



Appeal Decision

Site Visit made on 12 October 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/W4705/W/21/3278665

Old Vic, 56 Park Lane, Little Horton, Bradford BD5 0JW

- 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 Balaal Khan against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 20/05920/FUL, dated 26 December 2020, was refused by notice dated 29 April 2021.
 - The development proposed is described as: Refurbishment and extension of proposed mixed use building including adding additional storey and site boundary wall around site parameter (*sic*).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Some of the works to which the proposal relates have been commenced and I was able to see these when I visited the site. These consist of the partial construction of the proposed car port and ground floor extension, parts of the first floor extension to the west elevation, and the removal of a number of chimney stacks. Section 55 of the Town and Country Planning Act 1990 (the TCPA) describes development as the carrying out of building operations, or the making of material changes of use, as opposed to their retention or continuation. Section 73A of the TCPA makes allowance for the submission of a planning application for development which has been carried out before the date of the application and, consequently, I have considered the appeal on that basis.
3. As the appeal site is within the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, with particular regard to the effect on the setting of nearby listed buildings at 60 Park Lane and 3-11 Holme Top Lane [List Entry: 1255298].

Reasons

5. The appeal building is a public house located at the junction of Park Lane and Holme Top Lane. A short cul-de-sac known as Herbert Street runs to the north side of the building. From the submitted evidence, the public house use on the

ground floor is currently in abeyance and the public house is not trading. The upper floor of the building contains residential accommodation that was previously used in connection with the public house.

6. It is a two storey building constructed in squared, random, stone blocks under a slate roof. It has dressed stone window surrounds with drip mouldings above a number of window and door openings on the elevations fronting Park Lane and Holme Top Lane. Wider windows in the building also feature stone mullions. The principal elevation to Holme Top Lane has a two storey gabled feature projecting forward of the main wall. Adjacent to this, the remaining ground floor element of this elevation projects beyond the floor above it under a catslide roof containing two, flat roofed, dormers. The return elevation to Park Lane has a gabled element that projects slightly beyond a two storey element terminating in a hipped roof adjacent to Herbert Street. On the Herbert Street elevation, a single storey flat roofed element joins the two storey element that fronts Park Lane to a two storey building of an earlier date that has been incorporated into the later public house. As a result, the building has a complex built form and floorplan arrangement. Although I note that the appeal building is not listed and the site is not within a conservation area it is, nonetheless, a characterful building that makes a positive contribution to the appearance of the area, although its character has been somewhat diminished by the removal of the prominent chimney stack on the principal elevation facing Holme Top Lane that is shown on the existing drawings and in a photograph in the evidence.
7. Policy DS1 of the Bradford Core Strategy 2017 (the Core Strategy) seeks to ensure, among other matters, that new development is of a high standard of design that puts the quality of the place first; is informed by a good understanding of the site's context; and takes the opportunities to improve places. Core Strategy Policy DS3 builds on this by expecting development to respond to existing positive patterns of development which contribute to the character of the area, and which retain and integrate existing built features which could contribute to creating a distinctive identity. Policy DS3 also states that innovative and contemporary approaches to design which respond to and complement the local context will be supported. Policy EN3 of the Core strategy expects new development to preserve, protect and enhance the historic value and significance of heritage assets and their settings.
8. To the west of the appeal building, on the same side of Holme Top Lane, is a landscaped area that also contains parking associated with the large modern building to the north forming part of St Luke's Hospital, which occupies a large site to the north between Park Lane and Little Horton Lane. This landscaped area is bounded by a stone wall that runs the length of Holme Top Lane.
9. On the east side of Park Lane, with its rear elevation facing the appeal site, is a modern three storey block of flats faced in stone or artificial stone with a tiled pitched roof. This is part of a modern development of two storey and three storey houses and flats that continues to the south west. To the north east of these flats is a car park belonging to the hospital and some modern commercial buildings.
10. Opposite the appeal building is a short terrace of two storey properties, 3-11 Holme Top Lane, with the end property, number 3, joined to the rear elevation of, and forming part of, number 60 Park Lane which in turn forms the end

property of a short terrace of similar buildings fronting Park Lane. The buildings are constructed of small, regular, sandstone blocks which are laid to course under pitched, stone slate, roofs. These properties are set back from and slightly above the level of the road behind front garden areas enclosed by a stone wall. Attached to number 60 Park Lane is a single story building with a monopitch roof that is located at the back of the footway at the junction of Park Lane and Holme Top Lane. This terrace, including number 60, was listed in 1977 at Grade II [List Entry: 1255298] and dates from approximately 1830-1840. A further terrace of similar buildings extends along Holme Top Lane beyond Hampden Place. This terrace, 19-53 Holme Top Lane, is also Grade II listed [List Entry 1133088].

11. To the south and south west of Holme Top Lane is an enclave of traditionally built, two storey, terraced housing of a slightly later date than the houses on Holme Top Lane. Many of these have been extended at roof level with dormers to provide additional living space.
12. Neither party has submitted any substantive evidence in respect of the significance of the listed buildings or their setting. The appellant has quoted an extract from the List Entry for 19-53 Holme Top Lane as being "included for interest as intact long range of cottages in the early C19 vernacular". Although I note that those buildings are not the listed buildings closest to the appeal site, they are similar in many respects. The document entitled Heritage Statement, submitted with the application, contains no information in respect of the listed buildings, no assessment of their significance, and no assessment of the effect of the proposed development on the setting of the listed buildings. The Planning Officer's report, similarly, contains very little regarding these matters.
13. From what I saw when I visited the site, and given the history of textile manufacturing in Bradford, the listed buildings in Holme Top Lane were most probably originally built as mill workers dwellings. The significance of the listed buildings is primarily derived from the evidential value in respect of the construction techniques and materials used at the time. In addition, there is some historic value in their interest as workers dwellings associated with the principal industry in the area at that time. They also have some aesthetic value arising from the simplicity of the design and the uniformity of the terrace, notwithstanding that it was apparent that there have been alterations to the window openings on some of the individual houses and that most have modern replacement windows.
14. The roughcast render finish to the gable of number 19 Holme Top Lane, and the discontinuity in the street numbering, numbers 13, 15, and 17 are missing, suggests that several buildings were removed from the terrace to facilitate the construction of Hampden Place and the residential street pattern to the south of Holme Top Lane. The street views allow the buildings to be seen as a group and also provides a framework within which they are seen with the later buildings to the south which aids in understanding the historic progression of development of the area. The context of the listed buildings will have been altered by the construction of the Horton Wing of St Luke's Hospital to the north side of Holme Top Lane, however, I have no evidence before me of what was previously present on the north side of the street.

15. Similarly, modern housing has been introduced on the opposite side of Park Lane that has altered the context within which the buildings are experienced. Again, I have no evidence of what previously occupied the site of this housing.
16. Given the above, I find that the setting of the buildings, insofar as it relates to these appeals, to be primarily associated with the street scene that is formed in relation with Holme Top Lane and the context that this provides for the understanding of the listed buildings and their place in the historic development of the wider area. This directly contributes to their special interest for the reasons given.
17. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. The appeal building forms part of the street scene that forms the context within which the listed buildings are experienced.
18. The proposal would result in the construction of a flat roofed car port extending from the gabled element of the principal elevation of the building facing towards Holme Top Lane. The gabled element would also be extended to the side with a two storey flat roofed extension, attached to the car port, that would be level with the front elevation at first floor level. It would also see the removal of the two current dormer windows in the roof plane facing Holme Top Lane and their replacement with larger dormers with a substantially glazed frontage and incorporating a glazed Juliette balcony feature. To facilitate this a large and prominent chimney stack between the two existing dormers would be demolished, and indeed this had already occurred by the time of my site visit. A two storey extension to continue the roof plane of this elevation across an inset element on the corner of the building would replace a single storey porch currently present in this location.
19. Whilst the appellant suggests that the current dormer windows on the Holme Top Lane elevation of the building are an incongruous feature compared to other window opening on the building and their removal would result in no harm, this is not a wholly correct comparison as all of the other window openings are within the walls of the building. The Planning Officer's report indicates that these dormers appear to be part of the original construction of the building. From my observations at the site, I would concur with this, and it is apparent that the current dormers, like the now removed chimney and the changes in roof plane and in the line of the façade, were part of the original architectural composition of the principal elevation of the building.
20. In addition to the loss of these features the proposed alterations would result in the projecting gable feature on this elevation being partially subsumed within an extensive flat roofed structure and its proportions and roof profile being substantially altered by the first floor flat roofed extension. I saw that there are some flat roofed elements to the current building, however, these are not key components, or defining features, of its design. Although it is stated that this extension would be constructed in matching stonework, on the submitted drawings the proposed first floor window would lack the stone window surround that is common to other windows on the building. The combination of these alterations would result in a substantial dilution of the architectural features that give the principal elevation its distinctive character which positively contributes to the appearance of the surrounding area.

21. On the Park Lane elevation, it is proposed to replace a five light mullioned window at first floor level with two fully glazed French doors set behind glazed Juliette balconies. Due to the height of these they would not align either vertically or horizontally with the other fenestration on this elevation of the building and would disrupt the current well-proportioned and considered fenestration pattern. This alteration would also result in the loss of the stone window surround which, with the exception of those on the earlier building on Herbert Street incorporated into the structure, is a common feature to all of the windows on the building and is characteristic of the main public facing elements of it.
22. Whilst the appellant states that the provision of balconies to the Holme Top Lane and Park Lane elevations would tie the facades together visually, as set out above in combination with the other proposed alterations the elevation to Holme Top Lane would become significantly less coherent. I also do not find the appellants contention that there is an excess of symmetry to the current fenestration on the Park Lane elevation and that the introduction of the French windows and balconies detailing would introduce varied detailing to the side elevation of the property a compelling one for a similar reason.
23. Taken together, these alterations would substantially alter the external appearance and massing of the building and result in the loss of the architectural integrity of the Holme Top Lane elevation in particular. This would be harmful to the appearance of the building and would diminish the contribution that it makes to the character and appearance of the area generally and of the visual contribution that it makes to the setting of the listed buildings.
24. I have noted that the Council do not raise any objections to the insertion of dormer windows into the roof slopes facing away from Holme Top Lane, the conversion of the hipped roof to a gable end on the elevations facing Park Lane and Herbert Street, or to the proposed first floor extension to the older element of the building adjacent to Herbert Street. Nor does the Council object to the replacement of metal railings on the site boundary with Herbert Street with a stone wall. From my observations during the site visit, I would agree that these elements of the proposal would not cause harm to the character and appearance of the building or the surrounding area. However, these factors do not alter my overall conclusions on the scheme taken as a whole.
25. I am mindful that the appeal building is not itself listed, nor is the appeal site within a conservation area. Nevertheless, the Council's policies expect new development that is informed by a good understanding of the site's context, takes the opportunities to improve places, and to retain and integrate existing built features which could contribute to creating a distinctive identity. In addition, the Framework requires that developments add to the overall quality of an area, are visually attractive as result of good architecture and are sympathetic to local character and history. For the reasons set out above, the appeal proposal would not do so.
26. Both the development plan and the Framework recognise that contemporary or innovative approaches should be supported there is no persuasive evidence before me that the appeal proposal is either. Whilst I saw that there are balconies present on some of the modern housing nearby this does not of itself justify adding them to the appeal building where they would appear as an

incongruous feature unrelated to the architectural style of the building. The contemporary elements of the appeal proposals, in particular the French windows in the proposed dormers and the Park Lane elevation and the Juliette balconies, would have the appearance of being imposed on the building rather than integrated with it. Similarly, whilst there are modern buildings in the vicinity of the appeal site, there is little in the evidence to demonstrate how the proposed alterations to the appeal building would affect a transition between these and the historic buildings on Holme Top Lane. On the contrary the proposed alterations would erode the context of the area and diminish the ability to understand of the listed buildings and their place in the historic development of the wider area.

27. Given the above, I find that the proposal would cause harm to the setting of the nearby listed buildings and to the character and appearance of the area. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
28. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given that the effects of the proposal on the setting of the listed buildings would be localised to the near vicinity of the appeal building the, I find the harm to be less than substantial in this instance but, nevertheless, of considerable importance and weight. In these circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
29. The appellant suggests that other disused public houses in the area have resulted in anti-social behaviour and that the proposal would bring a disused building back into use. No substantive evidence has been put to me regarding incidents of anti-social behaviour associated with the building, and when I visited the site there was no real indication of vandalism, graffiti, or other activities that may constitute anti-social behaviour. However, I do recognise that empty buildings can attract anti-social activities and that the use of the building in some form would discourage that from occurring in this instance.
30. Whilst the proposal would re-instate the previous residential use on the upper floors of the building, I have no evidence that this would only be possible if the development were to proceed. There is also no indication that the proposal would in any way facilitate either the re-opening of the public house or another use on the ground floor.
31. Although some moderate weight can be given to these factors, this would not overcome the great weight to be given to the harm to the setting of the listed buildings.
32. I therefore conclude that, on balance, the proposal would fail to preserve the setting of the nearby Grade II listed buildings and would cause harm to the character or appearance of the area. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies DS1, DS3 and EN3 of the Core Strategy. As a result, the proposal would not be in accordance with the development plan.

Other Matters

33. The appellant has suggested that it is open to me to issue a split decision, allowing the appeal in respect of some parts of the development and dismissing it in respect of others. Whilst I have noted that the Council do not object to certain elements of the proposal, and I concur with the council's conclusions in respect of these, I do not consider that proposal could easily be disaggregated as many of the elements of the scheme are co-dependent on each other.
34. I have also noted the letters of support from the local councillors and the local MP. However, these do not lead me to a different overall conclusion.

Conclusion

35. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would cause harm to the character and appearance of the area and to the setting of the nearby listed buildings and as such conflict with the requirements of policies in the development plan that are the most important in determining this appeal. No material considerations have been identified that would indicate that a decision should be made otherwise than in accordance with the development plan.
36. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR