



Appeal Decision

Site visit made on 18 October 2022

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/W4223/Y/22/3295315

1a Lower Tunstead, Tunstead Lane, Greenfield, Oldham, OL3 7NT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr David Sheldon against the decision of Oldham Council.
 - The application Ref LBC/347521/21, dated 6 September 2021, was refused by notice dated 17 February 2022.
 - The works proposed are described as 'extensions to ground floor at each side of existing utility and first floor bathroom extension, all on rear elevation'.
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. As the proposed works relate to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. I am aware of the previous appeals concerning works to the appeal building. APP/W4223/W/20/3261997 and APP/W4223/Y/20/3261996 were dismissed via letter dated 15 March 2022. I have a copy of that decision letter and correspondence relating to the appellant's subsequent complaint to the Planning Inspectorate to which I have had regard. APP/W4223/W/21/3283815 and APP/W4223/Y/21/3283813 were dismissed via letter dated 25 April 2022. I have not been provided with a copy of that decision letter. I confirm however, that I have considered the works that are the subject of this appeal on their own merits and made my own assessment as to their potential impact.
4. I am aware from the Council's submissions that a single storey extension was approved at the appeal site in June 2022. I saw at the time of my visit that works to extend the rear of the property were underway. With this in mind, and since I have seen nothing to suggest that the works that have commenced relate to the appeal scheme, I will continue to refer to the works that are the subject of this appeal as 'proposed'.

Main Issue

5. The main issue is whether the works would preserve the Grade II listed building, Lower Tunstead (Ref: 1164699) and any of the features of special architectural or historic interest that it possesses.
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Reasons

The listed building

6. Lower Tunstead comprises two cottages and is set up from the road in an elevated position and backs on to open moorland. It is built over two storeys and four bays in stone with a stone slate roof.
7. Whilst it is likely to have been built to provide accommodation for agricultural workers, the building has evolved over time and seen a variety of additions. Constructed as a single cottage in the 1730s a second cottage was added in the 1750s (along with alterations to the initial cottage to lift its roof). The differentiation between these parts of the building remains visible in the surviving stonework and quoin detailing. A lean-to rear extension was added in the 1930s to what is now No 2. A larger single storey extension was provided to the east gable in the 1960s, and a large two storey addition was introduced to the building's west side in the 1980s.
8. Whilst the more recent additions do not make a positive contribution to the special interest of the building, all these changes tell of the building's evolution over time. Notably the earlier alterations attest to its adaptation to facilitate changes in its use associated with the weaving industry. Overall, despite the later alterations, the building retains much of its historic character expressive of the typical 18th century vernacular features of the Saddleworth area. Its modest traditional form and proportions, surviving architectural features and elements of its historic fabric all remain legible. Due to these factors and its exposed rural location on the edge of the moors, the building maintains an attractive rural appearance and charm.
9. From the evidence before me, insofar as it relates to this appeal, I therefore find that the special interest of the listed building is drawn from its age, simple rural scale and design, use of traditional materials, as well as its architectural features and remaining historic fabric.

The effect of the proposed works

10. The proposed works are for a part single storey, part first floor extension to the rear. This would provide an enlarged ground floor kitchen and a first floor bathroom. The existing single storey rear utility room extension would be removed and replaced with a larger single storey element with a first floor added above. It would be constructed in matching materials using stone, lime mortar, stone slates and timber windows.
11. The first floor element would be centrally located on the building's rear facade and lower in height than the existing roof. The extension would be in part set off and away from the building's rear wall in order to retain the existing 1960s first floor stair window there, and to minimise the amount of the rear wall of the building that would be obscured by development. This arrangement would also serve to reveal the existing stone quoins on the rear of the building to their full height (these were previously covered in part by the utility room extension and so could not be seen externally) and a 1750s window there.
12. That said, despite this design solution the extension would still obscure parts of the historic building dating to the 1750s. The appellant argues that the proposed works would only affect an area of visible stonework some 800mm wide by 1.3 metres high. Nevertheless, whilst it would not be great in extent,

it remains that the proposed works would directly conceal more of the building's historic fabric than is currently the case.

13. Furthermore, despite being set off the building's rear wall, the resultant structure would sit in front of it at rather close quarters and in practical terms would to some extent hide views of it. Whilst an appreciation of the historic fabric and architectural features behind the extension would be possible in close range and oblique views from the west, they would not be readily evident in more direct facing or less close range views. Thus in my view the historic rear wall of the building would be to some extent compromised not only by the works to attach the extension to the building, but also by the extension's close proximity to it.
14. Whilst appreciating that the proposed works have evolved in response to the concerns raised in relation to previous schemes to extend the building, I also find that the somewhat convoluted stepped back design of the extension would appear clumsy and contrived on the traditional building and directly at odds with the relative simplicity of its traditional and understated appearance.
15. The first floor element of the proposed works would have a catslide roof which is intended to be subservient to the main building. I accept that there are examples of catslide roofs in the vicinity of the appeal site and that they are a vernacular feature of the area. I also note that appellant's argument that the adjoining property at No 1 was originally constructed with a catslide roof in the 1730s (although this is no longer evident). That said, whilst the extension's roof would flow continuously from the main roof, it would do so in only a relatively narrow strip before widening out to take in the rest of the width of the extension below the gap created by its set back off the rear elevation. This unusual arrangement would reflect the extension's complicated design and would appear somewhat awkward and disjointed.
16. Additionally, some historic fabric would be lost as a result of the works. The newly created first floor bathroom would be accessed via a new opening in the building's rear wall. This would lead to the loss of some of the historic fabric from the rear of the building. The appellant estimates an area some 800mm wide by 2.1 metres high would be removed. I accept that some of this area is not currently visible externally as it is covered by the utility room roof, and note the appellant's argument that the area to be removed incorporates plaster which dates to the 1960s commensurate with when the adjacent window was added. Nevertheless, the proposed works would result in the removal and loss of historic fabric from one of the oldest parts of the building.
17. The extension would be attached to the rear of the building via glazing (with a door to the eastern flank of the single storey element). The appellant considers that the windows would achieve a degree of separation between the old and new parts of the building and allow a soft connection that would not affect the existing structure. I also note that the areas of glazing are designed to be a similar width to a standard mullioned window.
18. Nevertheless, due to their limited width and disjointed arrangement the windows would appear more as a collection of modern glazed panels than as a cohesive link. As such they would be appreciated as unsympathetic and alien additions that would fail to provide any real sense of visual detachment between the proposed extension and the historic building.

19. Taking all these factors into account, for the reasons given, overall, I find that the works would be read as an incongruous and dominating addition to the building that would lead to an unacceptable further loss and concealment of elements of its important historic fabric.
20. The proposed works would be to the rear of the building and would not be highly visible from the road or prominent in public views due to the topography of the site and its surroundings. However, these factors do not affect my conclusions. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
21. That part of the extension that would be attached to the building would be connected to it for the most part via glazing and the works are designed to be reversible. Nevertheless, they would involve structural changes to the building and result in the removal of some of its historic fabric. I am also mindful that by their nature extensions tend to be permanent. Furthermore, it has not been put to me how the extension's removal would be required, or under what circumstances such a situation would be likely to arise. As such, this is not a reason to allow development that would be harmful.

Conclusion in relation to the effect of the proposed works

22. Bringing matters together, for the reasons given I find that the works would detract from the simplicity and traditional character of the historic building and further erode and obscure its historic fabric. As a result the proposed works would undermine the listed building's authenticity, impair its historic legibility and fail to preserve its special interest.
23. That said, I accept that there are some elements of the proposed works overall that would improve the heritage asset and contribute to its significance. These include the removal of the unsympathetic ground floor multi-paned window; the removal of the window and low level brick work to the side of the utility room; the removal of the timber boarded entrance frame and doors with felt roof to the utility room; and the removal of the bay window to the dining room (and its replacement with a traditional window with stone surround).
24. Albeit that they would be behind the off-set part of the extension, as set out above the proposed works also include the revealing of the 1730s quoins which differentiates where the two parts of the building join (and which are currently behind the timber door frame structure associated with the rear utility room extension). The proposed works would also see the exposure of the 1750s ground floor window (which is currently internal to the building and obscured behind the rear utility room extension).
25. However, I confirm that even when taken together these matters are insufficient to outweigh the harm to the significance of the listed building that I have identified in relation to the extension.
26. I therefore conclude on the main issue that the proposed works would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the balance of this appeal.

The heritage balance

27. The National Planning Policy Framework (the Framework) advises at paragraph 199 that when considering the impact of a proposal 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 or from development within their setting and that this should have a clear and convincing justification. I consider that the harm to the listed building in this case would be less than substantial, but nevertheless of considerable importance and weight.
28. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
29. The existing layout is not conducive to modern living as to gain access to the bathroom from the bedrooms means passing through the lounge and the kitchen. The proposed works would address this matter, but the benefits that would arise would be largely private.
30. The improvements to the heritage asset itself are also public benefits of the proposed works. These are set out above and include the removal of some existing unsympathetic features and the revealing of other historic features. That said, whilst they are public benefits, I am mindful that these beneficial works could be undertaken in the absence of the extension as proposed or via a less substantial scheme. This tempers the weight that I afford to them.
31. Having regard to these matters, I therefore find that the public benefits in this case would be insufficient to outweigh the harm to the designated heritage asset that I have identified. In coming to this view I have had regard to the caselaw referred to by the appellant.
32. For these reasons the proposed works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. Whilst the decision notice refers to a number of development plan policies I am mindful that listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan.

Other Matters

33. I am aware that the appeal scheme follows a site meeting with the Council's planning officer and conservation officer, and is intended to overcome previous reasons for refusals and concerns raised at appeal. Additionally I note that the appellant indicates that a stone connection to the building could have been provided rather than a glazed link. Be that as it may, no revised plans were submitted during the Council's consideration of the application and any such alternative schemes are not before me for consideration. I confirm that I have determined the appeal on the basis of the plans refused consent by the Council, and on its own merits.
34. The site is within the Green Belt. Although I note that the Council raises no objections to the proposed works in this regard, since I am dismissing the appeal in relation to the main issue in this case it has not been necessary for me to consider this matter further.

Conclusion

35. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR