The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:20TH April 2022

Appeal Ref: APP/A4710/D/22/3292110
15 Clay House Lane, Greetland, Elland HX4 8AW

- 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 and Mrs Smith against the decision of Calderdale Metropolitan Borough Council.
- The application Ref: 21/00456/HSE, dated 19 March 2021, was refused by notice dated 19 January 2022.
- The development proposed is a two-storey rear extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the building and the street scene.

Reasons

3. No.15 Clay House Lane is a two-storey dwelling built in stone with a stone slate roof and dating from the 19th century. It is set within a sloping site. It has a large cat slide roof to the rear, which the Council indicates dates from 1893. Land immediately to the north of the appeal site is occupied by a modern housing development at Clayhouse Court. The smaller adjoining dwelling of No.13 Clayhouse Lane has a two storey rear projection, but no catslide roof.

4. The Council considers that the appeal building is a non-designated heritage asset. The appellants advise that they have seen a lack of evidence for the status of the building, other than it is old and has a cat slide roof. The appellants also consider that the Council has been inconsistent by not referring to the status of the building as a non-designated heritage asset when other relevant planning applications have been determined. It was also not identified as such in searches when the property was purchased.

5. Nevertheless, the recognition of the building as a non-designated heritage asset is a material planning consideration. Paragraph 203 of the National Planning Policy Framework (the Framework) indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6. The proposed two storey rear extension would use external materials and detailing to match those in the existing building and would be set behind a 2.5 metre retaining wall. The extension would not be visible from Clay House Lane, being located to the rear of the property and screened by other development. The impact on the street scene would therefore be limited. However, it could be glimpsed at a point from the uphill approach to Clayhouse Court and there would be more direct views from the houses at Clay House Court, which are sited at a higher level. Nevertheless there would be no harm to the amenity of neighbouring dwellings in terms of loss of privacy or loss of light.

7. The appellants advise that around 60% of the cat slide roof would be unaffected by the proposal. Despite this the proposed two storey rear extension would dominate the rear elevation of the building and would not appear subservient because of its size, scale and height. I consider that the harm to the character and appearance of the dwelling and disruption of the cat slide roof would result in an unacceptable loss in the significance of the building as a non-designated heritage asset and would be detrimental to its traditional character and appearance.

8. The proposed extension would therefore conflict with policy BE1 of the Replacement Calderdale Unitary Development Plan which seeks to ensure that development respects or enhances the established character and appearance of existing buildings. It would also fail to conform with paragraph 203 of the Framework.

Other Matters

9. The appellants have referred to alternative solutions for extensions which could be carried out under permitted development rights. No detailed drawings have been provided of the alternative schemes. I consider that the rear extensions suggested as potential permitted development would be insufficient reason to justify allowing the appeal proposal before me.

Conclusion

10. I acknowledge the appellants' desire to enhance their property and provide additional accommodation. I have taken all other matters raised into account, including the proposed improvements in energy efficiency and security. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR