



Appeal Decision

Site visit made on 6 January 2020

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/N4720/C/19/3236023

Land at 466 Roundhay Road, Leeds LS8 2HU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Hessian Group Limited against an enforcement notice issued by Leeds City Council.
 - The enforcement notice was issued on 30 July 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of raised wooden decking with fencing and supporting posts to accommodate an external seating area to the front of this commercial premises.
 - The requirements of the notice are:
 - Step One: Dismantle the erected raised decking together with its fencing and supported posts.
 - Step Two: Make good the parts of the premises and land to which it was attached.
 - Step Three: Remove all materials, fixtures and fittings associated with the enclosure from the land.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a), deemed planning application

Main Issue

2. The main issue in this case is the effect on the character and appearance of the host property and Roundhay Conservation Area.

Reasons

3. The appeal premises form part of a visually distinct three storey Victorian terrace which is situated within Oakwood Local Centre and within Roundhay Conservation Area (RCA). It occupies a prominent position fronting onto Roundhay Road and makes a positive contribution to the character and appearance of RCA, which in my opinion and having had regard to the Roundhay Conservation Area Appraisal, is mainly derived from its verdant landscape setting, with its parks and mature planting, high quality architecture, the layout of the streets and spaces within them and the consistency in the use of materials and boundary treatments.

4. The Hessian Café occupies the ground floor of the property. It retains an historic shop frontage, the composition of which, including its fine joinery details, contribute significantly to the character and appearance of RCA. Furthermore, the wide pavements which front the parade of shops/commercial premises along this part of Roundhay Road contribute to the setting of this building.
5. The area of decking and the fencing/posts which enclose the seating area have been constructed in timber and have a natural finish. However, its crude and robust form conflicts sharply with the fine joinery and architectural components of the host building. It has a stark and unrefined appearance which detracts from the visual qualities of RCA and the character of the street. Furthermore, its positioning and being raised above pavement level means that it obscures views of the shop front and has a harmful effect on the setting of this building and the character and appearance of RCA.
6. I appreciate that areas of outside seating add to the vibrancy of the area and they also contribute to the local economy. I also appreciate that the seating area has the support of some members of the community. However, I am not persuaded that there are no other options or designs available to the appellant that would have a less harmful effect on the character and appearance of RCA. I also noted on my visit that there were other examples of outside seating on the pavement areas close by, the appearance and form of which differ considerably. However, I do not know the precise circumstances or planning considerations surrounding those other examples, and the Council has advised that other outdoor seating areas in the locality do not have formal planning permission and are under their investigation. In addition, the existence of those other areas of decking detract from the character and appearance of RCA and therefore do not set a precedent that should be repeated. In any event, I have determined the appeal on its own merits.
7. I conclude that the development does not preserve or enhance the character and appearance of Roundhay Conservation Area and has a harmful effect on the character and appearance of the host property. It causes less than substantial harm to the significance of RCA as a heritage asset. This harm is not outweighed by any public benefit, including the social and economic benefits as outlined in the paragraph above. The development is therefore contrary to policies in the National Planning Policy Framework which seek to conserve and enhance the historic environment. In addition, the development conflicts with the design and heritage aims of Policies P10 and P11 of Leeds Core Strategy, adopted 2014 and saved Policies GP5, BD6 and N19 of Leeds Unitary development Plan (Review 2006).

Conclusion

8. For the reasons given above and taking into account all other matters raised, I conclude that the appeal on ground (a) must fail. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Elizabeth Pleasant

INSPECTOR