
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 23rd January 2020

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 Council’s 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

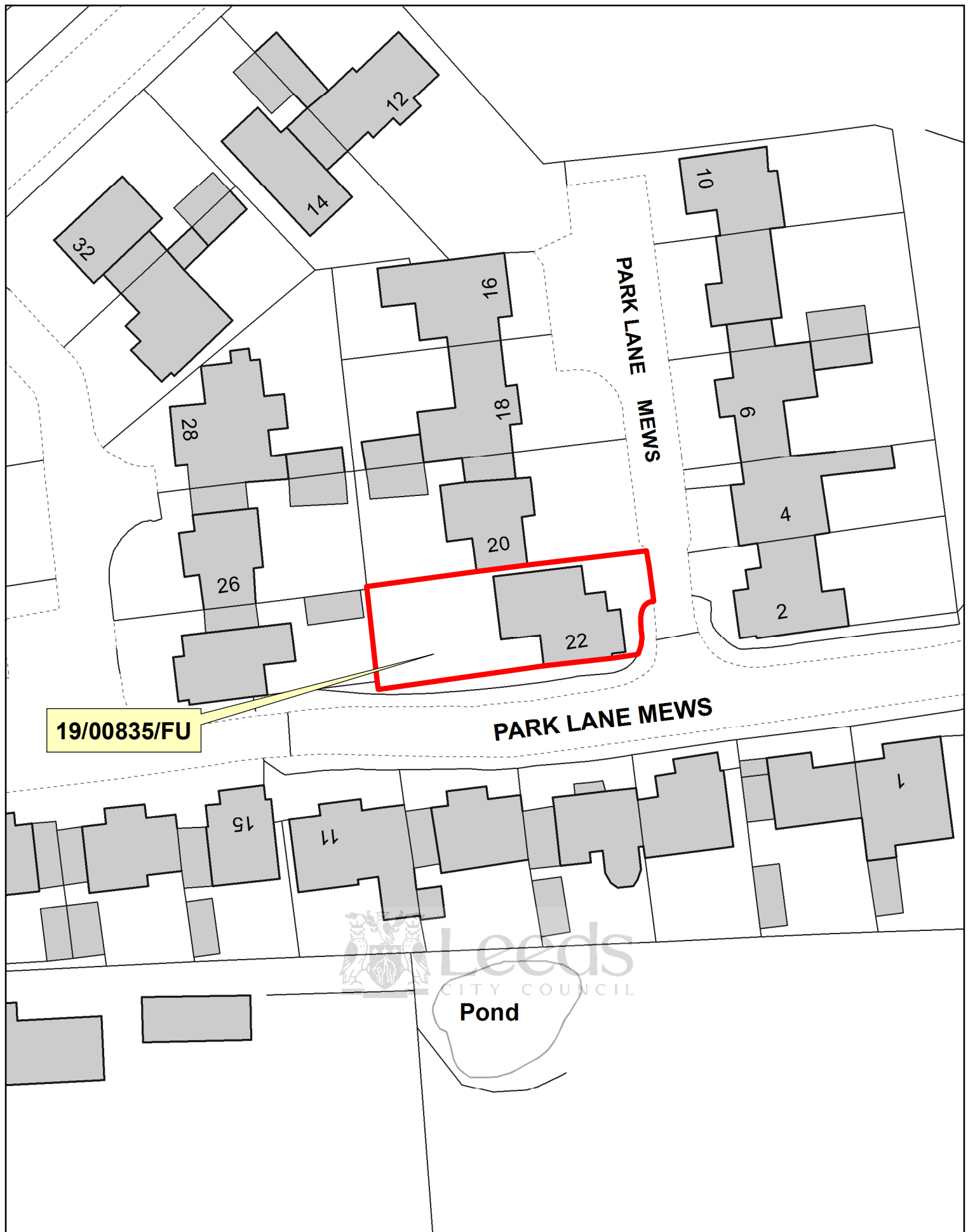
4.0 IMPLICATIONS

- 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



