



Appeal Decision

Site visit made on 17 August 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2021

Appeal Ref: APP/N4720/D/21/3277056
248 Shadwell Lane, Leeds LS17 8AQ

- 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 Nick Colley against the decision of Leeds City Council.
 - The application Ref 21/00607/FU, dated 22 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is vehicle access on to new driveway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the time the appeal was submitted, the revised National Planning Policy Framework (the Framework) has been published in July 2021. My decision is made in the context of the revised Framework.

Main Issues

3. The main issues of the proposal are:
 - Whether or not it would lead to a highway and pedestrian safety issue; and
 - The effect of the proposal on the character and appearance of the street scene.

Reasons

4. The appeal property is part of a traditional Victorian terrace of houses that shares similar characteristics to the adjacent terrace of four houses, and is a non-designated heritage asset. The terrace is recognised for its attractive character of identical stone and slate roofs, projecting front canopy features set in a leafy environment of long front gardens.

Highway Safety

5. Approximately half the front garden is currently laid to hardstanding and only a small portion of original front boundary wall remains in situ. The hardstanding stretches broadly the full width of the garden.
6. A single vehicle would be able to manoeuvre within the site and exit in a forward gear. However, there is sufficient parking for at least two vehicles,

therefore removing the opportunity to do so, resulting in a significant risk of reversing onto the classified road.

7. There is no off-street parking along this terrace within front gardens. Trees and hedges planted along the front boundary reduces driver visibility to a limited extent although I determine that visibility is acceptable when exiting onto the road in a forward gear.
8. Reversing onto the main road is however a highway safety danger and would lead to conflict with vehicles travelling along the road, made more severe due to the location of the bus stop on the opposite side of the road. Furthermore, as there is a narrow footpath running parallel to the road, vehicles entering and exiting the parking area would be in conflict with pedestrians.
9. The new dwelling adjacent to the appeal site has been originally built with a vehicular access and cannot be compared to the proposal before me.
10. Even though the vehicles may currently pull up onto the footpath and the appellant is of the view that the footpath could be structurally supported, this would not overcome the highway and pedestrian safety concerns I have raised. Nor would the benefits it may bring to the appellant and his family lead me to reach a different view on the proposal.
11. To conclude, as a result of highway and pedestrian conflict, the proposal is contrary to the Leeds Core Strategy Selective Review Policy T2 and 'saved' policy GP5 of the Unitary Development Plan Review, as well as guidance in the Street Design Guide Supplementary Planning Document and Transport Supplementary Planning Document in their combined broad aims to protect highway and pedestrian safety. In addition, the proposal is contrary to the National Planning Policy Framework (the Framework) in its objectives for development to have an acceptable impact on highway safety.

Character and appearance

12. The proposal directly affects this non-designated heritage asset. The low stone boundary wall and soft landscaping behind makes a positive contribution to the terrace, and to this part of the street scene.
13. Most of the boundary wall has been removed and leaves a substantial gap along the frontage where pedestrian gates are historically the only entry point from Shadwell Lane.
14. As a consequence of the proposal, the continuity to the boundary treatment has been detrimentally altered and the uniformity that is a shared characteristic along this part of the road, is detrimentally reduced. The loss of a large portion of historic fabric does not respect the character of the terrace and harms the special historical qualities of this non-designated heritage asset.
15. Further, the large portion of hardstanding within the garden is an alien and visually intrusive feature that is not a sympathetic addition to the host dwelling, the terrace or the street scene.
16. To conclude, the proposal therefore has a detrimental effect on the character and appearance of the dwelling, the terrace and the street scene. It is contrary to Policy P10 of the Adopted Core Strategy, 'saved' Unitary Development Plan (Review) policies BD6, GP5 and N25 and the Householder Design Guide

Supplementary Design Guide in their combined design aims. Finally, it is contrary to the Framework in its objectives to protect the historic environment.

Conclusion

17. The proposal would lead to 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 not succeed.

Alison Scott

INSPECTOR