



Appeal Decision

Site Visit made on 12 October 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2021

Appeal Ref: APP/A4710/W/21/3278822

5 Ayre View, Parrock Lane, Old Town, Hebden Bridge HX7 8SX

- 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 E Hall against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/00312/FUL, dated 10 March 2020, was refused by notice dated 20 January 2021.
 - The development proposed is the construction of dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the new Framework¹ into account in my decision.
3. The appeal site is within the Green Belt. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate. A number of exceptions to this are listed. Exceptions include limited infilling in villages. The Council considers that the proposed development would not be inappropriate development in the Green Belt, and this is not disputed by the other parties. Based on the evidence before me, I see no reason to take a different view.

Main Issues

4. The main issues are as follows:
 - the effect of the proposed development on the setting of the nearby listed buildings; and
 - the effect of the proposed development on the safe use of the highway.

Reasons

Setting of Listed Buildings

5. The row of terraced cottages to the east, 1 -5 Wainsgate Lane, are grade II listed. I have therefore had special regard to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The cottages date from the early 19th century. Their significance as it relates to the proposed development is derived from the historical associations with the

¹ The National Planning Policy Framework, 2021

area's textile industry and the evidence they provide of the architectural style and building techniques of the time, with the design reflecting their use as weavers cottages. The open area formed by the rear gardens of the properties on Ayre View provides a positive contribution to the aesthetic setting of the listed cottages. The fact that the space has been encroached upon by more modern development to the north and west adds to this positive contribution.

7. I acknowledge that the siting, design and orientation of the proposed dwelling has sought to have regard to the setting of the listed cottages. However, despite these measures the proposal would still harm their setting.
8. The introduction of a dwelling of the scale and massing proposed would reduce the openness of the garden area and alter its character and appearance. Views of more modern built development are already apparent across this area, but at a greater distance. Given its closer proximity, the proposed dwelling would draw the eye away from the listed cottages more than this existing built development. Furthermore, it would represent additional built development within the open garden setting, increasing the built-up nature of the area around the listed cottages. The siting of the proposed dwelling to the northern side of the garden would allow the retention of an, albeit reduced, visual corridor across the open area. Nevertheless, the proposed dwelling would be a distracting intrusion into the space.
9. As a result, the proposed development would visually distract from the setting of the listed cottages. It would therefore cause harm to their significance. In terms of the Framework, I assess the harm as less than substantial, given that the significance of the listed cottages would remain largely intact. Nevertheless, this harm is of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal.
10. The appeal scheme would increase the supply of housing at a time when the Council is unable to demonstrate a five year housing land supply. The shortfall is large, at around 2 years. Consequently, although the proposed development would contribute one dwelling to the supply of housing in the area, I give this moderate weight as a public benefit.
11. There would also be employment during construction and additional residents that would support local shops, businesses and community facilities. However, given that the proposed development is for one dwelling, these benefits would be limited and as such have limited weight. Similarly, the proposed passing place would represent a benefit of limited weight.
12. The benefit to biodiversity identified by the appellant through replacing the conifer hedge with more sympathetic tree and shrub planting would be very limited given the size of the appeal site. It attracts commensurate weight.
13. The appellant states that the removal of the existing garage and conifer hedge and the siting of the proposed dwelling at some 19m from the listed cottages would represent an enhancement to their setting. The conifer hedge and garage are relatively neutral in terms of their effect on the setting of the listed cottages, and as such, I give very limited weight to this matter. Given my conclusion above, I do not agree that the siting of the proposed dwelling would represent an enhancement to the setting of the listed cottages.

14. Paragraph 199 of the Framework states that great weight should be given to the asset's conservation and paragraph 200 requires clear and convincing justification for any harm to or loss of significance of a designated heritage asset. The harm that I have identified attracts considerable weight against the proposed development. Given the weight that I attach to the public benefits, these would not outweigh the harm that would be caused. Consequently, the proposed development would conflict with Policy BE15 of the UDP², which states that development will not be permitted, where through its siting scale, design or nature, it would harm the setting of a listed building. The proposed development would also conflict with paragraphs 199, 200 and 202 of the Framework, the aims of which are summarised above.

Highway Safety

15. The appeal site would be accessed via Wainsgate Lane which is a single vehicle width track that is also a public right of way. Wainsgate Lane joins Parrock Lane/Akroyd Lane in between the terraced dwellings on Ayre View and a stone wall. Old Town Mill Lane also joins these roads at this point. Parrock Lane/Akroyd Lane have a 20mph speed limit in the vicinity of the junction with Wainsgate Lane. There are no pavements on these roads in the vicinity of this junction, nor are any on-street parking restrictions apparent. A bus stop is located just to the east of the junction. During my site visit on a week day morning, I observed that there was some on-street parking on Parrock Lane/Akroyd Lane on both sides of the junction with Wainsgate Lane.
16. Wainsgate Lane is narrow along its whole length, with no specific provision made for pedestrians. On the basis of the evidence submitted and my own observations, it is clear that the visibility distances at the junction of Wainsgate Lane with Parrock Lane/Akroyd Lane are below the recommended stopping sight distances in Manual for Streets (MfS) and Manual for Streets 2 (MfS2). On-street parking further hinders visibility.
17. It would therefore be highly unlikely that a driver exiting Wainsgate Lane onto Parrock Lane/Akroyd Lane in a forward direction would have a full view of the road until after the bonnet of the vehicle has left Wainsgate Lane and manoeuvred onto it. This is supported by what I viewed during my site visit and my own experience of exiting the lane. Vehicles on Parrock Lane/Akroyd Lane may therefore have to stop or manoeuvre round vehicles that are exiting Wainsgate Lane. This would also present a risk to any pedestrians that may be using the road, especially small children.
18. Visibility would be even more difficult if reversing out of Wainsgate Lane. This situation is a possibility given the narrow width and length of Wainsgate Lane and the position of the proposed passing place and presents a concern even if it was to occur relatively infrequently.
19. I acknowledge that the junction will already be used by vehicles associated with the existing properties. I also acknowledge the appellant's submissions about vehicle speeds on Parrock Lane/Akroyd Lane generally being within the 20mph speed limit during the survey period and the lack of recorded personal injury accidents in the vicinity of the appeal site. The absence of recorded accidents does not mean that the junction is necessarily safe. The characteristics of the junction and the highway in the immediate vicinity are

² Replacement Calderdale Unitary Development Plan, adopted 2006

such that it represents a significant risk to highway safety for road users and pedestrians and to the free flow of traffic, given the lack of visibility and the nature of the manoeuvring that would be required to avoid conflict between road users and pedestrians.

20. The intensification of the junction's use, even if this was the relatively limited increase in traffic presented by the appellant, does not provide adequate justification to further exacerbate the risk to highway safety.
21. The provision of a passing place on Wainsgate Lane would provide some improvement to the current situation. However, whilst this element weighs in support of the proposed development, it is not sufficient to outweigh the harm that I have identified.
22. The visibility splays at the junction of Wainsgate Lane with Parrock Lane/Akroyd Lane are below the minimum value in MfS and MfS2. I have taken account of the evidence presented by the appellant as to why this would not present an unacceptable risk to highway safety. However, my view is that the proposed development would have inadequate access arrangements, and notwithstanding the speed of vehicles on Parrock Lane/Akroyd Lane, the lack of recorded personal injury accidents in the vicinity and the number of vehicle movements, this would present an unacceptable risk to the safety of road users and pedestrians.
23. The appellant states that driveways for adjacent properties do not have turning facilities and therefore vehicles reverse onto or from Parrock Lane/Akroyd Lane already, and this has not resulted in safety issues. Whilst this may be the case, it does not provide sufficient justification to allow the intensification of a junction that would give rise to the highway safety concerns identified above.
24. The appellant has drawn attention to an appeal decision³ which it is considered raises similar highway safety issues. In that case, the appeal was allowed. I have not been presented with the full details of that case, nor the evidence which was in front of the Inspector at the time the decision was made. In any event, I have considered this appeal on its own merits.
25. For the reasons stated, the proposed development would have an unacceptable impact on highway safety. The proposed development would therefore conflict with Policy BE5 of the UDP, which requires that accesses ensure the safe and free flow of traffic (including the provision of cyclists) in the interests of highway safety.

Other Matters

26. Whilst acknowledging the personal benefit to the appellant of the proposed dwelling, this does not outweigh the harm that I have identified. The appellant highlights that the Council considers the proposed development to be acceptable in principle. Whilst the principle of a residential use on the appeal site may be acceptable, the proposed development still has to demonstrate compliance with relevant development plan policies.

³ APP/A4710/W/20/3249928

Balance and Conclusion

27. The evidence indicates that the Council cannot demonstrate a five year supply of deliverable housing sites. Footnote 8 of the Framework means that the 'presumption in favour of sustainable development' at paragraph 11d) of the Framework is relevant. As such, the most important policies should be deemed out of date and planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. Designated heritage assets are a particular policy of protection referred to in associated footnote 7. Given my conclusion on the harm to the listed cottages, there is a clear reason to refuse the proposed development in line with Framework paragraph 11. d) i.
29. With the above in mind, although the Council cannot demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development set out at paragraph 11 of the Framework does not apply.
30. The proposed development would conflict with the development plan taken as a whole, as well as the Framework. There are no material considerations, including the approach of the Framework in regard to housing supply, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR