



Appeal Decisions

Site visit made on 9 September 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal A Ref: APP/N4720/C/24/3357805

Appeal B Ref: APP/N4720/C/24/3357806

Land at 70 Bradford Road, Guiseley, Leeds LS20 8LA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”) by Mr Mohammed Nazir (Appeal A) and Mrs Bi Ghousia (Appeal B).
 - The appeals are made against an enforcement notice (“the notice”) issued by Leeds City Council on 21 November 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a part two storey and part single storey rear extension, including alterations to the roof with new dormers and roof lights, which is materially different to that approved under planning application reference 23/06907/FU, granted on the 18th January 2024 and the erection of new boundary walls with stone pillars and fencing over one metre in height adjacent to a highway used by vehicular traffic erected to the front and side of the property and the boundary with 1 Moorway, Guiseley, Leeds.
 - The requirements of the notice are:
Either (1) Demolish the unauthorised extensions and remove all the foundations, including all the excess materials from the land, and reinstate the original property that existed prior to these works taking place. Backfill with sub soil to the level of the surrounding land that existed before the unauthorised development and restore the land to its former condition; and (2) Dismantle and remove all the unauthorised fences, boundary walls and pillars and remove all the materials from the land and reinstate the hedge and boundary that existed before the unauthorised works or reduce all the boundary walls, fencing and pillars and fencing adjacent to 1 Moorway, along the elevation up to the garage to no higher than one metre in height above ground level facing a highway.
Or (3) Comply with planning permission and the approved planning conditions pertaining to application 23/06907/FU, issued on the 18th January 2024 and rebuild to the extent necessary to comply with the approved drawings and approved conditions discharge applications 24/01034/COND (approval of condition 6 of application 23/06907/FU, approved 09.04.24) and 24/03600/COND (consent, agreement or approval required by condition 5 to planning application 23/06907/FU, approved 12.08.24), [and] application 24/01293/FU (variation of condition 4 (specified roof tiles) of approval 23/06907/FU approved 29.04.24, for ‘Marley Acme Single Camber Plain Tiles’ in smooth red).
 - The period for compliance with the requirements is 10 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - Appeal B is proceeding on the ground set out in section 174(2)(g) of the Act.
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Appeal A – Decision

1. Appeal A is allowed insofar as it relates to the erection of a part two storey and part single storey rear extension, including alterations to the roof with new roof lights. Planning permission is granted on the application deemed to have been made under section 177(5) of the Act, for the erection of a part two storey and part single storey rear extension, including alterations to the roof with new roof lights at land at 70 Bradford Road, Guiseley, Leeds LS20 8LA and subject to the following condition:

- 1) The development hereby permitted shall be retained in accordance with the details of the part two storey and part single storey rear extension, including alterations to the roof with new roof lights shown on drawing numbers P1001 revision P1, P1010 revision P1, P1011 revision P1, P1012 revision P1, P1013 revision P1, P1020 revision P1, and P1021 revision P1.
2. Appeal A is dismissed, and the notice is upheld insofar as it relates to the alterations to the roof with new dormers and the erection of new boundary walls with stone pillars and fencing over one metre in height adjacent to a highway used by vehicular traffic erected to the front and side of the property and the boundary with 1 Moorway. Planning permission is refused in respect of the alterations to the roof with new dormers and the erection of new boundary walls with stone pillars and fencing over one metre in height adjacent to a highway used by vehicular traffic erected to the front and side of the property and the boundary with 1 Moorway at land at 70 Bradford Road, Guiseley, Leeds LS20 8LA on the application deemed to have been made under section 177(5) of the Act.

Appeal B – Decision

3. Appeal B is dismissed, and the notice is upheld.

Appeal A – the appeal on ground (a)

4. The main issue in this appeal is the effect of the unauthorised works on the character and appearance of the dwellinghouse and the Tranmere Park Conservation Area (“the CA”).

Reasons

5. The CA covers an extensive roughly triangular area at the fringe of Guiseley, west of Bradford Road and mostly north of Hawksworth Lane. While a small spur extending into the countryside is of earlier origin, the CA is predominantly of C20th housing built in phases.
6. The appeal site lies within the first of those phases, developed at a low density in the 1920s, 1930s and 1940s and including houses based on the Arts and Crafts style interspersed with green spaces on roads with landscaped verges. Similar features are found in the later phases, such that the CA exhibits a cohesive semi-rural character and makes a gentle transition to the countryside beyond.
7. The appeal site is a large plot at the junction of Bradford Road and Moorway, with the house angled to face the junction. It is one of the few Yorkshire stone properties within the CA and has retained some original features, including a small timber-framed stained-glass window.
8. In brief, the Council’s concerns about the variations from the drawings approved under reference 23/06907/FU are that:
 - The part two storey and part single storey rear extension is of natural stone and jointing material that do not match the original dwellinghouse. The approved shadow line/inset reveal between it and the original dwellinghouse has been omitted and the new windows are ‘frame heavy.’

- The dormer windows are over-dominant and of design and proportions harmful to the Arts & Crafts character of the building, fail to align with windows below, and incorporate an incongruous material.
- The design, scale and materials of the front and side boundary walls and fences and the fencing on the boundary with 1 Moorway are 'fortress like' and inappropriate for the dwelling and its setting.

The part two storey and part single storey rear extension

9. The stonework differs from the original dwellinghouse, but variations of that nature are to be expected when a building is extended in subsequent decades. This may aid legibility by allowing the building's original form and later evolution to be discerned. In this case, the differences are relatively minor and, when viewed from public places, the building achieves an acceptable degree of cohesion in this respect, while allowing its original form to be appreciated.
10. The approved shadow line/inset reveal would have managed the transition from original to new stonework. The appellant has attempted to achieve a similar effect by positioning a soil vent pipe and rainwater downpipes where the original and new stonework meet. While this approach is not ideal, the dwelling is sufficiently set back from the highway for it to succeed in this case.
11. Although the width of the window frames appears to be the same as on the drawings approved under reference 23/06907/FU, the permission had included a condition that overrode what was shown. It required all existing timber windows to be retained and prevented any new windows being installed unless full details had been approved.
12. Those details were subsequently approved¹ and the appellant states that he installed the approved windows but also replaced other windows to the same specification, resulting in a consistent window design. The Council has not disputed this, and it is therefore not clear, from the information provided, that the new windows are any more 'frame heavy' than what had been approved.
13. Accordingly, and on the evidence before me, these aspects of the part two storey and part single storey rear extension are of appropriate traditional local materials and achieve sufficient respect for the scale, form, detailing and materials of the original dwellinghouse and conserve and enhance the CA.
14. Both dormer windows are larger than approved and have significant amounts of white plastic facing materials on their front elevations. While the appellant considers the approved zinc facing material would look worse, I do not agree. The white plastic accentuates the outsize nature of the dormer windows, which appear as dominant features, in contrast to the muted effect of zinc, and uncharacteristic of the CA. In particular, the side dormer window is highly visible in views from Bradford Road and fails to align with the glazing pattern in the floors below.
15. The appellant suggests landscape planting will provide mitigation, but it is highly unlikely that the recently planted wisteria and fruit trees would alter views of the roof. The same would be true of any soft landscaping that might be secured by a planning condition, so the effect of the dormer windows would not be mitigated.

¹ 24/03600/COND approved 12 August 2024.

16. Accordingly, the dormer windows fail to achieve sufficient respect for the scale, form, detailing and materials of the original dwellinghouse and fail to conserve and enhance the character and appearance of the CA.
17. The breach of planning control includes “alterations to the roof with new dormers and roof lights” but the Council has not identified any harm arising from the roof lights. I note that the drawings approved under reference 23/06907/FU included 3 roof lights whereas 2 have been installed, albeit in a different configuration. Given this reduction from what had previously been found acceptable, I am satisfied that this element of the works achieves sufficient respect for the scale, form, detailing and materials of the original dwellinghouse, and conserves and enhances the CA.

The boundary walls and fences

18. The boundary treatments consist of 3 elements: a fence facing Moorway and on the common boundary with 1 Moorway, a fence facing Bradford Road, and a retaining wall with fence panels facing the junction of the 2 roads.
19. The design of the fence facing Moorway and on the common boundary, comprising horizontal slats, is uncharacteristic of the CA, which is typified by hedged front boundaries. It is taller and closer to the road than the fence approved under reference 23/06907/FU, which would have been behind an existing hedge (since removed) and would not have protruded above it. Further details of the approved fence are unclear from the relevant drawing; it is obscured by the hedge and the description “new metal/timber fencing” is imprecise. Furthermore, a condition requiring approval of its detail was not imposed, so a similar design of fence could have been erected under reference 23/06907/FU.
20. Nevertheless, because the fence is taller and closer to Moorway, and owing to the limited screening provided by a new hedge, a justification for an exception to the normal requirement for use of traditional local materials would be needed. The only justification offered is the screening that the developing hedge will afford, although no details of species or a maintenance regime have been provided.
21. Even if the new hedge would, eventually, provide adequate mitigation, it could not do so in respect of the return along the common boundary with 1 Moorway, which is highly prominent when approaching the junction with Bradford Road. There is some planting along that stretch, which the appellant describes as “new trees”, but details of species have not been provided, so it is not clear what screening might be achieved in due course. In any event, it is on the neighbour’s land, so its retention could not be secured by a condition, even if it were deemed to have the potential to achieve adequate mitigation.
22. A fence that is not adjacent to a highway used by vehicular traffic (Moorway in this case) and does not exceed 2m in height is permitted by Article 3 and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the Order”). The Order does not define what ‘adjacent’ means in this context and it is therefore a matter of judgement according to the facts of each case.
23. In this instance, while the grass strip and hedge may be on land owned by the appellants, they form part of the street scene, and the fence is sufficiently close to the highway to be considered to adjoin it. While much of the section on the common boundary does not adjoin the highway in this sense, it and the section

adjacent to Moorway are a single structure. That structure does not have planning permission by reason of the section facing Moorway and exceeding 1m in height.

24. The fence facing Bradford Road is in front of a group of trees. Its plastic composite panels are uncharacteristic of the CA, which is typified by low walls and hedges on road boundaries. A sturdier, more traditional form of enclosure might not be appropriate in this position because of the effect it could have on the trees. That is presumably why the drawings approved under reference 23/06907/FU show a similar fence along this frontage, albeit of metal and timber (not with composite panels as the appellant contends). Furthermore, and critically, the approved fence would have stood behind the trees and so been less prominent.
25. The retaining wall is faced with stone. As already noted, the CA is typified by hedged front boundaries, so the scale of the stonework and the horizontally slatted panels inserted within it are uncharacteristic of the area. The resulting structure is a dominant feature in a prominent road junction setting, at odds with the prevailing Arts and Crafts ambience of the CA.
26. While I have noted the composite stone wall with panels at 72 Bradford Road, I saw that this is in the context of a modern infill development. I saw other examples of high fences along the same road, but I have no evidence as to whether they are permitted, so I cannot afford any significant weight to them.
27. Individually and collectively, the boundary treatments fail to include traditional local materials where that would have been feasible. The siting, design and scale of the stone wall with panel inserts are not appropriate to the context or in harmony with the CA as a whole. Accordingly, the boundary treatments do not demonstrate a full understanding of the historic asset of the CA and so have not been designed in a positive manner, using elements appropriate to the character of the area.

Conclusion on ground (a)

28. For the reasons given, the part two storey and part single storey rear extension, the new windows, and the new roof lights accord with policies BD6, BC7 and N19 of the Leeds Unitary Development Plan (Review 2006) ("the UDPR") and policies P10 and P11 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019) ("the CS").
29. As I have found these elements to be acceptable, it would be appropriate to impose a condition, based on the one suggested by the Council, to ensure that they are retained as approved in order that they continue to achieve sufficient respect for the scale, form, detailing and materials of the original dwellinghouse and conserve and enhance the character and appearance of the CA.
30. However, and for the reasons given, the dormer windows are contrary to policies BD6, BC7 and N19 of the UDPR and policies P10 and P11 of the CS. They are also contrary to general principle HDG1 of the Leeds Local Development Framework Householder Design Guide Supplementary Planning Document ("the SPD"). No material considerations indicate that this matter should be determined other than in accordance with the development plan and the dormer windows are therefore unacceptable.
31. For the reasons given, the boundary treatments are contrary to policies BC7, N19 and N25 of the UDPR and policies P10 and P11 of the CS. They are also contrary

to general principle HDG1 of the SPD. No material considerations indicate that this matter should be determined other than in accordance with the development plan and the boundary treatments are therefore unacceptable.

Appeals A and B – the appeals on ground (g)

32. The appellants believe the 10-month period for compliance with the notice is too short because it began on the date specified in the notice and includes the time taken to determine these appeals. However, section 175(4) of the Act confirms that once an appeal is made against an enforcement notice, that notice is of no effect until the appeal is finally determined or withdrawn. This means that the 10-month period has not begun.
33. Accordingly, and as no reason has been given as to why the full 10-month period would not be reasonable, the appeals on this ground must fail.

Appeal A – Conclusion

34. For the reasons given above I conclude that Appeal A should succeed on ground (a) in part only. I will grant planning permission for the part two storey and part single storey rear extension and the alterations to the roof with new roof lights but otherwise I will uphold the notice and refuse to grant planning permission in respect of the other part of the matters. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the Act.

Appeal B – Conclusion

35. For the reasons given above, I conclude that Appeal B should not succeed. I shall uphold the notice.

Mark Harbottle

INSPECTOR