



Appeal Decision

Site visit made on 11 July 2022

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/W4705/D/22/3290224

56 Chapel Street, Wibsey, Bradford BD6 1LN

- 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 Kelly Barnsley against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/04442/HOU, dated 24 August 2021, was refused by notice dated 27 October 2021.
 - The development proposed is described as adjustment to erected timber boundary fence in respect of previous re 21/00133/HOU retrospective application.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The timber fence that currently encloses the front garden at the site was the subject of a recent appeal decision (APP/W4705/D/21/3274512), which was dismissed. However, the proposal before me is described as an adjustment to this fence with the drawings indicating the inclusion of some form of trellis along the top. I have therefore determined the appeal on the basis that the application was made on a part-retrospective basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area including upon the setting of the Grade II listed 48-56 Chapel Street.

Reasons

4. The appeal property is located at the end of a Grade II listed terrace of properties (48-56 Chapel Street). The building is said to date from the late 17th century and is constructed of stone under a continuous stone slate roof with kneelers and coping. Although most windows appear to be modern replacements, the elevations contain some evidence of former chamfered mullioned windows and a projecting drip course. A distinctive stone lintel above the front door of No 56 is inscribed 1753 and there is another highly distinctive carved lintel above the door of No 52. Hence, the significance of the building as a heritage asset lies, in part, in the historic and aesthetic value of its surviving historic fabric and architectural features, as well as being one of the older structures in Wibsey. The front gardens are an important aspect in how the building is appreciated, and thus, are important to its setting.

5. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Significance can be harmed or lost through alteration of the heritage asset or development within its setting.
6. In dismissing the previous appeal, the Inspector found that the fence was a starkly incongruous visual intrusion in a prominent corner location, as well as a substantial visual impediment to the legibility and visibility of the Listed Building and notable features within it. From my own observations, I wholly concur with that assessment. As the majority of the fence would be retained under the current proposal, the previous appeal decision remains an important material consideration.
7. The addition of any form of trellis around the top section of the fence would result in the fence appearing even more at odds with the traditional materials and architectural style of the terraced building, and would do little to overcome the fundamental harm arising from its materials, height and prominence. Nor would it successfully mitigate the disruption caused to the visual cohesion of the front of the terraced building. Consequently, even in its proposed revised form, there would be visual intrusion within the setting of the Listed Building, which would detract from its significance as a designated heritage asset. There would also be an adverse effect on the character and appearance of the area more generally from a development that is inappropriate in its specific context.
8. The proposed development would therefore fail to preserve the setting of the Listed Building, contrary to the expectations of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst the harm to the significance of the Listed Building would be classed as 'less than substantial' within the meaning of the Framework, that is nevertheless a matter of considerable importance and weight. The previous Inspector set out the limited public and private benefits associated with the proposal. For the same reasons given by the previous Inspector, I find that these are far outweighed by the harm that would be caused by the development.
9. The appellant refers to other boundary enclosures along the front of the terrace, but I have no evidence of their planning status, and in any event, none are directly comparable to the specific proposal before me.
10. I conclude that the development would unacceptably harm the character and appearance of the area, and the setting of the Listed Building. It is contrary to Policy EN3 of the Bradford Core Strategy, which amongst other things, seeks to protect and enhance the character, appearance and significance of the District's designated heritage assets and their settings. It is also contrary to the policies in the Framework which seek to conserve and enhance the historic environment, and achieve good design.

Conclusion

11. The development would not accord with the development plan and Framework taken as a whole and there are no considerations to outweigh that conflict. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR