



Appeal Decision

Site visit made on 8 November 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2022

Appeal Ref: APP/P4225/W/22/3300300

**Land Adj to 2-7 Lower Calderbrook, Calderbrook Road, Littleborough
OL15 9NW**

- 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 Wayne Redman against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 21/00483/FUL, dated 3 March 2021, was refused by notice dated 14 January 2022.
 - The development proposed is demolition of current garage/storage space and erection of 1no. new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect of the development upon the character and appearance of the area;
 - Whether the proposed development would preserve the setting of the Grade II listed buildings of 2-7 Lower Calderbrook and St James Church;
 - The effect of the development upon highway safety, with particular regard to the provision of visibility splays; and
 - The effect of the development upon protected species, with particular regard to bats.

Reasons

Character and Appearance

3. The appeal site is located within a predominantly residential area consisting of relatively low-density housing of mixed character, including traditional cottages and more modern housing development, the majority of which are 2-storey in height. The surrounding area is rural in character with wide ranging views of the nearby hills possible around and between buildings.
4. The proposed dwelling would be viewed from Calderbrook Road in relation to the adjacent row of cottages, which have a horizontal emphasis due to their terraced form, low scale and mullioned window proportions. The appeal site would also be visible from the Stansfield play area to the rear where the high wall to window ratio of the neighbouring cottages is apparent.

5. From both vantage points, the proposed dwelling would not relate well to the existing context of built development. It would be neither wholly traditional in appearance, nor contemporary, but an awkward combination of the two arising from a mixture of low and high window to wall ratios and vertical and horizontal window proportions, such that there would not be a cohesive overall design.
6. Although the glazed single storey side projection would be partially screened by the forward position of 7 Lower Calderbrook Road, set down from the road and behind a low dry-stone wall to the front boundary, the upper part including the bulk of the eaves detailing and the projecting chimney feature, would be visible from within the street scene. It would stand out discordantly with the relatively unassuming main front elevation, particularly in views along Calderbrook Road from the north-east.
7. The contemporary treatment of the rear elevation, coupled with its proximity to the rear boundary and siting at a higher land level than the play area, would further result in a conspicuous and visually jarring form of development. The use of traditional materials would do little to assimilate the proposed dwelling into the existing context.
8. Due to the depth of the proposed dwelling and an attempt to keep the overall height of the dwelling down, the main roof would have a very shallow pitch. This would be particularly discernible in views from Barnes Meadows and Calderdale Road to the north-east. It would appear contrary to the prevalent gabled roof forms within the vicinity of the appeal site which are of a more traditional pitch, including those on the adjacent cottages and St James' Church opposite.
9. The proposed development would cause significant harm to the character and appearance of the area. It would therefore conflict with Policies DM1 and P3 of the Rochdale Adopted Core Strategy 2016 (the CS) which seek to ensure proposals are of a high quality design that take the opportunity to enhance the character of the area whilst preserving character and appearance and local distinctiveness. The proposal would also conflict with the provisions of paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure planning decisions provide development that adds to the overall quality of the area, is visually attractive and sympathetic to local character.

Setting of Listed Building's

10. A row of terraced cottages forms the Grade II listed building of 2-7 Lower Calderbrook located to the south-west of the appeal site. The Grade II listed St James' Church lies on the opposite side of Calderbrook Road. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon me to have special regard to the desirability of preserving the setting of a listed building, defined by the Framework as the surroundings in which it is experienced.
11. The significance of the listed cottages stems from their architectural detailing, use of local natural stone and historical plan form, as single bay 2-storey mid to late 18th century dwellings. With regard to setting, it appears to me that it is the set-back and angle of the cottages relative to the road, and the open frontages, that contribute to the significance of the listed building. Although

there are structures to either end of the terrace they are single storey in nature, allowing the rural location to be appreciated in the views of the hills beyond.

