



Appeal Decision

Site visit made on 15 July 2025 by A Morrison MTCP MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 DECEMBER 2025

Appeal Ref: APP/N4720/D/25/3362237

38 Hall Drive, Bramhope, Leeds LS16 9JE

- 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 Mr Abdullah Albeyatti against the decision of Leeds City Council.
 - The application Ref is 24/07242/FU.
 - The development proposed is the demolition of existing rear extensions; two storey side extension; conversion of a garage into habitable rooms; loft conversion with dormer windows and gable to the rear; balcony and new doors; addition of a roof to the existing bay window and second storey window to the side; single storey rear extension above an extended basement area; new door and patio at lower ground floor level; amended or removed windows to the front and rear; erection of a part two storey detached outbuilding with garage and associated landscaping.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Council has advised that it's delegated report wrongly stated that the line of trees along the site's boundary with Hall Drive are protected by a group Tree Preservation Order. Whilst I have had regard to this, the trees are nevertheless protected by virtue of their size and location within the Bramhope Conservation Area. Accordingly I am satisfied that neither party has been prejudiced by this error and so have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the existing building and the area, including Bramhope Conservation Area.

Reasons for the Recommendation

5. The appeal site is located within Bramhope Conservation Area (BCA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. 38 Hall Drive, also known as 'Hillside', is a detached dwelling set in a generous sloping plot. Key original features of its attractive individual design include an asymmetrical roof form as highlighted by substantial front and side gables, an irregular arrangement of windows, many with detailed surrounds and a traditional palette of materials. Discreetly sited ground floor extensions to the rear are however of lesser merit, as is a subordinate one and a half storey side addition incorporating a garage positioned on the roadside elevation. Although the building's inconspicuous south side gable is of a three-storey height, the building possesses a principal two-storey scale that reflects the prevailing appearance of development in the locality.
7. The piecemeal development of spacious properties against an attractive edge-of-settlement landscape setting affords Hall Drive a distinct character at the periphery of the BCA, as detailed in the Bramhope Conservation Area Appraisal and Management Plan (BCAA&MP). Owing simultaneously to the uniqueness of its well-considered form and design, and its expression of the main qualities of the area including regarding its overall scale and materials, the host dwelling makes a positive contribution to the character and appearance of the BCA. This is reflected by its identification as a positive building within the BCAA&MP.
8. A line of mature trees extends along the site's boundary to Hall Drive, which includes a grouping of Horse Chestnuts and a Common Lime that a supporting Arboricultural Report and Arboricultural Impact Assessment (AR&AIA) categorises as high quality Category A trees. Due to their prominent roadside positioning, considerable size and role in filtering views of the appeal dwelling from the road, these trees make a positive contribution to the character and appearance of the BCA.
9. I am aware that the Council has granted permission for a scheme which contains many similar elements as the appeal proposal. From a review of the submitted evidence and the matters of dispute, I have no reason to disagree with the conclusions reached regarding the elements which are not in dispute between the Council and the Appellant. My assessment will therefore focus on the proposed dormer windows and gable enlargement to the rear together with the fenestration design to the single storey rear extension, before then addressing the proposed two storey side extension specifically in regard to its relationship with the adjacent trees.
10. In a marked difference to the permitted scheme, three dormer windows and a gable enlargement to facilitate an expanded loft conversion are proposed. Notwithstanding its minor alteration with roof lights, the retention of the original rear roof slope is fundamental to the building's asymmetric overall form, and subserviently relates to its more detailed principal elevation. In addition, this aspect of the house's design serves to limit its massing as viewed from adjacent Hall Drive.
11. Dormer windows are not a feature of the dwelling, and their widespread introduction as is proposed across the rear would be a significant departure from its current appearance. Whilst the appellant's case refers to similar built features on the host dwelling and nearby properties, the presence of such developments is not in itself a persuasive justification, given that the proposals would altogether serve to significantly change the appearance and overall balance of the building in a manner which would not respect its original existing form.

12. The combination of the dormer and gable enlargements with associated windows would result in a three-storey appearance at the rear which would be at odds with the house's present scale, whilst the gable element in particular would add substantial volume to the roof, distinctly changing the house's shape as viewed from the adjacent street scene. Although the use of traditionally matching materials as proposed would be appropriate, the incorporation of such would not be sufficient to overcome the harm resulting from the impact of the roof enlargements to the dwelling's existing appearance.
13. With respect to the proposed revisions to the glazed doors on the single storey extension, given the expressly modern design of this enlargement as a distinct addition to the main building, I am satisfied that there would be no material harm to the overall appearance of the dwelling as a result of this change.
14. Turning to the proposed two-storey side extension, the extant permission included the conversion of the integral garage into habitable accommodation together with a higher replacement first floor element above. The positioning of this subordinate extended part of the building near to the linear grouping of roadside Category A Horse Chestnuts resulted in the agreement of mitigation measures to provide appropriate safeguards to these important trees. Fundamental to these measures was the retention of the existing outer side wall as per the approved plans, together with the restriction of scaffolding to the front and rear elevations only.
15. The appeal scheme however differs, in that notwithstanding the description of development in the banner heading above, which is taken from the application form, the Design and Access Statement confirms that it is proposed to demolish the existing side extension and to replace with a two and half storey side extension. Whilst I appreciate that the replacement extension would have no greater footprint than the existing structure, the associated demolition and subsequent construction of the new extension would likely lead to significantly more disturbance within the canopies and root protection areas (RPA) of these trees than the extant permission and its associated safeguards.
16. I note that an updated AR&AIA was submitted during the Council's determination of the application. This is however based upon the original survey dating from August 2021, and due to this significant passage of time and the evolution of the scheme, I cannot confidently rely upon its findings. In addition, the updated AR&AIA does not appear to reflect the fundamental difference in the two schemes, with its Construction and Foundation Design details and appended Arboricultural Implications Plan failing to reflect that the existing side extension is now to be fully demolished and rebuilt, unlike the previously approved scheme.
17. I note the appellant's suggestion that the appeal scheme's impacts would be no greater than the approved development and that conditions could be used to address any ongoing concerns. However, it is apparent that that the submitted information does not satisfactorily consider the full extent of the proposed development. Furthermore, no specific mitigations are proposed within the AR&AIA, with reference made to forthcoming details within an Arboricultural Method Statement. Given the shortcomings of the available tree information, I am not persuaded that it would be reasonable or appropriate to use conditions to mitigate unknown impacts and am therefore unable to conclude that the trees would be safeguarded from harm to their ongoing healthy retention.

18. Overall, the appeal scheme would fail to respect the scale and form of the original dwelling and has not demonstrated that adjacent protected trees would be safeguarded from adverse effects arising from the development. On this basis, given the positive contribution of the existing building and trees to the locality, the adverse impact on the dwelling's design and failure to provide for the trees' protection, would result in harm to the character and appearance of the BCA.
19. In terms of the National Planning Policy Framework (the Framework), the harm that I have identified to the significance of BCA as a designated heritage asset would be less than substantial as it would be relatively localised. Paragraph 215 of the Framework requires that less than substantial harm should be weighed against the public benefits of the development.
20. In that regard, I recognise that the proposal would increase the habitable accommodation of the dwelling, and there would be some temporary economic benefits arising from the construction process. However, given the scale of the scheme, and the generous layout of the existing house, these would amount to no more than a limited public benefit. Consequently, this is not sufficient to outweigh the less than substantial harm to the designated heritage asset and the great weight I must apply to its conservation in accordance with paragraph 212 of the Framework.
21. For the reasons as set out, the proposed roof extensions would have a harmful impact on the character and appearance of the existing building and the area, including Bramhope Conservation Area. It would therefore conflict with Policies GP5, BD6 and N19 of Leeds Unitary Development Plan Review 2006 and Policies P10 and P11 of the Leeds Local Plan Core Strategy 2014 (as amended 2019). These policies together explain that all extensions and alterations should respect the scale and form of the original building, be of a good quality design that is appropriate to its context and preserve or enhance the character and appearance of conservation areas. Furthermore, the scheme would fail to comply with Principle HDG1 of the Leeds Householder Design Guide Supplementary Planning Document 2012, which provides that extensions and alterations should pay particular attention to the roof form of the main dwelling.
22. Turning to the protected trees situated adjacent to the proposed replacement side extension, on the basis of the evidence before me these would be harmed by the development, consequently adversely affecting the character and appearance of Bramhope Conservation Area. By virtue of a failure to safeguard these trees, the scheme would conflict with Policy LD1 of Leeds Unitary Development Plan Review 2006, Policy P12 of the Leeds Local Plan Core Strategy 2014 (as amended 2019) and Policy LAND2 of the Leeds Natural Resources and Waste Local Plan 2013 which together seek for development to protect and conserve trees in a healthy condition, allowing for growth to maturity as an element of landscape character.

Other Matters

23. The appellant contends that a supporting Heritage Impact Statement finds that the proposed dormers and gable would not be visible from key public viewpoints. When visiting the area, I observed that whilst these roof volumes would be only visible at a long distance from Hall Rise, they would be plainly apparent from adjacent Hall Drive itself. Although this road is not a public thoroughfare, it comprises a distinct character area within the wider Bramhope Conservation Area and accordingly its

lack of public access does not provide a justification for harmful development at the appeal site.

24. I acknowledge the appellant's frustration with the Council's approach in regard to the issue of the trees. Nevertheless, I must consider the appeal based on its merits and in accordance with the area's development plan and the Framework.

Conclusion and Recommendation

25. I have concluded that less than substantial harm would be caused to the Bramhope Conservation Area, but that this would not be outweighed by the identified public benefits. I afford great weight to the conservation of the designated heritage asset.
26. The proposed development would conflict with the development plan and there are no material considerations that outweigh this finding. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

A Morrison

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR