
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 19th December 2019

Subject: Planning Application 19/00835/FU – APPEAL by Mr A Jonisz of 22 Park Lane Mews against the decision to refuse planning application for the raising of roof to form habitable rooms; two storey part first floor side/rear extension

The appeal was dismissed 4th November 2019

Electoral Wards Affected:

Alwoodley

☐ Yes

Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Members are asked to note the following appeal decision.

1.0 BACKGROUND

- 1.01 This application sought planning permission for the alterations that would raise the roof height of the dwelling to allow rooms in the roof space, and to provide a two storey and part first floor side /rear extension.
- 1.02 Officers assessed the application against the adopted Development Plan policies and focus was placed on Core Strategy Policy P10 – Design, T2 – Transport matters and sustainability, GP5 and BD6 that deal with planning matters and alterations to existing buildings and on advice in the Householder Design Guide (HHDG)
- 1.03 Officer recommendation was to grant planning permission as it was considered that the proposal complied with the policies of the Council and in particular there would be no detriment to the street by reason of the alterations proposed, that there would be no detriment to the amenities of occupiers of adjoining properties by reason of overlooking, overshadowing or noise generation and that as the proposal did not alter the existing level of off street car parking currently provided on site

there would be no material detriment to the users of the public highway as a result of this development.

- 1.04 Contrary to the Officers recommendation of approval, Members of North and East Plans Panel resolved to withhold planning permission for the below reason:

The Local Planning Authority considers the proposal would create a demand for parking which cannot be accommodated within the site. This would increase the potential for on-street to take place in an area which is already heavily parked to the detriment of the free and safe operation of the local highway network. The development is therefore contrary to adopted Core Strategy (2014) Policy T2 and saved Unitary Development Plan (Review 2006) Policy GP5 and the guidance contained within the NPPF which seeks to ensure the highway impacts of development are acceptable.

- 1.05 The decision was subsequently issued on 26th June 2019, and appealed shortly thereafter.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.01 The Inspector identified the main issues to be:

- The effect of the proposed development on highway and pedestrian safety, with particular regard to the adequacy of parking provision.

3.0 SUMMARY OF COMMENTS BY THE INSPECTOR

- 3.01 The Inspector deals with issues raised by the numerous objectors that are not related to his main issue as identified above first. These relate to the impact of the proposal of the general street scene and the impact of the proposal on neighbour amenity.
- 3.02 Commenting that "...the council does not refer to the effect of the proposed development..." on these matters he then agrees that notwithstanding the concerns raised by local residents that there will be no detrimental impact on the street scene generally and on neighbours amenity in particular.
- 3.03 The Inspector notes that "Park Lane Mews is a narrow road with footpaths along either side of part of the main east to west route through the Mews and at the corners of the entrance of the first cul-de-sac. Within other parts of the Mews there are no footpaths and the boundaries to the front of the houses are immediately adjacent to the highway."
- 3.04 The Inspector also noted that at the time of his site visit, being 09.20am, "...a small number of vehicles that were parked either at the side of the highway, straddling the highway and property boundaries or straddling the highway and footpaths". It should be noted by Plans Panel that this site visit was an unaccompanied one (as the Inspector did not require access to the appeal site) and so no notification of the date and time of their site visit was given to either the Officers of the Council or the local residential or appellant.
- 3.05 The Inspector then references the evidence supplied by third parties of the situation at other times of the day acknowledging that the Mews "at peak times.....is under

considerable parking stress with a high number of vehicles being parked on the highway or straddling property boundaries or footpaths.”

- 3.06 Acknowledging that the actual number of useable car parking spaces that are available was in dispute between the Council and the appellant, and the additional information supplied by the appellant that a car can fit within the existing garage the Inspector concedes that the provided dimensions of the garage and the spaces claimed by the appellant are below the Councils stated standards and thus “it is unlikely that it (the garage) would be convenient or regularly used to park a vehicle” and the conclusion come to by the Inspector is that “technically the site can only accommodate one car parking space which meets the required measurements of the HDG SPD.”
- 3.07 The conclusion drawn is that whilst the current development may not create an immediate need for additional parking spaces.....it is highly likely that the additional rooms created as part of the proposed development would generate a demand ... in the future” with the result being that those cars would park on the highway.
- 3.08 Turning to the evidence submitted by third parties and the concerns of the Highway, the Inspector concedes that the Mews is “either at, or very close to its practical capacity.” And thus the development would have a “harmful effect on highway and pedestrian safety in the area.” The Inspector then emphasised that the corner location of the appeal site on the Mews would exacerbate this safety concern.
- 3.09 The Inspector concluded that the appeal should therefore be dismissed as being contrary to GP5 and T2 of the Local Development Framework

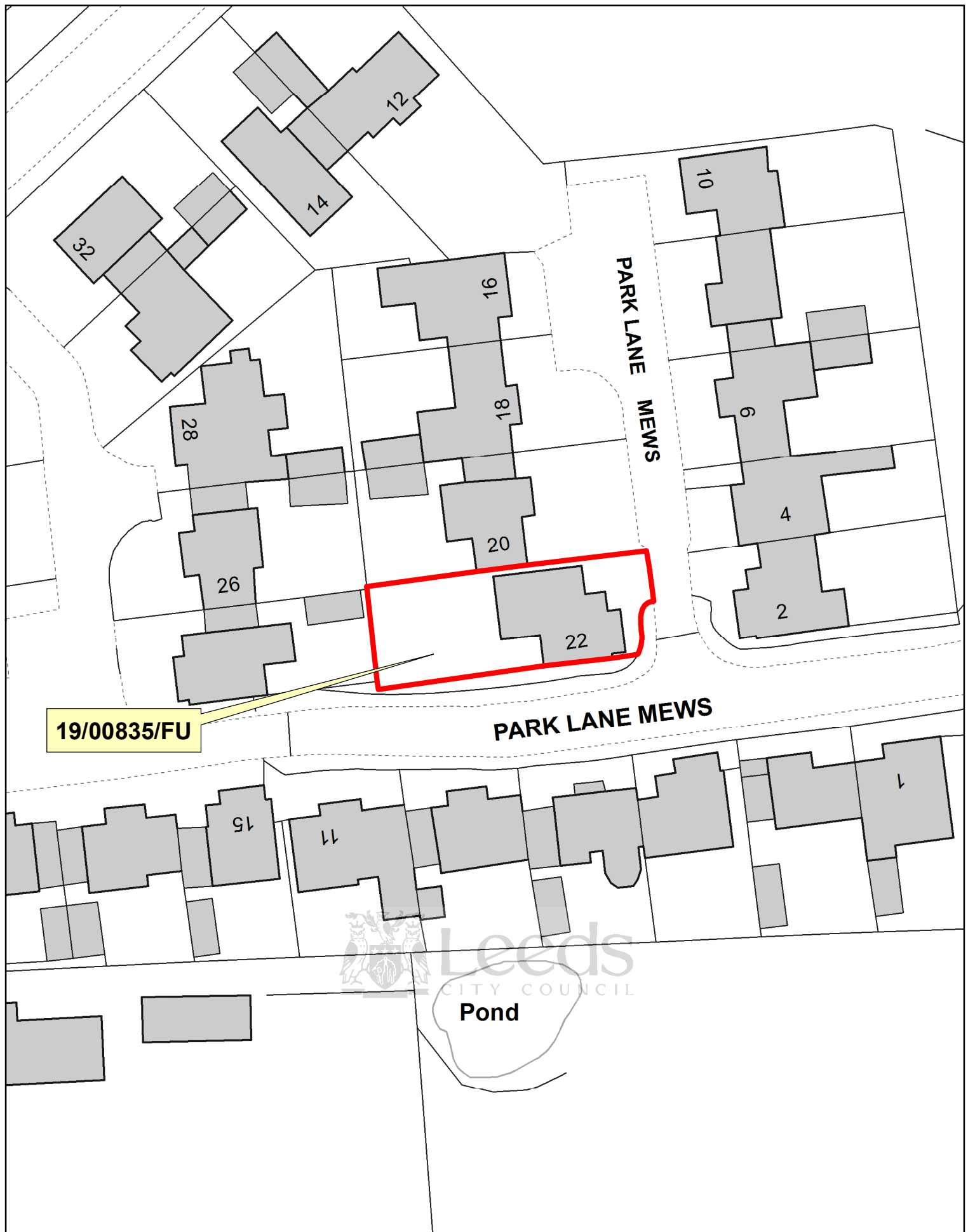
4.0 IMPLICATIONS

- 4.01 It is clearly a good thing that Members concerns in regards to this proposal have been vindicated by this decision.
- 4.02 The Inspector was very careful to draw out of his observations of the specific circumstances of this case in the nature of the Mews, the highway layout and the observations made at the site visit and the evidence submitted by third parties as well as that of the council.
- 4.03 The conclusions drawn by the Inspector are those of taking the case proposed on its individual merits. Particular regard was paid to the car parking levels that currently exist on the Mews overall, the lack of separate pedestrian facilities in certain parts of the Mews, the corner plot aspect of the application site and notably, that the existing provision on site despite been shown to be capable of accommodating some off street parking was both substandard to the current council’s standards and inconvenient for regular everyday use. Of particular note in the Inspector’s comments is the Mews is at or near to capacity already.
- 4.04 This is considered to be a subtle mix of factors all falling into place in this particular case that justify the conclusions reached and this single decision should not be used as a precedent. Rather the details of the case should be assessed and conclusions drawn on the facts of each case, including where necessary evidence provided by third parties that is otherwise not readily apparent from an inspection of the site during the normal working day.

Background Papers

Planning Application File 19/00835/FU

Inspector's Decision Letter Dated 4th November 2019



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SCALE : 1/500





Appeal Decision

Site visit made on 24 September 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/N4720/W/19/3232770

22 Park Lane Mews, Shadwell, Leeds LS17 8SN

- 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 A Jonisz against the decision of Leeds City Council.
 - The application Ref 19/00835/FU, dated 11 February 2019, was refused by notice dated 27 June 2019.
 - The development proposed is a two storey extension to rear and side with new roof to create bedrooms.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I am aware that Leeds City Council Core Strategy Selective Review (CSSR) (September 2019) has been adopted since the Council's decision notice was issued. Both main parties have had the opportunity to comment on the implications of this for the appeal. The Council has confirmed that, in its opinion, the CSSR has no bearing on the merits of the appeal. I have therefore made my determination having regard to policies within the Leeds Core Strategy (CS) (2014) and saved policies within the Leeds Unitary Development Plan (UDP) (Review 2006). I am satisfied that no interested party has been prejudiced by this approach.
3. The Council has confirmed that it is in the early stages of reviewing its car parking standards and in the process of preparing a draft Transport Supplementary Planning Document. Given that this document is still in draft form and could, therefore, be subject to further amendments, I have not taken it into consideration in my determination of the appeal.
4. As part of the appeal the appellant has submitted a revised plan¹ that was not submitted to the Council as part of the planning application. The plan illustrates the potential to accommodate three cars within the site, one in the garage and two on the driveway to the front of the house. It is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. Therefore, I have not taken this plan into consideration in my determination of the appeal.

¹ Drawing 8403/02 C

Main Issue

5. The main issue is the effect of the proposed development on highway and pedestrian safety, with particular regard to the adequacy of parking provision.

Reasons

6. The appeal site is located on a corner plot at the entrance of the first of two cul-de-sacs within a small residential mews development. The appeal property is a detached, two storey house constructed of brown brick with a tiled roof. It has a small grassed area and driveway to the front with a single storey garage to the side and an enclosed garden to the rear. The proposed development comprises raising the roof height of the building to form two additional rooms and a two storey, part first floor, side and rear extension.
7. In the reasons for refusal the Council does not refer to the effect of the proposed development on the character and appearance of the host building and surrounding area or on the living conditions of the occupants of adjacent properties. I have had regard to the representations made by third parties concerning these issues and acknowledge the concerns raised. However, given the corner location of the appeal property within the mews and its detached nature, along with the proposed form and design of the extension and alterations and use of matching materials, I consider that the proposed development would not significantly harm the character and appearance of the host building or the street scene within the immediately surrounding area.
8. In addition, given the proposed location of the extension and alterations, the separation distances between the appeal property and adjacent dwellings and the proposed location and nature of new windows and rooflights, I consider that the proposed development would not significantly harm the living conditions of the occupants of adjacent properties, with regard to privacy, light and outlook.
9. On the basis of the above, I have limited my consideration of the appeal to the effect of the proposed development on highway and pedestrian safety, with particular regard to the adequacy of parking provision.
10. Park Lane Mews is a narrow road with footpaths along either side of part of the main east to west route through the mews and at the corners of the entrance of the first cul-de-sac. Within other parts of the mews there are no footpaths and the boundaries to the front of the houses are immediately adjacent to the highway. When on site I noted that there appeared to be no parking restrictions within the mews and that vehicular movement was generally slow.
11. At the time of my site visit (9.20am) I observed a small number of vehicles that were parked either at the side of the highway, straddling the highway and property boundaries or straddling the highway and footpaths. However, from evidence provided by third parties it appears that, at peak times, the area is under considerable parking stress with a high number of vehicles being parked on the highway or straddling property boundaries or footpaths.
12. Policy T2 of the CS states that for new development, parking provision will be required for cars in accordance with current guidelines. In addition, Saved Policy GP5 of the UDP states that development proposals should seek to avoid problems of highway congestion and to maximise highway safety. The Council's current guidelines for parking provision are outlined in its Householder Design

Guide Supplementary Planning Document (HDG SPD) (2012), which states that generally two car parking spaces should be provided within a site in order to prevent on-street car parking which can cause congestion and be dangerous to highway safety. In addition, it confirms that in order to be considered as a parking space the parking area should measure 3m x 5m and a garage must measure at least 3m x 6m.

13. The number of car parking spaces that are currently available within the appeal site is disputed by the main parties. The appellant has provided information and photographic evidence to show that the site can accommodate three cars. This comprises space for one car in the garage with an internal space measuring approximately 2.6m x 6.8m and space for two cars on the driveway, one space measuring approximately 2.4m x 6.8m and another space measuring approximately 2.4m x 4.8m. However, the Council asserts that the site can only accommodate a maximum of two cars, one in the garage and one on the driveway and considers that, as the garage is small, it is unlikely that it would be convenient or regularly used to park a vehicle.
14. I recognise that the appellant has shown that it is possible to park three cars within the site and note that at the time of my site visit the garage was being used to park a vehicle. However, it is apparent that, as shown, all of the parking spaces are smaller than the dimensions stated within the Council's current guidelines and that technically the site can only accommodate one car parking space which meets the required measurements of the HDG SPD.
15. I acknowledge that the proposed development may not create an immediate need for additional car parking spaces. However, I consider that it is highly likely that the additional rooms created as part of the proposed development would generate a demand for additional car parking spaces in the future. Given the lack of adequate car parking provision within the site, it would result in any additional cars being displaced onto the highway.
16. Taking into account the information submitted by third parties and the objection and concerns raised by the Council's Transport Development Services, it is apparent that, at peak times, the on-street car parking within the mews is either at, or very close to, its practical capacity. It seems to me that any displaced car parking due to the proposed development would be likely to result in the further obstruction of the highway and footpaths and additional conflict between cars, other vehicles and pedestrians which would have a harmful effect on highway and pedestrian safety in the area. As such, even though any displaced car parking caused by the proposed development would be small, it would be critical within an area such as this where there is little capacity to absorb it.
17. Furthermore, given the location of the appeal property at the entrance of the first cul-de-sac within the mews, it is likely that any displaced car parking at this corner location would have the potential to have an even greater adverse impact on highway and pedestrian safety.
18. Accordingly, I consider that the proposed development would have an unacceptably harmful effect on highway and pedestrian safety by reason of inadequate parking provision. As such, it would conflict with Policy T2 of the CS and saved Policy GP5 of the UDP which, together, seek to ensure the adequate provision of car parking and maximise highway safety. In addition, it would fail to comply with guidance within the Council's HDG SPD relating to parking and

garages. It would also conflict with the provisions of the National Planning Policy Framework that plan for highway safety.

19. I have had regard to the appellant's willingness to accept a condition to retain the garage for car parking in perpetuity. However, given that the garage is of a substandard size in relation to the current guidelines within the HDG SPD, I consider that this would be unlikely to reduce the potential for the displacement of car parking onto the highway in the future and its harmful effect on highway and pedestrian safety. Furthermore, I consider that such a condition would be difficult to monitor and enforce and place an undue onus on the Council.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

