
Appeal Decision

Site visit made on 18 July 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 24 August 2017

Appeal Ref: APP/N4720/W/17/3174009
2 North Close, Roundhay, Leeds LS8 2NE

- 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 Richard Devany against the decision of Leeds City Council.
 - The application Ref 17/00061/FU, dated 4 January 2017, was refused by notice dated 10 March 2017.
 - The development proposed is construction of a new 2 bedroom end terrace dwelling to existing end terrace plot, including demolition of existing single storey extension, conservatory and lean-to garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the safety of pedestrians, the free flow of traffic and highway safety.

Reasons

3. The appeal site is situated towards the end of an unnamed private access lane leading from the public highway at the junction of North Lane and North Close. The access lane serves several dwellings in North Close and is about 3.5 metres wide with no adjacent pedestrian footways and no turning head at its end. The width of the lane does not allow for two vehicles to pass on it at the same time. Furthermore, I note from the site visit that the surface of the access lane is in a poor state of repair. In addition to providing the primary vehicle access to the dwellings on North Close, the private lane also provides a secondary access to the rear of the adjacent properties fronting North Way.
4. From the site visit, I saw that surrounding properties have pedestrian access provided by footpaths which pass along the front of the properties on North Close and also along the front of properties facing North Way. These footpaths are separate and distinct from the private access lane. As such, I acknowledge that there would be no adverse impact on pedestrian access or safety in that respect.
5. Notwithstanding this, I find that the occupiers of properties facing North Way quite reasonably would expect to use the private lane to gain access to the rear of their properties. Inevitably, this would include pedestrian access. Given that the private lane immediately passes the rear gates of those properties, I find it reasonable that some conflict would occur between pedestrians and

vehicles using the private lane from time to time. Furthermore, I find that the potential for this conflict would increase as a result of the proposal due to the increase in the number of vehicles using the private lane and the associated increase in the frequency of vehicle movements along it. In addition, I find that the conflict and the associated safety risks would only be exacerbated at times of limited daylight or darkness due to the lack of street lighting along the access lane.

6. As a result, I find that the proposed development would increase the risk of harm to pedestrians and conflict with vehicles. It would therefore have a significant adverse impact on pedestrian safety.
7. The Council's Street Design Guide Supplementary Planning Document (SPD) states that any access to development which serves in excess of 5 dwellings should be improved to adoptable standards and offered for adoption. I note that the private access lane in this case primarily serves more than 5 dwellings. Furthermore, as the surface of the lane is in a poor condition, the proposal would not accord with the relevant guidance in the SPD.
8. Moreover, I note that the area provided for the existing and proposed driveways would provide parking for four vehicles. Whilst I acknowledge that this would meet the size standards set out in the SPD, I find that the lack of parking space for visiting vehicles would result in a conflict between those visiting vehicles and those parked on the driveways. As such, there would be an increase in the likelihood of indiscriminate parking of vehicles on the access lane which, in my view, would lead to an adverse impact on the safe and free movement of vehicles.
9. I note from the submitted plans that the indicated parking spaces, particularly on the proposed driveway, would not provide sufficient space to allow such manoeuvres necessary to enable vehicles to arrive and depart along the access lane in forward gear without conflict with other parked vehicles. Notwithstanding a double gate leading to a domestic garden located at the end of the access lane, I acknowledge that the private lane is in effect a dead end with little or no through traffic passing the appeal site. However, the limited space available for turning and parking vehicles would be very restrictive and would lead to an increased likelihood of conflict between vehicles and pedestrians. As a result, there would be a significant adverse impact on the free movement of vehicles on the lane and on pedestrian and highway safety.
10. In relation to the impact of the proposed development on the Roundhay Conservation Area (CA), the Council has indicated that there would be no material harm to its character or appearance as the proposed dwelling would reflect the design and materials of the adjacent properties on North Close and North Lane. I note that the CA has not been raised as an issue by either of the main parties. Therefore, on the basis of all I have seen and read, including representations from other interested parties regarding the CA, I am satisfied that the development would not materially harm its character or appearance. As a result, the objective of preserving or enhancing the CA would be met.
11. The proposed development would provide an additional dwelling within an established residential area where there is a significant under-delivery of housing. Furthermore, it would provide a small number of construction jobs and associated economic benefits. Notwithstanding this, the proposal would result in an increase in the potential conflict between pedestrians and vehicles

and would have a significantly detrimental impact on pedestrian and highway safety in the area. Therefore, having considered all matters before me in the planning balance, I find that the public benefits of the proposal would be outweighed by the significant harm I have identified.

12. Consequently, I conclude that the proposed development would have a significant adverse impact on the safety of pedestrians, the free flow of traffic and highway safety. It would therefore be contrary to Policies GP5 and T2 of the Leeds Unitary Development Plan Review 2006 and the relevant guidance within the Framework. Amongst other matters, these policies and guidance seek to ensure that development does not create, or materially add to, problems of safety, environment or efficiency on the highway network and should maximise highway and pedestrian safety.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR