



Appeal Decision

Site visit made on 9 January 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2024

Appeal Ref: APP/N4720/W/23/3330960

Land off Church Street, Church Street, Guiseley, Leeds LS20 9BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr A & S Ilahi against the decision of Leeds City Council.
 - The application Ref 23/03958/FU, dated 27 June 2023, was refused by notice dated 18 September 2023.
 - The development proposed is formation of pedestrian access with gate to Church Street and change of use to use as private amenity area.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At my site visit, I was able to see that an access has already been formed but did not appear complete. I have therefore determined the appeal on the plans the Council based its decision on.

Main Issue

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

Reasons

4. The appeal site relates to a parcel of land located on the south side of Church Street, Guiseley, Leeds. It is understood to have originally been within the curtilage of the Old Rectory which is located to the west but has since been severed from this property in terms of ownership. A stone wall lies along the northern boundary and separates the site from Church Street.
5. The proposed development seeks the formation of pedestrian access with gate to Church Street and change of use to use as a private amenity area. Church Street is a single carriageway that gives access to several small businesses and a housing estate. Whilst claimed to be lightly trafficked with low pedestrian movements and rarely used by through traffic, it has a speed limit of 20 miles per hour sloping downwards towards the site with no footways or crossing facilities. I appreciate the use of the site would be for private pedestrian use only and not for vehicles or members of the public and that the use would provide minimal trip generation expected to be less than daily use. However, it would still increase the number of pedestrians onto Church Street without any pedestrian infrastructure.

6. It is also undisputed that there is a lack of inter-visibility between pedestrians and vehicles whereby pedestrians utilising the site would have limited ability to see vehicle movements along Church Street and vehicles would also have little forewarning of pedestrian movements and thus increasing highway safety issues for all road users. I understand that a 2.0 metre x 2.0 metre pedestrian sightline would not be achievable without setting back the wall or lowering its height to 0.6 metres to ensure small children can be seen by drivers when crossing the road. Such arrangements do not form part of this appeal and I note that this is unlikely to be supported due to matters relating to heritage. The lack of inter-visibility coupled with the lack of footways/crossing facilities would lead to conditions prejudicial to highway and pedestrian safety. Some vehicles may travel well below the 20 mile per hour speed limit, and I note claims that the street is lit along its length, but this would not alter my findings on the above as visibility would still be restricted without the provision of suitable and safe infrastructure creating a threat to both pedestrians and highway safety.
7. The appellant contends that movements to and from the site would be wholly imperceptible from the existing use. However, without any formal access provision, means that there would be no pedestrian movements to and from the site. The formation of the access proposed along with its change of use as private amenity space would be totally different to the use of the existing site even considering the claimed low frequency as it would still intensify movements over and above the existing situation which would be difficult to control.
8. My attention has been drawn to other openings along this side of Church Street which I observed during my site visit. Whilst I do not dispute that there are other openings along Church Street which may generate more trips than the proposed use and that there have been no accidents recorded in the last 20 years, this would not justify further development which would be harmful to highway and pedestrian safety. My attention has also been drawn to a previous planning permission elsewhere on Church Street for works including formation of a new vehicle access and staff car park for 12 no cars. However, I have very limited detail regarding this to be able to fully comment on. Notwithstanding, I have determined this appeal based on its own merits and specific site context and identified the harm that would arise.
9. For the above reasons, I conclude that the proposed development would unacceptably harm highway and pedestrian safety. As such, it would be contrary to Policy T2 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) and Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006) which together, amongst other matters, explains that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility. For the same reasons, the proposed development would also be contrary to the Leeds City Council Transport Supplementary Planning Document, 2023.

Other Matters

10. The site lies within the Guiseley Conservation Area (CA) and the Old Rectory building is located adjacent the site which is a Grade II* listed building. As

such, I have a duty under Section S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council do not appear to raise any particular concern in relation to the impact on the character and appearance of the CA or nearby listed building given the nature of the use, the relatively modest opening within the wall as well as the presence of other openings within the wall. Based on the evidence before me and my own observations on site, I have no reason to disagree with this assessment.

11. The Council also do not appear to raise any particular concern in relation to a number of other matters including, principle of development, amenity considerations as well as the impact on trees/wildlife and I note the lack of objection from a number of statutory consultees. However, this is a neutral factor in my overall consideration and would not be sufficient to outweigh the harm identified nor would the location of the site in relation to public transport and local amenities.
12. I am aware of the appellant's intentions to put to good use an undeveloped site as well as noting the maintenance claims for the site through providing access provision. I am also aware of the appellant's frustrations regarding communication with the Council about the proposed development including previous advice given. However, this does not affect my findings on the main issue.

Conclusion

13. For the above reasons, I find that the proposal conflicts with the development plan, when read as a whole. There are no other considerations that individually or cumulatively outweigh this harm and development plan conflict. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR