

Appeal Decision

Site Visit made on 26 October 2020 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/N4720/D/20/3257701

16 Oakham Way, Osmondthorpe, Leeds, LS9 9AL

- 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 Gerald McDonnell against the decision of Leeds City Council.
 - The application Ref 20/03394/FU, dated 11 June 2020, was refused by notice dated 6 August 2020.
 - The development proposed is double height side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appellant has submitted amended plans with their appeal. These plans include amendments to the parking arrangements and to the bay window. I understand that they were not originally submitted to the Council for consideration and that the application was determined on the basis of the original plans.
4. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
5. In deciding whether to accept these revised plans, I have given consideration to the fact that interested parties would not be aware of the amended scheme and, for that reason, I consider that they would be prejudiced if I determined this appeal on the basis of those plans. Accordingly, I have determined this appeal on the basis of the plans originally submitted with the planning application, on which the Council made its decision.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of area, and
- the effect of the proposal on highway safety with particular regard to parking.

Reasons

Character and appearance

7. 16 Oakham Way is a two storey brick built end terrace set in a modern estate. It occupies a corner position and, due to the topography of the area, is set back and down from the adjoining properties within the short terrace. The wider area is characterised by a mix of dwelling types built to a similar design. Properties are set out in a generally regular pattern back from the highway with open frontages giving a spacious character to the area.
8. The proposal is for a two storey side extension, which would be set down and back from the existing front elevation and would occupy the area to the side of the property.
9. My attention is drawn to the Householder Design Guide Supplementary Planning Document (SPD) which seeks through policy HDG1 to ensure extensions, additions and alterations respect the scale, form, proportions, character and appearance of the main dwelling and the locality.
10. Due to its corner position, both the front and side elevations of the host property are visible from the highway. The area to the side of the property is partly used as a driveway and partly as private amenity space behind a fence. This space, which mirrors that on the corner property facing it, contributes positively to the openness of the area. The proposal would see this space largely taken up by the extension as it would extend close to the boundary of the host property and the edge of the highway. Whilst the two storey extension would be subordinate to the host property in terms of its size and scale, it would extend further beyond the building line on this section of the street and would thereby be prominent in the street scene. Moreover, the bulk and massing of the proposal would erode the spaciousness of the corner plot, harming the open character of the area.
11. In addition, the proposal includes a large bay window to the ground floor. From my site visit I saw that this feature was not a characteristic of the local area. Due to its size it would appear out of proportion to the existing windows on the property and would unbalance the appearance of the dwelling. The proposal would also necessitate the use of the front garden of the property for parking. The loss of the landscaped area and its replacement with hardstanding would also add to the harm to the character and appearance of the area.
12. I therefore conclude that the proposal would harm the character and appearance of the area. Consequently, it would be contrary to policy P10 of the Leeds Core Strategy, policies GP5 and BD6 of the Leeds Unitary Development Plan Review (UDPR) (2006), HDG1 of the SPD (2012) and advice contained within the National Planning Policy Framework (the Framework). Collectively,

these seek to ensure extensions are of high-quality design while being sympathetic to local character.

Highway safety

13. The side of the dwelling is currently occupied by a driveway, part of which is available for off street parking by the occupiers of 16 Oakham Way. The appeal proposal would utilise this area and an alternative parking area for two vehicles is shown on the plans to the front of the property.
14. It would appear from the plans that the proposed parking area would limit access to the front of the property and that at least one of the parked vehicles would overhang the highway. The highway in the vicinity of the site is a shared surface without a pavement for pedestrian use. Given that the site occupies a corner plot, an overhanging vehicle would cause an obstruction in the highway that would cause confusion and danger to both pedestrians and road users.
15. The inadequacy of the off-street parking arrangement could also result in additional demand for parking on-street. Given the limited on-street parking space available as a result of the presence of driveways and the shared surface arrangement, such an increase could also result in congestion and danger to highway safety and inconvenience to local residents.
16. I therefore conclude, on the basis of the plans before me, that the proposal would cause harm highway safety of the area with particular regard to parking. It would therefore be contrary to policy T2 of the Leeds Core Strategy, policy GP5 of the Leeds Unitary Development Plan Review (UDPR) (2006) advice contained within the Framework, which, amongst other things, seek to ensure that development provides sufficient parking to ensure highway safety.

Conclusion and Recommendation

17. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR