



Appeal Decision

Site visit made on 30 April 2024

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/N4720/W/24/3338619

Anchor Inn, Victoria Street, Allerton Bywater, Castleford WF10 2DF

- 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 Mr Terry Greaves against the decision of Leeds City Council.
 - The application Ref is 23/05098/FU.
 - The development proposed is single storey rear extension and new doors to side of public house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as stated on the application form was changed by the Council. As such, the description stated above is taken from the decision notice rather than the application form, in the interests of clarity and consistency- the former description more accurately describes the proposed development.
3. The Council's first reason for refusal refers to the Leeds Parking Supplementary Planning Document (SPD) (2016). This SPD has been superseded by the Leeds Transport SPD which was adopted early in 2023. In determining this appeal, I have had regard to the Transport SPD.

Main Issues

4. The main issues relevant to this appeal are the effect of the proposed development on:
 - the character and appearance of the host building and the area;
 - highway safety, with particular regard to parking provision.

Reasons

Character and appearance

5. The appeal property is a two-storey detached building of traditional gabled form. It is in use as a public house with residential accommodation at first floor. Situated in a predominantly residential area, the pub is surrounded by the community it serves.
6. The proposed development would extend the public house to the side and rear. The palette of materials proposed would match the external materials of the host building. The proposal would replace the existing ad hoc arrangement

of outbuildings and storage and would occupy a similar footprint to the existing open-sided timber structure.

7. The principal front elevation of the public house would remain unchanged. However, the proposed large flat-roofed extension would subsume the rear of the host building at ground floor, concealing or distorting its original extent. The extension would wrap around the side and rear of the host building, rather than being separately articulated. As such, it would not form a satisfactory composition. Notwithstanding the existing boundary fence, which would largely obscure the extension from view beyond the curtilage, the massing and form of the extension would fail to reflect the character and appearance of the host building and the wider area.
8. Therefore, the proposal would be contrary to policies P10 of the Leeds Core Strategy 2019 and BD6 and GP5 the Leeds Saved Unitary Development Plan (2006). Taken together these require good contextual design, appropriate size, and for extensions to respect the scale and form of the original building.

Parking provision

9. There is an existing on-site car park associated with the public house for use by patrons. It is acknowledged that this amounts to limited provision in terms of parking bays. The Council's Transport SPD (2023) sets out parking standards for restaurants, cafes and drinking establishments, specifically the provision of 1 parking space per 10sqm. However, this is guidance only.
10. The proposal would create additional internal floorspace. However, whilst this additional capacity is likely to lead to increased occupancy, this would not necessarily equate to a demand for additional car parking spaces. Given the pub's situational context, it is likely that the customer base is predominantly local residents within walking distance of the pub, rather than visitors travelling from further afield.
11. I note that there are no parking restrictions on Victoria Street. I observed that many properties have private drives. Parking courts and garage blocks were evident in the vicinity of the appeal site. Furthermore, existing parking bays, perpendicular to the street, are located opposite the pub, though it is unclear if any restrictions apply. In this context and in the absence of substantive evidence of parking harm associated with the proposed extension, I am satisfied that the demand for patron or visitor spaces, which is likely to be intermittent and time limited, would not significantly exacerbate the demand for on-street parking provision, to the detriment of highway safety.
12. I conclude, therefore, that the proposed development would not have an unacceptable impact on highway safety. There would be no conflict with Policy T2 of the Core Strategy, which relates to accessibility requirements and requires new development to be located in accessible locations.
13. The proposal would accord with paragraph 115 of the Framework, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Other Matters

14. The proposal to extend the property would present an opportunity to improve the facilities to meet accessibility standards. An alternative layout could accommodate provision of an accessible toilet. The parties agree that this could be addressed by a condition if I were otherwise minded to allow the appeal. As I am dismissing the appeal for other reasons, this matter is not determinative and does not require further consideration.
15. Beyond the rear boundary of the appeal property, there is a cul-de-sac and shared parking area, which serves properties in Victoria Close. This car park provides separation between the appeal property and the residential properties to the rear. Given this separation and the fact that the proposed extension would be enclosed, I consider that the proposal would not result in a greater impact on the living conditions of neighbouring occupiers with particular regards to noise and disturbance. Compared with the existing open-sided timber structure that it would replace, the noise transmission from the proposed extension is likely to be less.
16. I note the Council's concerns regarding the potential for the flat roof of the proposed extension to be used as a roof terrace. This matter could be addressed through a condition to any planning permission granted.
17. The Council express concern over the loss of the outdoor seating area and the resultant impact upon the occupiers of the first-floor flat. At the time of my site visit, I did not observe any evidence that these occupants/tenants used this covered space for their own personal use. Rather the area was characterised by storage for the pub. I note that existing outside seating areas to the front and side of the property will remain unchanged by the proposed development. As such I attribute little weight to this matter.
18. The proposed extension would increase the area of enclosed accommodation benefitting from weather protection and enabling year-round use. The appellant considers that this would aid the operation and viability of the public house, serving the local community. Whilst not disputed in principle, no substantive evidence has been provided to demonstrate this or to otherwise quantify the economic benefits. As such, I attribute limited weight to this matter.

Planning balance

19. I have found that the proposed development would not have an unacceptable impact on highway safety. The proposed development would enhance the public house, which is an existing business in the community. However, these positive factors do not outweigh the significant harm arising from the failure of the proposal to respect the character and appearance of the host building and the wider area.

Conclusion

20. The proposed development would conflict with the development plan when read as a whole and there are no other considerations, which outweigh this finding.

21. For the reasons given above the appeal should be dismissed.

N Kempton

INSPECTOR