



Appeal Decisions

Site visit made on 9 November 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal A Ref: APP/A4710/W/20/3257324

Mistle Cottage, School Lane, Illingworth, Halifax HX2 9UR

- 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 David Holland against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref: 20/00234/HSE, dated 2 March 2020, was refused by notice dated 3 June 2020.
 - The development proposed is single storey front and side extension.
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Appeal B Ref: APP/A4710/Y/20/3257329

Mistle Cottage, Bradshaw, Halifax, West Yorkshire HX2 9UR

- 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 David Holland against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref: 20/00291/LBC, dated 13 March 2020, was refused by notice dated 3 June 2020.
 - The works proposed are single storey front and side extension.
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Decisions

1. **Appeal A** and **Appeal B** are dismissed.

Procedural Matters

2. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
3. There are discrepancies between the names of the appeal property and the adjoining cottage as referred to in the submitted evidence and their name plaques on site. The appeal property is referred to as Mistle Cottage in the evidence, but is named as Mistal Cottage on site. The adjoining cottage is referred to as Western Cottage in the evidence, but is named as Weston Cottage on site. I am satisfied that they refer to the same properties. For the avoidance of doubt, in my reasoning, I have referred to the names of the properties as stated within the submitted evidence.

Background and Main Issues

4. Mistle Cottage is one of several former outbuildings that are historically associated with Scausby Hall, which is a Grade II listed building. From the submitted evidence, it is not a matter of contention that Mistle Cottage, along with the other former outbuildings, are located within the historic curtilage of

the listed building and, due to their age as well as their physical and functional association with the Hall, should also be considered as listed.

5. In the context of the above, the main issues are:

- Whether the proposal would preserve the special architectural and historic interest of the Grade II listed building and its setting (Appeals A and B); and,
- The effect of the proposal on the living conditions of occupiers of Scausby Hall Lodge, with regard to outlook, and on the living conditions of occupiers of Scausby Croft, with regard to privacy (Appeal A).

Reasons

Special interest and significance

6. The principal Grade II listed building of Scausby Hall dates from 1749. It is a restrained two-storey dwelling with eaves and end gables which is constructed of stone with a stone slate roof. The former outbuildings sit to the north of the Hall. They were converted to residential use in the late 20th century, but their historic physical and functional relationship with the Hall is still evident.
7. Mistle Cottage is one of a pair of semi-detached, single-storey cottages, the adjoining property being Western Cottage. The building is sited at the end of the group of former outbuildings being the furthest away from the Hall. It is positioned at an angle to School Lane with its principal front elevation facing north, and both cottages are enclosed at the front and sides by a stone boundary wall. Notwithstanding the building's conversion to two cottages, its former use as an outbuilding/stable is still discernible in its low linear form and modest but robust design. Akin to Scausby Hall, it is constructed of stone with a stone slate roof.
8. From the limited information provided, I find that the special interest and significance of the listed building (incorporating the former outbuildings) to be largely derived from its architectural interest and historic interest. The building's age and surviving historic fabric along with its vernacular form and use of traditional materials and construction techniques, all make important contributions in these regards. The curtilages of the Hall and former outbuildings provide an immediate setting to the listed building, with the surrounding rural pastoral fields providing a wider setting to this former historic farmstead, both of which contribute positively to the building's significance.

The appeal proposal

9. The proposal comprises a single-storey front and side extension to Mistle Cottage. The front extension would be set lower than the existing ridge height of the roof and project forwards by 3m. It would comprise a glazed timber frame, on a dwarf stone wall, and have a stone slate roof. The side extension would follow the existing front and rear building lines and ridge height of the roof, extending the property by 2.67m towards School Lane. It would be constructed in stone with a stone slate roof.

The effect of the appeal proposal

10. I acknowledge the varied size, scale and form of buildings that adjoin and are adjacent to Mistle Cottage. However, the proposal would result in additions to

the property that would be unduly dominant in size, scale and massing relative to its existing modest proportions and would involve the irreversible and damaging loss of a considerable amount of historic fabric.

11. Moreover, although the side extension may provide some balance and symmetry with Western Cottage in terms of the dwelling's footprint, the front extension's juxtaposition at a right angle to the host building, combined with the slim timber frame and large expanse of glazing, would add a discordant complexity to its strong linear configuration and robust design. This would severely detract from its architectural and historic integrity and modest appearance.
12. Although the proposed side and front extensions would be constructed of materials to complement the host building, this would not be sufficient to overcome the fundamental objections to their combined size, location, form and design. Furthermore, given that a large expanse of the north facing external wall would be removed as part of the proposal, the front extension's lightweight glazed form would not allow views of the original front aspect of the building. Cumulatively, the proposal would detract from the modest and traditional character of Mistle Cottage and would fail to sustain and enhance the identified significance of the listed building.
13. Taking into account Mistle Cottage's siting within the group of the Hall and former outbuildings and its orientation in relation to School Lane, the proposal would be unduly prominent in views when travelling along this route, particularly looking south. This would highlight the proposal's incongruity on the building and in the street scene.
14. In view of the above, I find that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building, which would be contrary to the requirements of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). As such, the works would harm the special interest and significance of this designated heritage asset.
15. Given the size, scale and location of the proposal relative to Scausby Hall and the former outbuildings when taken as a whole, I am of the opinion that it would preserve, and therefore not harm, the immediate and wider setting of the listed building. In this respect, the proposal would accord with the requirements of Sections 16(2) and 66(1) of the Act. On this basis, it would also comply with the relevant provisions within the National Planning Policy Framework (the Framework) which seek to protect the setting of designated heritage assets. Consequently, it would also not conflict with Policy BE15 of the Replacement Calderdale Unitary Development Plan 2006 As amended 2009 (RCUDP) which aims to resist development where through its siting, scale, design or nature, it would harm the setting of a listed building.

Public benefits

16. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have clear and convincing justification.

17. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Whilst the Council contends that the harm would be substantial; I am mindful that this is a very high test. The proposed alteration of Mistle Cottage's simplistic form and loss of historic fabric would be considerable. However, in considering Scausby Hall and the former outbuildings as a whole, in my judgement, the proposal would amount to 'less than substantial' harm to the significance of this designated heritage asset. Nevertheless, this level of harm should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.
18. The appellant has not declared any public benefits that the identified harm could be weighed against. I acknowledge that the proposal would provide additional living space for the appellant and, in that respect, would support the continued use of the property as a dwelling. However, additional space would essentially be of private benefit to the appellant and there is nothing before me which confirms that the optimum viable use of the building as a residential property would be at risk if the appeals were to fail and the proposal was not implemented.
19. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the listed building, I find that there would be no public benefits arising from the proposal that would outweigh this harm.
20. Given the above and in the absence of sufficient public benefits that outweigh the harm found, I conclude that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. Hence, it would be contrary to the requirements of Sections 16(2) and 66(1) of the Act and Paragraphs 192, 193 and 194 of the Framework.
21. The proposal would also be contrary to Policies BE14 and BE1 of the RCUDP. Together and amongst other things, require that proposals involving any alteration or extension of a listed building should not have an adverse effect on its architectural and historic character or appearance and respect the individual details of the building; and state that development proposals should make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

Living conditions of occupiers of Scausby Hall Lodge and Scausby Croft

22. Policy BE2 of RCUDP, amongst other things, requires that development proposals should not significantly affect the privacy, daylighting and private amenity space of adjacent residents or other occupants. Annexe A provides additional guidance and standards in relation to Policy BE2 to assist in evaluating the acceptability of development proposals. It states that the standards included in Annexe A will be applied with a measure of flexibility in appropriate circumstances.
23. Scausby Hall Lodge is located immediately to the rear of and adjoins Mistle Cottage. The front elevation of Scausby Hall Lodge faces School Lane and has two windows at ground floor level serving what appears to be a lounge/dining room. There is an existing boundary wall between the curtilages of the two

properties fronting School Lane and small trees / bushes within the garden of Mistle Cottage provide some screening along the boundary.

24. The proposed side extension would project 2.67m beyond the existing front building line of Scausby Hall Lodge towards School Lane and would break the 45 degree line when measured from the closest ground floor window of Scausby Hall Lodge. However, given the proposed side extension's single-storey height, position to the north of Scausby Hall Lodge and the presence of an additional window into the affected ground floor room, it would not be harmfully overbearing or oppressive when viewed from this habitable room. As such it would not have a harmful effect on the outlook of occupiers of Scausby Hall Lodge.
25. Scausby Croft is a modern detached two storey dwelling which is sited directly opposite the side elevation of Mistle Cottage. The Council states that the proposed side extension would reduce the separation distances between the two properties to ones which would be significantly below those advised in Annexe A of Policy BE2 and would allow views from the bedroom and lounge of Mistle Cottage into the kitchen of Scausby Croft.
26. Nevertheless, evidence submitted by the appellant indicates that the affected window in Scausby Croft serves a non-habitable space of a utility room¹. Whilst I note the limited separation distance between the properties and agree with the Council that the use of screening would not be appropriate in this context, I am of the opinion that, in this instance, given the use of the affected room and applying the measure of flexibility permitted under Annexe A, the proposed side extension would not result in any adverse overlooking. As such, it would not have a significantly harmful effect on the privacy of occupiers of Scausby Croft.
27. Accordingly, I conclude that the proposal would not have a significantly harmful effect on the living conditions of occupiers of Scausby Hall Lodge, with regard to outlook, and of Scausby Croft, with regard to privacy. As such, it would not conflict with Policy BE2 of RCUDP as referred to above.

Other Matters

28. My attention has been drawn to two appeal decisions for developments within the vicinity of the appeal property, which were concluded to preserve the setting of the listed building and were allowed by the respective Inspectors². Nonetheless, the schemes cited did not involve development or works to the listed building and so are not directly comparable to the appeal proposal before me. Furthermore, given that I have concluded that the proposal would preserve the setting of the listed building, they are not determinative.
29. I note that no objections to the proposal have been raised by neighbours. However, this is a neutral consideration and does not alter my overall conclusion.

¹ Application Ref: 10/00788/NMA, approved 7 February 2012.

² Appeal Ref: APP/A4710/A/13/2191047 Land to the north of Scausby Hall and Western Cottage, School Lane, Illingworth, Halifax HX2 9BS - Erection of two detached houses; and, Appeal Ref: APP/A4710/A/11/2147983 Land opposite Mistle Cottage, School Lane, Illingworth HX2 9QW - Construction of one detached dwelling house.

Conclusion – Both Appeals

30. The proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. This is a matter which must attract considerable importance and weight against the appeals. Whilst the proposal would preserve, and therefore not harm, the setting of the listed building and would not have a significantly harmful effect on the living conditions of occupiers of Scausby Hall Lodge, with regard to outlook, and of Scausby Croft, with regard to privacy, a lack of harm in these regards does not amount to considerations in support of the appeals. In relation to the Framework, the proposal would cause 'less than substantial harm' to the significance of the designated heritage asset. I must attach considerable importance and weight to that harm, which I find would not be outweighed by any public benefits.
31. Therefore, for the reasons given above, I conclude that both **Appeal A** and **Appeal B** should be dismissed.

F Cullen

INSPECTOR