



Appeal Decision

Site visit made on 18 June 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/N4720/W/24/3339971

90 Street Lane, Leeds LS8 2AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Aydin Dogan of Rand Coffee Roastery against the decision of Leeds City Council.
 - The application Ref is 23/07284/FU.
 - The development proposed is retrospective application for canopy to the front forecourt.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to “retrospective” in the description is not a form of development. However, the application form confirms that the site development has been completed and I was able to see this during my site visit. I have determined the appeal based on the drawings submitted.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property, the wider terrace and surrounding area.

Reasons

4. The appeal site is a coffee shop and roaster business located within a terrace of three storey properties of a mix of brick and render. The terrace is one of a number of similar commercial parades of differing architectural styles in the local area, interspersed by verdant residential areas. Above the ground floor shopfronts, the properties are characterised by evenly spaced windows and gable features that have a consistent and harmonious appearance.
5. With the exception of one residential property, the ground floors of the properties are in commercial use. The terrace has gable pitched roofs and large forecourt areas between the building line and the road, many of which are utilised for car parking or outdoor seating. The forecourts have a largely open and spacious appearance apart from the residential property which is enclosed by hedging. These largely open forecourts are visually distinctive and make a valuable contribution to the character of the street.
6. The development is retrospective for the erection of a canopy cover, constructed of black stained timber, with an obscured roof cover. The canopy runs from the front elevation extending over a large section of the forecourt area and is partially enclosed at the sides and to the front by dark stained

- panels. There is a further seating area enclosed by dark stained fencing and planters beyond the area covered by the canopy so that the whole depth of the forecourt area is utilised for outdoor seating.
7. There are other examples of outdoor eating areas along the terrace with some use of temporary coverings, however there are no other permanent structures. As there are no forward projections in those cases, from the front elevation the building line is retained.
 8. Despite the lightweight construction of the canopy, due to its size it obscures the front elevation of the host property at ground floor level, detracting from its appearance and eroding the uniformity of the terrace and surrounding area. Although the open sided design allows some views through the structure, the side panel elements add to the enclosed appearance, thereby interrupting the openness of the terrace. As the canopy covers most of the forecourt area it is a conspicuous feature, which detracts from the open character and appearance of the wider terrace and surrounding area.
 9. My attention has been drawn to other examples of roof canopy structures over outdoor seating areas in the local vicinity. However, these properties are not of the same architectural style as the appeal site and therefore the impacts are different and not comparable. The appeal site development is also different from these examples in terms of its scale and forward projection over the forecourt area. Therefore, the appeal scheme can be distinguished from the examples given.
 10. For the reasons outlined, the development harms the character and appearance of the host property, the wider terrace and surrounding area. As such the development conflicts with Policies P10 and P12 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019), saved policies GP5, BD6, N25 and LD1 of the Leeds Unitary Development Plan (Review) 2006. Together, these seek to ensure amongst other things that new development is of good design that is appropriate to its location, scale and function, respects the detailing of the original building and that boundaries are designed to accord with the character of adjacent buildings and surrounding areas.
 11. The proposal is also contrary to paragraph 139 of the National Planning Policy Framework which seeks to achieve well-designed places.

Other matters

12. The canopy was erected in response to the Covid-19 social distancing restrictions and has gained popularity due to the ability of customers to be able to enjoy an outdoor seating area. There are concerns that its loss would have repercussions for the long-term future viability of the business. However, I note that planning permission is in place for outdoor seating and therefore this could continue, and I do not have any detailed information before me in relation to how the canopy itself relates to the long-term viability of the business. Nonetheless, this does not outweigh the harm of the proposed development as outlined above.

Conclusion

13. The development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

14. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR