

Appeal Decision

Site visit made on 13 August 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal Ref: APP/N4720/W/24/3343306

126-130 Otley Road, Headingley, Leeds LS16 5JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Bertan Dervish against the decision of Leeds City Council.
 - The application Ref is 23/06260/FU.
 - The development proposed is part change of use of hotel to form four dwellings; associated internal and external alterations including the removal of link between nos. 128 and 130; three storey extension and dormer window to the rear of no. 130.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An amended Site Layout Plan has been submitted with the appeal which removes the outbuilding from the site and removes the previously shown means of enclosure from the scheme. It appears undisputed that the revised plan has not been the subject of consultation and thus the proposed changes are of a nature that could be prejudicial to interested parties. I have therefore based my decision on the plans the Council based its decision on. The appellants' claims regarding previous comments made in relation to the outbuilding and the appellants' suggested planning conditions relating to amenity provision/landscaping would not lead me to a different conclusion on this.
3. The description of development in the above banner heading has been taken from the decision notice and appeal form as this accurately describes the development which is understood to have been the subject of consultation.

Main Issues

4. The main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the existing property and surrounding area, including whether it would preserve or enhance the character or appearance of the Far Headingley Conservation Area (CA) or preserve the setting of the neighbouring listed buildings; and

- Whether the proposed development would provide satisfactory living conditions for future occupiers of flat 1 with particular regard to privacy and outlook as well as amenity space provision for the wider development.

Reasons

Character and appearance

5. The appeal site relates to the Ascot Grange Hotel and associated Voujon Restaurant and their grounds which form part of a linear row of properties extending along Otley Road. The existing hotel is split across two buildings – Nos. 126-128 and No 130 which are connected by a flat roofed link extension. The hotel is of two storey scale to the front and three storey scale to the rear served by dormer windows. Hardstanding areas are located to the front and rear of the property and a large single storey outbuilding is also located to the rear of the property. The property is constructed of red brick with a slate roof. It is attractive in its appearance and includes historic features/detailing.
6. The proposed development seeks permission for the part change of use of hotel to form four dwellings (C3 use) with associated internal and external alterations including the removal of link extension between Nos. 128 and 130, a three-storey rear extension and dormer window to the rear of No. 130 and alterations to the shared parking area to the front.
7. The site lies in the CA and the neighbouring terrace to the south-east Nos. 114-120 Otley Road are Grade II listed. I have a duty under Sections S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and requires special regard to be had to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess. I have had regard to paragraph 205 of the National Planning Policy Framework (the Framework) which explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The CA is noted for its origins as a rural, agricultural village of cottages developed on the former common land of Headingley Moor. Far Headingley retains a strong sense of its own distinct identity. Despite its proximity to the centre of Leeds and the surrounding suburban 20th century developments, it continues to retain a village character. The built environment of the conservation area is dominated by late 18th and 19th century residential properties. These range from the early surviving stone cottages relating to the rural village of the late 18th and early 19th century and the large villas and middle-class villa-terraces, generally of the mid and late 19th century. The Far Headingley Conservation Area Appraisal & Management Plan, 2008 (CAAMP) explains that a number of the earlier survivals and grand houses are listed buildings but there are many unlisted properties that make a positive contribution to the character of the CA.
9. The CAAMP sets out that to be successful, any future development within the CA needs to be mindful of the local character of the area ensuring that all

new development is sustainable, high quality, well designed 21st century architecture that responds to its context in terms of urban design (eg layout, density and spatial separation) and its architectural design (eg scale, form, quality of materials and building methods).

10. The hotel and adjacent properties are all highlighted as forming positive structures within the CAAMP whilst also being situated within the setting of the listed terrace to the south-east. The CAAMP highlights the hardstanding to the front of the hotel as an opportunity for enhancement within the CA.
11. The linear row of development along Otley Road which includes the existing hotel forms part of a strongly unified group of late 19th and early 20th century red brick villas sharing a relatively strong building line to the front and back. Any varying alignment along this particular row is not so significantly different as to deviate from the overall uniformity and pattern. The areas to the front and rear are generally open with the exception of single storey garages to the rear.
12. The rear elevation of the properties share common detailing which is of a simple and traditional form with the distinctive windows projecting from the first floors along the row including the listed terrace to the south-east. The roofscape of the properties is a dominant feature with a unified grey slate covering, strong articulation from prominent chimneys and dormers used as architectural features. The rear elevation of the properties are visible from both Hollin Mount which runs to the north-east and from Hollin Road to the south-east where the linear grain of development along the row is readily appreciated.
13. The proposed rear extension to No 130 is three storeys in scale and would project a significant distance from the rear wall of the terrace which would appear as an overly large addition to the property. It would have a stepped form and also be of a contemporary style incorporating a flat roof and large black framed window openings. Given the above-mentioned character of the host building and area, the proposed rear extension would contrast with and have a detrimental impact on the pattern of development. It would also conflict with the important detailing elements contained within the rear elevation of the building. At my site visit, I did not see any other properties nearby that benefitted from such a notable rear extension which would be clearly visible from both Hollin Mount and Hollin Road.
14. The proposal incorporates the addition of a large box-style dormer window to the rear roofline of No 130. The dormer would replace an existing modest sized catslide dormer window. The proposed dormer due to its scale, form and detailing would unduly dominate the roof and not be a sympathetic addition to the host dwelling, resulting in a negative impact on the significance of the roofscape. It is noted that many of the neighbouring properties have existing dormer windows to the rear and I accept that there is a variation in terms of size, style, and materials. These however tend to be smaller and more traditionally detailed dormers which are more sympathetic to the style of the host dwellings. The addition of such a large, contemporary style dormer would not preserve the existing character.
15. My attention has been drawn to the approval of a three-storey extension at No 152 Otley Road located to the north-west of the appeal site. However,

this property is situated a good distance from the appeal site whereby it is read differently alongside that particular row despite its identification of a positive building in the CA. I am also aware from the Councils' statement of case that both the sites characteristics and proposed styles of extensions are markedly different and based on the plans provided and my own observations onsite, I have no reason to disagree. Consequently, the presence of the approval at No 152 Otley Road would not alter my findings on the scheme I am considering which I have in any event, considered on its own merits.

16. For the reasons given above, the proposed development would unacceptably harm the character and appearance of the existing property and surrounding area. It would fail to preserve the character or appearance of the CA and would also fail to preserve the setting of the neighbouring listed buildings. This would result in less than substantial harm to the significance of these designated heritage assets.
17. Paragraph 208 of the Framework explains 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 including, where appropriate, securing its optimum viable use. The benefits associated with the scheme include the loss of the existing link wing which would be an enhancement to the CA as well as the delivery of 4 additional dwellings which would contribute towards the housing supply in a sustainable location. There would be some minor economic benefits including employment during the development period and some social contribution to the local community from new properties. However, given the small-scale nature of the development, the extent to which these are beneficial are limited and would not outweigh the identified harm to the existing building, CA, or the setting of the neighbouring listed buildings to which I have attached great weight given the requirements of the Framework.
18. I have had due regard to the viability arguments presented by the appellant and future sustainability of the hotel business including occupancy rates. However, details are somewhat limited to consider it further and thus it would not be sufficient to weigh in favour of the scheme. Notwithstanding, there is no evidence before me to suggest that such matters could not be achieved by a scheme that would be less harmful to the existing building, CA, and neighbouring listed buildings.
19. The proposed development would therefore be contrary to Policies P10 and P11 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (CS) and Policies N19, BD6 and GP5 of the Leeds Unitary Development Plan (Review – 2006) (UDPR) which together, amongst other things, seek to ensure that development is of a good design which conserves or enhances heritage assets and their settings.
20. For the same reasons, the proposed development would be contrary to the guidance contained within the CAAMP and would not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness in line with the aims of Section 16 of the Framework relating to Conserving and Enhancing the Historic Environment.

Living conditions

21. Flat 1 located on the lower ground floor would have a number of windows facing out towards the rear where there is an existing large outbuilding. The outbuilding would be located in close proximity of these windows which serve the main living space. It would therefore result in an uninviting outlook for future occupiers particularly given the lack of other openings offering levels of outlook more generally with occupiers of flat 1 being mostly reliant on that serving the main living space located to the rear of the flat.
22. Additionally, the amenity space provision would be very small comprising a hard surfaced area which would also be dominated by the adjacent outbuilding. This space is therefore unlikely to lead to an attractive useable space for the residents. The proposed amenity space would be located within close proximity to the windows serving flat 1 and thus would be detrimental to the privacy for future occupiers of this flat. Equally, the proposed amenity space provision would be heavily overlooked by flat 1 which would further reduce its useability.
23. For the above reasons, I conclude that the proposed development would provide unsatisfactory living conditions for future occupiers of flat 1 with particular regard to privacy and outlook as well as unsatisfactory amenity space provision for the wider development. It would therefore be contrary to Policy P10 of the CS and Policy GP5 of the UDPR which together, amongst other matters, explains that proposals should seek to avoid problems of loss of amenity. For the same reasons, the proposed development would be contrary to guidance contained within the Framework relating to achieving well-designed and beautiful places and Neighbourhoods for Living – A Guide for Residential Design in Leeds, 2003.

Other Matters

24. I am aware of frustrations regarding communication with the Council during the application process and I am aware of the sites planning history and previous comments made. However, this would not affect my findings on the above main issues.

Conclusion

25. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR