



Appeal Decisions

Site visit made on 12 March 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal A Ref: APP/N4720/W/24/3355707

115 - 125 Briggate, Leeds LS1 6BR

- 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 SDI (Leeds 2) Ltd against the decision of Leeds City Council.
 - The application Ref is 24/04956/FU.
 - The development proposed is application of vinyls to windows (retrospective).
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Appeal B Ref: APP/N4720/Y/24/3355708

115 - 125 Briggate, Leeds LS1 6BR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by SDI (Leeds 2) Ltd against the decision of Leeds City Council.
 - The application Ref is 24/04957/LI.
 - The works proposed are application of vinyls to windows (retrospective).
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter. The vinyl to the windows is in situ and I am considering the scheme retrospectively.
4. As the site is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in so far as they are relevant to the appeals.

Main Issue

5. The main issue is whether the development/works preserve a Grade II listed building, known as 115-120 Briggate and 2-16 King Edward Street, and 121-126 Briggate, Leeds, and any features of special architectural or historic interest which it possesses and whether it preserves or enhances the character or appearance of the Leeds City Centre Conservation Area.

Reasons

Special interest/significance

6. The appeal site is a large department store within a busy shopping area in central Leeds. The list description confirms that 115-120 Briggate and 2-16 King Edward Street is listed at Grade II for its historical interest as it *“forms part of an ambitious late-C19/early-C20 town planning and redevelopment scheme”* and as a *“good example of the evolution of retail buildings in the late C19 and C20, and the changing architectural fashions of the period”*. It also confirms that it was listed for its architectural interest as *“they have striking principal elevations combining flamboyant Free Baroque and sleek Art Deco architectural styling that display strong levels of architectural flair and distinction”*.
7. Accordingly, and in so far as it relates to these appeals, the significance of the listed building, is largely derived from its architectural and historic qualities and its group value. This includes the contrasting characteristics between the Free Baroque and Art Deco styles of which the materials, window openings and fenestration pattern are important features.
8. From my observations, the significance of the CA, in so far as it relates to these appeals, is derived from its historic, evolving, and high-quality urban environment and the diversity of its architecture including historic and newer buildings. This includes important landmark buildings and the relationship between the buildings and public spaces which contribute to a cohesive environment. The appeal site is positioned on a highly prominent location in the CA, being an impressively striking feature in Briggate, King Edward Street and Kirkgate. In this regard, the special interest/significance of the listed building contributes positively to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Appeal scheme and effects

9. Aside from covering historic fabric, the blank black matte finish of the vinyl, where located externally on the windows, deadens the windows by precluding glimpses through, stopping light permeating out and impeding the reflective qualities of the glass. These aspects of the windows help to liven the building and bring cohesion with other buildings, despite the differing architectural styles, creating active street scenes and adding to the vibrancy of the listed building in the CA.
10. The concealing effects on the building are particularly striking when seen in combination with the windows that are not treated with the vinyl. I therefore find that the externally applied vinyl is an overly harsh, contrived, unsympathetic treatment, which significantly distracts from how the building would otherwise be experienced.
11. The internally applied black vinyl is an improvement in that its concealing effects are not as comprehensive, and the reflective qualities of the glass can still be experienced. Along Fish Street these are seen in combination with the external vinyl on the upper floors. Together, this part of the Free Baroque façade of the listed building is still significantly concealed creating an inactive frontage onto the street. In this regard, the amount and location of the vinyl, distracts and detracts from the appreciation of the fenestration and the ornate detailing of its surrounds.

12. The absence of harm in relation to other aspects of the development/works including, the application of a clear solar vinyl, or the absence of branding that may otherwise be more harmful, weighs neither for nor against the scheme. The removal of the blacked-out corner windows to the first and second floor of the building on Briggate/Kirkgate is a benefit that better reveals the glass in those frames. The reversibility of the vinyl does not overcome the harm when in situ.
13. However, for the reasons given, overall, the development/works has had a harmfully erosive effect on the architectural integrity and special interest of the listed building. As such, the development/works do not conserve this designated heritage asset in a manner appropriate to its significance.
14. If the special interest of a listed building that contributes to the character, appearance and significance of a conservation area would be harmed, it follows that in those respects, the conservation area as a whole can also be similarly incrementally harmed. In this regard, and given my findings above, in relation to the special interest and significance of the listed building, I consider that the development/works harm the character and significance of the CA.
15. Drawing the above together, the development/works have failed to preserve the special interest of the listed building, and have failed to preserve or enhance the character of the Leeds City Centre CA. As a result, the expectations of the Act have not been met and the development/works have harmed the significance of these designated heritage assets.

Public benefits

16. Paragraph 212 of the National Planning Policy Framework (the Framework) (2024) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
17. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage assets, the magnitude of that harm should be assessed. In this instance, as the historic fabric remains and the scheme is reversible, the harm to the designated heritage assets, individually and cumulatively, is less than substantial, but nevertheless of great weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposed development.
18. The development/works have helped create a refined shopping experience within the property and I recognise that this has involved investment. This will, in turn, have economic and social benefits. Some small heritage benefits have also accrued from the removal of the blacked-out corner windows to the first and second floor of the building on Briggate/Kirkgate.
19. However, the extent that the vinyl is necessary in the manner and amount proposed, and whether other alternatives would achieve similar outcomes, is not before me. In this regard, it has not been demonstrated that the development/works is contingent to the reuse of the building as a viable retail property. In these respects, clear and convincing justification for the harm that has

occurred to the significance of the designated heritage assets because of the development/works, has not been provided.

20. Overall, the weight that I ascribe to the public benefits that have accrued from the development/works, is not sufficient to outweigh the weight that I attach to the harm I have found.
21. Accordingly, the development/works are contrary to the requirements of both the Act and the Framework, in so far as they relate to this main issue. It follows that they are also contrary to Policies GP5, N17 and N20 of the Council's Unitary Development Plan Review and Policy P10 and P11 of its Core Strategy, when taken together and in so far as they relate to this main issue. These say, amongst other things, that proposals will be supported where the development protects and enhances the district's existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces, skylines and views.

Conclusion

22. **Appeal A:** Although there are benefits associated with the development there are no material considerations, of such weight to lead me to the conclusion that the development should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
23. **Appeal B:** For the reasons given, Appeal B is dismissed.

Mr R Walker

INSPECTOR