
Appeal Decisions

Site visit made on 4 May 2023

by Susan Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal A Ref: APP/N4720/Y/23/3318091

1 Albion Place, Leeds LS1 6JL

- 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 Bills Restaurants Limited against the decision of Leeds City Council.
 - The application Ref 20/05934/LI, dated 17 September 2020, was refused by notice dated 19 January 2023.
 - The works proposed are front entrance canopy and four free standing parasols at the front of the building.
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Appeal B Ref: APP/N4720/W/23/3318199

1 Albion Place, Leeds LS1 6JL

- 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 Bills Restaurants Limited against the decision of Leeds City Council.
 - The application Ref 20/05933/FU, dated 17 September 2020, was refused by notice dated 19 January 2023.
 - The development proposed is front entrance canopy and four free standing parasols at the front of the building.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. The works have been carried out and I noted on site that they are as applied for on the submitted plans. I have dealt with the appeals on this basis.
4. As the proposal relates to a listed building and is in a conservation area I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues are whether the proposal preserves a Grade II listed building, No. 1 Albion Place (Ref. 1256652), and the extent to which it preserves or enhances the character or appearance of the Leeds City Centre conservation area.

Reasons

6. The building to which this appeal relates is in use as a restaurant, and is prominently situated on Albion Place, a wide pedestrianised street within Leeds city centre. The conservation area in which it lies covers a large and varied area of the city centre. Nearby streets have experienced significant redevelopment, however Albion Place leading towards the 'Victoria Quarter' retains its Victorian splendour with a mix of both redbrick and stone buildings of uniform heights. The western end of Albion Place has seen fewer modern shopfront alterations at ground floor level than neighbouring streets. Largely unobstructed views of the length of Albion Place towards Briggate can be appreciated. Removable outdoor seating areas add to the vibrancy of the street scene here, where there are a number of eating and drinking establishments occupying its historic buildings.
7. The red brick No.1 Albion Place was listed in 1963 and dates from the late 18th Century, a fine example of one of the few surviving Georgian buildings in the locality. It was originally built as a townhouse for William Hey, founder and first surgeon at the Leeds Infirmary and former Mayor of Leeds. This is marked by a Leeds Civic Trust 'blue plaque' to the left of the entrance. The building demonstrates classical symmetrical Georgian proportions, with stone steps leading up to a central Tuscan columned portico below a round arched recess with keyblock containing an ornate fanlight. To each side of the steps are railings which continue to the front of the building, containing two small paved forecourt areas currently in use for outside dining.
8. I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the notable and grandiose portico entrance to the centre of this fine Georgian building, which undoubtedly makes a positive contribution to the character and appearance of the conservation area. This is coupled with the associative value with the aforementioned William Hey which contributes to the historic significance.
9. The four parasols within the forecourt areas are separated from the front wall of the building, are retractable, and are set within small holes within the decked surface which enable them to be removed. Whilst the colour of the parasols is somewhat brash, they are relatively small in scale and provide shelter to outside diners, which in turn adds to the vibrancy of the street scene. Consequently, I agree with the Council that their effect on both the listed building and conservation area is neutral.
10. The door canopy is not directly affixed to the building, being set within concrete planters on the stone steps. Nonetheless, I saw that the grey-coloured metal frame immediately abuts the white portico, whilst the orange-coloured canopy obscures the fanlight and brick arch. The design, colour, materials and siting of the canopy dominate the portico and building as a whole, being highly visible from much of Albion Place and the wider conservation area. The proposal unacceptably detracts from the architectural and historic features of the historic building which make a considerable contribution to its special interest. I acknowledge that the structure is movable and reversible, however I am not satisfied that it is temporary in nature given that the application form indicates that the works have been in place for some four years already. Consequently, I find that the canopy proposal fails to preserve the special interest of the listed building and the significance of the conservation area.

11. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration of those assets and that any such harm should have a clear and convincing justification. Given the removable nature of the proposals, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
12. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal is beneficial because the canopy improves customer experience by providing a sheltered entrance which is particularly important during inclement weather. The appellant also considers that the more attractive the building is, more customers will use the restaurant helping to sustain a viable use within the building.
13. However, I find that these perceived benefits are insufficient to outweigh the harm that I have identified and that there is a lack of evidence to suggest that the continued viable use of the appeal property as a restaurant is dependent on the proposals. In the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the conservation area. The presented benefits do not outweigh the harm caused to both the listed building and the conservation area.
14. Given the above and in the absence of any significant public benefit, I conclude that the canopy fails to preserve the special historic interest of the Grade II listed building and the character or appearance of the Leeds city centre conservation area. This fails to satisfy the requirements of the Act and paragraph 199 of the Framework which anticipates great weight being given to the conservation of heritage assets. Furthermore, I find conflict with policies P10 and P11 of the Leeds Local Plan Core Strategy and policies GP5 and N17 of the Leeds Unitary Development Plan. Taken together and amongst other things these policies seek to ensure good design, and that heritage assets are conserved in a manner appropriate to their significance and that alterations to existing buildings preserve the historic environment. As a result, the proposal is not in accordance with the development plan.

Conclusion

15. For the reasons given above, I conclude that both Appeal A and Appeal B are dismissed.

Susan Hunt

INSPECTOR