
Appeal Decisions

Site visit made on 13 September 2016

by Anthony Lyman BSC (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 October 2016

Appeal A: Ref: APP/N4720/W/16/3150272

Priory Park Lodge, Bunkers Hill, Aberford, Leeds, LS25 3DF

- 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 Andrew Diamond against the decision of Leeds City Council.
 - The application Ref 15/04643/FU, dated 3 August 2015, was refused by notice dated 30 November 2015.
 - The development proposed is to convert flat roof room of property to a pyramid hip roof.
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Appeal B: Ref: APP/N4720/Y/16/3150276

Priory Park Lodge, Bunkers Hill, Aberford, Leeds, LS25 3DF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Andrew Diamond against the decision of Leeds City Council.
 - The application Ref 15/04644/LI, dated 3 August 2015, was refused by notice dated 30 November 2015.
 - The works proposed are to convert flat roof room of property to a pyramid hip roof.
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Decision

Appeal A:

1. The appeal is allowed and planning permission is granted to convert flat roof room of property to a pyramid hip roof at Priory Park Lodge, Bunkers Hill, Aberford, Leeds, LS25 3DF in accordance with the terms of the application, Ref 15/04643/FU, dated 3 August 2015, subject to the conditions set out in the attached schedule.

Appeal B:

2. The appeal is allowed and listed building consent is granted to convert flat roof room of property to a pyramid hip roof at Priory Park Lodge, Bunkers Hill, Aberford, Leeds, LS25 3DF in accordance with the terms of the application Ref 15/04644/LI, dated 3 August 2015, subject to the conditions set out in the attached schedule.

Procedural Matter

3. At the time of the Council's Decision, the pyramid hipped roof had been largely built. I was able to view the structure on my site visit, although the cast iron
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rainwater goods referred to in the appellant's Heritage, Design and Access Statement had not been fitted.

Main Issues

4. Priory Park Lodge is a Grade II listed building within the Aberford Conservation Area. The main issue to be considered is the effect of the proposal on the special architectural and historic interest of the listed building and, linked to that, whether the works would preserve or enhance the character or appearance of the conservation area. In the language of the National Planning Policy Framework (the Framework) this can be defined as the effect of the proposal on the significance of designated heritage assets.

Reasons

Background

5. The appeal property is the former lodge to the impressive Grade II* Gascoigne Almshouse building, a prominent feature of the Aberford Conservation Area. The lodge is a small single storey building at the entrance to the Priory Park, adjacent to the main road through the village. It is listed Grade II. The property has been extended following the original grant of planning permission in 1998 for a single storey rear extension under a pyramid roof, and the change of use of the former gatehouse to a two bedroom dwelling.
6. To the side of the lodge there is an older, single storey extension, which at the time of the application, had a flat roof that was said to be in poor condition with the roof drainage system allowing water into the fabric of the building. The application sought planning permission and listed building consent for the construction of a new pyramid shaped roof which has since been erected.

The Policy Background

7. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant listed building consent, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. Section 66(1) of the Act requires a similar approach in considering whether to grant planning permission for development which affects a listed building or its setting. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in exercise of planning functions. Any finding of harm to a listed building, or to a conservation area, is a matter of considerable importance and weight on the negative side of the balance.
8. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
9. Policy BD6 of the Leeds Unitary Development Plan Review (2006) (UDP) requires all alterations and extensions to respect the scale, form, detailing and materials of the original building, and Policy N16, relating specifically to extensions to listed buildings, has similar requirements. UDP Policy N19,

amongst other things, repeats the requirement set out in section 72 (1) of the Act in relation to development in conservation areas.

The Significance of the Designated Heritage Assets

10. The listing description refers to the lodge as dating from about 1844. The building is constructed of dressed limestone with a steeply pitched roof of graduated slates, and has two small bays in the Gothic style and a prominent gabled porch facing the driveway. To the right of the porch a canted mullion-and-transom bay window is surmounted by a hipped roof. The gables have parapets and fleur-de-lys apex finials. The listing description also refers to the single storey flat-roofed extension, which is the subject of this appeal. The lodge makes a positive contribution to the conservation area and can be seen from the main road, in the context of the gated entrance and the Almshouses, although trees and other vegetation restrict views of the building from some directions.
11. The Council confirms that, in principle, a pyramid hipped roof on the flat roofed extension could be supported, but that the design should reflect the roof already fitted on the rear single storey extension. That pyramid roof has, according to the Council, *good overhanging eaves*. By comparison the roof for which permission and consent is sought, does not overhang the walls and is set on a roof plate on top of the stone coursing in a manner that the Council consider is incongruous, discordant and fails to reflect the scale, form or design of the lodge.
12. I am not persuaded by this argument for the following reasons. The roofs on the lodge main building and on the porch display little overhang, with the cast iron gutters supported by brackets directly adjacent to the stonework. To my mind, it is the deeply overhanging pyramid roof on the more recent extension to the rear that appears discordant, as it does not reflect the scale or style of the original building's roof. Once the cast iron gutters referred to in the Heritage, Design and Access Statement are fixed to the new roof plate, they will closely resemble the position of the original fittings.
13. The new roof does sit high on the walls of the side extension, possibly as a result of the low stone parapet that originally contained the flat roof. Nevertheless, despite the height of the walls, the peak of the new pyramid roof is said by the appellant to be less than a metre above the walls. It remains subservient to the main lodge and does not obscure any of the detailing on the listed building.
14. From the public realm on the main road, given the angles involved and some intervening vegetation, the side pyramid roof does not appear prominent. The differences between it and the pyramid roof which the Council states it would be happy to support would appear minimal from the public realm. Consequently, I am satisfied that the new roof preserves the character and appearance of the conservation area.
15. Overall I conclude that the new roof does not harm the significance of the designated heritage assets.

Conditions

16. The Council did not submit any suggested conditions in the event of the appeal being allowed. As the development is almost complete, there would be no need for the standard time commencement condition. Nor would there be a need for a condition requiring the development to be undertaken in accordance with the approved plans, except that the drawings, due to their small scale, do not show the details of the cast iron rainwater furniture which the appellant confirms would be fitted. For the avoidance of doubt and in the interests of the character and appearance of the building and the area, it would be necessary to secure the fitting and retention of the cast iron rainwater goods by condition.

Conclusion

17. As set out above, the Act requires special regard to be had to the desirability of preserving (that is not harming) listed buildings, and special attention to be paid to the desirability of preserving (again not harming) or enhancing the character or appearance of conservation areas. For the reasons set out above, the significance of the listed building would not be harmed by the proposal, and the character and appearance of the conservation area would be preserved. On that basis, the proposal would accord with the provisions of the Act, the policies of the Framework that seek to conserve and enhance the historic environment, and the local plan policies referred to above.
18. Accordingly, for the reasons given, both appeals should succeed, subject to the condition imposed.

Anthony Lyman

INSPECTOR

Condition

1. Within three months of the date of this Decision, details of the rainwater furniture to be fitted, including an implementation timetable, shall be submitted to the local planning authority for approval in writing. The rainwater goods shall be installed in accordance with the approved details and timetable, and thereafter shall be retained.