



Appeal Decision

Site Visit made on 15 June 2021

by Frances Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2021

Appeal Ref: APP/N4720/D/21/3271193

31 Talbot View, Burley, Leeds LS4 2RQ

- 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 Raheem Nawaz against the decision of Leeds City Council.
 - The application Ref 20/08116/FU, dated 7 December 2020, was refused by notice dated 2 March 2021.
 - The development proposed is described as "Retrospective planning for shed to garden".
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Decision

1. The appeal is allowed and planning permission is granted for a shed to front at 31 Talbot View, Burley, Leeds LS4 2RQ in accordance with the terms of the application, Ref 20/08116/FU, dated 7 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 6068 B001, 6068 B002, 6068 B003, 6068 B004.

Preliminary Matters

2. The shed has been constructed. The description of development in the banner heading is taken from the application form. The description of development used by the Council and on the appeal form is "retrospective application for shed to front". This more accurately describes the development and it is the description that I have used in my decision but have omitted reference to "retrospective application for" as that is not a description of the development.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and on highway safety with particular regard to parking.

Reasons

Character and Appearance

4. The appeal property is a semi-detached 2 storey red brick dwelling located in a mainly residential area. The appeal property is bounded to the front by a rendered wall with fencing on top and metal gates over the entrance and to the sides by hedging. The boundary treatment at other properties in the vicinity is similar, being mainly hedges, fencing or low walls.
5. The shed is in place and is constructed from red brick with a flat roof. The Leeds City Council Householder Design Guide Supplementary Planning

Document 2012 (the SPD) advises that outbuildings will normally be acceptable where they are sited at the side or rear of a property. The shed is located to the front of the dwelling. The height of the boundary hedges between the appeal property and the neighbouring dwellings limits the visibility of the shed in the street scene. The height of the shed does mean that it projects above the front boundary features of the appeal property. However, I observed that there is planting/screening around the top part of the rear elevation that faces onto the street and over much of the side elevation that faces the garden that is visible when the entrance gates are closed. In my view, this provides effective screening of the shed when viewed within the wider area, without appearing as an incongruous feature in its own right. Even without the screening, only a relatively small part of the shed would be visible over the top of the boundary wall/fence and this would not significantly detract from the character and appearance of the street scene.

6. The scale, design and materials of the shed do not detract from the character and appearance of the host dwelling, nor does the shed appear as an incongruous feature in the street scene, despite its location to the front of the appeal property. As such, I conclude that the effect of the shed on the character and appearance of the area is acceptable.
7. Consequently, the shed, although not meeting the guidance in the SPD in terms of its siting within the appeal property, nevertheless accords with Policy GP5 of the Leeds City Council Unitary Development Plan (review 2006) (the UDPR), which seeks to avoid problems of environmental intrusion and loss of amenity. It also accords with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) September 2019 (the CS) which requires new development to be appropriate to its context and respect the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality, amongst other matters. It also accords with the design objectives of the National Planning Policy Framework (the Framework).

Highway Safety

8. The Council is concerned that the appellant would not be able to provide 2 car parking spaces on site due to the location of the shed, raising road safety concerns due to on-street parking. The Council has stated in its second reason for refusal in its decision notice that on-street parking would not be acceptable as replacement parking.
9. I observed the parking situation on Talbot View and the area in the vicinity of the appeal property during my site visit on a weekday morning. Whilst this was only a snapshot in time, there is no evidence to suggest that it was not representative of the general parking situation. There appears to be some reliance on on-street parking in the area. However, there is no substantive evidence before me to demonstrate that existing on-street parking causes significant harm to highway safety.
10. Based on the evidence before me, even if there was some additional on-street parking as a result of the shed being in its current location, it would not exacerbate on-street parking to the extent that there would be an unacceptable impact on highway safety. As such, I find no conflict with Policy T2 of the CS, which seeks to ensure that new development does not harm highway safety.

Conditions

11. A condition to require the development to be carried out in accordance with the approved plans is necessary in the interests of certainty.

Conclusion

12. I have found that the shed does not have a significantly harmful effect on the character and appearance of the area, nor would it cause an unacceptable impact on highway safety. It does not conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR