



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: 14 July 2022.

Appeal Ref: APP/A4710/D/22/3291562

4 Gladstone Street, Stainland, Elland HX4 9EX

- 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 Taylor against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref: 21/00655/HSE, dated 5 May 2021, was refused by notice dated 27 January 2022.
 - The development proposed is dormer extension (Re-Design Scheme).
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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 Stainland Conservation Area.

Background

3. No.4 Gladstone Street is a traditional two storey sandstone back-to-back inner terrace building. It is located in an area of similar traditional stone terraced dwellings and within the Stainland Conservation Area.
4. The building has a large flat roofed dormer at its front elevation. That development was refused planning permission by the Council after it had been constructed and a subsequent appeal (Ref: APP/A4710/D/21/3267945) was dismissed in April 2021. The appellants have advised that the building had been affected by water ingress and that the dormer works and re-pointing had been undergone to resolve the threat to the building and to ensure its preservation for future generations.

Reasons

5. The Council's publication: Stainland Conservation Area, explains that Stainland is essentially linear in layout, and all the principal buildings face the main road, which forms a central spine. It adds that much of the lesser domestic building has developed along minor lanes at right angles to the road and these dense clusters of houses provide areas of enclosure with occasional dramatic glimpses across open countryside. The significance of the conservation area is that Stainland developed as a hilltop village based upon wool and textile production in the local area. Much of the early vernacular buildings have general uniformity in character and appearance through the use of coursed sandstone

as a building material. The architecture of the conservation area represents all phases of the village's history.

6. The appeal building is situated within a dense cluster of mainly terraced houses. Although classed as 'lesser domestic buildings' they do form part of the special interest and significance of the conservation area. The buildings are characterised by their terraced form with predominantly unaltered slate roofs and distinctive chimney stacks and pots. The principal elevation of the appeal building faces allotment gardens. The proposed dormer would have a partly flat roof and a mono-pitch roof with roof lights to match the angle of the roof slope. It would cover most of the roof plane of the building between chimney stacks at either side. The proposed materials are described in the application form as aluminium and slate tile shingles for the walls and Upvc for the windows.
7. The appeal building is located within a Primary Housing Area. Policy H2 of the Replacement Calderdale Unitary Development Plan (RCUDP) indicates that the improvement and extension of existing housing will be permitted in such areas provided no unacceptable environmental, amenity, traffic or other problems are created, and the quality of the housing area is not harmed, and wherever possible, is enhanced. The Council has indicated that the proposal would comply with RCUDP policy BE2. I see no reason to disagree in view of the lack of harm that would result from the proposal to the residential amenity of neighbours.
8. RCUDP policy BE18 concerns development in conservation areas. It indicates that the character and appearance of conservation areas will be preserved or enhanced. New development and proposals involving the alteration or extension of a building in, or within, the setting of a conservation area will only be permitted if all the listed criteria in the policy are met.
9. The proposed dormer would conflict with criterion (i) of policy BE18 because its form, design, scale, methods of construction and materials would fail to respect the characteristics of the buildings in the area and the townscape setting. The proposed dormer would be an uncharacteristic addition to the otherwise uncluttered roofscape of the terrace because of its size, scale and form. It would be visible from the surrounding area and would fail to preserve or enhance the character and appearance of the Stainland Conservation Area. It would also conflict with RCUDP policy BE1 because the proposed dormer would not respect or enhance the established character and appearance of the existing building and its surroundings.
10. Although the proposal would be acceptable in principle, as an extension to a building in the Primary Housing Area, it would fail to comply with one of the criteria of RCUDP policy H2 because the proposed dormer would cause visual harm to the building design and would harm the architectural quality of the housing area.
11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in determining planning applications in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. For the reasons identified the proposal would fail to preserve or enhance the character and appearance of the Stainland Conservation Area and would amount to harm to the significance of

the designated heritage asset. However, the harm arising would be less than substantial because of the limited amount of development proposed.

Paragraph 202 of the National Planning Policy Framework indicates that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The benefits from the proposal would primarily constitute private benefits for the appellants, rather than public benefits. Although the proposal would provide additional accommodation in accordance with the objectives of RCUDP housing policies and ensure that any problems from water ingress were solved, the benefits would not outweigh the harm from the proposal to the character and appearance of the building or the conservation area.

12. To conclude, the proposed development would harm the character and appearance of the building and the conservation area. It would therefore conflict with RCUDP policies BE1 and BE18, the relevant criteria of which are set out above. It would further conflict with the expectation set out in paragraph 199 of the National Planning Policy Framework that great weight should be given to the conservation of designated heritage assets, including conservation areas.

Other Matters

13. There are other dormers within the conservation area and its setting. The nearest being at Beech Street, with the dormers having pitched roofs rather than flat roofs. None are of the design proposed in this appeal. I am advised by the appellants that two proposed dormers at No.6 Gladstone Street were granted permission by the Council in 2006. However, that permission is insufficient reason to justify allowing the appeal before me. That is because the permission was not implemented, is no longer extant and the dormers differed in form and design compared to the appeal proposal.
14. The appellants have suggested circumstances in which a dormer could be permitted development if No.4 was not a back-to-back building and with a front elevation facing Elm Street. However, that is a hypothetical situation and not the proposed development before me in this appeal.
15. The appellants have referred to matters concerning proceedings at the Planning Committee. However, these are issues for resolution with the Council, rather than for determination in this appeal.
16. The appellants have referred to two caselaw examples. The first 'Calderdale Council v Secretary of State for Communities and Local Government and Leeds and London Properties Limited ref: 97/01021/REN, Court Neutral Citation Number: [2010] EWCA Civ 126' concerned the misquoting of legislation. The second case is 'Cornwall Council v Corbett. Court Neutral Citation Number: [2020] ECWA Civ 508', which concerned conflicting policies in a development plan.
17. Nevertheless, in the appeal before me, RCUDP policies H2 and BE18 are policies in the adopted development plan. I have found above that the proposal would fail to preserve or enhance the character and appearance of the conservation area and would conflict with one of the criteria in RCUDP policy H2. Notwithstanding the date of designation of the conservation area

and date of its supporting document, I consider that the harm to the character and appearance of the conservation area from the proposal outweighs the support for building extensions in RCUDP policy H2, subject to its stated criteria. In reaching my decision I have taken into account policies in the development plan as a whole, and all other relevant material considerations.

Conclusion

18. I acknowledge the lack of objections to the proposal and representations in support from neighbours. However, I conclude that the proposal would have a harmful effect on the character and appearance of the building and the Stainland Conservation Area and would conflict with relevant policies in the development plan. For the reasons given above I conclude that the appeal should be dismissed, and material considerations do not indicate otherwise.

Martin H Seddon

INSPECTOR