



Appeal Decision

Site visit made on 20 September 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/W4705/D/22/3303129

62 Shay Lane, Heaton, Bradford BD9 6SQ

- 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 Anthony Good against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 22/01139/HOU, dated 10 March 2022, was refused by notice dated 13 May 2022.
 - The development proposed is first floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The first reason for refusal in the Council's decision notice cites conflict with Policy GB5 of the Replacement Unitary Development Plan for the Bradford District, 2005. However, this policy was deleted due to it being superseded by the National Planning Policy Framework¹. Consequently, I have not had regard to it in my determination of the appeal.
3. The appeal proposal concerns a Grade II listed building. In line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

4. The main issues are:
 - a) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework 2021 (the Framework) and any relevant development plan policies;
 - b) The effect of the proposal on the openness of the Green Belt;
 - c) Whether the proposal would preserve the Grade II listed building known as Shay Farm Cottage, or any features of special architectural or historic interest which it possesses; and

¹ Schedule of saved and deleted Replacement Unitary Development Plan Policies, December 2014.

- d) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

5. Number 62 Shay Lane is a Grade II listed building known as Shay Farm Cottage². It is a two-storey dwelling of early-18th century origins, which was altered in the early-19th century and has a single-storey extension at the side that was built in the late 1980s. It is situated in a moderately sized plot, and is orientated at a right-angle to, and set back from, Shay Lane. The building forms part of a small group of properties of a similar character and appearance which sit within a wider open pastoral setting that includes two golf courses.
6. The proposal comprises the upward extension of the later single-storey side addition; and the creation of a double-width doorway from an existing window opening in the historic cottage, into which timber French doors would be inserted.

Whether inappropriate development in the Green Belt

7. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Paragraph 149 sets out that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. Relevant to the proposal, the exceptions include c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
9. Policy SC7 of the Bradford Core Strategy Development Plan Document, 2017, (the BCS) sets out the extent and valuable role of the Green Belt. Pertinent to the proposal, the Council's Householder Supplementary Planning Document, 2012 (the HSPD) advises that, 'Where proposals result in an addition of over 30% of the original cubic volume, they are likely to be considered disproportionate.'
10. Exception c) of the Framework requires consideration of whether a proposal would, when taken in combination with any previous additions to the original building³, result in a disproportionate addition in terms of its 'size.' In undertaking this exercise, regard should be had to the overall size increase in terms of volume and external dimensions as well as floorspace.
11. Neither party has provided any calculations in relation to the increase in the cubic volume of the original building as a result of the proposal in combination with the previous addition. Nonetheless, the Council submit that it would be an approximate 50% increase, which the appellant acknowledges and has not challenged. From the information before me and my observations on site, I have no reason to disagree with this assessment. Moreover, from the figures provided by the appellant of the existing and proposed floor area, it can be estimated that the increase in the floor area of the original building as a result

² List Entry Number: 1314103.

³ The glossary to the Framework defines 'original building' as, 'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.'

of the proposal in combination with the previous addition would be approximately 66%.

12. On the basis of the above and having regard to the guidance contained within the HSPD, the proposal would clearly result in a disproportionate addition over and above the size of the original building.
13. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies. It would therefore conflict with the provisions within the Framework which seek to protect the Green Belt. It would also not comply with Policy SC7 of the BCS and guidance contained within the HSPD referred to above.

Openness of the Green Belt

14. Paragraph 137 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
15. The HSPD advises that when assessing extensions or outbuildings the Council will also consider the impact of the proposal on the openness and landscape character of the Green Belt.
16. Openness has both spatial and visual aspects. Even though the property's existing footprint would remain the same, the proposal would result in the introduction of built form at first floor level into space where currently there is none. Moreover, given the orientation and prominence of this part of the property within the street scene, the additional height and massing of the side extension would be highly conspicuous and readily perceived when viewed from the public route of Shay Lane.
17. Therefore, I conclude that the proposal would not preserve, and would have a harmful effect on, the openness of the Green Belt. As such, it would conflict with the provisions within the Framework which seek to preserve the openness of the Green Belt. It would also not comply with Policy SC7 of the BCS and guidance contained within the HSPD referred to above.

Listed building

18. The Grade II listed building known as Shay Farm Cottage is constructed of sandstone 'brick', which is partly rendered, and a stone slate roof. Its fenestration comprises mullioned windows in squared surrounds.
19. From the evidence available to me, I consider that the building's special interest and significance are largely derived from its historic and architectural interests, as an early-18th century/early-19th century agrarian cottage which forms a modest, but integral, component of this small group of dwellings. The building's age and surviving historic fabric, along with its pleasingly plain but robust vernacular form, using traditional construction techniques and materials, all make important contributions in these regards.
20. Paragraph 199 of the Framework sets out that when considering the impact of a proposed 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 the alteration or destruction of those assets and that this should have clear and convincing justification.

21. The proposal would result in an appreciable increase in the size, scale and massing of the existing addition. Whilst the proposed structure would not project forward of the existing building lines to the front or side of the property and would be of a harmonious design using complementary materials, its cumulative totality would harmfully diminish the primacy of the historic cottage and adversely weaken the heritage interests of this designated heritage asset.
22. Having regard to the orientation and prominence of this part of the property within the street scene, these harmful effects to the listed building would be unduly visible and apparent when viewed from the public route of Shay Lane.
23. Additionally, the proposed creation of a double-width doorway and the insertion of timber French doors would adversely disrupt the satisfying balance and coherence of the building's fenestration and introduce an overtly modern feature into this principal façade. This would devalue a key architectural feature of the listed building.
24. Both of the proposed alterations would also lead to the irreversible loss of historic fabric in the creation of the access into the first floor space and the enlargement of the existing window opening. Whilst the extent of the loss would be fairly small, it would compound the harm I have identified above.
25. I note that the appellant is willing to remove the creation of the double-width doorway and the insertion of timber French doors from the proposal. However, I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought⁴. Even if I accepted the removal of this element from the scheme, it would not overcome the fundamental objections to the proposed first floor side extension.
26. Drawing all of the above together, I find that the proposal would harm the special interest and significance of this designated heritage asset. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed.
27. Given the extent and localised nature of the proposal, I find that the harm in this instance would be 'less than substantial'. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
28. The proposal would generate some economic benefits that would flow to the public at large. These would be modest given the extent of the development, but still carry weight in favour of the appeal. Nonetheless, the main benefit arising from the additional space would be of a private nature to existing and future occupiers of the dwelling. Moreover, there is nothing before me which confirms that the optimum viable use of the building as a residential property

⁴ Procedural Guide: Planning appeals – England. Updated 12 April 2022. Annexe M.

would be at risk if the appeal was to fail and the proposal was not implemented. Consequently, I am not satisfied that the harm to the significance of the listed building which would arise from the proposal is clearly and convincingly justified.

29. Overall, the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.
30. Given the above, I conclude that the proposal would not preserve the Grade II listed building known as Shay Farm Cottage, or any features of special architectural or historic interest which it possesses. This would be contrary to Policy EN3 of the BCS in so far as it seeks to conserve and where appropriate enhance the heritage significance of Bradford's heritage assets. It would also fail to meet the requirements of section 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.

Other considerations

31. The Framework is clear that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations⁵.
32. The appellant highlights that a large two-storey rear extension to a nearby property, No 68 Shay Lane, has recently been granted planning permission by the Council⁶. With reference to the planning officer's report for that scheme, the appellant submits that the extension would result in an approximate 300% increase in the cubic volume of the original building. On the basis of this information, I acknowledge that the extension cited would amount to a disproportionate addition and therefore inappropriate development in the Green Belt, which should not be approved except in very special circumstances.
33. Nonetheless, I do not have the full details of the circumstances which led to that development being accepted. I cannot be sure that it represents a direct comparison to the proposal before me in terms of the totality of the harm to the Green Belt and/or whether there were very special circumstances which justified the extension. This severely limits the weight I can attach to this consideration.
34. The appellant also highlights the grant of planning permission by the Council at a nearby site for a purpose built crematorium, bereavement suite, areas of hardstanding (car parks/access roads) and landscaped grounds, which is currently under construction⁷. Again, I do not have the full details of the circumstances which led to that development being accepted. Nonetheless, given the development's use it would have been assessed under a different policy provision within the Framework⁸. As such, it is not comparable to the appeal before me and carries little weight.

⁵ Paragraph 148 of the Framework.

⁶ Application Ref: 21/05202/HOU.

⁷ Application Ref: 20/02000/REG.

⁸ Paragraph 150 of the Framework.

35. The proposal would increase and enhance the habitable accommodation within the property. However, of itself, this is not a consideration which justifies the acceptance of the proposal. Moreover, given the building's listed status, no compelling evidence has been presented which confirms that the proposal is required to secure the optimum viable use of the designated heritage asset. As such, I attach little weight to this consideration.
36. The appellant submits that the design and materials of the proposed extension would be in keeping with the character and appearance of the host dwelling and nearby properties. Nonetheless, I have found that the collective size, scale and massing of the side extension would cause harm to the significance of this designated heritage asset. Consequently, this consideration attracts little weight.
37. The proposal would deliver some economic benefits. Nevertheless, these would be modest given the extent of the development proposed and, as such, carry little weight.
38. The proposal would not materially harm the living conditions of occupiers of neighbouring properties. However, this is a neutral consideration.
39. I am mindful that the appeal property is located within the buffer zone of Saltaire World Heritage Site (the WHS), a designated heritage asset of the highest significance which is internationally recognised to be of Outstanding Universal Value (OUV). Given the location of the appeal property and the extent and nature of the proposed changes, I consider that the proposal would not have a harmful effect on how the WHS is experienced or on the ability to appreciate its OUV and significance. I note the Council had no concerns in this regard either. Nevertheless, an absence of harm in this regard weighs neither for nor against the appeal.

Other Matter

40. A joint 'Householder Application for Planning Permission for works or extension to a dwelling; Listed Building Consent for alterations, extension or demolition of a listed building' was made to the Council for the proposed development and works. The Council makes no reference to an associated application for listed building consent in its delegated report and the appellant has confirmed that no separate decision notice regarding the application for listed building consent has been issued. Nonetheless, given my conclusions on the main issues and that I am dismissing the appeal, I have not pursued this matter with the parties any further.

Planning Balance and Conclusion

41. In summary, the proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. It would also fail to preserve the Grade II listed building known as Shay Farm Cottage, or any features of special architectural or historic interest which it possesses, causing harm to its significance which would not be sufficiently outweighed by the public benefits accruing from the proposal.
42. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. I find that the

other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

43. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR