

Appeal Decision

Site visit made on 13 April 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 11 May 2017

Appeal Ref: APP/N4720/W/16/3165145

33 Raynville Mount, Bramley, Leeds, LS13 2RN

- 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 Adam McKenzie against the decision of Leeds City Council.
 - The application Ref 16/03086/FUL, dated 16 May 2016, was refused by notice dated 27 July 2016.
 - The development proposed is the construction of a new house at the end of a row of terraces.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are;
 - The effect of the proposed development on the character and appearance of the area;
 - Whether adequate provision is made for the living conditions of the future occupiers of the proposed dwelling, and the existing occupiers of No. 33 Raynville Mount, having regard to the availability of garden space; and,
 - Whether the proposed arrangements for car parking would result in an adverse impact on highway safety.

Reasons

Character and appearance

3. The appeal site is located within an existing residential area, and comprises part of the existing garden of No. 33 Raynville Mount adjacent to Victoria Park Avenue. The appeal site is a comparatively large corner plot which in addition to garden, accommodates an existing single-storey detached garage providing off-street parking.
 4. The proposed dwelling would continue the existing rhythm and proportions of the terrace of properties on the west side of Raynville Mount. Furthermore, the detailed design of the proposed dwelling would not be out of character with the existing terrace and street, incorporating as it would matching brickwork and roof tiles, as well as a bay window and chimney.
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5. The existing form of development within the area has dwellings and built form generally set back from road frontages by a relatively consistent distance, which contributes towards the general spaciousness and openness within the vicinity of the appeal site. In this respect, I observed that in addition to the existing set-back at the front of the properties, there was a fairly consistent gap between the flank elevation of properties and Victoria Park Avenue running at right-angles to Raynville Mount and other parallel roads. Whilst I accept that some single-storey structures have intruded on the existing gap, including the existing detached garage on the appeal site, I consider that the construction of the proposed two-storey dwelling to within 1 metre of the boundary would substantially erode the open character of this prominent point in the street scene to a harmful degree.
6. I am therefore satisfied that the construction of the proposed dwelling would result in an adverse impact on the character and appearance of the area. The proposal would therefore conflict with Policy P10 of the Leeds Core Strategy Development Plan Document 2014 (the Core Strategy), which seeks to ensure that new development is based on a thorough contextual analysis and design appropriate to its location, whilst respecting the character of streets and spaces that make up the wider locality. Furthermore, the proposal would not accord with paragraph 17 of the National Planning Policy Framework (the Framework) as it would not represent high quality design.

Living conditions

7. The existing dwelling possesses off-street car parking, which is accessed from Victoria Park Avenue. The appeal proposal is shown as retaining a single parking space for the existing dwelling at No. 33, albeit with access from Back Raynville Mount, as well as incorporating two car parking spaces for the proposed dwelling, which would be accessed from Victoria Park Avenue.
8. Whilst it is evident that the proposed car parking has been provided as a means of addressing the parking requirements for new development, the effect would be that No. 33 Raynville Mount would lose virtually all of its existing private rear garden space. In respect of the proposed dwelling, I accept that it is indicated that 46.7 m² amenity space would be available for future occupiers, but I note that this would include the front garden and the residual strip of land to the side of the proposed dwelling adjacent to Victoria Park Avenue. I find that a reliance on these areas alone would not provide the suitable level of privacy required to ensure that an appropriate standard of living conditions could be maintained for future occupiers.
9. I accept that there would be no adverse impact on privacy as a consequence of the proposed development. I have had regard to the Council's concerns that modern standards and requirements in respect of distances to boundaries as set out in the Householder Design Guide cannot be met by the proposals. However, I am satisfied that the proposed development would reflect the context and characteristics of existing development within the vicinity, and would therefore be acceptable.
10. The proposed development fails to make adequate provision for the living conditions of the future occupiers of the proposed dwelling, and the existing occupiers of No. 33 Raynville Mount, having regard to the availability of garden space. As a consequence, the proposals would not accord with Policy P10 of the Core Strategy, and saved Policy GP5 of the Leeds Unitary Development Plan

Review 2006 (the UDP). These policies seek to ensure that proposed development avoids problems of loss of amenity, and protects the residential amenity of an area through high quality design. The proposals would also not be in accordance with paragraph 17 of the Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Highway safety

11. The Council has highlighted that whilst the proposed dwelling would provide sufficient off-street car parking, the provision of only a single space for No. 33 Raynville Mount would represent an overall worsening of the existing level of off-street provision. However, whilst I am mindful of the recommendation regarding parking levels made within the Street Design Guide Supplementary Planning Document 2009 (the SPD), I am not persuaded based upon my observations of available on-street parking in the vicinity and in particular along Victoria Park Avenue, or on the basis of the submitted evidence, that a shortfall of a single space would lead to a unacceptable adverse impact on highway safety. Furthermore, I am satisfied that the access arrangements utilising the existing vehicle crossing to the highway, would be acceptable and would not result in an adverse highway impact due to manoeuvring in or out of the parking spaces.
12. Therefore, the proposed arrangements for car parking would not result in an adverse impact on highway safety. Whilst I accept there to be some conflict with the parking levels recommended in the SPD, I am satisfied that there would not be conflict with Policy T2 of the Core Strategy or saved Policy GP5 of the UDP, as the proposed development would not materially add to problems of highway safety and would not result in problems of highway congestion or safety.

Other Matters

13. I am mindful of the various facets of sustainable development as set out in the Framework, and in particular the need to achieve the three mutually dependent elements of sustainable development; economic, social and environmental.
14. In this respect, and having regard to the need to boost the supply of housing, I accept that the proposed single dwelling would make a limited contribution towards the supply to meet local needs. The local economy would also have the potential to experience some limited benefit both during the construction period and following occupation, and I accept that the appeal site is located within a relatively sustainable location with good access to services and facilities, as well as to public transport links to the wider area.
15. Whilst acknowledging the above benefits, and also that I have not found harm in respect of the provision of off-street parking, I have found that the proposal would not represent good design and would be harmful to the character and appearance of the area, and also would not safeguard the living conditions of future and existing occupiers, having regard to the provision of an acceptable level and quality of external amenity space. I have not therefore found the development to be in accordance with either the Development Plan or the Framework. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

M Seaton

INSPECTOR