



Appeal Decision

Site visit made on 15 April 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2025

Appeal Ref: APP/N4720/W/24/3356664

Ground Floor Office, 1 Bainbrigge Road, Headingley, Leeds LS6 3AD

- 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 Roy Tucker against the decision of Leeds City Council.
 - The application Ref is 24/01691/FU.
 - The development proposed is described as “Addition of new window and new signage displaying company name and logo on front façade of the building”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address used in the banner heading above has been slightly amended from that used in the application form to reorder wording and be clearer on the location, which also reflects the address used in the Council’s decision notice.
3. The name used in the banner heading is taken from the planning application form. Whilst the appeal was made in a different name, it has been subsequently confirmed that it should proceed in the name used above.
4. The description of development in the banner heading is taken from the application form. The Council altered the description of the development during the consideration of the application to read “Addition of new window to ground floor office facing Otley Road”. This is a more precise description of the proposal and removes superfluous text from that set out in the application form. I have taken the description above which also appears in the appeal form, and I have determined the appeal accordingly.
5. As part of the submission, the appellant has put forward an alternative scheme that would amend the design of the window in an attempt to address part of the Council’s reason for refusal. However, I am mindful that it is not the purpose of the appeal process to evolve a scheme, and it is therefore important that what is considered by the Inspector is essentially what was considered by the Council.
6. Whilst, in certain circumstances, a proposal can be amended through revised plans during an appeal, there are differences between the appeal proposal and that of the revised scheme. In this case, it is my view that the appeal must be determined on the basis of the plans as originally submitted to the Council and upon which it based its decision, and which have been subject to consultation. To do otherwise would prejudice the interests of the Council and consultees, who have not been consulted on the revised scheme and who may have observations

to make. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the existing building, and whether the proposal would preserve or enhance the character or appearance of the Headingley Conservation Area.

Reasons

8. The appeal site is within the Headingley Conservation Area and comprises the ground floor of a distinct stone building located in a prominent position at the junction of Bainbrigge Road, Headingley Lane and Otley Road. The property is a relatively large building featuring mock Tudor detailing below eaves level and to the gable facing Bainbrigge Road. The adjoining building features stone to parts of the ground floor and white render at first floor, with decorative detailing to the façades on its frontage and facing onto the appeal site.
9. From my observations on site the significance of the Conservation Area is, in part, characterised by its mix of commercial and residential development with a variety of architecture, building forms and materials. This includes busy streets, including Otley Road with a mix of commercial uses, as well as streets with attractive groups of residential buildings. The appeal site contributes to the significance of the Conservation Area as an attractive and locally distinct building in terms of its form and architecture in this prominent location. The Council describes it as a positive building, which is not disputed by the appellant, and given its location, form and appearance, I concur with that assessment. Parts of the property and the adjoining building have been altered over time, including with more modern windows, rooflights, and a shopfront and advertisements to the adjacent business. However, that element comprising the appeal site largely retains the character and appearance formed by its robust stone walling and proportions, which are particularly notable to the front elevation and that facing onto Bainbrigge Road.
10. The appeal proposal would see the insertion of a new window in part of the stone walling at ground floor level to the property, which is currently used for office space. This would adversely impact on the distinctive extent of stone walling in this elevation to the building's frontage and that is characteristic of the most prominent front and side elevations of the property. The appellant refers to the proposal reinstating an original window in the same location, although I have limited substantive evidence before me to clearly demonstrate that. However, even if that was the case, alongside the more recent works to create a new door opening, the insertion of an additional window in this elevation as proposed would cumulatively erode the character of the building and its distinct appearance. Furthermore, the design of the window would not reflect those used to the ground floor of the existing building, which would be out of character with its appearance and add to the harm.
11. Overall, this would have a detrimental impact on the character and appearance of the property, and the contribution it makes to the significance of the Conservation Area would be eroded by the proposal. The development would therefore fail to preserve or enhance the character or appearance of the Conservation Area, and it would harm its significance.

12. As the proposed change is localised in terms of the Conservation Area as a whole, the harm to its significance would be less than substantial. Regardless of the level of harm, the National Planning Policy Framework (the Framework) states 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. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
13. Public benefits have not been specifically outlined by the appellant in the appeal documents. The appellant's Design and Access Statement refers to the aims to increase levels of natural light to the office space and create the opportunity for displays and advertisements, which would provide a distinction between the appellant's business and the adjacent premises. Their appeal statement refers to the primary intention being to increase natural light to enhance the existing space and reinstating the building's original façade. However, it would be reasonable to treat these aims as being public benefits inasmuch that they would contribute to economic and environmental objectives set out in the Framework, in respect of the existing business use and the ongoing function and use of the building in the Conservation Area. Even so, these public benefits would not be sufficient to outweigh the harm to the Conservation Area.
14. I conclude that the proposed development would have a harmful impact on the character and appearance of the building, and it would fail to preserve or enhance the character or appearance of the Headingley Conservation Area. The proposal would conflict with Policies P10 and P11 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan and Policies BD6 and BC7 of the Leeds Unitary Development Plan (Review 2006) Volume 2: Appendices. Amongst other things, these seek that development achieves good design, respects and enhance streets and buildings according to their particular local distinctiveness, the conservation and enhancement of the historic environment, and respects the scale, form, detailing and materials of the original building.

Other Matters

15. The appellant refers to alterations to other properties, including commercial development in the surrounding area and to the adjoining premises, and that the appeal property would be seen in the context of other commercial development. I do not know the circumstances under which other works were undertaken or their status regarding planning permission, whilst the appeal site is not located immediately adjacent to the more concentrated groups of commercial development. I therefore cannot draw any direct comparison with the development that would weigh in its favour and the presence of these do not outweigh the harm I have identified or alter my conclusion on the main issue.

Conclusion

16. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

N Armstrong INSPECTOR