



Appeal Decisions

Site visit made on 14 July 2026

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 August 2026

Appeal A Ref: APP/N4720/W/25/3373611

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by SDI (Leeds 2) Ltd against the decision of Leeds City Council.
 - The application Ref 25/02673/FU, dated 30 April 2025, was refused by notice dated 4 July 2025.
 - The application sought planning permission for 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 without complying with a condition attached to planning permission Ref 23/01044/FU, dated 22 August 2023.
 - The condition in dispute is No 6 which states that: *'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.'*
 - The reason given for the condition is: *'In the interests of visual amenity and the special character of the building and the conservation area.'*
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Appeal B Ref: APP/N4720/Y/25/3373612

115 - 126 Briggate, 1 - 6 Kirkgate And 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 a refusal to vary or grant listed building consent
 - The appeal is made by SDI (Leeds 2) Ltd against the decision of Leeds City Council.
 - The application Ref is 25/02674/LI.
 - The application sought listed building consent for 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 without complying with a condition attached to listed building consent 23/01045/LI dated 22 August 2023.
 - The condition in dispute is No 5 which states that: *'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.'*
 - The reason given for the condition is: *'In the interests of visual amenity and the special character of the building and the conservation area.'*
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Decisions

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

Preliminary Matters

3. The appeal building is a Grade II listed building referred to on the National Heritage List for England as *115-120 Briggate and 2-16 King Edward Street, and 121-126 Briggate, Leeds*. As the proposal 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 two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Background and Main Issues

4. Planning permission Ref 23/01044/FU, granted permission for 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.
5. The application subject to Appeal A was made under Section 73 of the Town and Country Planning Act 1990 (as amended) (S73) and seeks to vary condition 6 of that permission to allow consideration of the shutters that have been installed in the building. The planning application form sets out the development is now complete and the appellant confirms in their statement that the proposal is retrospective. However, the roller shutters that have been installed as part of the development works do not reflect the shutters required through condition 6, due to not being of an 'open grille' nature.
6. Appeal B seeks to vary condition 5 of the listed building consent Ref 23/01045/LI that accompanied the grant of planning permission Ref 23/01044/FU. The wording of the two conditions is the same.
7. Whilst the appellant suggests an alternative wording to the conditions, stating that shutters shall not be installed until details are supplied, as set out above, it is clear from the evidence that they are already in place and that the appellant is seeking their retention.
8. The main issues are therefore whether the shutters that have been installed preserve the Grade II listed building of 115-120 Briggate and 2-16 King Edward Street, and 121-126 Briggate, Leeds, whether the shutters that have been installed preserve or enhance the character or appearance of the CA and therefore whether conditions 5 and 6 continue to serve a useful purpose (*Appeals A and B*).

Reasons

Special Interest and Significance

Listed Building

9. The appeal building was constructed as shops and offices between 1898 and 1904, as part of a wider development in a flamboyant Free Baroque style. The building fronts Briggate and extends around King Edward Street with a canted corner marked by a prominent and highly elaborate corner turret, visible for some distance within the street scene, and incorporating a recessed entrance. The attached 1930s element to the building to the Briggate and Kirkgate corner was constructed in Art

Deco style, with the whole site becoming amalgamated into a single department store from 1938.

10. The building's striking principal elevations, combining two distinct architectural styles contributes to a very strong street presence, comprising a significant proportion of the ground floor retail frontage. A series of traditional mahogany shopfronts with slender mullions and decorative spandrels, complimented by dark Siena marble dressings extend along the older part of the building along Briggate and King Edward Street.
11. The Art Deco element includes distinctive wave-like fenestration, with zig-zag mouldings and a canted south-west corner that acts as a modern interpretation of the corner treatment of the Free Baroque element to the older part of the building. The ground floor is clad in black polished granite and includes a deep signage fascia across both elevations and is supported by pilasters with stepped capitals. Below the fascia band are metal shopfronts with clerestory-style Art Deco patterned glazed friezes.
12. The building as a whole reflects the evolution of retail buildings in the late nineteenth and early twentieth century and clearly illustrates the changing architectural fashions over a relatively short period of time.
13. The appeal building along with the opposing 18-26 King Edward Street (No 18-26), also Grade II listed, form a complementary pair at opposite sides of King Edward Street. No 18-26 repeats the corner turret to the opposite side of street and together the pair form a high quality façade marking the junction of Briggate with King Edward Street. The pair also share features with 49-51 Vicar Lane and several other commercial buildings on Briggate.
14. Based on the evidence before me, and my own impressions from the site visit, the special interest and significance of the listed building derives from its architectural and historic interest. Key contributors in these regards are its high-quality facades, its imposing and impressive street presence, spanning multiple streets with considered corner treatments, the combination of complementary architectural styles, and its group value, particularly with No 18-26.

Conservation Area

15. The appeal site lies within the Leeds City Centre 'Central Area' Conservation Area (the CA). Based on the limited information before me, the special interest and significance of the CA derive from the prevalence of Victorian and Edwardian buildings within the historic commercial core, the high-quality architecture and the planned nature of shopping streets, reflecting the ambition and development of the city since the Victorian period.
16. The appeal property, as an impressive building with a strong street presence, forming part of a late nineteenth and early twentieth century redevelopment over two periods to two distinct styles reinforces the character and appearance of the CA, and thus its significance.

