
Appeal Decision

Site visit made on 30 October 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/N4720/W/24/3352130

Tetley Hall, Burton Crescent, Headingley, Leeds LS6 4DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Miles Pickard (Pickard Properties Limited) against the decision of Leeds City Council.
 - The application Ref 24/00872/FU, dated 5 February 2024, was approved on 13 May 2024 and planning permission was granted subject to conditions.
 - The development permitted is retrospective application for elevational changes to Block I.
 - The condition in dispute is No. 2 which states that: Notwithstanding the plans hereby approved, with 3 months of the date of this decision, full details of revised replacement windows shall be submitted to the LPA for approval. The windows shall be of a consistent design, appearance and means of opening, and include the insertion of new stone mullions to the larger rectangle type of windows, to divide them into 2 separate windows. The approved details shall then be installed within 9 months of the date of this decision and retained thereafter.
 - The reason given for the condition is: To remedy the breach of planning control and to ensure the proposal enhances the appearance and character of the Conservation Area.
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Decision

1. The appeal is allowed and planning permission Ref 24/00872/FU for elevational changes to Block I at Tetley Hall, Burton Crescent, Headingley, Leeds LS6 4DN granted on 13 May 2024 by Leeds City Council is varied by deleting condition No. 2.

Procedural Matter

2. I have amended the description of the proposal so that it only includes wording that is a description of development.

Background and Main Issue

3. The condition over which there is disagreement relates to elevation changes to Block I at Tetley Hall which is a residential building which appeared to be built and occupied at the time of my site visit, set towards the southern end of Heathfield Terrace on its eastern side. For the avoidance of doubt my decision has been made based on the plans, which appeared to broadly accord with what had been built on site.
4. The condition in simple terms seeks details of revised windows to be agreed with the Council and for that scheme to then be implemented within time limits set out within the condition.

5. The appeal site is within the Far Headingley Conservation Area (the Conservation Area). The main issue is whether the condition is necessary, having particular regard to the location of the appeal site within the Conservation Area.

Reasons

6. The Council's reason for the inclusion of the condition was to remedy the breach of planning control and to ensure the proposal enhances the appearance and character of the Conservation Area. The Council further appeared to indicate within their Officer Report that the scheme did not result in a proposal which was so harmful as to merit a refusal on the basis of conflict with current relevant planning policy and guidance.
7. However, this position and reasoning somewhat contrast with the Council's appeal statement which states that the installed windows cause visual harm to the character and appearance of the Conservation Area, and that that matter alone would constitute grounds to refuse the application.
8. This part of the Conservation Area is comprised largely of traditional stone-built terraced properties of substantial age which have an established appearance. There are also buildings of more modern appearance finished in different materials set on the eastern side of Heathfield Terrace.
9. The form, scale and materials of its buildings are some of the key components of the significance of the Conservation Area. The form, scale and materials of Block I are in keeping with those evident within the area and the building does not detract from the significance of the conservation area in those respects.
10. The windows that have been installed within Block I are somewhat mixed. Some adopt a more traditional top opening form; others appear designed to open as a whole and some appear to be bottom opening which subsequently gives those windows a heavy appearance on their lower sections. Some of the main windows on the front and rear elevation by reason of their shape do not exhibit much vertical emphasis. These variations and the mix of window openings restrain the cohesiveness of the scheme of fenestration on the building as a whole.
11. However, regardless of how the situation has arisen, windows within other buildings in this particular part of the Conservation Area are rather mixed in appearance, type, and design.
12. There is limited vertical emphasis to windows within existing residential property on the same side of Heathfield Terrace as the appeal site towards the junction with Cottage Road. Further, the windows within the traditional terrace on the other side of the road from Block I are mixed, with many properties appearing to incorporate modern plastic windows with a mix of top and bottom openings.
13. Therefore, having regard to the context of this particular street, the building, including the windows, does not detract from the significance of the Conservation Area. The building as presented subsequently preserves the character and appearance of the Conservation Area.
14. The proposal, without the condition which is in dispute, accords with policies P11 of the Leeds Core Strategy (2019) and saved policies BC7 and N19 of the

Leeds Unitary Development Plan Review (2006). Amongst other things, these policies require that all new buildings within conservation areas should at a minimum preserve the character or appearance of the area as well as use traditional local materials. The condition is not therefore necessary.

Conclusion

15. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

T Burnham

INSPECTOR