



Appeal Decisions

Site Visit made on 10 August 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal A: APP/W4705/W/21/3273030

36 Upper Town, Oxenhope, Keighley BD22 9LN

- 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 Mrs Nicola Drake against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/00109/HOU, dated 8 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is described as: "Second storey extension to existing single storey building".
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Appeal B: APP/W4705/Y/21/3272013

36 Upper Town, Oxenhope, Keighley BD22 9LN

- 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 Mrs Nicola Drake against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/00466/LBC, dated 13 January 2021, was refused by notice dated 23 March 2021.
 - The works proposed are described as: "First floor extension to single story build. Extension works at the rear of the property, and will have no effect at all on the listed front of the property".
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to a grade II listed building in a conservation area. I am mindful of my statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) and have considered the appeals accordingly.
4. The addresses in the banner headings are taken from the application forms. The Council's decision notices also refer to the addresses of the appeal property and its immediate neighbours as 'Upper Town'. The list description refers to the listed building as '22-36 Hebden Bridge Road'. However, from the submissions and my own observations, I am satisfied that those documents all refer to the same terrace of buildings. I have considered the appeal accordingly.

5. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have given the main parties the opportunity to comment on this and have considered the appeal on the basis of the revised Framework.

Main Issues

6. The main issues are:

- whether the proposal would preserve the special interest of the grade II listed building referred to in the list description as '22-36 Hebden Bridge Road' and any of the features of special architectural or historic interest that it possesses (**Appeal A** and **Appeal B**);
- the effect of the proposal on the character and appearance of the Oxenhope Upper Town Conservation Area (OUTCA) (**Appeal A** and **Appeal B**); and
- the effect of the proposed development on the living conditions of the occupants of 34 and 38 Upper Town with regard to outlook and light (**Appeal A** only).

Reasons

The effect on the listed building and the OUTCA (Appeal A and Appeal B)

7. The appeal relates to a grade II listed terrace of vernacular stone cottages with stone slate roofs, dating from the early to mid-19th century. The terrace's front elevation has wide mullion windows facing the road. However, its rear elevation is notably simpler in its appearance, with fewer, smaller window openings and larger expanses of stonework. Many of the building's historic windows have been replaced and a ground floor extension has been added to the rear of the cottage to which this appeal relates. The adjoining cottage at 38 Upper Town is a later addition to the end of the terrace. It projects further to the front and its rear eaves are slightly higher than the otherwise consistent eaves line of the earlier cottages in the terrace. Nevertheless, the strong linear form of the terrace and the distinctive simple appearance of its rear elevation, dominated by stonework, have been preserved.
8. Insofar as it relates to this appeal, the listed building derives its special interest from its use of traditional materials and from the elements of its historic fabric and distinctive detailing, including the simple, unadorned appearance of its rear elevation, which have been preserved.
9. The OUTCA encompasses an area of mainly residential historic development that extends from the village out into part of the surrounding countryside. Within the OUTCA there are numerous well-preserved terraces of modest vernacular cottages such as the appeal building, as well as larger terraced, detached and semi-detached houses. Despite some differences in their size, age and detailing, there is a strong degree of consistency in the use of materials, specifically stone and stone slate, in the construction of buildings within the OUTCA, which contributes to its distinctive character. Insofar as it relates to this appeal, the significance of the OUTCA arises from those historic buildings and the consistent use of stone and stone slate in their construction.

10. As one of those stone terraces which has maintained its traditional linear form and vernacular detailing, the appeal building contributes to the character and appearance of the OUTCA and thus its significance.
11. A first floor extension is proposed above the existing ground floor extension at the rear of 36 Upper Town, one of the cottages within the terrace. The extension would have a flat roof, taller than the existing eaves at the rear of the host property. It would be finished with timber cladding and its roof would be coated with a rubber membrane.
12. Because of its flat-roofed design and its height relative to the eaves of the existing building, the extension would appear as an incongruous and unduly dominant and bulky feature which would fail to respect the modest scale of the historic terrace and would significantly disrupt its linear form. It would obscure the remainder of the cottage's historic rear wall, eroding the legibility and consistency of the terrace's long, simple rear elevation. As its flat roof would extend through and above the eaves, it would result in the loss of historic fabric and detailing around the eaves line and the lower part of the roof. It would also create an awkward junction with the existing pitched roof, at odds with the simple, traditional form and vernacular appearance of the building. Furthermore, because of the timber cladding to its elevations, the extension would appear as a discordant and alien addition to the stone-built listed terrace and in the context of the stone-walled, stone slate-roofed buildings which characterise the wider OUTCA.
13. Reference has been made to the use of similar materials elsewhere in the village. However, I do not have full details before me of the circumstances in which those works were carried out or whether the other buildings referred to were listed. Therefore, I cannot be certain that they were directly comparable to the case before me which, in any event, I have considered on its own merits.
14. Given the above, I conclude that the proposal would fail to preserve the special interest of the listed building and that it would harm the character and appearance of the OUTCA. Although the extension would be to the rear of the terrace, I observed that it would be visible from public vantage points on Hebden Bridge Road to the front of the Bay Horse public house and from the external, public areas of the Bay Horse and its car park. It would also be visible from the rear gardens of neighbouring properties. Its harmful effects would thus be clearly evident.
15. In the context of the listed building and the OUTCA as a whole the harm would be less than substantial. Nevertheless, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The National Planning Policy Framework (the Framework) requires any such harm to be weighed against the public benefits of the proposal. I will return to this matter below.

The living conditions of 34 and 38 Upper Town (Appeal A only)

16. The extension would project immediately alongside a significant proportion of the small rear garden of the neighbouring cottage, 34 Upper Town. Because of its height and depth, the extension would have a substantial bulk and massing and would appear unduly dominant and have an oppressive and overbearing effect when viewed from that neighbouring garden. It would therefore detract

significantly from the outlook from that neighbouring garden and from the enjoyment of that small area of outdoor space by its occupants.

17. 38 Upper Town (No 38) has a slightly larger rear garden with a raised patio area further from the boundary with the appeal site. Nevertheless, No 38's rear garden is still relatively small and the extension would project alongside a large proportion of its side boundary. Consequently, the extension's significant bulk and massing would also have an oppressive and overbearing effect on the neighbouring rear garden at No 38, including the areas close to the boundary as well as the patio area slightly further away. It would thus also unacceptably harm the outlook from and enjoyment of that neighbouring rear garden.
18. Because the extension would be roughly to the north of the terrace, it would not have significantly greater implications for the levels of light reaching the neighbouring gardens on either side than the existing terrace and rear extension.
19. However, for the reasons given I conclude that the proposed development would detract from the living conditions of the occupants of 34 and 38 Upper Town with regard to outlook. It would therefore conflict with Policy DS5 of the Local Plan for the Bradford District: Core Strategy Development Plan Document (the Core Strategy), which states that developments should not harm the amenity of existing or prospective users and residents, and with the guidance in the Council's Householder Supplementary Planning Document in that regard.

Planning Balance and Conclusions

20. Reference has been made to the environmental and sustainability benefits of the timber cladding and rubber bond roofing proposed to the extension. However, I have not been presented with any substantive evidence regarding the extent of any benefits in that regard, limiting the weight I afford the matter as a public benefit.
21. The works would provide additional living accommodation which would be of benefit to the appellants and their family. However, such benefits would be private rather than public in nature and do not outweigh the harm I have identified.
22. I conclude that the proposal would fail to preserve the special interest of the grade II listed building referred to in the list description as '22-36 Hebden Bridge Road'. It would also harm the character and appearance of the OUTCA. For the reasons given, the harm to those heritage assets would not be outweighed by public benefits. Therefore, the proposal would conflict with Policies DS1, DS3 and EN3 of the Core Strategy which require proposals to achieve good design, to be appropriate to their context in terms of scale, details and materials and to conserve the significance of Bradford's heritage assets. It would also fail to satisfy the requirements of the LBCA Act and the Framework.

Appeal A - Conclusion

23. For the reasons given, I have found harm to heritage assets and to the living conditions of the occupants of neighbouring properties with regard to outlook. That harm would not be outweighed by the public benefits of the proposal.

24. Consequently, the proposed development would conflict with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that **Appeal A** should be dismissed.

Appeal B - Conclusion

25. For the reasons given, the proposed works would cause harm to the special interest of the grade II listed building and the character and appearance of the OUTCA. That harm is not outweighed by the public benefits of the proposal. Therefore, I conclude that **Appeal B** should be dismissed.

Jillian Rann
INSPECTOR