



Appeal Decision

Site visit made on 11 July 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2022

Appeal Ref: APP/N4720/D/22/3300158

18 Montreal Avenue, Chapel Allerton, Leeds LS7 4LW

- 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 E & R Papaioannou against the decision of Leeds City Council.
 - The application Ref 21/09583/FU, dated 24 November 2021, was refused by notice dated 25 March 2022.
 - The development proposed is 2 storey side extension and single storey part rear extension.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by E & R Papaioannou against Leeds City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposed parking arrangements on highway and pedestrian safety in Montreal Avenue; and
 - The effect of the proposal on the street scene within Montreal Avenue.

Reasons

Parking arrangements

4. The existing property has off-street parking to the side of the dwelling which would be lost because of the proposed extension. Instead, the proposal seeks to provide two off-street spaces to the front. The Leeds Householder Design Guide Supplementary Planning Document (2012) (SPD) seeks parking spaces measuring 3.0m in width by 5.0m in length to accommodate a large car.
5. The Council's decision notice says that the parking spaces would measure 1.8 in width by 4.3 metres in length. This contrasts with the appellants measurements that overall, the proposed driveway will be 5.15 metres in width by 4.6 metres in length. No dimensions have been provided on the plans or any substantive details of the size of vehicles shown on the Proposed Site Plan. As such, I am unable to conclusively establish the accurate dimensions or the subsequent extent of shortfall in the standards in the Council's SPD.
6. However, in either scenario the proposal would fall short of the SPD guidance. I accept that some cars may be able to park in the proposed driveway. However,

there would also be circumstances where larger vehicles would overhang the boundary or where the driveway is not practical for two vehicles to be parked within it. The constraints of the available parking space would increase the likelihood of parking on the street instead of on the driveway.

7. Although my site visit represented a snapshot in time, neither party has provided any substantive evidence of the parking situation along Montreal Avenue (the Avenue) at different times or of any existing safety problems. The carriageway width along the Avenue is not particularly wide and I saw that where vehicles parked on-street, many were parked onto the footway. This reduced the useable footway for pedestrians.
8. Such circumstances can cause a safety risk to pedestrians, particularly those with pushchairs, the blind or wheelchair users, especially if pedestrians need to move into the road to get past. Based on the evidence before me, I cannot be satisfied that such harm would not occur as a result of a smaller parking area than expected in the SPD.
9. Although I saw other properties with parking to the front of the house, I have no substantive details of the parking sizes particularly given the variation in houses and plots found in the locality. I have been provided with copies of plans and associated documents for two similar extensions to the side of the pair of dwellings at No 26 and 28 King George Avenue (No 26 and 28). However, the plans for No 26 show the dimension to the front of the extension for the parking length as 5.1m in contrast with the appeal proposal before me.
10. The appellants have indicated a willingness to amend the proposal by providing angled parking or by pulling the extension back to increase the width. However, I am unable to require the submission of a future amendment application and it is not appropriate to impose a condition that results in such a change to the design of the scheme. I have no firm details of what implications this may have for the design, such as the internal layout. Moreover, any such amendment would deprive others, such as occupiers of neighbouring properties the opportunity to be consulted.
11. To conclude, on this matter, based on the evidence before me the proposed parking arrangements would have an unacceptable effect on highway and pedestrian safety in the Avenue. I therefore find that the proposal would conflict with the requirements of Policy T2 of the Council's Core Strategy (CS) (2014) and the Council's SPD. Amongst other things, these seek safe and secure access for pedestrians and development that does not materially add to problems of safety. Moreover, I find conflict with paragraph 111 of the National Planning Policy Framework (the Framework) (2021), which seeks to ensure that development does not have an unacceptable impact on road safety.

Street scene

12. The appeal property forms one half of a pair of semi-detached dwellings. The surrounding area is predominantly residential. Although the street mostly comprises of semi-detached dwellings, there are other house types too. Moreover, there is variation in the design of the semi-detached dwellings. Many have been altered, some have bay windows that rise from the ground floor to the first floor, whereas others are designed with small gable features on the roof.

13. There are several streets off the Avenue resulting in a number of corner plots. Some of the dwellings are angled at the corner to face the junction, whereas most have gardens to the side at the corner. This results in several large gaps between properties along the Avenue.
14. The SPD says, amongst other things, that in a street of regular, semi-detached dwellings at least a 1.0m gap should be maintained to the side boundary with a 2.0m set back from the front wall of a property. However, in this instance, due to the variation in built form and the spatial pattern of houses along the Avenue, there is an irregularity to the street.
15. The dwelling attached to the appeal property has been extended at two-storeys to the side with no set back and without being set down from the ridge. In this regard, the balance of the original pair of semi-detached dwellings has already been eroded and the massing of the existing pair of houses is greater than similar, but unaltered, pairs of semi-detached dwellings. The proposal would be set back at first floor level and set down at the ridge. As such, it would appear as a subservient in scale extension on this host dwelling and pair of semi-detached dwellings.
16. Moreover, there are several other houses in the immediate vicinity that have also been extended to the side with small set backs. This includes No 26 and 28, which are, as a pair, positioned in a similar location by the same corner as the appeal property and its attached dwelling. As such, they can be seen sequentially when walking around the corner on to King George Avenue. Moreover, they are a comparable house style, and from the evidence before me, were approved with regard given to the SPD. In this context the proposal would not appear incongruous or overly prominent.
17. The proposal would be set away from the side boundary and includes matching materials, fenestration, and a roof form. Having regard to the irregularity to the street and the characteristics of the existing pair of semi-detached dwellings, the design, size, siting and set back of the proposal would harmonise with the host property, pair of semi-detached properties and the wider street scene.
18. The proposal would not therefore have a harmful effect on the street scene within the Avenue. I therefore find no conflict with the requirements of Policy P10 of the CS, Policies GP5 and BD6 of the Leeds Unitary Development Plan (UDP) (2006) or the Framework. Amongst other things, these seek to ensure that alterations are of an appropriate scale and design to the existing building and the wider context.
19. Moreover, and notwithstanding that the proposal would not have a 2m set back, I find no conflict with the objectives of the SPD or its Policy HDG1. Amongst other things, these say all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.

Other Matters

20. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me.

Conclusion

21. Although I have found that the proposal would not unacceptably harm the street scene, I have found that the proposed parking arrangements would have an unacceptable effect on highway and pedestrian safety in the Avenue.
22. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR