



Appeal Decision

Site visit made on 10 November 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/N4720/W/20/3255171

Egypt Cottage, Britannia Road, Morley LS27 0JD

- 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 Garwal against the decision of Leeds City Council.
 - The application Ref 20/00118/FU, dated 6 January 2020, was refused by notice dated 9 March 2020.
 - The development proposed is change of use and alterations including first floor extension of garage of residential rental accommodation premises to form additional flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) The effect of the proposed development on the character and appearance of the host property and area; (ii) Whether the proposed development would provide acceptable living conditions for future occupants, with regard to layout, internal space and outdoor amenity space; and (iii) The safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

Character and Appearance

3. The appeal site is a former shop with living accommodation. It would appear over time that it has been converted into 2 two-bed flats with both having accommodation on the ground and first floor with separate entrances. There is a takeaway/restaurant directly to the east but it is located within a predominantly residential area of a mix of properties with the majority being two-storey houses. Despite some variation in form, the properties in the area provide a discrete arrangement that positively contributes to the character and appearance of the area.
4. The proposal would result in the erection of a first-floor side extension above the existing garage to form 3 one-bed apartments. The extension would not be set back from the front and would be marginally set down from the ridge height resulting in the appearance of the roofline being confusingly odd with a lesser pitch than the original fronted hipped form. A number of new/altered openings are proposed including the side elevation, replacement of the garage

door with a front door and window at ground floor and a single window to the first floor.

5. The majority of these openings/alterations are on the principal elevation fronting Britannia Road and would be highly visible along the immediate and wider street scene. As such, the introduction of an excessive number of unsymmetrical openings on the front elevation along the ground floor with the addition of a third doorway combined with the roof would appear incongruous. This is further exacerbated with the retention of the existing large window of the former shop resulting in a building with no identity and of poor design. Thus, causing harm to the character and appearance of the host property and street scene.
6. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the host property and area. It would be contrary to Policies GP5 and BD6 of the Leeds City Council Unitary Development Plan 2006 (UDP) and Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan 2014 (CSLP). Amongst other things these policies expect new development to deliver high quality inclusive design; respect the original building and the size, scale, design and layout of the development is appropriate to its context. It would also be at odds with the guidance relating to design as set out in the Council's supplementary planning guidance (SPG) neighbourhoods for living, a guide for residential design in Leeds, 2003.
7. Furthermore, it would not meet the aims of the National Planning Policy Framework (the Framework), Chapter 12 Achieving well-designed places.

Living Conditions

8. The Technical housing standards - nationally described space standard (THS) is applied through Policy H9 of the CSLP. The THS also sets out how the space standards should be applied and reflected in the gross internal area (GIA), allowing for different combinations¹. The proposed development would result in an additional flat, thus creating 3 one-bed self-contained units. Although, an extension to the property the overall living space for the existing 2 flats would be reduced. The Council calculate the size of the flats being apartment one 70m², apartment two 37m² and apartment three 40m².
9. The Council has assessed the application on the basis that the flats would be capable of being occupied by two persons and that it would not meet the standards for a 1b/2p, flat. Whilst this may be the case, I have no evidence before me that the proposal would be. The THS² advises that bedspaces is a means for assessment purposes and it does not imply actual occupancy. I therefore give the Council's assertion that the flats would be occupied by more than one person very little weight. Taking the above into account, the flats would be of a sufficient size to provide adequate living conditions for any future resident in respect of internal living space.
10. In regard to the layout of the flats, the Council are concerned with the bedroom of apartment three and proximity to the kitchen area of apartment one. However, given that a suitable worded condition could be used to provide adequate sound proofing between apartments and kitchen odours could be

¹ Paragraph 5: Technical housing standards – nationally described space standard

² Paragraph 6: Technical housing standards – nationally described space standard

dealt with by a suitable extraction fan. I do not consider that the layout would cause harm to the living conditions of future occupiers of apartment 3.

11. However, in terms of outside private amenity space, the application plans indicate that access to this rear area is available at ground floor for apartment one with apartment two having a side door. Apartment three has no provision to access the rear outdoor space. This proposed area is also shown outside of the appeal site edged in red on the block plan and although the appellant may own the communal land, the evidence I have before me confirms the additional unit, being apartment three would not have any private external amenity space. The proposed development would therefore not meet the Council's requirement for private residential outdoor amenity space.
12. Although I have found the proposals would not be contrary to Policy H9 of the CSLP, this does not outweigh the other harm I have identified
13. For the reasons given above the proposed development would not provide acceptable living conditions for future occupiers in regard to the lack of any private outdoor amenity space to the detriment of future occupiers of the residential unit. The proposed development would be contrary to Policy GP5 of the UDP which seeks to avoid loss of amenity. It would also be at odds with the guidance relating to private spaces as set out in the neighbourhoods for living SPG.
14. Moreover, the proposals would be contrary to paragraph 127 (f) of the Framework, which requires to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway Safety

15. The appeal site is located along the A650 Britannia Road, which is a strategic route in Leeds close to the junction of the B6127 Bridge Street a secondary distributor route. The frontage of the appeal site has existing 5 parking bays laid out perpendicular to the roadway. These are currently inadequate for vehicles to park due to their sub-standard dimensions. Although, there appears to be a small existing access point with a cobbled boundary with the carriageway, the majority of the parking area has no dropped kerb. This is already likely to result in vehicles illegally mounting the footway to access the spaces.
16. I also observed that the site is restricted further with double yellow lines positioned inward along the existing access point and front of the appeal site along Britannia Road. The furthest bay to the east is also hindered by a large freestanding advertisement.
17. The appellant contends that due to its location there would be no need to rely on private transport as access to local services and facilities could be done via public transport. Whilst this may be the case, the Council advise that 3 spaces are required to serve each of the one-bed apartments in line with the Leeds City Council Parking Supplementary Planning Document, 2016 (SPD). The block plan indicates 3 spaces are to be provided for the proposed development. Rotated some 90 degrees than the existing arrangement and positioned along the eastern side of the appeal site.

18. The limited depth and width of the frontage of the site and the position of spaces results in it being difficult to at least accommodate 2 vehicles within the spaces shown without obstructing each other in terms of safe ingress and egress on to Britannia Road. Given that 3 are proposed, it would result in at least 1 of the vehicles overhanging and encroaching onto the footway, exacerbated if all vehicles were present at one time. Therefore, this would be an unacceptable situation with vehicles having to reverse in or out on to the road directly from the footway, obstructing the footway for pedestrian use and likely forcing pedestrians into the carriageway.
19. As such, given the high volume of traffic on this road and close proximity to the junction, the proposed parking spaces would be to the detriment of highway safety for all road users. Neither, would it be possible to safely accommodate the provision of 3 car parking spaces within the site and it would, therefore, result in a shortfall of the required on-site car parking provision required for the proposed development.
20. Furthermore, the appellant has provided limited details of bin provision which would undoubtedly result in the frontage of the site being reduced to adequately facilitate bin storage and collection. Therefore, reducing the space available for safe vehicle manoeuvrability within the site and would not be in the best interests of highway safety. Moreover, the block plan appears to show the proposed spaces outlined in blue, rather than the location plan showing the site edged red, this is somewhat confusing as to the ownership of the frontage.
21. For the reasons outlined above, I conclude that the appeal proposals would have an unacceptable harmful and significant impact on highway safety. The development would not therefore accord with the highway safety aims of the Framework, Paragraphs 108 (b) and Paragraph 109; Policy T2 CSLP of which requires new development to create or materially add to problems of safety, environment or efficiency on the highway network and parking provision will be required in accordance with current guidelines. It would also be at odds with the guidance contained within the Council's Parking SPD and Street Design Guide, 2007 SPD.

Other Matters

22. The appellant refers to the Framework and that it is supportive of positive planning and sustainable development. Whilst this may be the case, it is not without caveats, including that developments are of high-quality design, visually attractive and provide a high standard of amenity for existing and future users. Although there would be some social and economic benefits to providing an additional residential unit, this does not outweigh the significant harm I have found and that the proposal conflicts with the development plan read as a whole.

Conclusion

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

KA Taylor

INSPECTOR