Proposals and Effects

17. The shutters have been installed to both the King Edward Street and Kirkgate corners with Briggate. They have also been installed over fire exits on the 1938

extension facing Briggate and another entrance, used as a fire exit on King Edward Street.

18. The roller shutters sit in concealed housing behind the fascia and comprise of a slim metal framing encased in plastic with a series of wider horizontal plastic links set between a transparent plastic window. Whilst the window is described as transparent, clear views are not possible through the material and my impression was that this was more translucent than transparent with views through being unclear and heavily distorted. The plastic material is also somewhat reflective which further limits its transparency. Consequently, the shutters appear as relatively solid features, diminishing the depth, articulation and visual interest of the shopfronts and adversely affecting appreciation of the listed building's architectural character.
19. Moreover, at close range and from a distance, owing to the presence of the plastic links, the shutters appear predominantly white in colour, distinctly at odds with the otherwise consistent dark finish of the shopfronts, described above. Furthermore, the colour, texture and reflectivity of the plastic accentuates the modern nature of these materials, which appear at odds with a historic building such as this and contrast starkly with the high-quality traditional materials that make up the shopfronts here, to the detriment of the special interest and significance of the listed building.
20. The harm identified to a building with an important presence in the CA is evident along Briggate, King Edward Street and Kirkgate. The installation of the roller shutters along these extensive elevations has introduced incongruous elements that appear visually solid, reducing the depth and variation of the facades while introducing modern plastic materials onto principal elevations otherwise characterised by traditional finishes. For these reasons the proposal, incrementally erodes the character of the CA. Whilst the magnitude of this harm would be modest, in the context of the CA as a whole, it would nevertheless fail to preserve or enhance its identified character and appearance.
21. For the above reasons, the shutters fail to preserve the Grade II listed building, 115-120 Briggate and 2-16 King Edward Street, and 121-126 Briggate, Leeds. They also fail to preserve the character and appearance of the CA. This would be contrary to the requirements of sections 16(2), 66(1), and 72(1) of the Act. In doing so they have caused harm to the significance of these designated heritage assets.

Public Benefits and Conclusion

22. When considering the impact of a proposed development on the significance of a designated heritage asset, the National Planning Policy Framework (the Framework) sets out that great weight should be given to the asset's conservation. It makes clear that the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
23. In considering the extent of the harm, I am mindful that the shutters would only be in place between 7:30pm and 8:30am, when the store is closed, thereby limiting the visibility of the harm identified above. Nevertheless, the site occupies a central location within an area of the city that supports an active night-time economy. Consequently, the shutters would remain visible to a significant number of people passing through the area during the evening and late-night periods.

24. Having regard to the extent and nature of the shutters, set across multiple elevations of a listed building, limited to periods when the building is not open, the harm to the special interest and significance of the listed building and the CA which I have identified, amounts to a low to moderate level of 'less than substantial' harm, as set out in the Framework. Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
25. Open grille shutters are typically less solid than those forming part of the appeal scheme, allowing a clear view through them of the building behind. Conditions 5 or 6 would have allowed for details such as the colour and material of the required open grille shutters to be agreed. However, the appellant contends that open grille shutters are inherently less secure than those installed, due to the potential for offenders to hook around the bars and cause damage. Nonetheless, no compelling evidence has been provided to substantiate this claim, particularly given the long-standing and widespread use of open grille shutters as a security solution.
26. Whilst it is argued that the clear plastic infill prevents people 'posting' solids or liquids through open bars causing nuisance or damage, it is unclear if this is a particular problem at this location, or whether there would be other means of deterring passers-by from doing this. Similarly, no convincing evidence has been provided to substantiate a need for enhanced security measures at this particular location.
27. While I acknowledge that security shutters can deliver public benefits by deterring crime and improving security, it has not been shown that the appeal scheme represents the only means of achieving the desired level of security. Consequently, this limits the weight that can be afforded to these benefits. In that regard, it has also not been demonstrated that the shutters forming the appeal scheme would provide significantly greater benefits than the open grille alternative required by the conditions.
28. For the above reasons, the public benefits, taken together, are not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage assets.
29. The shutters fail to preserve the Grade II listed building of 115-120 Briggate and 2-16 King Edward Street, and 121-126 Briggate, Leeds. In that regard, it would be harmful to its special interest. The proposal would also fail to preserve the character or appearance of the CA. This would be contrary to the requirements of sections 16(2), 66(1) 72(1) of the Act.
30. Having regard to the above, I therefore conclude that conditions 5 and 6, in ensuring the provision of an open grille arrangement and precluding the installation of the shutters that have been installed, continue to serve a useful purpose.
31. The harmful impact set out above would conflict with Policy BD7 of the Leeds Unitary Development Plan (2006) (the UDP) which, in relation to shopfronts, sets out that these should relate architecturally to the buildings in which they are inserted. Where security measures are to be taken, the use of security glass or open mesh grilles will be encouraged and solid shutters permitted only in exceptional circumstances
32. The shutters would also conflict with Policies P10 and P11 of the Leeds Local Development Framework Core Strategy (2019) and UDP Policy BD6 which

together, and amongst other things, seek to ensure new development represents high quality contextual design that assimilates with historic townscape and preserves heritage assets. There would also be conflict with the provisions of the Framework that seek to conserve heritage assets.

Conclusion

33. Appeal A: The proposal would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
34. Appeal B: For the above reasons and having regard to all matters raised I conclude that Appeal B should be dismissed.

Paul Martinson

INSPECTOR

