



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/24/3355046

115 - 126 Briggate, 1 - 6 Kirkgate & 2 - 16 King Edward Street, Leeds LS1 6LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by SDI (Leeds 2) Ltd against the decision of Leeds City Council.
 - The application Ref 24/01757/COND sought approval of details pursuant to condition No 6 of planning permission Ref 23/01044/FU, granted on 22 August 2023.
 - The application was refused by notice dated 25 September 2024.
 - The development permitted is alterations including gym at lower ground level; food and beverage offerings at ground and fourth floor levels; full refurbishment of the external facades, minor changes at fourth floor level including re-positioning of a modern glazed extension within an existing opening; security shutters to entrances and internally mounted security shutters to shop windows.
 - The details for which approval is sought are: *"The external 'vision shutters' hereby approved are to be of an open grille nature and shall not be installed until full details of the manufactures specification, colour and finish of the product as well as section drawings of the recessed shutter guide in the entrance columns have been submitted to and approved in writing by the Local Planning Authority. The security shutters installed shall be in accordance with the approved details."*
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Appeal B Ref: APP/N4720/Y/24/3355048

115 - 126 Briggate, 1 - 6 Kirkgate & 2 - 16 King Edward Street, Leeds LS1 6LX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against the refusal of details of works required by a condition of a listed building consent.
 - The appeal is made by SDI (Leeds 2) Ltd against the decision of Leeds City Council.
 - The application Ref 24/01756/COND sought approval of details pursuant to condition No 5 of listed building consent Ref 23/01045/LI granted on 22 August 2023.
 - The application was refused by notice dated 25 September 2024.
 - The works permitted are alterations including gym at lower ground level; food and beverage offerings at ground and fourth floor levels; full refurbishment of the external facades, minor changes at fourth floor level including re-positioning of a modern glazed extension within an existing opening; security shutters to entrances and internally mounted security shutters to shop windows.
 - The details for which approval is sought are: *"The external 'vision shutters' hereby approved are to be of an open grille nature and shall not be installed until full details of the manufactures specification, colour and finish of the product as well as section drawings of the recessed shutter guide in the entrance columns have been submitted to and approved in writing by the Local Planning Authority. The security shutters installed shall be in accordance with the approved details."*
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Decision

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

Preliminary Matters

3. The appeals follow split decisions by the Council to refuse to approve details required by conditions on planning permission reference 23/01044/FU (the planning permission) and listed building consent reference 23/01045/LI (the listed building consent). Appeal A relates to conditions on the planning permission and Appeal B to conditions on the listed building consent. The split decisions issued by the Council also approved details pursuant to condition 9 on the planning permission and 8 on the listed building consent. My consideration in this appeal is limited to the disputed condition No 6 on the planning permission and No 5 on the listed building consent.
4. As the details and reason for both the disputed conditions on the planning permission and listed building consent are the same, to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
5. Both conditions required the shutters to be of an “*an open grille nature*” and do not define what this constitutes. During the appeal I invited comments from both main parties as to whether the specification met this requirement, and thus whether it could satisfy the requirements of the conditions to be discharged. This has informed the following main issues.
6. As the building 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). The shutters are in situ, and I am dealing with the appeal retrospectively.

Main Issues (both appeals)

7. The main issues are:
 - Whether or not the design of the shutters satisfies the specification of the conditions with particular reference to whether they are of “*an open grille nature*”; and if they do
 - What the effect of the details are on the character and appearance of the area paying particular attention to the special interest and significance of the Grade II listed building, known as 115-120 Briggate and 2-16 King Edward Street, and 121-126 Briggate, Leeds, and whether the Leeds City Centre Conservation Area is preserved or enhanced.

Reasons

Whether or not the design satisfies the specification of the condition

8. The shutters are designed with black solid metal to the top and bottom. In between these, the shutters are then designed with a combination of metal cross bars and Perspex material to create a single solid secure shutter design.
9. The shutters allow light and, to some degree, a view through, much like a glass window or door would. However, they have no gaps in the grilles of the shutters allowing things to pass through. In my view, a window or door would be considered ‘open’ when, amongst other things, air or objects can pass through the space or

‘opening’. There are different degrees to the extent that such a feature is ‘open’, but this basic characteristic remains.

10. Similarly, in my view, the shutters before me, without any gaps or ‘openings’ in the grille design, result in a solid and sealed feature with a closed grille design. As a result, I do not consider that the design of the scheme before me is of an ‘open grille nature’.
11. To conclude, the shutter design is not of an “open grille nature” and therefore the details before me do not satisfy the specifications of the conditions. As the submitted details are insufficient to discharge the conditions, it is not necessary to consider the second main issue.

Other Matters

12. I accept that the solid, sealed and closed nature of the shutters is likely to be more secure. However, the benefits from the increased security, or the reason for the conditions and its associated effects in relation to the second main issue, are not determinative in relation to my consideration of the first main issue.

Conclusion

13. **Appeal A:** The submitted details are insufficient to discharge condition 6 of planning permission Ref. 23/01044/FU. For the reasons given, the appeal is dismissed.
14. **Appeal B:** The submitted details are insufficient to discharge condition 5 of listed building consent Ref. 23/01045/LI. For the reasons given, the appeal is dismissed.

Mr R Walker

INSPECTOR