



Appeal Decision

Site visit made on 24 September 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/N4720/W/19/3232770

22 Park Lane Mews, Shadwell, Leeds LS17 8SN

- 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 A Jonisz against the decision of Leeds City Council.
 - The application Ref 19/00835/FU, dated 11 February 2019, was refused by notice dated 27 June 2019.
 - The development proposed is a two storey extension to rear and side with new roof to create bedrooms.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I am aware that Leeds City Council Core Strategy Selective Review (CSSR) (September 2019) has been adopted since the Council's decision notice was issued. Both main parties have had the opportunity to comment on the implications of this for the appeal. The Council has confirmed that, in its opinion, the CSSR has no bearing on the merits of the appeal. I have therefore made my determination having regard to policies within the Leeds Core Strategy (CS) (2014) and saved policies within the Leeds Unitary Development Plan (UDP) (Review 2006). I am satisfied that no interested party has been prejudiced by this approach.
3. The Council has confirmed that it is in the early stages of reviewing its car parking standards and in the process of preparing a draft Transport Supplementary Planning Document. Given that this document is still in draft form and could, therefore, be subject to further amendments, I have not taken it into consideration in my determination of the appeal.
4. As part of the appeal the appellant has submitted a revised plan¹ that was not submitted to the Council as part of the planning application. The plan illustrates the potential to accommodate three cars within the site, one in the garage and two on the driveway to the front of the house. It is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. Therefore, I have not taken this plan into consideration in my determination of the appeal.

¹ Drawing 8403/02 C

Main Issue

5. The main issue is the effect of the proposed development on highway and pedestrian safety, with particular regard to the adequacy of parking provision.

Reasons

6. The appeal site is located on a corner plot at the entrance of the first of two cul-de-sacs within a small residential mews development. The appeal property is a detached, two storey house constructed of brown brick with a tiled roof. It has a small grassed area and driveway to the front with a single storey garage to the side and an enclosed garden to the rear. The proposed development comprises raising the roof height of the building to form two additional rooms and a two storey, part first floor, side and rear extension.
7. In the reasons for refusal the Council does not refer to the effect of the proposed development on the character and appearance of the host building and surrounding area or on the living conditions of the occupants of adjacent properties. I have had regard to the representations made by third parties concerning these issues and acknowledge the concerns raised. However, given the corner location of the appeal property within the mews and its detached nature, along with the proposed form and design of the extension and alterations and use of matching materials, I consider that the proposed development would not significantly harm the character and appearance of the host building or the street scene within the immediately surrounding area.
8. In addition, given the proposed location of the extension and alterations, the separation distances between the appeal property and adjacent dwellings and the proposed location and nature of new windows and rooflights, I consider that the proposed development would not significantly harm the living conditions of the occupants of adjacent properties, with regard to privacy, light and outlook.
9. On the basis of the above, I have limited my consideration of the appeal to the effect of the proposed development on highway and pedestrian safety, with particular regard to the adequacy of parking provision.
10. Park Lane Mews is a narrow road with footpaths along either side of part of the main east to west route through the mews and at the corners of the entrance of the first cul-de-sac. Within other parts of the mews there are no footpaths and the boundaries to the front of the houses are immediately adjacent to the highway. When on site I noted that there appeared to be no parking restrictions within the mews and that vehicular movement was generally slow.
11. At the time of my site visit (9.20am) I observed a small number of vehicles that were parked either at the side of the highway, straddling the highway and property boundaries or straddling the highway and footpaths. However, from evidence provided by third parties it appears that, at peak times, the area is under considerable parking stress with a high number of vehicles being parked on the highway or straddling property boundaries or footpaths.
12. Policy T2 of the CS states that for new development, parking provision will be required for cars in accordance with current guidelines. In addition, Saved Policy GP5 of the UDP states that development proposals should seek to avoid problems of highway congestion and to maximise highway safety. The Council's current guidelines for parking provision are outlined in its Householder Design

Guide Supplementary Planning Document (HDG SPD) (2012), which states that generally two car parking spaces should be provided within a site in order to prevent on-street car parking which can cause congestion and be dangerous to highway safety. In addition, it confirms that in order to be considered as a parking space the parking area should measure 3m x 5m and a garage must measure at least 3m x 6m.

13. The number of car parking spaces that are currently available within the appeal site is disputed by the main parties. The appellant has provided information and photographic evidence to show that the site can accommodate three cars. This comprises space for one car in the garage with an internal space measuring approximately 2.6m x 6.8m and space for two cars on the driveway, one space measuring approximately 2.4m x 6.8m and another space measuring approximately 2.4m x 4.8m. However, the Council asserts that the site can only accommodate a maximum of two cars, one in the garage and one on the driveway and considers that, as the garage is small, it is unlikely that it would be convenient or regularly used to park a vehicle.
14. I recognise that the appellant has shown that it is possible to park three cars within the site and note that at the time of my site visit the garage was being used to park a vehicle. However, it is apparent that, as shown, all of the parking spaces are smaller than the dimensions stated within the Council's current guidelines and that technically the site can only accommodate one car parking space which meets the required measurements of the HDG SPD.
15. I acknowledge that the proposed development may not create an immediate need for additional car parking spaces. However, I consider that it is highly likely that the additional rooms created as part of the proposed development would generate a demand for additional car parking spaces in the future. Given the lack of adequate car parking provision within the site, it would result in any additional cars being displaced onto the highway.
16. Taking into account the information submitted by third parties and the objection and concerns raised by the Council's Transport Development Services, it is apparent that, at peak times, the on-street car parking within the mews is either at, or very close to, its practical capacity. It seems to me that any displaced car parking due to the proposed development would be likely to result in the further obstruction of the highway and footpaths and additional conflict between cars, other vehicles and pedestrians which would have a harmful effect on highway and pedestrian safety in the area. As such, even though any displaced car parking caused by the proposed development would be small, it would be critical within an area such as this where there is little capacity to absorb it.
17. Furthermore, given the location of the appeal property at the entrance of the first cul-de-sac within the mews, it is likely that any displaced car parking at this corner location would have the potential to have an even greater adverse impact on highway and pedestrian safety.
18. Accordingly, I consider that the proposed development would have an unacceptably harmful effect on highway and pedestrian safety by reason of inadequate parking provision. As such, it would conflict with Policy T2 of the CS and saved Policy GP5 of the UDP which, together, seek to ensure the adequate provision of car parking and maximise highway safety. In addition, it would fail to comply with guidance within the Council's HDG SPD relating to parking and

garages. It would also conflict with the provisions of the National Planning Policy Framework that plan for highway safety.

19. I have had regard to the appellant's willingness to accept a condition to retain the garage for car parking in perpetuity. However, given that the garage is of a substandard size in relation to the current guidelines within the HDG SPD, I consider that this would be unlikely to reduce the potential for the displacement of car parking onto the highway in the future and its harmful effect on highway and pedestrian safety. Furthermore, I consider that such a condition would be difficult to monitor and enforce and place an undue onus on the Council.

Conclusion

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

F Cullen

INSPECTOR