
Appeal Decision

Site visit made on 13 February 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd March 2017

Appeal Ref: APP/C2708/W/16/3156460

The Cottage, Carr Head Lane, Cowling, Keighley BD22 0LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr C Calvert against Craven District Council.
 - The application Ref 22/2016/16913, is dated 29 April 2016.
 - The development proposed is detached dwelling (revised scheme to extant approval 22/2008/8554).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Council's statement and I have treated those as the basis of the decision the Council would have made, had it been empowered to do so. The Council is principally concerned by the effect that the proposed development would have on the character and appearance of the area by virtue of the form and massing of the proposed dwelling and the extensive curtilage. I have drawn on the Council's concerns, together with other evidence before me, to inform the main issue in this appeal.
3. I noted at my site visit that construction work was underway at the site. The appellant has stated that the works being carried out relate to the extant permission on the site for a detached dwelling.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site lies within the Carr Head Hall Estate which is located in the open countryside. The site was previously occupied by a property known as The Cottage and planning permission was granted in 2007¹ for a replacement

¹ Planning application ref: 22/2007/854

- dwelling with subsequent amendments approved in 2008². There is no dispute between the parties that works to implement the 2008 permission have been carried out and the permission is extant. In this regard, the Council do not object to the principle of residential development on the site.
6. The appeal scheme includes the re-siting of the dwelling to a more east-west orientation, a larger ground floor area to include swimming pool and gym, an extension of the central footprint, omission of the sun room on the northern elevation and omission of the detached garage and car port.
 7. The Council is concerned that, in comparison to the extant permission, the current proposal includes a more substantial area of curtilage. I share the Council's concerns in this regard. The domestication of such an extensive parcel of land would have an unacceptable urbanising effect on the landscape.
 8. The appellant states that they would have been happy to reduce the size of the curtilage if the Council had expressed their concerns during the course of the application. However, no such plans have been submitted with the appeal. Therefore, I cannot ascertain to what degree the appellant is willing to reduce the extent of the curtilage and am therefore unable to reach a conclusion on the impact of such a reduction. Furthermore, such information has not been made available to the Council to consider. Taking the above into account, it would not be reasonable to condition the extent of the curtilage in this particular circumstance. The extent of what would be considered an acceptable curtilage is a matter which can be explored with the Council away from this appeal.
 9. The existing permission granted approval for a substantial 2/3 storey building set into the sloping land. In design terms, there are no significant changes to the overall appearance, architectural detailing and proposed materials. The principal amendments to the dwelling are on the southern elevation where the appeal scheme proposes an increase in the footprint of the property at lower ground floor and ground floor level which would result in an increase in the mass and bulk of the property on this elevation. The views of the property from the north, east and west would be virtually unchanged and any views of the southern elevation are limited by existing tree cover and the topography of the land. In my view, the amendments are in keeping and respectful of the original design and the changes to the proposed dwelling are not so significant they would render the dwelling incongruous. I find that there would be no material harm to the character and appearance of the surrounding area in this regard.
 10. Notwithstanding my findings on the impact of the design of the proposed dwelling, the proposal, by virtue of the extensive curtilage would have a detrimental impact on the character and appearance of the area thereby conflicting with Policy ENV2 of the Craven Local Plan (1999) which seeks, amongst other things, development which is compatible with the character of the surrounding area and does not have an unacceptable impact on the landscape.
 11. Carr Head Hall, a Grade II* listed building lies to the north east of the site. Preserving the setting of a listed building is a matter of considerable importance and weight and I am mindful of my duty under Section 66(1) of the

² Planning application ref: 22/2008/8554

Planning (Listed Buildings and Conservations Areas) Act 1990. I note that the Council does not consider that the proposal would have an adverse impact on the setting of the nearby listed building. Given the degree of separation and intervening buildings I agree that the proposal would not result in a magnitude of change that would constitute harm. Hence, the effect of the proposal would be neutral and therefore the setting of the nearby listed building would be preserved. Nevertheless this does not diminish the harm to the character and appearance of the area that I have found above.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR