



Appeal Decision

Site Visit made on 29 June 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2021

Appeal Ref: APP/N4720/D/21/3270347

1 Farm Hill Mews, Morley, LEEDS, LS27 9RR

- 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 Tony Hoult against the decision of Leeds City Council.
 - The application Ref 20/06158/FU, dated 12 September 2020, was refused by notice dated 17 December 2020.
 - The development proposed is Retrospective application for store to front of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Retrospective application for store to front of dwelling at 1 Farm Hill Mews, Morley, LEEDS, LS27 9RR in accordance with the terms of the application, Ref 20/06158/FU, dated 12 September 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with Dwg. No 1, Project 020010, dated Feb 2020.

Main Issue

2. The main issue is the effect of the development on highway safety.

Reasons

3. The appeal concerns a single storey store built against the brick boundary wall of 1 Farm Hill Mews (No 1). The Council argues that the store has been built within the visibility splay that serves the Farm Hill Mews access and that the boundary wall that forms two of its outer walls has been realigned. At my visit I concluded that the boundary wall's piers were about 1.8 metres tall and that the wall and the store do impede visibility from the Farm Hill Mews exit.
4. However, the evidence before me indicates that the wall predates the store construction and during the appeal I was supplied with a Certificate of Lawful Development in respect of the wall. As such even if the store was removed or reduced in size, the two outer walls would remain as an obstruction in the visibility splay.
5. Whilst I appreciate the Council's concerns in such circumstances, it would seem perverse to dismiss the appeal, as the wall alignment is lawful. Moreover, there is nothing before me to indicate that the dismissal of the appeal would lead to the restoration of the original visibility splay.
6. I conclude that that the store is obstructing visibility leading to an adverse effect on highway safety. This would be contrary to Policy T2 of the Core

Strategy which requires development to not materially add to problems with highway safety, as well as guidance in Manual for Streets and the Leeds Street Design Guide.

7. Nonetheless, for the reasons set out above the appeal is allowed, and I have imposed a condition requiring adherence with the submitted drawing for certainty.

Conclusion

8. The appeal is allowed.

A Blacq

INSPECTOR