



Appeal Decision

Site visit made on 17 October 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2022

Appeal Ref: APP/N4720/D/22/3305364

Prospect House, 27 Breary Lane, Bramhope, Leeds LS16 9AD

- 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 Watson against the decision of Leeds City Council.
 - The application Ref 22/02601/FU, dated 7 April 2022, was refused by notice dated 10 June 2022.
 - The development proposed is an open sided gazebo with slate roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant requested that I consider an alternative design shown on the drawing '3D image 4191781'. However, there are no related scaled elevation and floor plan drawings of this alternative design, such that it does not meet the standard of plans which are necessary to describe the development proposed. Furthermore, I note that the 3D drawing is not included in the list of plans on the Council's decision notice. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
3. Consequently, I have determined the appeal on the basis of the elevation drawings 'Proposed Elevations of Gazebo' submitted with the planning application, and I make no comment of my own on the merits of the alternative design. It would still be open to the appellant to make a fresh planning application to the local planning authority if the appellant thinks that amending their proposals would overcome the local planning authority's reasons for refusal.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the Bramhope Conservation Area.

Reasons

5. The appeal site lies within the Bramhope Conservation Area (BCA). In so far as it is relevant to this appeal, the BCA draws some of its significance from its village character and layout, with large detached housing of various ages set back from the road within spacious gardens.
6. The appeal property is an attractive stone-built Victorian villa with a slate hipped roof to the main building and a large front garden surrounded by a stone boundary wall and hedging. It is identified in the Bramhope Conservation

Area Appraisal as a building which makes a positive contribution to the BCA. The large front garden is also an important component of its positive contribution to the significance of the BCA.

7. The Council refers to its Householder Design Guide Supplementary Planning Document 2012 (SPD). Relevant to the proposal is Policy HDG1, which requires all extensions, additions and alterations to respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Particular attention should be paid to the roof form, amongst other things. Specifically in relation to outbuildings, the SPD advises that these will normally be acceptable where they are sited at the side or rear of a property, and are sympathetically related to their context in terms of materials, style and proportions.
8. Although the proposed gazebo would be located at the front of the property, it would be a modest feature relative to the size of the garden and house. It would also be positioned close to the side boundary and set back from the road in line with the front elevation of the neighbouring dwelling No 29. The spacious character of the front garden would therefore be suitably maintained.
9. Nonetheless, owing to its large 'pyramidal' shape roof design, the gazebo would be at odds with the design and character of the existing house and surrounding area, despite the use of an appropriate roofing material. It therefore falls short of the high standard of design required within the BCA. Indeed, this even appears to be acknowledged in the appellant's statement when referring to the aforementioned alternative roof design as "the correct, rather more elegant and buildable design".
10. The gazebo would not be overly prominent due to its siting back from the road and the partial screening by the existing boundary treatment. Even so, the requirement for development proposals to preserve or enhance the character or appearance of the BCA applies irrespective of whether development is prominent, or in public view.
11. Overall, the gazebo would not be a well-designed and sympathetic addition to the appeal site and its surroundings. Thus, the proposal would fail to preserve or enhance the character or appearance of the BCA, causing harm to its significance. Whilst this harm to the significance of the BCA can be classed as 'less than substantial', it is nevertheless a matter of considerable importance and weight, and there are no public benefits identified which would outweigh that harm.
12. The development therefore conflicts with the design and heritage requirements of Policies P10, P11 and P12 of the Leeds City Council Core Strategy (amended 2019), saved Policies GP5, BD6 and N19 of the Leeds City Council Unitary Development Plan (Review 2006), and Policy HDG1 of the SPD. It is also contrary to Sections 12 and 16 of the National Planning Policy Framework (the Framework) with regards to achieving well designed places, as well as conserving and enhancing the historic environment.

Other considerations

13. The Council has previously granted planning permission for a gazebo of a similar footprint and siting (LPA ref: 21/07482/FU). As that planning permission is still capable of implementation it can be regarded as a potential fallback position.

14. However, from the evidence before me, the approved gazebo had a typical open slatted top, not a pitched slate roof. As such, there are clear differences in design and massing terms, and I consider that the visual effect of the potential fallback position would be less harmful than the appeal scheme. Accordingly, the weight I attach to the fallback position is minimal.

Conclusion

15. Given the above, the development would not accord with the development plan taken as a whole, and there are no considerations to justify making a decision otherwise than in accordance with the development plan. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR