The Planning Inspectorate

Appeal Decision

Site visit made on 18 July 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 7th August 2017

Appeal Ref: APP/N4720/W/17/3170345
16 Harehills Lane, Leeds, LS7 4HD

- 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 I Clarke against the decision of Leeds City Council.
- The application Ref 16/05703/FU, dated 8 September 2015, was refused by notice dated 6 February 2017.
- The development proposed is two additional apartments in the roof space of application reference 15/05497/FU.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr I Clarke against Leeds City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the living conditions of the future occupants of the flats in respect of (a) outlook and (b) the provision of amenity space; and (ii) highway safety, in respect of car parking.

Reasons

Living Conditions

4. Planning permission has been granted for 12 apartments and I was able to see at my visit that the building has almost been fully constructed. The Council's Supplementary Planning Guidance, *Neighbourhoods for Living*, (SPG 13) indicates, as a general guide, that in non-family situations, such as flats, the private amenity provision should be 25% of the total gross floor area. The 12 apartments have been approved with a shortfall of about 33% of this figure. The addition of the 2 flats and 2 car parking spaces would further reduce the percentage of amenity space per flat. The proposed development would, technically, exacerbate an already significant shortfall in the provision of amenity space.

5. However, the approved amenity space is little more than a strip of grass around the building and it will be closely overlooked by the flats and the car park. Therefore, in my view, the amenity space will not be a welcoming area

for any of the building's residents and the proposed development would, in practice, make little difference to the existing lack of provision.

6. Potternewton Park, which could provide future residents with convenient access to open space, is about 100m from the site. Given the presence of the park, and the fact that the residents of the block would have little private amenity space with or without the 2 additional flats, I do not consider that the proposal would make any material difference to the existing situation.

7. Consequently, I find no direct conflict with Policy G4 of the Leeds Core Strategy (CS) which indicates that on site provision of green space of 80 square metres per residential unit, will be sought for development sites of 10 or more dwellings that are outside of the City Centre and in excess of 720 metres from a community park. The Council has quoted CS Policy P12 but as this seeks to protect the townscape and landscape I find no direct conflict with this particular policy.

8. In respect of outlook from the flats, all the bedrooms would have a window with a conventional and acceptable outlook. However, the kitchens would have no window and the living/dining areas would have only roof-lights. Therefore, the kitchens would have no outlook at all and the living areas would not have any view except of the sky. This would mean that apart from within the bedrooms, there would be no appreciable view of life beyond the flats, i.e., of the outside world. In my opinion, the lack of a decent outlook in both the kitchen and living areas would lead to a claustrophobic, insular and dismal living environment.

9. I note the appellant's suggestion that a planning condition could require the lowering of these roof-lights but whilst I have seen some amended plans attached to the appellant's final comments, I have nothing (for example, the provision of a sectional drawing) to convince me that this would result in a decent outlook. A condition would therefore be inappropriate.

10. Due to their poor outlook, I conclude that the proposed flats would not provide adequate living conditions for future occupants. Consequently, I find conflict with CS Policy P10 and Polices GP5 and BD5 of the Leeds Unitary Development Plan (UDP). In combination, these policies seek to ensure that new buildings provide a satisfactory standard of residential amenity. I also find conflict with Leeds Supplementary Planning Guidance Note 6, *Development of Self Contained Flats,* which indicates that all dwellings should provide a satisfactory outlook. The development would also conflict with Paragraph of 17 of the National Planning Policy Framework (NPPF) which says that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Highway Safety

11. The Council's Supplementary Planning Document *Street Design Guide* indicates that 1.25-1.5 spaces per two-bedroomed flat should be provided in addition to one visitor space per five units. However, this figure is expressed as a "benchmark" rather than an absolute minimum. The Council has calculated that the whole of the development should provide 21 spaces which would represent a cumulative shortfall of 2 spaces for the whole of the block.

12. I acknowledge the Council's comments that obstructions caused by parked vehicles on the highway can lead to problems of highway safety, and that Harehills Lane is a main distributor route. However, I noted at my visit that Harehills Lane is already used for car parking and I have no site specific evidence that this car parking has resulted in any accidents of traffic problems.

13. I also note the Council's comments that although Harehills Lane contains bus stops close to the site, there is no high frequency or direct service into Leeds City Centre. However, the Council admits that high frequency bus services are available on Chapeltown Road with the nearest stop being approximately 600m from the site. The Council considers that 400m is a reasonable walking distance but in my assessment, 600m along an urban footpath with street lighting is an easy walking distance for most people. Furthermore, I noted at my visit that Chapeltown Road contains many day to day shops and services and, together with the availability of public transport, it is conceivable that the occupiers of some of the flats might not have a car.

14. Given my findings above, I do not consider that an overall shortfall of 2 spaces would have any material impact upon the existing levels of on street car parking.

15. I therefore conclude that the proposed development would not harm highway safety. Consequently, I find no conflict with CS Policies P10 and T2 or with UDP Policy GP5 which, in combination, seek to protect highway safety. Furthermore, I find no conflict with SPG 13, a principle of which is to limit car parking provision, taking into account the availability of public transport and the impact on the surrounding area.

Other Matters

16. I note the appellant's claim that the additional two apartments would make the scheme more financially viable but as the development has progressed in the absence of permission for them, I am not persuaded by this argument. I have considered all other matters raised but nothing outweighs the conclusions I have reached.

Conclusion

17. Whilst I find no harm in respect of the provision of amenity space and car parking, I do find that the proposal would be harmful to the living conditions of its future occupiers in respect of outlook. Consequently, the proposal would not accord with the policies of the development plan as a whole. For this reason, I dismiss the appeal.

Siobhan Watson

INSPECTOR