



Appeal Decision

Site visit made on 20 July 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/X4725/W/20/3250371

The Old Chapel, Dewsbury Road, Ossett WF5 9PE

- 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 M Sahota against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 20/00007/FUL, dated 20 December 2019, was refused by notice dated 9 March 2020.
 - The development proposed is change of use of the first floor and outbuilding from storage to 4 flats. Partial demolition of existing single storey rear extension and erection of stairs to first floor, external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the Council's description of the development proposed in the banner heading above as it is more precise.
3. The Council raised no issues regarding the proposed conversion of the vacant single-storey outbuilding to the rear of The Old Chapel to a residential unit. In addition, the Council's reason for refusal specifically relates to the proposed insertion of an external staircase and first floor entrance into The Old Chapel. From the limited evidence before me, I have no reason to disagree with the principle of the proposed conversion of the outbuilding. I have therefore limited my consideration of the proposed development to those works relating to The Old Chapel.

Main Issue

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

Reasons

5. The appeal site occupies a prominent position on the corner of Dewsbury Road and Stithy Street and is located within a suburban mixed used area. The site contains The Old Chapel along with an outbuilding to the rear, which appears to be of the same period and style as The Old Chapel, and an area of vacant land at the side.
6. The Old Chapel is stated to date from around the mid-late 19th century. It is a two-storey, detached building with single-storey projecting gables and entrance

at the front with a single-storey monopitch offshoot at the rear. It is constructed of sandstone 'bricks' with ashlar cills and lintels and a slate roof. The ground floor of the property is let independently by two separate commercial premises and the first floor is currently vacant. I observed on site that the building is in a poor state of repair and displaying signs of deterioration, particularly at the rear.

7. Both main parties have confirmed that The Old Chapel is registered as a 'Building of Local Interest'. As such, it is a non-designated heritage asset, which are defined in the National Planning Practice Guidance as buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets¹.
8. From the evidence available to me and my observations on site, I consider that the heritage significance of The Old Chapel to be principally derived from its historic illustrative interest and architectural interest as a mid-late 19th century Methodist Chapel. Its age, traditional materials and modest architectural form, which possesses a pleasing design with some detailed architectural features and symmetrical fenestration, all make important contributions to its character and appearance as well as its heritage significance. In addition, its former use as a Methodist Chapel, which was built by the local community, symbolises the strong Methodist values of the working classes in the area and also positively contributes to its character and heritage significance.
9. The proposed development to convert the first floor of The Old Chapel into three self-contained flats includes the insertion of an external staircase at the rear through the single-storey monopitch off-shoot and the replacement of the existing three central first floor windows with a doorway to gain independent access to the flats. Basic drawings showing the proposed rear elevation and proposed side elevation have been submitted with the appeal, but no floor plans or additional detail regarding the stairs and entrance or materials have been provided.
10. Paragraph 197 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to say that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. I note that the Council has no objections to the principle of the change of use of the first floor of The Old Chapel to residential accommodation and I have no reason to disagree. However, the insertion of the staircase and creation of an independent entrance into the first floor would involve the permanent and harmful loss of historic fabric.
12. Although the majority of the staircase would be hidden within the existing offshoot, it would appear as an alien and wholly incongruous insertion into the rear of the building. Furthermore, the lack of information as to the detailed form, design or materials of the staircase, provides little certainty and confidence about its appearance.

¹ National Planning Practice Guidance, Paragraph: 039 Reference ID: 18a-039-20190723.

13. Whilst the new entrance would have a new stone surround detail with a stone head which would be reproduced to maintain the design feature, it would detrimentally alter the fenestration, a key feature of interest, on the rear elevation of the building. Moreover, from the limited information provided, I am not satisfied that the design of the new entrance would be sufficient to overcome the fundamental objection to its location on the rear elevation.
14. I recognise that the proposed alterations would be on a secondary elevation which is not as prominent or as detailed as the primary elevation fronting Dewsbury Road. Nevertheless, they would be readily visible when viewed from Stithy Street, highlighting their discordance on the building.
15. In these respects, the proposed development would have an adverse effect on the character and appearance of The Old Chapel which would diminish its historic and architectural integrity and thus its heritage significance.
16. I acknowledge that the proposed development would secure the reuse of the vacant first floor of The Old Chapel and in doing so would bring about the repair, restoration and preservation of this locally important building. It would also supply an additional three self-contained flats within an accessible location. Some economic and social benefits would be derived from the repair, restoration and occupation of the first floor; and future occupiers would contribute to the local economy. However, in my judgement, this would not outweigh or justify the identified harm to the character and appearance of The Old Chapel.
17. I am mindful that no objection to the proposed development was raised by Environmental Health, however, this was subject to 'the works being carried out to current Building Regulations standards'. Given the external nature of the staircase and first floor location of the entrance, there is no guarantee that the alterations as illustrated on the plans submitted would meet Building Regulations standards and no evidence is before me which confirms that they do. Any potential requirement for safety railings and/or a canopy would further increase the undue prominence of the proposal on the building and in the townscape to the further detriment of the character and appearance of the Old Chapel.
18. The appellant has outlined the attempts in the past to secure an alternative use within this part of the building and I am aware of the current constraints in terms of gaining internal access to the first floor. Nonetheless, I do not consider that it has been adequately demonstrated that alternative, less harmful, options to gain access into the first floor have been sufficiently or robustly explored.
19. The appellant submits that the proposed development would release additional future funding to maintain the building and enhance its appearance in the locality. However, no formal mechanism that would secure the maintenance of the building in perpetuity is before me. As such, I can only give this matter limited weight.
20. Taking all of the above into account, I conclude that, on balance, the proposed development would have a harmful effect on the character and appearance of The Old Chapel. As such, it would not accord with Policy CS10 of the Wakefield Metropolitan District Council Local Development Framework Core Strategy (2009) which, amongst other things, seeks to protect and enhance the district's

historic assets. It would also conflict with Policies D9 and D19 of the Wakefield Metropolitan District Council Local Development Framework Development Policies Document (2009) insofar as they require development to respect and where appropriate enhance existing built features that contribute to the character and local distinctiveness of the area; and to not have an adverse impact on buildings of local interest. It would also not comply with provisions in the Framework which seek to conserve heritage assets in a manner appropriate to their significance.

21. In its reason for refusal, the Council has cited conflict with Paragraph 202 of the Framework which concerns enabling development. From the evidence before me it is unclear as to why this argument has been advanced. Generally, enabling development relates to where a proposal would be contrary to planning policy (for example, relating to the location of new housing) but it is argued that this is justified because the proposed development would allow a heritage asset to be conserved. Given the nature and form of the proposed development, I consider that this Paragraph is not pertinent to this appeal.

Other Matters

22. The appellant highlights that the Council has not supported its claim that the building has architectural merit by not listing the building as having architectural significance. I am not certain whether this comment relates to the inclusion of the building on the local list or that the Council has not included the building on the national list of listed buildings. Either way, I have found that the significance of the building largely derives from the sum of both its historic and architectural interests. Furthermore, it is not at the discretion of the Council to include a building on the national list which is compiled by the Department for Culture, Media and Sports, under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23. As I find the proposed conversion of the vacant single-storey outbuilding to the rear of the Old Chapel to be acceptable in principle, I have considered whether a split decision could be issued. Existing and proposed floor plans of the outbuilding have been submitted with the appeal, but no other information regarding the detail of the proposed conversion has been provided. I cannot be certain that the proposed conversion would not have a harmful effect on the character and appearance of the outbuilding and I am not satisfied that the detail of the works could be effectively controlled by condition. On this basis, I have not issued a split decision.
24. I am aware that no objections were received from neighbours. I also note that the Council raised no concerns in relation to the impact of the proposed development on the living conditions of future occupiers, the living conditions of occupiers of neighbouring dwellings, highways, drainage, crime prevention or land contamination and stability. However, these are neutral considerations in the balance and do not outweigh the harm that I have found or alter my conclusion on the main issue.

Conclusion

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

F Cullen INSPECTOR