



Appeal Decision

Site Visit made on 6 July 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2021

Appeal Ref: APP/M2372/W/21/3269504

14 Tower Street, Chapeltown, Bolton BL7 0EU

- 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 Steven Charnock against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/20/1066, dated 9 November 2020, was refused by notice dated 12 January 2021.
 - The development proposed was originally described as 'change of use of the land to the side to garden and a single storey side/rear extension.'
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs is made by Mr Steven Charnock against Blackburn with Darwen Borough Council. This is subject to a separate decision.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance of this revision to the Framework to their respective cases.
4. The Council amended the original description of development to '*extension of residential curtilage to side and proposed single storey side/rear extension.*' However, 'curtilage' is a legal concept and not a use of land. From the evidence before me, the proposal seeks to use land to the side of the dwelling for residential purposes, both as the site of the side extension and as a garden. Accordingly, I consider the appellant's description more accurately describes the proposal. However, despite this change, the Council's reasons for refusal refer not to the acceptability of the change of use of this land, but to the effect of the loss of the open area to the side on the character and appearance of the Chapeltown Conservation Area (CCA). I have therefore considered the appeal on this basis.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the CCA, both in respect of the design of the proposed extension and the development and enclosure of the open land to the side of the property.

Reasons

6. The CCA is characterised by rows of traditional two-up, two-down stone worker's cottages and later terraced houses centred on High Street and several small streets leading off it. The significance of the CCA lies in its organic built form which reflects the transition of the area from a mainly rural economy to an more industrialised one in the mid to late nineteenth century, and in the predominant use of sandstone, consistent roof forms, small, enclosed yards and open spaces which together contribute to a highly coherent and attractive townscape.
7. The appeal site forms part of a short group of three cottages on the southern side of Tower Street. The dwellings to the west are set significantly back behind an area of mainly paved open space populated by several street trees, which creates an more open character and gives the flank elevation of the appeal building a particular prominence in the street scene.
8. The appellant indicates that the land to the side of the appeal dwelling is within his ownership, comprising an unenclosed area of overgrown vegetation alongside the side wall and the first row of flagstones beyond this. A narrow route between Tower Street and Chapel Fields is possible between the vegetation and the side fence of 5 Chapel Fields, though passage was blocked at the time of my visit by wheelie bins. It is indicated by interested parties that this route is a public right of way; however, the Council states that it is not a public right of way or an adopted public footpath. Rather, the Council's concern relates to the effect of the loss of what it considers to be an important feature of the CCA. The Council points to the Chapeltown Conservation Area Appraisal (March 2006) which states that 'the alleyways and narrow paths and roads, contribute greatly to the character of the Conservation Area.' I agree that the small and, in parts, unmade lanes and back streets surrounding the appeal site give it a distinctive, traditional and organic character.
9. The proposed single storey extension would span across virtually the full width of the rear elevation and would extend just over 3 metres out to the side, wrapping around the host dwelling and extending forward along to the approximate midpoint of the existing side wall. The space between the front of the proposed extension and the front building line would be enclosed to form a small garden area. The extension would almost wholly infill the gap between the appeal dwelling and the side garden wall of 5 Chapel Fields.
10. I saw a number of examples of rear extensions to neighbouring properties. These take the form of simple lean-to structures sitting within the existing width of the dwellings. Though visible from the public realm, they are modest additions which respect the simple form of the cottages and the rhythmic layout of the terraces. The proposed extension would stand in contrast to this established pattern. Although the depth of the rear projection would generally match that at No 18, the wraparound form of the extension would widen the footprint of the dwelling and disrupt the rhythm of the terrace in which it sits. Moreover, the forward projection along the side wall would form an uncharacteristic offshoot to the building which would appear discordant against the substantial side gable wall due to its offset alignment and introduction of a secondary pitched roof and gable with an atypical triangular window. The proposal would also upset the plan form of the site, and the rhythm of the

group, by removing part of the existing side garden wall and creating a wider site relative to its immediate neighbours.

11. The appellant points to the side and rear elevations of dwellings in the CCA being more understated in appearance and of lesser significance as a result. However, in this case, the side and rear elevations are in clear view from public areas of the CCA, and they form an important part of the built form in their own right. The extension would be a highly visible feature that would intrude upon and detract from the simple arrangement and understated appearance of the adjacent open space on Tower Street. Moreover, it would infill the existing physical and visual gap between the appeal site and 5 Chapel Fields which serves to separate two groups of dwellings, and has acted historically as a cut-through, notwithstanding its lack of status as a public right of way. The existing layout of small terraces and narrow streets and gaps adds to the organic quality of the built form. However, as a result of the proposal, the groups from 14-18 Tower Street and 1-5 Chapel Fields would be less legible as separate terraces which would diminish their presence in the street scene and erode the historic layout of the street and wider CCA.
12. In reaching a view, I note the use of render is not wholly uncharacteristic of the CCA, given its presence on a number of side gables, including the appeal site. However, this does not alter my view that the extension would be harmful in terms of its location and overall form.
13. For these reasons, I find that the proposal would represent an incongruous addition within a longstanding townscape gap that would detract from the historic urban grain and would harm the character and appearance of the CCA. This would conflict with Policies Policy CS17 of the Core Strategy (January 2011) and Policies 8, 11 and 39 of the Local Plan Part 2 (December 2015), which together require development to present a good standard of design that takes advantage of opportunities to integrate with and promote the Borough's cultural assets, including enhancing the setting and views of buildings through appropriate layout of new development; designing new development to fit and strengthen the urban grain created by historic buildings; and to sustain or enhance the significance of designated heritage assets.
14. The harm identified to the significance of the CCA would be less than substantial, in the language of the Framework. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Other Matters

15. I note the appellant's point that the land to the side could be enclosed under permitted development rights, which I take to mean a fence or wall. However, such works would not be comparable to an extension in terms of scale or massing, and would not have the same enclosing effect on the townscape gap. Therefore I do not regard this as a significant fall-back position and I afford this argument only limited weight.
16. The appeal building is already in its optimum viable use as a dwelling, and there is no indication that this use would be under threat were the appeal to be dismissed. Therefore, I am not persuaded that an extension is necessary to

secure its long-term future. Ultimately, the additional accommodation would be a largely private benefit for the appellant, with only a modest public benefit in terms of adding to the size of accommodation generally. Some modest, and temporary, economic benefits would arise for local contractors in building the development.

17. Taken together, these limited benefits would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which I must give significant weight. Accordingly, the Framework does not indicate the proposal would amount to a sustainable form of development.

Conclusion

18. The proposal would result in conflict with the development plan, taken as a whole, which is not outweighed by other material considerations, including the Framework.
19. Therefore, for the reasons given, the appeal should be dismissed.

K. Savage

INSPECTOR