
Appeal Decision

Site visit made on 11 June 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/N4720/W/24/3341345

370 Broad Lane, Bramley, Leeds LS13 2AH

- 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 Lawson against the decision of Leeds City Council.
 - The application Ref 23/05066/FU, dated 17 August 2023, was refused by notice dated 5 February 2024.
 - The development proposed is subdivision of a residential garden and erection of a new dwelling. Demolition of existing detached garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed dwelling on the setting of 370 Broad Lane (No.370) and the effect of the proposal on the character and appearance of Bramley Town Conservation Area (the Conservation Area).

Reasons

3. 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 primacy of No. 370 as a high status property on its large corner plot adjacent to Newlay Lane.
4. No.370 is identified as a positive building within the Conservation Area Appraisal¹. It makes a positive contribution to the significance of the Conservation area in both historic and aesthetic terms. It therefore makes a positive contribution to the character and appearance of the Conservation Area.
5. The proposal would see the introduction of a dwelling to the northern side of the No. 370. Whilst I accept that the proposed dwelling would be modest in size and scale, it would be of a height such that it's upper sections could be seen in public views from Newlay Lane above the existing wall and hedging that forms the boundary of No.370. The dwelling would also be likely to be visible in some private views from the upper floors of nearby properties.
6. The bungalow proposed would be small and would employ appropriate materials on part of the plot of No.370 where an existing garage is placed. It is the case that one of the key characteristics of this part of the Conservation Area is the variety in size and status of buildings.

¹ Bramley Town Conservation Area Appraisal and Management Plan, Leeds City Council May 2009.

7. However, if located in the position proposed, the building would not be sufficiently off set from No.370 to retain the primacy of that building on the large plot. Further, despite the inclusion of design features and an attempt to mirror the southern end of the dwelling, it would not appear as an extension or wing of the existing building given that it would be detached from No.370 and substantially lower in height.
8. The placing of a new dwelling on the site as well as the subdivision that would occur would harm the setting of No.370 by eroding its primacy within the plot. This would in turn detract from the positive contribution that the building makes to the significance of the Conservation Area, harming its character and appearance. I have afforded this matter considerable importance and weight. The Framework advises that great weight should be given to the conservation of designated heritage assets
9. The level of harm to the significance of the Conservation Area would be less than substantial. The Framework² advises at paragraph 208 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.
10. In line with paragraph 209 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.
11. The public benefits of the scheme are limited to the provision of an additional smaller dwelling, which could have the effect of freeing up a larger 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. The harm that would occur to the setting of No.370 weighs further against the proposal.
12. 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.

Other Matters

13. I am aware that there have been previous approvals for dwellings within the grounds of No.370 and the evidence indicates that there has been previous approval for a larger dwelling than proposed under the application which is the subject of this appeal.
14. However, regardless of the guidance that was in place at those times and the status of the site as a Conservation Area, I can only afford those permissions very limited weight given that there is nothing to indicate that they are now capable of implementation due to the passage of time.

² National Planning Policy Framework 2023.

Conclusion

15. 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