



Appeal Decision

Site visit made on 13 August 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/N4720/W/19/3229087

15 Boston Road, Wetherby LS22 5HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Martin Shires against the decision of Leeds City Council.
 - The application Ref 19/00410/FU, dated 23 January 2019, was approved on 8 May 2019 and planning permission was granted subject to conditions.
 - The development permitted is single storey side/rear extension
 - The condition in dispute is No 3 which states that: Notwithstanding the details on the submitted plans, the external walling materials shall be brick to match the existing dwelling. The roofing materials shall also match those existing.
 - The reason given for the condition is: In the interests of visual amenity and the character and appearance of the conservation area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is reasonable and necessary having regard to the need to preserve or enhance the setting of heritage assets.

Reasons

3. The appeal site is situated within the Wetherby Conservation Area (CA) characterised by the traditional character and layout of its buildings. The appeal dwelling is located within a small complex of two-storey detached dwellings. The dwellings are positioned around a shared private parking court and are of matching traditional gabled front to back design, all with similar proportions and materials. They are partially screened from the main road by existing high boundary treatments including the stone wall serving the appeal dwelling, fencing and mature planting but are still appreciable from the road and within the context of the CA. From the main road, the Grade II listed remains of the former West lodge of the Wetherby Grange Estate and attached wall provides a foreground to the appeal dwelling, further enhancing the character and appearance of the CA.
4. The appeal seeks permission to carry out the development without complying with the element of condition 3 that requires the external walling material to be brick to match the existing dwelling. The appellant contends that the existing brickwork is in poor condition, has degraded in colour and is not in keeping with the Grade II Listed structure that sits close to the site. Their intention would be to render the extension and the original dwelling in matching render.

However, as confirmed by the Council, rendering the existing dwelling would require planning permission in its own right. Whilst the proposal before me relates to the extension only, from my observations on site, the building appeared to be in sound condition and I have no substantive evidence before me to demonstrate remedial work in the form of rendering to the walls is required.

5. The existing brickwork contrasts with the listed gateway structure not seeking to replicate it in any way and consequently preserves its setting. I acknowledge there are a variety of materials used within the wider CA. However, in terms of the immediate context of the appeal site, the brickwork to this distinctive group of dwellings forms an intrinsic part of their shared characteristics giving them a uniform appearance which collectively makes a positive contribution to the character and appearance of the CA. Even accounting for the single storey scale of the extension, it would still be evident in views within the CA and particularly from neighbouring dwellings in the complex. Alternative finishes to the extension such as render would be at odds with the unified appearance of the complex of dwellings. Consequently, an extension not built in materials to match the existing dwelling, would fail to preserve or enhance the character or appearance of the CA nor would a further contrasting material preserve the setting of the listed structure.
6. The appellant suggests that matching the brickwork would be impossible to source and that any new brick would contrast and have a negative impact on the appearance of the dwelling. However, my attention has been drawn to the extension to the neighbouring dwelling at No 11 which has been completed in appropriate matching brickwork. From the evidence before me, I am not persuaded that a suitable brick is not available and that rendering the extension is the only solution in this instance.
7. Noting the scale of the proposal and its overall relationship with the wider CA and neighbouring listed structure, there would be less than substantial harm to heritage assets if the extension was not built in brick to match the existing dwelling. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework), less than substantial harm should be weighed against the public benefits of the development. There are no clear public benefits that would result from allowing the extension to be built in contrasting materials and therefore the less than substantial harm would not be outweighed and the condition should not be removed.
8. For the foregoing reasons, condition 3 is reasonable and necessary in order to preserve the setting of the heritage assets. Consequently, in that regard, the condition accords with the requirements of Policies P10 (Design) and P11 (Conservation) of the Leeds City Council Core Strategy (2014) and saved Policies GP5, BD6, N19, BC7 of the Leeds Unitary Development Plan (Review 2006) and the requirements of the Framework.

Conclusion

9. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR