



Appeal Decision

Site visit made on 15 October 2019 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

Appeal Ref: APP/P2935/W/19/3235017

Halliwell Dene Hall, Dene Park, Hexham, NE46 1HW

- 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 Michael Downs against the decision of Northumberland County Council.
 - The application Ref 18/00332/FUL, dated 26 January 2018, was refused by notice dated 2 July 2019.
 - The development proposed is detached dwelling within existing site curtilage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the proposed development would preserve the setting of Halliwell Dene Hall (a Grade II listed building).

Reasons for the Recommendation

4. Halliwell Dene Hall is located on the north-east fringe of the town of Hexham, in a wooded setting between the Corbridge Road which is to the south and the railway line and the River Tyne which are a short distance to the north. It is a 19th century Grade II listed single storey stone villa, and its distinctive character is derived from a projecting portico supported by octagonal columns which create three arched openings with niches on either side of the front door. The building is of high quality and status. Halliwell Dene Hall is set within expansive grounds with mature trees and shrubs and incorporates a deep narrow wooded valley or 'dene'. These features contribute to the historic landscape setting of Halliwell Dene Hall, as a villa set within an enclosure of trees which drop significantly to the west and north of the 'villa'.
5. The National Planning Policy Framework identifies what is meant by the term "setting" as follows:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a

setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

6. The word 'experienced' has a broad meaning and can encompass many factors beyond purely visual connections. For example, historical association can be an important element in the setting of a listed building. As noted in the appellant's heritage statement the area to the north-west of the house appears to have been planted with trees from an early date, perhaps to provide a screen from the land associated with the neighbouring workhouse and railway line. The wooded setting has been managed and maintained and the mature planting is important not only in a visual sense, on account of the verdant character, but also in a historical sense on account of the fact that the landscaping reflects how the dwelling was orientated in relation to surrounding land uses.
7. Historic maps depict what appears to have been a greenhouse situated within the dell where the appeal dwelling would be sited and that area was notably less populated with trees than the land further to the north-west, which would make sense if plants were being grown. The dell retains the sense of a clearing in amongst what now mature trees and a high boundary wall are. Limited details of the former building exist but it would appear to have been an ancillary domestic structure associated with the main dwelling. The presence of the greenhouse and associated kitchen garden would be reflective of the high status of the dwelling. Although the garden now takes on a more natural appearance, the presence of the clearing and the boundary wall are all evidence of the former function and historical layout of the property. In other words, the landscaped setting contributes significantly to the setting of the property in a visual and historical sense.
8. The presence of what would be a substantial two storey modern dwelling would pay little regard to that historical context. The scale of the structure would be substantial and would erode the open context of the dell and compete in terms of scale with the principal dwelling. Rather than appearing as an ancillary structure it would appear as a distinct dwelling within its own plot. The separate driveway and detached garage would add to the sense that the land had been severed from the listed dwelling. Those impacts would be noticeable as one approached the property along the entrance drive. Having regard to the importance of the garden and landscaped setting in understanding the historic function and layout of the property the subdivision of the site and the erection of such a large detached dwelling with associated domestic buildings and structures would fail to preserve the setting and cause harm to the designated asset as a result.
9. I acknowledge that the building would be located to the north-west, out of direct sight of the principal elevations of the building. However, a full appreciation of the listed structure and its historic context does not only arise from the architectural details of the front façade. The landscaped setting is crucial to the understanding of how the property was originally planned and laid out. Even though the impact would not be particularly noticeable from public vantage points it would be felt from within the site and would, nonetheless, cause harm to the setting of the building for the reasons given.
10. It is acknowledged that the appellant intends to use traditional materials for the construction of the proposed dwelling. However, this would be married with

contemporary aluminium glazing would result in a modern design which would fail to positively respond to Halliwell Dene Hall's special character and setting and its relationship with the dene. The appellant contends that the proposed development would be at a scale one and half storeys, which is representative of the proportions of agricultural barns. Furthermore, they state that the design is intended to create the appearance of a pair of traditional agricultural barns, set within the grounds of Halliwell Dene. However, there is no evidence that such large agricultural scale structures were ever present within the domestic garden of the property and I am not satisfied that the building's scale and mass could be justified by reference to historic structures.

11. I find that by virtue of its scale and design and position, the proposed dwelling would not adequately respond to the character of the site or its setting and would not provide the high quality of design required within the setting of the Grade II listed Halliwell Dene Hall. The development would harm the character, appearance and setting of Halliwell Dene Hall. It would fail to preserve the setting of this listed building and the context within which it is experienced. Consequently, it would be at odds with the objectives of Policies GD2 and BE22 of the LP, Policy BE1 of the CS and the NPPF.
12. The harm would be less than substantial, having regard to the terms of paragraph 196 of the Framework on account of the fact that the proposal would only affect part of the setting of the building and would not alter the built form of the structure. Nevertheless, taking account of the statutory duty to have special regard to preserving the listed building or its setting, and the content of paragraph 193 of the Framework, considerable importance and weight must be attached to the harm identified. Where less than substantial harm is identified, the Framework requires that harm to be balanced against any public benefits of the proposal.
13. The argument is that the repair and re-pointing of the existing stone retaining walls would amount to public benefits for the site. However, in the context of the proposed development, such work can be undertaken independently of any proposed residential development on the site, and therefore public benefits in this instance are limited. On this basis it is not considered that there are demonstrable public benefits that would outweigh the identified harm to the setting and significance of the Grade II listed Halliwell Dene Hall. It is also argued that the construction of a new dwelling would provide a boost to the local economy providing a benefit to the area. However, any benefit arising from the construction of a single dwelling in this location would be very limited and not sufficient public benefit to outweigh the identified harm in this instance.

Conclusion and Recommendation

14. For the reasons given above the proposal would fail to preserve the setting of the listed building and would cause harm to the significance of the designated asset as a result and would be contrary to the relevant policies of the development plan. That harm is a matter that attracts considerable weight and no public benefits have been identified that would outweigh the harm. Consequently, having had regard to evidence before me, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR