



Appeal Decisions

Site Visit made on 17 November 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal A, APP/W4223/W/20/3253840

Morley, Bunkers, Greenfield, Saddleworth, Oldham, Lancs OL3 7NY

- 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 Sheldon against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/344437/20, dated 20 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is an extension and alterations.
-

Appeal B, APP/W4223/Y/20/3253838

Morley, Bunkers, Greenfield, Saddleworth, Oldham, Lancs OL3 7NY

- 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 Graham Sheldon against the decision of Oldham Metropolitan Borough Council.
 - The application Ref LB/344436/20, dated 20 January 2020, was refused by notice dated 20 March 2020.
 - The works proposed are an extension and alterations.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary matters

3. Reference has been made to Planning Policy Guidance 15. However, this national guidance is no longer extant. Similarly, I am referred to UDPP C1.8 but this is not before me and it has not been conclusively established that it forms part of the development plan. Instead, my determination is based on the policies as set out in the Oldham Local Development Framework: Development Plan Document – Joint Core Strategy and Development Management Policies (adopted November 2011) which forms the statutory development plan for the area, and having regard to the provisions of the Framework as a material consideration.
4. The appellant's submission refers to proposals "*...to extend the garden and landscape over the existing car park which adjoins the lane and relocate the storage area to additional neighbouring land... ...moving the caravan,*

greenhouse and equipment...". However, these proposals were not before the Council when it determined the applications and they are not depicted on any of the accompanying plans or drawings. I have, therefore, in the interest of fairness, considered the appeals on the basis of the description of development and works as set out above and as depicted in the plans submitted to the Council, upon which it based its decision, and on which interested parties were consulted.

Main Issue

5. The main issue, in relation to both appeals, is whether the proposal would preserve the special architectural and historic interest of the Grade II Listed Building known as Morley (listed as Morley Morley Cottage (*sic*)) and its setting.

Reasons

Special interest and significance

6. Morley is a three storey former weavers' cottage dating from the late 18th Century which, along with the adjoining property, Morley Cottage, is included within the Statutory List at Grade II. The building has been subject to alterations and additions over the years including an early 19th century two-storey extension to its north, which now forms the neighbouring cottage, an early 20th Century two-storey lean-to extension to its south and a small lean-to style entrance porch, erected on its eastern elevation apparently in 1995. It has nonetheless retained much of its historic character expressing the typical 18th century vernacular attributes of the area and reflective of its rural location on the edge of the moors. In recognition of their special architectural and historic interest the pair of cottages are also listed for their 'group value' and thus their combined contribution to the surrounding area.
7. Insofar as it relates to this appeal, the significance of the Listed Building is evident in its simple rectangular form and the strong vertical emphasis of its historic core, with accommodation over three stories. Along with its distinctive pattern of fenestration, with six windows to each floor separated by recessed flat-faced stone mullions, this tower-like composition results in a visually robust building that draws considerable interest from its unique architectural character. The building's immediate surroundings, including its curtilage, form part of its setting in which its special interest can be appreciated.

The appeal scheme

8. The appeal scheme would see the erection of a single-storey extension on the southern elevation of the building to provide a larger kitchen and dining area. The extension would include matching stone elevations with a dual pitch slate roof incorporating five conservation style rooflights. An existing door to the western elevation would be replaced with a 3-light mullioned window and new bi-fold doors would provide access from the proposed extension into the garden. There would also be some alterations to the existing porch, creating a new entrance door from an existing window.

The effect of the appeal scheme

9. The appeal proposal would increase the footprint of the property and essentially elongate the building away from its historic core, diminishing its strong vertical emphasis and intruding into its setting. The extension would

appear as a rather squat addition to the building with a shallow pitched roof that would have an uncomfortable relationship with the building's, scale, proportions and form, all aspects which contribute positively to Morley's architectural character. Taken together with the previous additions, the appeal scheme would have the appearance of a contrived extension that would overwhelm the building and over-complicate its simple rectangular form and tall narrow proportions.

10. Furthermore, the appeal scheme's adverse effects also extend to an excessive use of rooflights and the introduction of poorly proportioned windows, including modern bi-fold doors, which would fail to articulate the pattern of fenestration found within the host property, eroding the solidity of its appearance. Moreover, the loss of the door to the west facing elevation and replacement with a 3-light window would result in a discordant arrangement that would harmfully jar with the style and proportion of the window above. In these terms the appeal scheme would constitute a discordant contrast to the appeal building and a clearly unsympathetic addition. As a consequence, the appeal proposals would result in clear harm to the heritage asset.
11. The appellant has suggested that the bi-fold doors would not be harmful as they would not be visible in views from the adjacent public highway. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
12. Taking all these points together, the proposal would fail to preserve the Listed Building and its setting and would harmfully detract from its special architectural and historic interest. In doing so, the proposal would conflict with Policies 9, 20 and 24 of the Oldham Local Development Framework: Development Plan Document – Joint Core Strategy and Development Management Policies (adopted November 2011) which together seek to achieve development that is of a high quality design which protect and improve local environmental quality, and which preserve or enhance the special interest of listed buildings and their settings, amongst other things.

Public benefits

13. In accordance with paragraphs 195 and 196 of the National Planning Policy Framework (the Framework), it is for the decision maker, having identified harm to the designated heritage asset, to consider the magnitude of that harm. In this case, under the terms of the Framework, I consider the harm to be 'less than substantial' given the extent of the proposal and its consequent effects. However, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have "special regard" to the desirability of preserving the Listed Building and its setting, and the Framework makes it clear that great weight should be given to the conservation of heritage assets. Therefore, the harm caused in these terms is a matter which attracts great weight and importance. In such circumstances the Framework further requires that the harm is weighed against any public benefits that the proposal might secure.
14. No public benefits are advanced in favour of the proposal. From the submitted material it appears to me that the proposal would amount to only private benefit for the appellant and his family through the creation of additional living space within the property. Consequently, the harm I have identified would not be outweighed by any demonstrable public benefit and therefore the proposal

would clearly conflict with the Framework's aim to conserve heritage assets in a manner appropriate to their significance in these terms.

Other matters

15. In support of the appeal, my attention has been drawn to a number of other properties in the area, including a number of listed buildings, that have been subject to various extensions and alterations in recent years. However, I do not have the full details of the circumstances which led to these proposals being permitted and for this reason it has not been demonstrated that they represent a direct comparison to the appeal proposal, including in respect of their design and any benefits that may have been accrued. In any case, I have considered the appeal proposal on its own merits and on the evidence before me.
16. I acknowledge the lack of objection from Historic England and the Ramblers' Association and the assertion that the proposal would have a negligible effect on residential amenity. Nonetheless, these are neutral factors that weigh neither in favour of, nor against, the appeal proposals.
17. Although the Council does not allege that the proposal would constitute inappropriate development in the Green Belt, I acknowledge that the Parish Council takes a differing stance on this matter. However, I have found that the appeal scheme would conflict with national and local policies relating to the conservation of the historic environment, and that none of the matters advanced in favour of the scheme would outweigh these conflicts. Consequently, insofar as Appeal A is concerned, these Green Belt issues are not determinative and do not alter my conclusions on the main issue.
18. I note the appellant's frustrations with an alleged lack of correspondence from the Council's Planning Department and his assertion that the application ought to have been determined by the Council's Planning Committee in recognition that he is an elected member of the Council. However, these essentially procedural matters are beyond my remit insofar as it relates to a consideration of the planning merits of the appeal. I also note the appellant's willingness to amend the scheme to overcome the Council's concerns, but this would need to be resolved as part of a fresh proposal, which clearly falls outside the scope of this appeal.

Conclusion

19. I have found that the appeal scheme would fail to preserve the building and its special interest; would not accord with the Framework; and would conflict with the above-cited policies of the development plan. Moreover, in terms of Appeal A, no material considerations have been advanced of a sufficient weight to justify a decision other than in accordance with the development plan.
20. Consequently, for the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Jeff Tweddle

INSPECTOR