



Appeal Decision

Site visit made on 30 August 2023

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/N4720/D/23/3318243

West Royd Lodge, New Street, Farsley, Pudsey, Leeds LS28 5AS

- 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 R Bennett against the decision of Leeds City Council.
 - The application Ref 22/07197/FU, dated 26 October 2022, was refused by notice dated 15 December 2022.
 - The development proposed is erection of stone outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has altered from the application form to the decision notice. I acknowledge the intent to demolish the existing outbuilding and that alterations to boundary treatments are proposed. It was clear on my site visit that some new boundary treatment had been erected and that such features are shown on the plans. However, it was not clear that these accorded fully with the details on the plans. For the avoidance of doubt, I have considered this element of the proposals on the basis of the plans.

Application for costs

3. An application for costs was made by Mr R Bennett against Leeds City Council. This application is the subject of a separate Decision

Main Issue

4. The main issues are the effect of the stone outbuilding on i) the character and appearance of the Farsley Conservation Area ii) on the setting of West Royd Lodge and iii) on the setting of the Grade II listed West Royd House.

Reasons

5. Along with the form, scale, materials and detailing of the buildings within the immediate area, the significance of the Conservation Area at this location also sits with the positioning of the buildings back from the street which affords the area a rather spacious feel and allows views towards the attractive and established properties. Secondary buildings set forward of the principle elevations are not common features. West Royd Lodge is identified as a positive building.

6. In light of these characteristics, the appeal site, at which West Royd Lodge is set back from the street, without other buildings forward of its front elevation makes a positive contribution to the significance of the Conservation Area.
7. The proposal would see the outbuilding introduced forward of the front elevation of West Royd Lodge set within the corner of the front garden area. Whilst views from the street of the flat roofed building would likely be screened from the approach on New Street from the south by reason of the high boundary walls to this side, it is likely that the top part of the building would be visible above the lower boundary treatment on the approach from the north.
8. Despite the use of stone, the building, particularly as a result of the flat roof, would not be reflective of local design form which would cause harm. The Conservation Area Appraisal¹ indicates that inappropriate forms of infill development should be resisted and I consider that the outbuilding could be considered as such.
9. The building would also likely be visible in some views from windows on the upper floors of residential properties opposite the site on the other side of New Street.
10. The placing of the outbuilding forward of West Royd Lodge would erode its primacy within views to the eastern side of New Street, harming the setting of the building.
11. Overall, the level of harm would be less than substantial. The Framework² advises at paragraph 202 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
12. In line with paragraph 203 of the Framework, the effect of an application on the significance of a non-designated heritage asset should be taken into account. A balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
13. The public benefits of the scheme are limited to the provision of additional space for the occupiers of the dwelling. However, given the degree of harm I have found that would arise from the appeal scheme and the statutory protection afforded to Conservation Areas, the public benefits are not sufficient to outweigh the harm.
14. The proposal would fail to accord with policies P10 and P11 of the Leeds Core Strategy (2019) and saved policies GP5, BD5 and N19 of the Leeds Unitary Development Plan Review (2006). Amongst other things, these policies require proposals of good design, where the historic environment, including historic buildings and townscapes will be conserved and enhanced.
15. West Royd House is a grade II listed building which sits to the north east of the site. I am required to pay special regard to the desirability of preserving the setting of listed buildings.
16. However, the extent to which the garden of West Royds Lodge makes a positive visual contribution to the setting of this building from the appeal site is limited given the intervening distance, visual separation and intervening

¹ Leeds City Council - Farsley Conservation Area Appraisal and Management Plan 2010.

² National Planning Policy Framework 2023.

modern park structures and uses. The application site therefore makes limited contribution to the setting and significance of the listed building. The proposal would therefore have a neutral impact on the significance of this heritage asset.

Other Matters

17. I am aware that there is a certificate of lawful development in place which includes provision for the removal of the existing outbuilding and construction of a replacement. However, the evidence indicates that this building would be of lesser width, length and height. It would also not be placed forward of West Royd Lodge. Therefore, even though it seems apparent that building would not be constructed of stone, given the proposed positioning and scale, that proposal would be less harmful, and I afford this matter limited weight.

Conclusion

18. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T Burnham

INSPECTOR