is commonplace, the users of the other gardens appear to have sole use of them.
10. As I was unable to gain access to the building I am unable to consider fully the acceptability of the proposed internal accommodation. However because of the lack of private amenity space I am able to conclude that the proposal would not provide acceptable living conditions for the future occupiers of the development. Therefore the development would be contrary to Policy P10 of the CS and Policy GP5 of the UDP which both require development to provide a good design.

Living conditions – neighbouring occupiers

11. The small size of the proposed shop means it is unlikely that a significant amount of traffic would be generated or that a considerable number of customers would patronise the shop. Also hours of operation and deliveries could be controlled by a planning condition. Due to the lack of any direct

access from the basement to the ground floor, moving produce from one room to the other would necessitate it to be taken externally around the end of the terrace. However I do not consider this would necessarily cause noise or disturbance to nearby occupiers to the extent that their living conditions would be adversely affected. Furthermore, because of the shop at No 24 Bude Road, commercial activity in the immediate vicinity already takes place, and therefore the proposal would not introduce such activity into the area. Moreover the small scale of the proposed shop means it would not materially exacerbate the existing commercial activity in the area.

12. Consequently I do not consider the proposal would cause unacceptable noise or disturbance and so would not harm the living conditions of the occupiers of neighbouring properties. The development would, in this respect, comply with Policy P10 of the CS and Policy GP5 of the UDP which both support development which protects residential amenity. However this does not outweigh the harm the proposal would cause to the character and appearance of the area, or its failure to provide acceptable living conditions for future occupiers of the proposed dwelling above the shop.

Other matters

13. I recognise the provision of a retail unit would provide employment and economic growth, and that the Framework lends support for small businesses. However the economic benefits would be limited by the small scale of the unit, and whilst small businesses should be encouraged, the Framework also requires development to have regard to its surroundings. In this case the alterations to the building to facilitate the business would harm the character and appearance of the area.
14. The appellant's appeal statement briefly refers to the physical regeneration and social inclusion benefits of the proposal, and that the shop would provide a useful service for the community. However from the evidence before me, any benefits to the community from a single small shop would be limited, and the existing property is not in need of physical regeneration.

Conclusion

15. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR