
Appeal Decision

Site visit made on 3 February 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/N4720/W/19/3238699

Land south of Troy Road, Morley, Leeds, West Yorkshire LS27 8JG

- 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 Graham Butterworth (GJB Sand Mile Ltd) against the decision of Leeds City Council.
 - The application Ref 19/02560/FU, dated 18 April 2019, was refused by notice dated 11 July 2019.
 - The development proposed is 2 No. pairs of matching semi-detached dwellings including site crossovers.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was determined the Council have adopted the Site Allocations Plan in July 2019 and the Core Strategy Selective Review 2019 in September 2019. The appellant had the opportunity to address any impacts relating to the adoption of these 2 documents in his appeal submissions. I have determined the appeal on the basis of national and local policies as adopted at the present time.

Main Issue

3. The main issue in the appeal is whether or not the proposal would preserve the setting of the nearby Listed Building and Structures and whether or not it would preserve or enhance the character or appearance of Morley Town Centre Conservation Area.

Reasons

4. The appeal site is located within Morley Town Centre Conservation Area and forms part of the grounds associated with the Grade II Listed St Marys in the Woods Church. The church's graveyard also contains a number of Listed graves and the Scatchard Mausoleum which is also listed. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area.

5. Although originally an agricultural village, Morley saw dramatic growth into an industrial town in the nineteenth century. The conservation area covers the civic and commercial core of the town and includes many fine nineteenth century buildings that reflect the industrial activity, commercial prosperity and civic pride of the time. Along with the Town Hall, St Mary's Church, with its tall spire, is a principal landmark in the town, even though the church was extensively damaged by a fire around 10 years ago. The land associated with the church is set within a distinctive stone wall and, despite its unkempt appearance, provides a key area of greenspace within the densely developed terraced streets that surround this part of the town centre. The important contribution of this open space to the setting of the building is seen in the church being called St Mary's in the Woods.
6. The fire clearly destroyed the interior of the building and damaged the outer shell, and the appellant's structural report indicates it has deteriorated further in the intervening years. Nevertheless, although identified as a Building at Risk, it remains a Listed Building. In my opinion, despite its physical condition and appearance, it still contributes to the character and appearance of the conservation area and provides an important part of the setting of the Listed graves and mausoleum.
7. The appeal scheme proposes to construct two pairs of semi-detached houses on the site. These would be 2-storey with accommodation within the roof space. The surrounding area is largely residential in nature and so, in general terms, the proposal would be in keeping with the wider area.
8. Nevertheless, although the site appears unused and is not immediately adjacent to the church, its location within the boundary wall clearly defines it as being part of the land associated with the church. As highlighted above, the open space around the church plays an important role in its setting and the setting of the listed graves, as well as the character and appearance of the area. The development of the site for housing would result in the loss of its openness and as a consequence the contribution that it makes to the setting of the listed building, listed structures and the conservation area would be lost.
9. Moreover, in order to create the necessary off-street parking the boundary wall, which is a strong and distinctive feature particularly along Troy Road, would have to be punctured in three places, and the remaining wall would be reduced in height to around 1m. Given the wall's role in defining the boundary of the church and its associated land, the loss of this boundary wall would be detrimental to its setting, and this would not be mitigated by new walls to the side and rear of the site. In addition, given the height of the wall along Troy Road, and the strong sense of enclosure it creates, the reduction in height of the remaining wall would be out of keeping and would have an adverse visual impact on the area.
10. Whilst the site itself does not contain mature trees, the wider area of open space does, and these make an important contribution to the character and appearance of the area. No tree survey has been submitted and so the impact of the development on these trees cannot be assessed. In the absence of this information, it is uncertain whether the development would result in the loss of some of these trees which would also cause harm to the character and appearance of the area.

11. Although stone is the predominant building material in the area, it is proposed that the houses would be rendered. Whilst there are some rendered houses in the area, I observed that they are very much in the minority. As such, the proposed materials would be out of character with the surrounding area and unsympathetic to the site's location within the conservation area.
12. In support of the appeal my attention was drawn to the nearby apartments. It was highlighted that they are located closer to the actual church building than the proposed houses would be, and it is therefore suggested that they have a much greater impact on its setting. I do not know the full circumstances that led to these being considered acceptable. However, from the location of the boundary wall it would appear that these were constructed on land that did not form part of the open space associated with the church. In addition, the Council have indicated that these were built before the area was designated as a Conservation Area. As such, their circumstances are not directly comparable to the appeal scheme. In any event, they confirmed that inappropriate design and materials are detrimental to the heritage assets and so do not set a precedent that should be followed.
13. Overall, I consider that the proposed development would not preserve, and would unacceptably harm, the setting of the Listed Building and structures and the character and appearance of Morley Town Centre Conservation Area. Accordingly, it would conflict with Policies P10 and P12 of the *Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (adopted November 2014)* which seek to ensure that developments respect the character of the area, and conserve and enhance the character of the townscape. It would also be contrary to Policy N19 of the *Leeds Unitary Development Plan (Review 2006) (adopted July 2006)* which requires that developments preserve or enhance the character and appearance of conservation areas.
14. Having regard to paragraph 196 of the *National Planning Policy Framework*, the harm caused to the conservation area would be less than substantial, and therefore needs to be weighed against the public benefits of the proposal. In the scheme's favour it would create 4 new houses in an accessible area that would make a small contribution to housing supply. Construction would also provide some temporary work for local contractors and spending by future occupiers would benefit the local economy.
15. However, the Council have indicated that they can currently demonstrate a 5-year housing land supply and this has not been disputed by the appellant. In addition, the development would utilise a green field site. This limits the weight I give to the benefit of the new housing. The desirability of preserving or enhancing the character or appearance of a conservation area and of preserving the setting of a Listed Building are matters of considerable importance and weight. In this case, I consider that the public benefits of the scheme would be insufficient to outweigh the less than substantial harm.
16. It has been highlighted that permission was granted in 2011 for a similar scheme on the site, and the appellant has suggested that this shows that it was considered that 4 houses on the site would not have a detrimental impact on the heritage assets. However, I understand that the housing scheme was enabling development for the repair of the church following the fire. The Council have stated that the harm caused by the housing was considered acceptable in that case as on balance the harm was outweighed by the public

benefits of bringing the Listed Building back into use. This would not be the case in this appeal and I note that the site is now in separate ownership from the wider site. Nevertheless, as outlined above, I consider the public benefits of the scheme would not outweigh the harm it would cause to the heritage assets.

Other matters

17. The appeal scheme would introduce a considerable amount of built form and hard surfacing to an area that is currently open land. No details have been supplied of what replacement planting would be provided to mitigate the impact of the proposal and to ensure the ecology and biodiversity of the site would be maintained or enhanced. This adds weight to my decision to dismiss the appeal.

Conclusion

18. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR