
Appeal Decision

Site visit made on 7 January 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/P4225/D/19/3240714

Dane House, William Street, Middleton, M24 2JT

- 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 & Mrs Daniel James and Maria Hughes against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 19/00616/HOUS, dated 01 July 2019, was refused by notice dated 23 August 2019.
 - The development proposed is erection of a single-storey outbuilding to the rear garden to provide annexe accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the host dwelling and the character and appearance of the area, with particular regard to siting and design, and
 - the effect of the proposal on the setting of the neighbouring Grade II* Listed Building, Tonge Hall, with particular regard to siting and design.

Reasons

3. William Street is an unmade track providing access to the appeal site, Tonge Hall and around 10 other dwellings. The site comprises Dane House, a substantial detached, two-storey dwelling which is set-back around 30 m from the site's access off William Street. I note that the principal elevation of the property faces south-east and the access off William Street leads to the rear yard of the dwelling. The access comprises brick walls either side of the opening with stone pillars, and the brick walls extend from both sides of the access along the front boundary. There are hedges along the side boundaries, and the hedge along the north-eastern boundary is sited inside a brick boundary wall. Most of the land between the access and the rear elevation of the property has been covered with hard surfacing.
4. An unsurfaced footpath runs alongside the north-eastern boundary of the site. Adjacent to this is Tongue Hall Close, a tarmac driveway providing access to a pair of semi-detached dwellings sited to the rear of Tonge Hall. The driveway has a brick wall along one boundary and a wall constructed from concrete panels and posts along the other. To the south-west of the site there

are around 8 other dwellings of varying types, architectural styles and sizes. There are fields broadly to the north of the site, east of Tonge Hall and south of the dwellings located at the rear of Tonge Hall.

5. Tonge Hall is located north-east of Tonge Hall Close. It is a 16th Century manor house of significant architectural and historic interest. The building is currently in a dilapidated state. It is surrounded by scaffolding, protective sheets and covers to prevent further deterioration. The grounds within which the Hall sits were overgrown at the time of my visit and a grey, steel palisade fence, around 2 m high, had been erected around the perimeter of the site.
6. The proposal would introduce a detached outbuilding, a self-contained annexe, that would be broadly sited where a building previously existed. The use of the previous building is unclear, but both parties have referred to it as being a coach house or stables. As an outbuilding did exist within the site, approximately sited where the proposed building would be sited, I consider the principle of the proposed development and its siting to be acceptable.
7. The building would be single-storey and as such would be lower than the building that previously existed. Its form would be similar, ie an oblong shaped building with a dual-pitched, hipped roof. The materials that would be used on the external elevations and roof would, as far as I can ascertain from the evidence before me, be similar to those used on the previous building and those of the host dwelling.
8. However, the proposed timber boarding sections below and between windows, and the black and white timber panelling on the proposed canopy over the entrance door, would introduce materials and detail not present on the host dwelling or characteristic of neighbouring properties. I note the appellant suggests that the proposed horizontal timber boarding would give the appearance of original stable door openings having been blocked up to create new openings. However, the proposal is a new building, not a converted one, and designing it with features to give the impression of a converted building confuses its appearance.
9. The black and white timber panelling seeks to imitate details of Tonge Hall, which further confuses the appearance of the proposed building, seeking to be something that it isn't. Notwithstanding its detail, the canopy itself would be an alien feature within the site and the immediate area.
10. Additionally, other design details, such as the number of panes in the multi-pane windows and the stone band course, although features of the host dwelling, would not be proportionate to the nature, size and scale of the proposed building. Consequently, such detailing would be at variance with the host property.
11. As the proposed building would be sited within the grounds of Dane House and would be read primarily within this context, I consider the design and materials details referred to would detract from, and therefore would be harmful to, the character and appearance of the host property. The lack of harmony between the proposal and the host property would also be harmful to the character and appearance of the area. Furthermore, when viewing Tonge Hall from west of the appeal site on William Street, I consider the conflict between the host dwelling and the proposed outbuilding would detract from the setting, and

- views, of the Listed Building, thereby harming one's appreciation of the significance of the Listed Building.
12. I acknowledge that the setting of Tonge Hall has been greatly altered over time and that the appellant considers the setting to contribute little to its significance. However, even if I accept this to be the case, it does not follow that the setting cannot be harmed or that changes to the setting would not harm views of the building.
 13. The appellant contends that a modern fence interrupts the view of the Hall. I understand the 'modern fence' to be the steel palisade fence around its perimeter, which I consider to be a temporary installation, along with the scaffolding, etc., and not one that would permanently alter the setting and views of the building.
 14. The appellant also points out that other views would be retained. I acknowledge that this would be the case. However, it does not follow that harming one particular view is therefore acceptable.
 15. Notwithstanding my conclusions regarding the principle and siting of the proposed, I conclude that some of the design details and proposed materials would not harmonise with the character and appearance of the host property. As such, the proposal would have a detrimental impact on the character and appearance of the immediate area and consequently would harm the setting and views of the Listed Building.
 16. Section 66(1) of The Planning (Listed Building and Conservation Areas) Act 1990 requires me to give considerable importance and weight to the desirability of preserving the setting of a Listed Building. In addition, the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation¹.
 17. I consider the extent of harm to the heritage asset to be less than substantial. In accordance with the Framework², where a proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against its public benefits. No public benefits have been proposed in support of the proposal.
 18. I note it has been suggested that Dane House is a non-designated heritage asset. However, I have not been provided with details to support this proposition, nor have I been provided with any evidence that it is recorded on, for example, a Historic Environment Record or that it is present on any local list of buildings of significance. Consequently, in the first instance, I have considered the effect of the proposal on Dane House as not being a non-designated heritage asset. However, even if it was demonstrated that the dwelling has the status of being a non-designated heritage asset, my conclusions regarding the effect of the proposal on the property would be the same.
 19. Bearing the above factors in mind, I consider that the proposal would not accord with policies P2, P3 and DM1 of the Rochdale Adopted Core Strategy

¹ Paragraph 193 of the Framework.

² Paragraph 196 of the Framework.

(2016), or the design and heritage policies outlined in the Framework. These policies require, among other things, new developments to adhere to high standards of design, conserve and enhance the borough's townscape and protect the borough's heritage by conserving, enhancing and promoting key heritage assets, taking the opportunity to enhance the quality of the area and being sympathetic to local character and history.

Other Matters

20. The appellant has submitted information regarding the personal needs of a family member who would reside in the proposed annexe building. Although I appreciate the personal circumstances of the family, the courts have, in general, taken the view that planning is concerned with land use in the public interest³. As such, I consider the personal needs of the family do not outweigh the harm identified.
21. The appellant has drawn my attention to pre application advice provided by the Council and previous permissions that have been granted on the site. I appreciate the appellant has sought to address the issues raised by the Council during the pre-application stage. However, the Council is entitled to conclude that its concerns have not been fully addressed. I also appreciate the confusion experienced by the appellant when Council Officers express different views on similar matters. I am obviously not able to explain such inconsistencies. However, as the planning permissions referred to are no longer extant, I attach limited weight to them as considerations that weigh in favour of the proposal.
22. The appellant has suggested agreeing, via a condition, managing the height of the laurel hedge along the north-eastern boundary. Although it may be possible to secure such agreement, this factor would not overcome the harm I have identified.

Conclusion

23. In light of the above, notwithstanding my conclusions regard siting, I have concluded that certain aspects of design and materials would not harmonise with the host dwelling and consequently would be harmful to its character and appearance. This harm would be detrimental to the character and appearance of the area and, particularly when viewed from west of the site on William Street, to the setting and views of Tonge Hall. There are no other considerations that outweigh the harm identified. For these reasons I conclude that the appeal is dismissed.

J Williamson

INSPECTOR

³ Paragraph: 006 Reference ID: 21b-006-20190315, Revision date: 15 03 2019, of the Planning Practice Guidance