



---

## Appeal Decision

Site visit made on 17 November 2020

**by J Hunter BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> December 2020**

---

**Appeal Ref: APP/N4720/W/20/3259418**

**1 Methley View, Chapel Allerton, Leeds LS7 3NH**

- 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 Ms Louise Attwood against the decision of Leeds City Council.
  - The application Ref 20/04131/FU, dated 10 July 2020, was refused by notice dated 2 September 2020.
  - The development proposed is described as change of use from dwelling house and clinic to clinic.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. During the course of the appeal the Government reformed the planning use classes with a revised use class order coming into force 1 September 2020. The amendments to the Use Classes Order revoke Class A (shops) and Class D (non-residential institutions and assembly & leisure) and create a new 'Commercial, business and service' use class (Class E) which incorporates the previous shops (A1), financial and professional services (A2), restaurants and cafes (A3) and offices and other business uses (B1) use classes. Uses such as gyms, nurseries and health centres (previously in use classes D1 Non-residential institutions and D2 Assembly and leisure) are also within Class E. It also includes "any other services which it is appropriate to provide in a commercial, business or service locality."
3. Paragraph 4 of the Regulations provides that: "If prior to the commencement of the material period, a relevant planning application was submitted, or was deemed to be submitted, to the local planning authority which referred to uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes 4 Order on 31st August 2020, that application must be determined by reference to those uses or use classes."
4. The planning application was submitted before the relevant period. Therefore, the appeal must be determined by reference to those uses or use classes which applied in relation to England on 31st August 2020.
5. The parties have had the opportunity to comment on these reforms and the implications for the appeal. I am therefore satisfied that no prejudice has been caused.

## **Main Issue**

6. The main issue is the effect of the proposal on highway safety with particular reference to car parking.

## **Reasons**

7. The appeal building is a brick built end of terrace dating from the Victorian era. It is located in a predominantly residential area close to the centre of Chapel Allerton where there are a good range of services and facilities.
8. The proposal would see the conversion of the full building into a dental clinic with six treatment rooms set over four floors. Two box dormers would be installed at roof level alongside two small velux style windows. The Council has not raised any concern with reference to the roof alterations and given that they are a common feature of the surrounding area I have no reason to disagree.
9. Policy T2 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan 2014 (CSLP) requires amongst other things that parking provision accords with current guidelines. In this regard, I am referred to the Leeds City Council Supplementary Planning Document- Parking (2016) which provides guidance in relation to parking provision for new development. In reference to the current proposal, the parking requirement would be twenty four car parking spaces which would provide one parking space per full time employee and a ratio of three spaces per full time employee for patients.
10. The proposal does not include any off street parking and the appellant submits that there is sufficient capacity in the surrounding streets to accommodate parking for the business. From what I saw during my site visit and based on the photographic evidence provided by the appellant, I would agree that there are some spaces available in the surrounding area or within a short distance from the appeal site.
11. I note that there would be a parking need associated with the existing uses and based on the information before me I have calculated that to be around six spaces. This is based on the three bedroom residential unit on the upper floors and a clinic with one treatment room.
12. The proposed development would undoubtedly increase the usage of the building considerably. With the full time employment of six staff it is likely that there would be a sharp increase in comings and goings generated by staff and patients as well as drop in customers. I accept that some customers will arrive on foot or by public transport however, even if only half of visitors arrived by car, the parking need would be almost double that of the existing uses, thus placing a significant demand on the on street parking capacity. I consider that this would lead to undue pressure which would have a detrimental effect on highway safety.
13. Accordingly, I conclude that the proposal would fail to accord with Policy T2 of the CSLP, the SPD and Policy GP5 of the Leeds City Council Unitary Development Plan 2006 (UDP) which collectively seek to ensure and promote highway safety, amongst other things.

## **Conclusion**

14. For the reasons set out above and taking into account all other matters raised, I conclude the appeal should be dismissed.

*J Hunter*

INSPECTOR