



Appeal Decision

Site visit made on 4 June 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/N4720/W/24/3337991

9 Shaw Lane, Headingley, Leeds LS6 4DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by CRL Architects against the decision of Leeds City Council.
 - The application Ref is 23/04673/FU.
 - The development proposed is the change of use of domestic garage to studio.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of domestic garage to studio at 9 Shaw Lane, Headingley, Leeds LS6 4DH in accordance with the terms of the application, Ref 23/04673/FU, 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 accordance with the following approved plans: 001, 003 B and 004 D.
 - 3) The dwelling shall not be occupied until the cycle parking, as shown on plan No 003 B has been provided. This shall thereafter be retained for the lifetime of the development.

Main Issue

2. This is whether the proposal would provide acceptable living conditions for future occupants, with regard to outlook and the provision of private amenity space.

Reasons

3. Located on the northern side of Shaw Lane, the site relates to a detached single storey double garage set to the rear of 9 Shaw Lane, a semi-detached stone villa.
4. The proposal is to change the use of the garage to a studio dwelling. Changes to the front elevation are proposed, removing the garage doors, and replacing them with a door and 2 windows. These were already in situ at the time of my visit. Two obscure glazed windows are proposed to the side elevation serving the kitchen and living area. Parking for 2 cars is proposed to the front, along with cycle and refuse storage. A garden area is detailed, between the parking area and dwelling.

5. Internally, the dwelling would be 37 metres square. This is the minimum required by Policy H9 of the Core Strategy (as amended, September 2019) (CS). Thus, there would be suitable internal space.
6. Windows are proposed to the front which would overlook the private amenity space. These would provide a sufficient and open outlook to ensure suitable internal living conditions to the bedroom and living areas. The side facing windows would provide an additional source of light, although they are not necessitated for reasons of outlook given the windows to the front.
7. The amenity space would be slightly larger than the footprint of the dwelling itself. This would be perfectly sufficient for future occupants to enjoy outdoor space. It would be set back from the road by the parking area and separated by a 900mm fence, such that it would also be suitably private.
8. Consequently, the proposal would provide acceptable living conditions for the future occupants. This is compliant with Policy GP5 of the Leeds Unitary Development Plan (Review, July 2006) and Policy P10 of the CS. These policies seek to protect amenity through high quality design.

Conditions

9. The plans are listed for certainty. Implementation of the cycle storage is necessary to ensure the promotion of sustainable modes of travel. The provision of electric vehicle charging points is not necessary as this is required by other legislation for new dwellings. The location for refuse storage is clearly indicated on plan and was already on site. It is not necessary to require access for collection given it is a private single dwelling, and the bins would be wheeled to the street for collection.

Conclusion

10. For the reasons set out above, the appeal is allowed.

Katie McDonald

INSPECTOR