The Planning Inspectorate

Appeal Decisions

Site visit made on 4 June 2019

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2019

Appeal A: Ref: APP/A4710/W/18/3209365
17 Towngate, Hipperholme, Halifax, HX3 8JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Conor Lynch against the decision of Calderdale Metropolitan Borough Council.
- The application Ref: 18/00286/HSE dated 6 March 2018, was refused by notice dated 31 May 2018.
- The development proposed is: Demolition of outhouse and wcs, construction of stone garage, construction of lower patio area, and bi-fold door access from the house.

Appeal B: Ref: APP/A4710/Y/18/3209369
17 Towngate, Hipperholme, Halifax, HX8 8JB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs Conor Lynch against the decision of Calderdale Metropolitan Borough Council.
- The application Ref: 18/00287/LBC dated 6 March 2018, was refused by notice dated 31 May 2018.
- The works proposed are: Demolition of outhouse and water closets, construction of stone garage, construction of lower patio area, and bi-fold door access from the house.

Decisions

1. **Appeal A is allowed**, and planning permission is granted for: Demolition of outhouse and wcs, construction of stone garage, construction of lower patio area, and bi-fold door access from the house at 17 Towngate, Hipperholme, Halifax, HX3 8JB in accordance with the terms of the application, Ref: 18/00286/HSE dated 6 March 2018, subject to the conditions set out in the Schedule attached to this decision.

2. **Appeal B is allowed**, and listed building consent is granted for: Demolition of outhouse and wcs, construction of stone garage, construction of lower patio area, and bi-fold door access from the house at 17 Towngate, Hipperholme, Halifax, HX3 8JB in accordance with the terms of the application, Ref: 18/00287/HLBC dated 6 March 2018, subject to the conditions set out in the Schedule attached to this decision.

Main Issue (Both Appeals)

3. Notwithstanding all other considerations, the Council has raised no objections to the installation of bi-fold doors and construction of a lower patio area. I find no reason to disagree and consider the one main issue in both appeals is the

effect of the proposed demolition of the outhouses and construction of a stone garage on the special architectural and historic interest of the Grade II listed No 17 Towngate and the setting of nearby listed buildings.

Reasons (Both Appeals)

4. The appeal property is part of a Grade II listed late 17th century house now occupied as two cottages. It is within a small former agricultural enclave on the outskirts of the village. Planning permission and listed building consent is sought to demolish existing outbuildings to one side of the property (listed as curtilage buildings) and construct a detached garage to provide off-street parking in the same location.

5. The *Planning (Listed Building and Conservation Areas) Act 1990* sets out the statutory approach and requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses. This is reflected in saved Policies BE14 and BE15 of the *Replacement Calderdale Unitary Development Plan* (UDP), adopted 2006. Policy BE14 says proposals involving any alteration or extension to a listed building will only permitted where there is no adverse effect on the architectural and historic character of the building or its setting. Policy BE15 says development will not be permitted where through its siting, scale, design or nature, it would harm the setting of a listed building.

6. Paragraph 193 of the *National Planning Policy Framework* (the Framework) says when considering the impact of new development on the significance of a heritage asset, great weight should be given to its conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, less than substantial harm, or total loss to its significance. Paragraph 196 says where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

7. The significance of the dwelling, as far as its exterior is concerned, lies essentially in its simple form, scale, proportions and traditional construction from materials characteristic of the local vernacular tradition. The former wash house and water closet buildings, although listed by reason of being within the curtilage of No 17, are very modest and utilitarian structures, and in my view have relatively little significance. The Council says the removal of sections of boundary wall to accommodate the garage would be visually detrimental and would not respect the established character of the site and surroundings. The Council also says the gable elevation of the garage would conflict with the orientation of the roofscape of No 17 and other listed properties nearby, including the separately listed boundary wall and archway in front of Nos 18-20, and would have a harmful effect on the street scene.

8. However, the west and north sides of the proposed garage would still function as part of the boundary between No 17 and the neighbouring property. The existing wash house already has a gable on its south elevation, and the gable of the proposed garage would reflect this, albeit moved forwards to the back of the footway. I cannot agree with the Council that a gable in this position would be at odds with the orientation of other nearby roofs, as the street scene of Towngate is characterised by a wide range of building styles of different ages

and radically different design and character. The pattern of the roofs and building orientations also vary greatly.

9. Although there would be some loss of historic fabric, stone from the demolished structures would be used in the new build. Whilst the new garage door opening would be a non-traditional feature, I do not consider this factor by itself to be necessarily harmful. In any event, a condition could be imposed to ensure that the doors are constructed of timber.

10. Taking all the above matters together, I conclude that the proposal represents an acceptable design solution that would preserve the special architectural and historic interest of the Grade II listed building and the setting of nearby listed buildings, causing no harm to their significance. Therefore, the question of public benefits to outweigh any harm does not arise. I find no conflict with the policies of the Framework and UDP Policies BE14 and BE15.

Other Matters (Both Appeals)

11. The proposal would also enable off street parking provision in an area of narrow lanes where opportunities for on-street parking are limited. Although the question of public benefits does not arise given my conclusion on the main issue, the opportunity to secure parking provision clear of the highway would clearly be beneficial in terms of highway safety.

12. I note that the Council granted listed building consent in 2004 for a comparable scheme for the alterations of the existing wash house to form a garage and for the demolition of the water closet building (not implemented). Whilst I do not have full details of that scheme, which was considered against a different policy background, it was nonetheless considered under the statutory requirements of the Act, and the officer report stated that 'the proposed work will not significantly alter the appearance of the building'. Whilst each application/appeal is considered on its own merits, this previous consent is nonetheless a material consideration.

Conditions (Both Appeals)

13. I have considered the conditions put forward by the Council in the light of the advice on conditions in the Government's *Planning Practice Guidance (*PPG*).* Conditions are needed for both appeals to secure compliance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. The suggested conditions relating to the external materials and garage doors are all necessary to safeguard the special architectural and historic interest of the listed building. A condition has been put forward withdrawing normal permitted development rights to ensure that the garage is used for the housing of a motor vehicle. I am satisfied that this is necessary in the interests of highway safety and to ensure compliance with UDP Policy T18.

Conclusion (Both Appeals)

14. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeals should be allowed.

Nigel Harrison

INSPECTOR

Schedule of Conditions - Appeal A: Ref: APP/A4710/W/18/3209365

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: *Drawing No CL-01 Location Plan & Site Plan* dated 20 February 2018; Drawing No CL-02 *Existing Plans* dated 24 January 2017 and Drawing No CL-03 *Proposed Plans* dated 24 January 2017.

3) The facings of the building hereby approved shall be constructed from the original facing of the structures to be demolished, unless alternative details have been submitted to and approved in writing by the Local Planning Authority prior to the facing of the building. Any additional facing material required shall be of natural stone, sympathetic in colour, coursing and texture to that used in the immediate vicinity. The pointing shall be flush with the face of the stone or slightly recessed ("ribbon" or "strap" pointing shall not be used). Before the building hereby permitted is first brought into use it shall be constructed from either the original materials or in accordance with the approved details and shall be so retained thereafter.

4) Notwithstanding any details shown on the submitted plans, the roofing of the extension hereby approved shall not begin until details of the roofing material, which shall be of natural or artificial stone slates or natural blue slates, have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the roofing of the building shall be constructed in accordance with the approved details and shall be so retained thereafter.

5) Notwithstanding the details shown on the approved drawings, the garage doors of the building hereby approved shall be of timber construction and be so retained.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking or re-enacting that Order), the garage hereby permitted shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of a private dwelling house) which would preclude the use for the housing of a motor vehicle.

Schedule of Conditions - Appeal B: Ref: APP/A4710/Y/18/3209369

1) The works authorised by this consent shall begin not later than three years from the date of this consent.

2) The works hereby permitted shall be carried out in accordance with the following approved plans: Drawing No CL-01 *Location Plan & Site Plan* dated 20 February 2018; Drawing No CL-02 *Existing Plans* dated 24 January 2017 and Drawing No CL-03 *Proposed Plans* dated 24 January 2017.

3) The facings of the building hereby approved shall be constructed from the original facing of the structures to be demolished, unless alternative details have been submitted to and approved in writing by the Local Planning Authority prior to the facing of the building. Any additional facing material required shall be of natural stone, sympathetic in colour, coursing and texture to that used in the immediate vicinity. The pointing shall be flush with the face of the stone or slightly recessed ("ribbon" or "strap" pointing shall not be used). Before the building hereby permitted is first brought into use it shall be constructed from either the original materials or in accordance with the approved details and shall be so retained thereafter.

4) Notwithstanding any details shown on the submitted plans, the roofing of the extension hereby approved shall not begin until details of the roofing material, which shall be of natural or artificial stone slates or natural blue slates, have been submitted to and approved in writing by the Local Planning Authority. Before the building hereby permitted is first brought into use, the roofing of the building shall be constructed in accordance with the approved details and shall be so retained thereafter.

5) Notwithstanding the details shown on the approved drawings, the garage doors of the building hereby approved shall be of timber construction and be so retained.