



Appeal Decision

Site visit made on 15 March 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/N4720/W/22/3291006

145 Carr Road, Calverley, Pudsey LS28 5RT

- 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 R Shorthouse against the decision of Leeds City Council.
 - The application Ref 21/08462/FU, dated 12 October 2021, was refused by notice dated 9 December 2021.
 - The development proposed is change of use of ancillary outbuilding to mixed use including for the purposes of early years classes.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Fraser Road is a residential street with a speed limit of 20mph. The road is of limited width with narrow footpaths. There are a mix of house types along Fraser Road and due to the narrow depth of the frontages some of the semi-detached properties have restricted onsite parking.
4. The appeal property is a detached house located adjacent to Carr Road. The garaging for the property together with an additional bedroom and activity space, is provided in a separate outbuilding accessed from, and sited behind, properties facing Fraser Road.
5. The area to the front of the outbuilding would be altered to provide three car parking spaces for the proposed early years classes. Cars for the existing property may be kept within the double garage and the area outside the garage could be kept clear for turning, with the turning area being sufficient for the garage and the car parking area.
6. The driveway entrance into the appeal property is flanked by the parking and garage for No 147 Carr Road and the side boundary of No 5 Fraser Road. The driveway is single car width and is gated and enclosed by landscaping. With the topography of the site and the bend in the driveway the proposed car parking provision would not be seen from Fraser Road or from the initial section of the driveway. In addition, manoeuvring adjacent to the site entrance is constrained due to the position of the parking area for No 147, the restricted width of the road and on road parking.

7. There is disagreement about the number of customers that would arrive for the sessions by car, but there is no disagreement that there would be additional traffic generated by the development. The appellant considers that the three proposed parking spaces would provide for the number of likely vehicles at any one class. The early years classes would accommodate a maximum of six children, but there is little further detail about the classes. It is not clear from the evidence whether parents would always stay with their children or leave and return to pick them up. Short trips to and from the site to take and collect children would increase the number of pedestrian and vehicle movements to the site.
8. Further, although customers of the facilities may live in the immediate residential area, there is no means of assuring that customers would only be local to the appeal site. Even if customers live within a reasonable walking distance of the appeal site, not all customers would choose to walk. There can be no assurance that three parking spaces would provide for all customers that would arrive by car.
9. Visibility at the appeal site entrance is restricted by the walls and vegetation of the adjacent properties. With the limited visibility at the access those arriving for classes on foot and passing pedestrians, would not be seen along the narrow footway by cars exiting the site. There would also be limited visibility of vehicles approaching the entrance from either direction. Consequently, given the nature of the intended users, visibility at the access is not adequate to facilitate the likely vehicle and pedestrian movements for early years classes even if such movements are not at peak times.
10. There are opportunities for on-street parking on Fraser Road. Although Fraser Road is not subject to parking regulations, the on-street parking on it is clearly well-used by local residents. I saw at my site visit that there was no parking on the pavement which effectively limited parking to one side of the road. Capacity to absorb additional uncontrolled on-street parking is therefore limited.
11. Furthermore, parking on Fraser Road would involve occupants walking some distance to their cars. There would therefore always be a temptation to turn in and park at the appeal site particularly if parents are not intending to stay for the session. The proposed parking facilities and vehicles exiting cannot be seen from the road and if the facilities are at capacity, or vehicles meet on the driveway, cars may have to reverse out onto the highway. Given the substandard visibility at the access point and the constrained entrance, I consider this would be potentially dangerous.
12. Whilst there has previously been an additional dwelling approved at the site that is not a justification for permitting a development of a different kind that would increase the likelihood of manoeuvres taking place and cause additional danger to pedestrians and other road users in the vicinity.
13. Therefore, the development would be detrimental to highway safety and would conflict with Policy T2 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective review 2019) and Policy G5 of the Leeds Unitary Development Plan (Review 2006) where these policies seek to ensure development is served by adequate access arrangements which will not create or materially add to problems of safety on the highway network. There would also be conflict with the Street Design Guide Supplementary Planning

Document (SPD) (2009) and the emerging Transport SPD 2020 in respect of required visibility at accesses and the requirement overall to ensure highway safety.

14. In addition, the proposal would be contrary to the National Planning Policy Framework where it seeks to prevent development that has an unacceptable impact on highway safety and to ensure that safe and suitable access to sites can be achieved for all users.

Other Matters

15. The appellant suggests that other possible uses could be the provision of childminding at the site which could take place without further planning permission. However, I have no information before me about a proposed scheme to use the site for childminding and therefore a detailed comparison with the case before me cannot be made. Additionally, there is no evidence that the childminding is a greater than theoretical possibility or that if the appeal is dismissed a childminding use would be pursued. Even if childminding could be provided without the need for planning permission it would be possible that this could occur in addition to the proposed development. As a consequence, I find the suggested fallback is neutral in the determination of the appeal.

Conclusion

16. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations, that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR