



Appeal Decision

Site visit made on 22 December 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2023

Appeal Ref: APP/N4720/W/22/3310466

16 Fewston Avenue, Leeds LS9 0BE

- 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 Richard Willis against the decision of Leeds City Council.
 - The application Ref 22/00669/FU, dated 9 February 2022, was refused by notice dated 25 May 2022.
 - The development proposed is proposed new garages to flats.
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Decision

1. The appeal is allowed and planning permission is granted for proposed new garages to flats at 16 Fewston Avenue, Leeds LS9 0BE in accordance with the terms of the application, Ref 22/00669/FU, dated 9 February 2022, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in full accordance with the following approved plans:

Plans as Proposed – 3236-02

Elevations as Proposed – 3236-03

Preliminary Matter

2. The description of development on the application form refers to proposed 'garages' (plural), whereas the plans illustrate only one garage. Whilst I have used the description given on the application form for the purposes of determining the appeal, I have taken the word 'garages' to mean it would provide a facility for use by more than one flat. Accordingly, and for the avoidance of doubt, the proposed development relates to the provision of only one building.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) The character and appearance of the area; and
 - ii) The living conditions of the occupiers of the flats at the host property, with regard to provision of private external amenity space.

Reasons

Character and appearance

4. The site lies in a predominantly residential area formed of traditional terraced and back-to-back houses. The appeal property has been redeveloped in recent years and converted into flats, with a shop previously occupying the site.
5. The site of the proposed garage sits at the end of a short vehicular cul-de-sac forming part of Fewston Avenue. A pedestrian route extends further to the west across the footbridge over the adjacent railway line. On the opposite side of Fewston Avenue is a rear service lane providing access to the rear of properties on Cross Green Crescent and their rear gardens. The lane and gardens are enclosed by tall black metal rail fencing.
6. The appeal site is presently unused and vacant, containing a partially constructed breeze block structure on the site of the proposed garage. This area of the site is overgrown. Outside of the part-constructed structure and to the rear of the building containing the flats lies a separate area, roughly square in shape, accessed via a gate from the highway and contained by a low brick wall. The number 16 on the gate indicates this area is intended to provide a garden space for one or more of the flats. However, it has an aggregate surface and shows no sign of use in connection with any of the residential units. There is no direct access to this area from the building, with the only access being via the gate from the highway.
7. The proposed garage door would be positioned on the southeast elevation, facing the rear of the residential building. The plans illustrate a flat roof of a height of 2.5 metres. Though the footprint of the proposed garage would be larger than many garages in the immediate area, and not dissimilar to the footprint of the residential building it would serve, this is reflective of the fact it would serve more than one residential unit. Its height and massing would not be excessive. In spatial terms the building would, when read from the street, not create a considerably different effect than some existing solid walls or fences in similar locations throughout the surrounding area. Furthermore, taking the site's existing run-down appearance into account, the proposed development has the potential to enhance the appearance of the host property and the wider streetscene.
8. Consequently, I find the proposed development would not harm the character and appearance of the area and would accord with the aims of Policy P10 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019) (the 'CS') and Saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (the 'UDP'). Together these policies seek, among other objectives, to ensure that new development delivers high quality inclusive design, avoids loss of amenity, and ensures all alterations and extensions respect the scale, form, detailing and materials of the original building. The proposed development would also comply with the guidance in Policy HDG1 of the Leeds Local Development Framework Householder Design Guide Supplementary Planning Document (April 2012) (the 'HDGSPD') and the National Planning Policy Framework (the 'Framework'), which has similar aims.

Living conditions

9. I acknowledge the stated aims of the HDGSPD in retaining sufficient usable garden space for the enjoyment of residents. However, I am not in possession of any evidence that the land subject to the appeal is currently used as external amenity space, or that it ever has. There is currently no direct access from the building to the land at its rear. Residents would currently need to exit via the front door of the flats and walk, via the public highway, to the rear of the building. The area is also not enclosed or private and would not provide a good standard of amenity space for residents. Furthermore, the building is occupied by 3 one-bedroom flats, which by their nature are less reliant on outdoor space than family houses. This is reflected in the HDGSPD, which only refers to garden standards in relation to dwellings of 3 bedrooms or more. In the absence of any development plan policies specifically setting out external amenity space standards for flats, this weighs in favour of the proposed development.
10. For the above reasons, I find the proposed development would not have a harmful effect on the living conditions of the occupiers of the flats at the host property in terms of the provision of private external amenity space, and would accord with the aims of Policy P10 of the CS and Saved Policy GP5 of the UDP, which together seek to ensure developments protect the visual, residential and general amenity of the area, and avoid environmental intrusion and loss of amenity. The proposed development would also comply with the provisions of the Framework, which has similar aims.

Conditions

11. Standard conditions relating to the statutory time limit for implementation and a list of approved plans are required for the purposes of clarification. The Council has also requested the imposition of a condition requiring visibility splays of 2m x 2m to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Although the appellant has agreed to this condition, the site is located on a very quiet dead-end road, and I do not find this condition to be necessary given the scale of development. I also find the wording to be imprecise, and accordingly it fails the tests outlined in Paragraph 56 of the Framework concerning the imposition of conditions.

Conclusion

12. Taking all above matters into account, I conclude that the appeal should be allowed subject to the conditions set out above.

P Storey

INSPECTOR