



Appeal Decision

Site visit made on 27 June 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/N4720/W/23/3316494

209-211 Woodhouse Street, Woodhouse, Leeds LS6 2NY

- 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 ARN (HLDG) LTD against the decision of Leeds City Council.
 - The application Ref 22/04467/FU, dated 28 June 2022, was refused by notice dated 12 August 2022.
 - The development proposed is Change of use from former betting shop with 2 maisonettes above to 2 retail units (Use Class E) with 4 flats above.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has been undertaken and therefore I have determined this appeal on the basis that it is a retrospective development.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the host properties and the area and (ii) the living conditions of the occupiers of nearby dwellings, with particular reference to outlook and overlooking.

Reasons

Character and appearance

4. The appeal properties are located in a row of terrace properties in an area that has a mix of uses, including shops, restaurants, a bar and residential. The terrace consists of four properties with identical proportions to their front elevations, with 209 Woodhouse Street appearing to be either an extension to the terrace or an original building that has been greatly modified, or partly both. The three other original terraced properties that do not fall within the appeal site and 211 Woodhouse Street have consistent detailing on their front elevations, consisting of front dormers, detailing at eaves level and window headers and cills.
5. Furthermore, at ground floor level 213, 215 and 217 Woodhouse Street have unusual curved detailing above what are presumed to have formerly been shopfronts, although it is not clear in what use the buildings currently are in and the ground floor openings of each property differ in design from one another. There is feature brick coursing running across the properties at Nos 211, 215 and 217, although No 213 has been fully rendered and painted white on its front elevation. Notwithstanding this, there remains a great deal of

original and consistent detailing on the properties which means that they collectively have a positive impact on the character and appearance of the area.

6. The shopfronts that have been installed lack visual coherence, both with respect to one another and to the other more modest shopfronts in the immediate locality. They are of differing designs and sizes and have different sized fascia areas above. As a result, they stand out as incongruous and discordant features within the street scene. This impact is worsened by the external shutter boxes and the solid shutters that have been installed. Although the appellant states that letterbox shutters should have been, and will be installed, and this would allow some vision through the shutters, this would not overcome the harm caused by their presence or by the shopfronts taken as a whole.
7. It would further appear that the shopfront at No 211 has resulted in the concealment or removal of the curved detailing above the former shopfront, and this and the bulky fascia sets it apart from the other three original properties in the terrace. The front elevation of No 209 lacks any notable detailing, although it is not clear whether this is a result of the appeal development or a pre-existing situation. Nonetheless, the impact of the changes that have taken place at ground level is such that significant harm has been caused to the character and appearance of the host properties and the area. Whilst the properties are not listed, locally listed or otherwise protected for their architectural merit, this does not justify the harm caused.
8. The bar and restaurant on the opposite side of Woodhouse Street has large areas of glazing but no obvious shutters on the elevation most visible in the public domain. The horizontal metal cladding to which the appellant refers appears to now have been removed to facilitate the glazing. The restaurant at 203-205 Woodhouse Street only appears to have a modest solid shutter over its front entrance door, and not over the windows on its frontage. Other buildings in the vicinity have window and door grills, but these are not comparable in their visual impact to roller shutters. The other examples to which the appellant refers also do not therefore justify the appeal development.
9. The scale of development in the area varies, and the rear extension is higher than most of that which previously existed in the vicinity, but with a shallower roof pitch. However, the area to the rear of the appeal buildings is reasonably spacious and well separated from other buildings. There are an adequate number of windows and other openings so to break up the massing of the extension and the building as a whole. All of the built development is to the rear, and this too limits its visual impact. In such a context, what has been built does not appear overly dominant or harmful to the character and appearance of its host properties or the area.
10. The rear dormer window is at a high level, modest in size, set into the shallow roof plane and similar to that at No 215, and as a result this addition has not resulted in harm to character and appearance. The Council refers to the Householder Design Guide 2012 Supplementary Planning Document (SPD) with respect to dormers, but for the reasons I have set out the dormer does not offend the aims of that document.
11. Therefore, whilst I find that no harm has arisen from the extensions that have been undertaken to the building and the dormer, the shopfronts have caused

significant harm to the character and appearance of the host properties and the area. Consequently, this aspect of the development fails to accord with Policy P10 of the Core Strategy 2019 (CS) and Saved Policies GP5 and BD6 of the Unitary Development Plan 2006 (UDP), where they seek to protect character and appearance.

Living conditions

12. The extensions that have taken place have increased both the bulk and height of the appeal properties. Marsh Vale runs to the rear of the appeal site and there is a residential property located there. Whilst there are windows in the rear elevation of the extensions and also in the dormer, these do not face directly towards the windows of the property in question.
13. They do instead face towards part of its external area, but that is an area that appears to be used primarily for parking. This means that the overlooking that is possible from the development as built does not have an unacceptable impact on the living conditions of the occupiers of that property. There is also adequate separation between the two, which ensures that the development does not have a harmful impact on outlook.
14. For these reasons, I conclude that the development accords with Policy P10 of the CS and Saved Policies GP5 and BD6 of the UDP, where they relate to living conditions.

Other Matters

15. The appellant states that the properties were previously vacant, and the development has brought them back into use, bringing with it economic, social and environmental benefits. The appeal site is also located in an area that has established links to residential properties, local amenities and public transport facilities. I acknowledge that the development has evolved and has sought to address a previous refusal of planning permission. These considerations do not however outweigh the harm that has been caused by the shopfronts that have been installed.
16. The appellant further refers to permitted development rights to make changes to the building but does not provide any illustration of what they consider could be achieved if these rights were implemented. It is not however suggested that the appeal development is permitted development, and the Council contends that such rights would not allow any alterations to the shopfronts of the properties. On the basis of the information before me, I do not weigh this consideration in favour of the retention of the shopfronts.

Conclusion

17. Whilst I find that the extensions do not cause harm to either the character and appearance of the host properties and the area or to the living conditions of the occupiers of nearby dwellings, the shopfronts have caused significant harm to the character and appearance of the host properties and the area. This fails to accord with the development plan, and the considerations presented in favour of the development do not indicate that a decision should be made otherwise than in accordance with the plan.
18. I have given consideration as to whether a split decision can be issued to permit the part of the development that I find to be acceptable. However, there

are some discrepancies on the drawings submitted compared to what has been built, especially in terms of window sizes and positions. The appellant states that a condition would be required to ensure compliance with the plans provided, however this would require further changes to be made to what has been built, and it is unclear if this is the intention. Furthermore, the different elements are not severable within the description of development that has been given, and indeed the description refers only to a change of use and not to any specific operational development.

19. In such circumstances I do not consider that a split decision can be issued, and therefore the appeal should be dismissed.

Graham Wraight

INSPECTOR