



Appeal Decision

Site visit made on 5 July 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1ST August 2022

Appeal Ref: APP/N4720/W/22/3299135

Oxford Chambers, Oxford Road, Guiseley, Leeds LS20 9AT

- 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 Dale & Gary French & Strauss against the decision of Leeds City Council.
 - The application Ref 21/07198/FU, dated 24 August 2021, was refused by notice dated 4 March 2022.
 - The development proposed is a new access with footpath crossing and off street parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Guiseley Conservation Area (CA).

Reasons

3. Oxford Chambers is a single storey brick building set within a relatively spacious plot. The site is located within an area of mixed character with residential and commercial properties nearby. The CA includes surviving elements of the medieval village which contrast with the large scale mill complexes and the finer grain of the residential town. There is a predominant use of local stone which unifies the architecture. The presence of mature trees and boundary hedges is a pleasant verdant aspect. The site contains mature trees whilst boundaries are formed by stone walling with a section of hedgerow running to the inside of one wall for much of the length alongside Oxford Road.
4. The proposed access would result in the loss of a section of the boundary wall adjacent to Oxford Road with further sections reduced in height. Much of the boundary wall would remain and some stone reused. Historical photographs indicate a gap in a wall along this stretch of Oxford Road has been present previously. Nevertheless, and in its current form, the completeness of the boundary wall makes a positive contribution to the CA. The emphasis placed on the retention thereof is clear within the Guiseley Conservation Area Appraisal and Management Plan.
5. Whilst I do not object to the use of planting and "grass block" to the driveway, my concerns in the main relate to the effect of the loss of the continuous substance of the wall and as such these elements would not be sufficient to make that acceptable. The precise extent of wall lowering required for

pedestrian visibility would make little difference to the effects. Any lowering would still, unacceptably in my view, affect the intact quality and positive contribution the wall makes to the street scene.

6. The proposed development would therefore fail to either preserve or enhance the character or appearance of the CA. The harm would be less than substantial. Irrespective and having regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the harm would be a matter of considerable importance and weight.
7. Some public benefits would likely result from the development. The electric vehicle charging points would promote the use of renewable energy. I noted on my visit the parking restrictions in place in the local area, that there would be competition for any not subject to those and I appreciate that the more convenient arrangements for deliveries and the flexibility of on-site parking could well support the business to an extent.
8. On-site parking may provide greater security, though details of how vehicles have come to be damaged and to what extent alternative parking arrangements would reduce the risk of this happening again are not clear to me. A modest easing of parking pressure may occur but the evidence before me does not demonstrate that the need for the parking spaces is particularly significant and it is not clear that the development is necessary to secure the long-term future of the site.
9. I therefore find that benefits of the development would be modest and that they would be insufficient to outweigh the harm I have identified to both the character and appearance of the area and the designated heritage asset. Consequently, the proposal would be contrary to Policies N20 and GP5 of the Leeds Unitary Development Plan (UDP) and Policies P10, P11 and P12 of the Leeds City Core Strategy 2014, as amended. Together, and amongst other things, these policies seek to retain features which contribute to the character of conservation areas and ensure that development protects and enhances historic assets and townscapes whilst respecting the character and quality of streets. On my reading, Policy N19 of the UDP specifically relates to new buildings and extensions only and therefore is largely irrelevant to the harm caused by the loss of a section of wall.

Other Matters

10. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which includes disability. In dismissing this appeal, the proposed accessible parking space would not be delivered. However, it does not follow from the PSED that the appeal should succeed. I have taken into account the proposed accessible space but in my view the adverse effects of dismissing the scheme on those with protected characteristics would be proportionate having regard to the harm identified to the character and appearance of the CA.
11. Given the planning permission referenced at neighbouring Laurel Bank did not involve a new access from Oxford Road through a boundary wall I do not find it

very relevant to the proposals in this case. The example provided from Steeton does involve the partial loss of a boundary wall within a conservation area. Even so, it remains the case that circumstances differ, including that it involved a different conservation area within a different local authority and that particular highway safety benefits were identified in Steeton which contributed to that scheme being allowed.

12. Though the local highway authority may have recommended that the access from Oxford Road was acceptable in highway safety terms it does not follow that the development is acceptable in overall terms. Specifically in relation to the CA in this case. I also note that existing trees would be protected from the development but this lack of harm would be neutral in the planning balance.

Conclusion

13. For the reasons given, the proposal would conflict with the development plan taken as a whole. There have been no material considerations put to me that would be worthy of sufficient weight to indicate a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

H Jones

INSPECTOR