
Appeal Decision

Site visit made on 6 August 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2019

Appeal Ref: APP/N4720/W/19/3229431

Land to rear of Wensley House, 16 Wensley Drive, Chapel Allerton, Leeds LS7 3QX

- 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 Graham Hogg against the decision of Leeds City Council.
 - The application Ref 19/00896/FU, dated 13 February 2019, was refused by notice dated 24 April 2019.
 - The development proposed is formation of 2 parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is retrospective and I have dealt with the appeal on that basis.
3. The appellant has stated that the site address is Flat 2, Wensley House, Wensley Avenue. I have used the site address from the appeal form and the decision notice as this better describes the location.

Main Issue

4. The main issue is the effect on pedestrian and highway safety.

Reasons

5. The appeal site is located within a residential area. It is accessed from Wensley Avenue which runs uphill before forming a 'T' junction where the right turn forms the entrance to Chapel Allerton Lawn Tennis Club. The left turn leads to the appeal site, the rear of Wensley House and a small housing development comprising four houses.
6. The access road to the appeal site is narrow and enclosed by high walls on both sides with hedges and shrubs. The access road has a tight right-hand turn of around 90 degrees before leading to the parking spaces subject to the appeal. Due to the high wall and vegetation, the parking spaces are not visible to drivers, pedestrians or cyclists descending the access road until they have completed most of the turning manoeuvre. Similarly, any driver reversing out of the parking spaces will have no sight of any vehicles, pedestrians or cyclists descending the access road until they have almost fully left the parking spaces.
7. Due to the lack of visibility the risk of collision is very high. The risk is lowered slightly when vehicles leave the spaces in a forward gear, however they would

still have to move forward significantly until any visibility is achieved, and this does not alter the situation for vehicles or cyclists descending the access road in terms of their own visibility.

8. A previous appeal for the same parking spaces was dismissed due to the harmful impact on pedestrian and highway safety¹. The appellant now proposes to lower the existing wall to 1m and lower the area of raised landscaping to allow improved visibility. Insufficient details have been submitted to show the extent of these proposed works. The plan titled 'Access Improvements' that aims to demonstrate how visibility would be improved takes the forward visibility from the centre of the front of the vehicles rather than the position of the driver. The proposed works would not result in levels of visibility that would result in the scheme not having an unacceptable impact on pedestrian and highway safety.
9. I have considered the evidence in the submitted Parking and Access Assessment. These relate to the proximity of the parking spaces to the dwellings to which they relate, the route that residents would use, and the implications of parking in other locations. None of these matters however override the harm that I have identified with the proposal.
10. I acknowledge that lighting may improve the situation during the hours of darkness. However, it would not address the harm that could occur during daylight hours.
11. I therefore conclude that the development would be harmful to pedestrian and highway safety. Thus, it would be contrary to Policy T2 of the Leeds Core Strategy (2014) and Saved Policy GP5 of Leeds Unitary Development Plan (Review) (2006). These policies seek to ensure, amongst other things, that development does not create or materially add to problems of safety on the highway network and should maximise highway safety. These policies are consistent with the National Planning Policy Framework (the Framework) in so far as it outlines developments should minimise the scope for conflicts between pedestrians, cyclists and vehicles, and that development should (only) be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

12. The site is located within the Chapel Allerton Conservation Area. Planning permission was not refused on the basis of any harm being caused to the character or appearance of the conservation area. I have no reason to form a different view from that of the Council on this matter and consider that the significance of the designated heritage asset would be preserved.

Conclusion

13. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

A M Nilsson

INSPECTOR

¹ APP/N470/W/18/3207561