



Appeal Decision

Site visit made on 9 December 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/N4720/D/21/3285929

5 Hutton Gardens, Pudsey LS28 9FA

- 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 Mrs Lynsey Hart against the decision of Leeds City Council.
 - The application Ref 21/04293/FU, dated 13 May 2021, was refused by notice dated 14 September 2021.
 - The development proposed is side extension to dwellinghouse.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal was accompanied by a revised ground floor plan showing a reconfigured internal arrangement to provide a garage for one car. However, I am mindful that neither the Council, nor any interested parties have had the opportunity to comment on it. The appeal process should not be used to evolve a scheme, and a fresh planning application should usually be submitted to the Council in the first instance. Thus, to avoid prejudicing any interested parties, my findings relate to the scheme that was determined by the Council.

Main Issue

3. The main issue is the effect of the development on parking and highway safety.

Reasons

4. The appeal property is a 4-bedroom detached house with an attached single garage and driveway at the side. It is located within a modern cul-de-sac development of similar properties.
5. Although the ground floor of the extension would incorporate a garage door at the front, the plans label the room behind as storage, measuring around 2.85m in width and 3.6m in length. Even if this space was capable of housing a small "city car", its length falls well short of what would normally be counted as a garage, and thus, would be unsuitable for most cars. Furthermore, there is no indication that the existing garage is of a substandard size that would render its use impractical. Whilst I acknowledge that garages are not always used by owners for car parking, the garage is useable and the proposal would remove that choice for current and future occupants permanently.
6. Accordingly, the proposal would leave the resultant 5-bedroom house with just one useable off-street parking space on the driveway. Given the size of the dwelling, and the lack of space to provide compensatory provision in the front garden, this is likely to result in at least one car being parked on the road.

7. I observed that there are very few, if any, opportunities within this small estate to accommodate the displaced parking without being obstructive to other road users. The appellant refers to use of a "pull in" outside the property, but acknowledges that this is not an allocated parking space. Moreover, the appellant further acknowledges that this area is for shared pedestrian use, as well as serving as a refuge area for cars to allow larger vehicles to pass through the narrow gap to the houses at the end of the cul-de-sac. Consequently, while there are no on-street parking restrictions that would prevent this "pull in" or any other nearby areas being used for parking, doing so is likely to unacceptably restrict the free and safe flow of pedestrian and vehicle traffic in this location, to the detriment of highway safety.
8. I conclude that the proposed development would have an unacceptably harmful effect on highway safety by reason of inadequate parking provision. This would be contrary to Policy T2 of the Leeds Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019) insofar as it relates to parking provision. The Council has also referenced its Supplementary Planning Document 'Householder Design Guide' 2012. I have afforded some weight to that document due to its adopted status and role in supporting the relevant development plan policies, and I find conflict with its requirements that there should normally be provision for two off-street car parking spaces within a site in order to prevent congestion of the highway from on-street car parking.

Other Matters

9. My attention was drawn to planning permissions for the conversion of the garage at 7 Hutton Gardens. However, on the details available to me, the cases are not directly comparable and it appears the Council was satisfied that there was sufficient parking space in front of the garage, which is not the case here. As such, they have a limited bearing on the outcome of this appeal.
10. I have noted the appellants comments in relation to the restrictive planning condition that was imposed as part of the original estate development, but the merits of the condition do not fall to be considered within the scope of this S78 appeal and I must assume that the condition would be enforced by the Council if it were deemed expedient. As such, I have given this matter limited weight.
11. The appeal site lies within the Pudsey Conservation Area (the PCA). The effect of the development on the PCA has not been raised as a concern by the Council and I can see no reason why the proposal would adversely affect the character or appearance of the PCA. I am therefore satisfied that the character and appearance of the PCA would be preserved. Nor did the Council raise any residential amenity concerns, and I have no reason to disagree. However, the absence of harm in these respects is a neutral factor and as such, does not alter or outweigh my findings on the main issue.

Conclusion

12. The proposal conflicts with the development plan as a whole and there are no considerations that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR