



Appeal Decision

Site visit made on 11 October 2022

by C Megginson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/N4720/W/22/3303615

1 The Crescent, Adel, Leeds LS16 6AA

- 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 Hakan against the decision of Leeds City Council.
 - The application Ref 21/09036/FU, dated 3 November 2021, was refused by notice dated 27 June 2022.
 - The development proposed is described as the Retrospective Planning Application for Proposed Side Store and External Decking/Fencing/ Pergola & Disabled Parking Bay.
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Decision

1. The appeal is dismissed.

Procedural matter

2. From my site visit and on the basis of the evidence before me, the proposed development has been completed and therefore the appeal seeks permission retrospectively.

Main Issues

3. The main issues are the effect of the development on a) the character and appearance of the host property and the area; and b) highway safety.

Reasons

Character and appearance

4. The appeal site sits in a prominent location on the corner of Otley Road and The Crescent. The area is predominantly residential with detached and semi-detached dwellings, sitting in large plots and set back from the road. There are a number of commercial properties along Otley Road, including the appeal site and the adjoining semi-detached property and a small parade along The Crescent. They are traditional in design, with attractive architectural detailing, characterised by their large visible shop fronts and windows, set well back from the road, with parking areas to the front. Directly opposite the appeal site on The Crescent is a small supermarket, which features open parking to the front, side and rear.
5. The appeal property is semi-detached and features a rendered finish to the ground floor and a dominant red pantile roof with dormer windows to the first floor. A large window frontage faces Otley Road and a second large frontage faces The Crescent, where the restaurant takes its main pedestrian access.

6. The appeal scheme includes a large, wooden decked seating area surrounded by low trellis fencing and high fence posts, which covers almost all of the hardstanding to the front and side. In addition, a large, covered seating area features a corrugated plastic roof and obscures the whole of the ground floor windows and frontage that face Otley Road. The side store extension, which is clearly visible from The Crescent, uses materials, including a plastic corrugated roof and what appears to be white laminated panels for walls. The appeal scheme does not represent a high quality of design.
7. The scale, design, location and materials of the appeal scheme, which wraps around the prominent corner frontage, results in an incongruous and visually prominent development that jarringly contrasts with the traditional render and open fronted, character of the appeal property and the adjacent and nearby commercial premises. The resulting adverse effect on the character and appearance of the property is readily visible in public views along Otley Road and The Crescent.
8. I therefore conclude that the appeal scheme unacceptably harms the character and appearance of the host property and the area. This is contrary to Policy GP5 of the Leeds Unitary Development Plan Review (2006) (UDP) and Policy P10 of the Leeds Local Plan Core Strategy (as amended 2019) (Core Strategy), which seek to ensure that new development delivers high quality design. The proposal would also be contrary to the National Planning Policy Framework (the Framework), which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Highway safety

9. Otley Road is a busy, wide A-road and the appeal site sits on a corner which features double yellow lines to the frontage of both Otley Road and The Crescent. In contrast, The Crescent is a narrow street, with shallow grass verges and mature trees. At the time of my site visit, which was around midday on a weekday, I observed that the limited number of on street parking space on The Crescent was fully utilised. This severely restricted the flow of traffic along the street and resulted in difficulties for traffic entering and leaving the junction.
10. The appeal scheme has significantly increased the seating capacity of the restaurant, with a doubling of available floorspace. Other than the proposed provision of a single disabled parking bay, the scheme has removed all on-site parking and servicing. I acknowledge that the restaurant is a licensed premises and that some customers will therefore choose to walk or take public transport or a taxi to the site. However, the appeal scheme will give rise to additional demand for parking that cannot be accommodated on site. Given the existing limited amount of on-street car parking, this additional demand will have a significant impact on the efficient operation of the highway network in the vicinity of the appeal site.
11. The appellant states that the adjoining premises car park can accommodate 5-6 cars and the owner has agreed that it can be used after 5pm. I have no evidence before me to demonstrate that this arrangement is secured and as the car park is in third party ownership, it is not possible to secure this provision via a planning condition.

12. The development blocks a pedestrian pathway that links Otley Road to The Crescent, diagonally across the appeal site. The status of this path is unclear from the evidence. Nevertheless, I note that there is a wide footpath around the periphery of the appeal site. The safety and free flow of pedestrian movements passed the site is therefore not unacceptably harmed as a result of the development.
13. Nonetheless, and taking all of the above matters into account, I conclude that the appeal scheme has an unacceptably harmful effect on highway safety by reason of inadequate parking provision. This would conflict with Policy GP5 of the UDP, Policy T2 of the Core Strategy and the Framework which seek to protect highway safety.

Other Matters

14. I appreciate that the provision of outdoor seating was a significant investment to provide the best possible experience for customers, to meet government guidelines and to enable the business to sustain itself during the pandemic. I have also noted the significant local support for the proposal. However, these matters do not outweigh the harm I have identified.

Conclusion

15. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
16. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

C Megginson

INSPECTOR