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**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

**Date: 1<sup>st</sup> October 2009**

**SUBJECT: (PREMISES KNOWN AS MIKES CARPETS) SUMMARY OF APPEAL UNDER 39 OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 AS AMENDED BY THE PLANNING COMPENSATION ACT AT THE FORMER METHODIST CHAPEL, 2 BRANCH ROAD AT THE JUNCTION OF BRANCH ROAD AND STANNINGLEY ROAD, LEEDS LS12 2AQ). APPEAL MADE BY MR. MICHAEL RAYMOND SMITH AGAINST A LISTED BUILDING ENFORCEMENT NOTICE ISSUED BY LEEDS CITY COUNCIL SEEKING THE REMOVAL OF UNAUTHORISED SIGNAGE AND TO MAKE GOOD DAMAGE TO THE LISTED BUILDING INCLUDING DAMAGE TO WINDOWS AND REMOVAL OF PLASTER WORK FROM CEILINGS.**

**APPELLANT**

Mr. Michael Raymond  
Smith

**DATE VALID**

**TARGET DATE**

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**Electoral Wards Affected:**

Armley



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

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Community Cohesion

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Narrowing the Gap

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**1.0 INTRODUCTION:**

- 1.1** This appeal decision is brought to the attention of West Plans Panel because of the interest shown in the ongoing enforcement action by members of Panel.
- 1.1** The contravention of listed building control alleged in the notice is 1. The fixing of five advertisement signs and attached boarding to the building 2. The fixing of boarding to the rear of the first floor Venetian window sited over the main entrance in the North elevation of the building 3. Damage to both the plain and painted glazing of the first floor Venetian window sited over the main entrance in the North elevation of the building 4. The removal of plaster work to the soffits of the aisles of the first floor of the interior of the building 5. The removal of the plaster work from the barrel vault of the ceiling at first floor level in the interior of the building.

## **2.0 REQUIREMENTS OF THE NOTICE:**

- 2.1 Step 1 – Remove the 5 advertisement signs and their attached boarding. Remove all battens and fixings of the boarding for the advertisement signs and make good the associated holes in the fabric of the building to which they were attached. Step 2- Remove the boarding and other materials and fittings attached to, and make good the internal fabric of the building to which the boarding was attached to, of the rear of the first floor Venetian window sited over the main entrance in the North elevation. Step 3. – Re-glaze all the damaged and missing glass in the Venetian window to complete the original glazing pattern in glass to match the original colour and texture. Step 4. – Reinstate all missing plaster work internally at the first floor level to the soffits of both aisles too match the original plasterwork. Step 5. – Reinstate all the missing plaster work internally at the first floor level to the barrel vault of the ceiling.
- 2.2 The period for compliance with the requirements is step 1 – by the 1<sup>st</sup> day of April 2009 and steps 2,3,4 and 5, 6 months.

## **3.0 DECISION**

- 3.1 The appeal is dismissed, the listed building enforcement notice is upheld, and listed building consent is refused for the retention of works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

## **4.0 REASONS**

- 4.1 The ground (a) appeal, (Planning Merits)
- 4.2 The appellant maintained that the building was "...simply an example of chapel premises which were built and remain in just about every suburb of all Northern cities and towns". The inspector considered this not to be the case. He concluded that the building was built specifically for the site and contains many distinctive architectural features that are of significant historic interest. The fact that the building has been in use as a carpet warehouse for many years does not alter the conclusion that the building is worthy of its listed status as a building of architectural and historic interest. The appeal on ground (a) thus failed.
- 4.3 The ground (d) appeal, (The development was exempt from taking action)
- 4.4 The appellant only referred to the fourth and fifth alleged contraventions of listed building control in his statement under ground (d), namely the plaster work to the aisles and to the barrel vault of the ceiling of the main hall in the former Chapel.
- 4.5 No evidence was submitted to substantiate the claim that the plaster work was damaged by the unseen ingress of water through the slate roof of the building that was damaged by strong winds therefore requiring the plaster work to be removed for safety reasons. Or to indicate any measures, such as repairing the roof to prevent the ingress of water, were attempted to preserve the plasterwork either wholly or partly. As the main hall was not used it was unclear as to why the plasterwork had been removed "to make the area safe". There was no evidence to

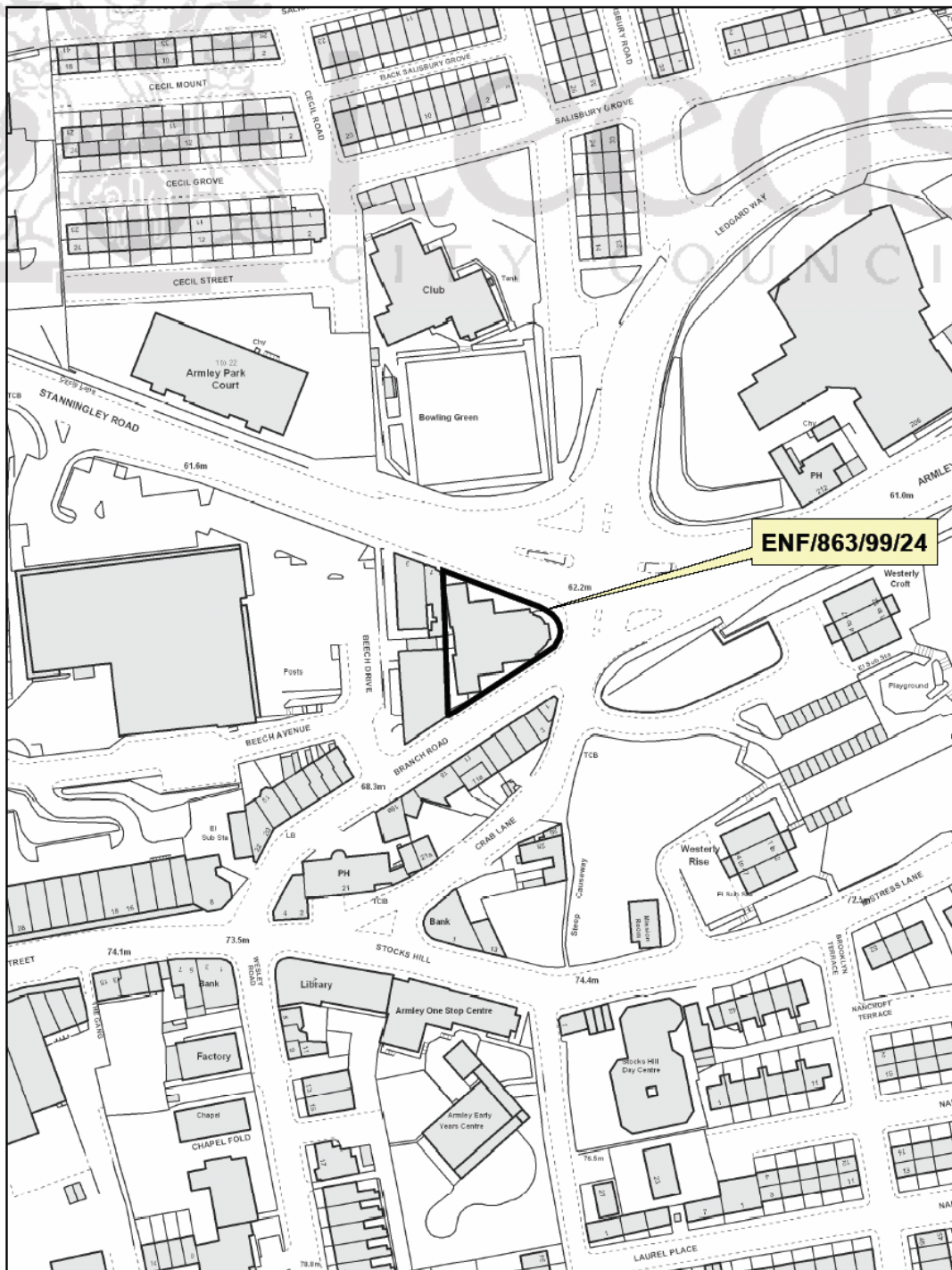
indicate that taking down the plaster work was necessary in the interests of safety. The appeal on ground (d) thus fails.

- 4.6 The ground (e) appeal (Lesser steps will overcome breach)
- 4.7 As the listed building is situated within the Armley Conservation Area Section 16(2) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that special regard be paid to the desirability of preserving the building or its setting or any features or architectural or historic interest which it possesses. Section 72(1) of the same Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 4.8 The Inspector concluded that apart from the 5 advertisement signs the subject of the enforcement notice the building was “festooned” with other advertisement signs. The Inspector concluded that the appeal signs added to the clutter to the elevations and obscured large areas of the buildings fabric to the detriment of its architectural interest. Furthermore, one of the signs obscures a large part of one of the buildings principal features, the Venetian window. The five signs therefore, detracted from the character and special architectural and historic interest of the listed building and from the character of the Armley Conservation Area, and conflict with The Leeds Unitary Development Plan (UDP) policy N13. Listed building consent could not be granted for their retention.
- 4.9 The Inspector concluded that the removal of the plasterwork to the ceilings of the aisles and the barrel vault, the subject of the fourth and fifth alleged contraventions of Listed Building Control in the first floor main hall has exposed the timber structure and the underside of the roof. This view of the ‘skeleton’ on the ceiling and roof structure was considered by the Inspector to be unnatural and incongruous in a space where the visual; focus should be the splendid Venetian window. This window is the main feature of the former hall and the removal of the plasterwork has seriously harmed the listed building’s architectural and historic interest. The removal of the plasterwork therefore, conflicts with UDP policy N17. The inspector concluded that there was no justification for retaining, or granting listed building consent, for the present state of the building. The appeal on ground (e) thus failed.
- 4.10 Finally as the period for compliance with step one of the requirements of the enforcement notice refers to compliance by a specific date which is in the past, the period for compliance needed to be varied. The Inspector therefore, varied this to three months for compliance.

### **Background Papers:**

Enforcement file: ENF/8639924

Appeal Decision dated: 10<sup>th</sup> September 2009.



# WEST PLANS PANEL

Scale 1/ 1500

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