12. Whilst the proposed dwelling would be sited forward of the existing garage, it would be set back behind the front elevations of the listed cottages, with the main 2-storey section located towards the north-eastern boundary. A single storey projection would extend around the south-western side and rear elevation. Notwithstanding the specific design concerns considered above, this arrangement in combination with the presence of the side garden and parking area to No 7, would result in a visual gap of approximately 11.5m (as cited by the Council) between the 2 storey element of the proposed dwelling and the gable of No 7. The retained gap would be less than that to the other end of the terrace but it would nonetheless, maintain a noticeable space between the proposed dwelling and the listed cottages, particularly at first floor level, through which views of the hills beyond would be obtained.
13. The set-back position of the dwelling would enable the side gable of No 7 to be read in views from the north-east along Calderbrook Road similarly to how it is now, and without encroaching on the frontage of the cottages. Although I understand the interested parties concerns regarding the impact of the proposal on the listed building at 2-7 Lower Calderbrook, for the reasons given above I find that its significance would not be harmed and its setting would be preserved.
14. Turning to the Grade II listed building of St James' Church, its significance is derived from its historic and architectural interest as a parish church dating from the late 19th century. I saw that it is prominent within the streetscape due to its architectural quality and central tower and spire. In terms of setting, it is the burial ground which surrounds the church and its elevated frontage onto Calderbrook Road in particular, that contribute to the significance of the listed building.
15. Whilst there is some visual connection between the appeal site and the church, they are physically separated by the intervening road. The proposed dwelling would be set back and at a lower land level, such that it would not affect the frontage of the church. I find that the significance of St James' Church would not be harmed and that its setting would be preserved.
16. I conclude that the proposal would preserve the setting of the Grade II listed buildings of 2-7 Lower Calderbrook and St James' Church. The proposal therefore accords with Policy P2 of the CS which seeks to conserve and enhance key heritage assets including their setting. It would also accord with paragraph 196 of the Framework which promotes the desirability of sustaining and enhancing the significance of heritage assets.

Highway Safety

17. The Highway Authority requires visibility splays of 2.4m by 43m from the proposed vehicular access in either direction. However, I note that the appeal site benefits from an existing access leading to a double garage, that would be widened as part of the proposed development.
18. A verge is located between the front of the appeal site and the carriageway edge. There would therefore be some visibility for drivers emerging from the

newly widened access, despite the presence of a dry-stone wall to either side. I observed that Calderbrook Road was lightly trafficked (albeit a snapshot in time) and that vehicle speeds are likely to be relatively low given the presence of on-street car parking and existing accesses and side roads, emerging onto the road.

19. Paragraph 111 of the Framework is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The creation of one dwelling would result in relatively limited vehicular movements per day onto Calderbrook Road. Bearing in mind the site specific attributes and the presence of the existing access noted above, in the absence of any evidence that safety issues or disruption to traffic flow would occur as a result of visibility splays below the 43m standard, I find that the proposal would not result in a severe impact on the road network.
20. The proposed development would not be harmful to highway safety, with particular regard to the provision of visibility splays. As such the proposal complies with Policy DM1 of the CS and paragraphs 110 and 111 of the Framework, all of which aim amongst other things, to achieve safe and suitable access and to prevent unacceptable impacts on highway safety.

Protected Species

21. Bats are protected by law¹ and their presence is a material consideration when a development proposal is being considered that would be likely to result in harm to the species or its habitat. There is a statutory duty on me to have regard to the conservation of biodiversity.²
22. The appellant has provided a Bat Survey Report (BSR), which includes a preliminary day-time scoping survey. The rural location including nearby patches of woodland and fishing lake are considered by the BSR to offer bat feeding habitat for a number of UK bat species. It further highlights existing bat records indicating bat activity within a 2km radius of the site.
23. The BSR identifies a number of potential roosting opportunities for bats within the existing garage at the appeal site, including beneath the roofing slates and ridge tiles, within gaps internally at the gable eaves and externally at the eaves. On this basis, it concludes that the building has a moderate potential for roosting bats. However, the BSR could not conclusively identify evidence of bat activity or roosting behaviour at the appeal site, therefore it could not confidently ascertain the status of bats utilising the structure. Consequently, it recommended the carrying out, during the main bat activity season, of at least one dusk emergence survey, with the potential requirement for a further survey. No activity surveys have been provided.
24. ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

¹ Conservation of Habitats and Species Regulations (2017) & Wildlife and Countryside Act (1981).

² Section 40 of the Natural Environment and Rural Communities Act 2000, as amended.

25. In the absence of the recommended survey, and on the basis of the information before me, I cannot be certain of the extent to which bats may be affected. Furthermore, if bats were to be affected, I cannot be certain as to what mitigation, if appropriate, may be required. As such, a condition could not adequately deal with this matter as suggested by the appellant. There is no evidence before me, including from the Greater Manchester Ecology Unit or the appellant, that would lead me to take a different view. In this regard, paragraph 180 of the Framework states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
26. I cannot conclude that the proposal would not adversely affect a protected species, specifically bats. The proposal would therefore conflict with Policies G7 and DM1 of the CS which states that development proposals that would affect a species protected by law or its habitat, will not be permitted unless it can be demonstrated that there is no adverse impact on the species concerned, damage to habitats is minimal and alternative habitat provision is effective in maintaining those species. It would also be contrary to paragraph 174(d) of the Framework which amongst other things, seeks to minimise impacts on biodiversity.

Other Matters

27. The appellant considers the proposal to be sustainable development in accordance with the Framework. However, paragraph 12 of the Framework indicates that development that conflicts with an adopted development plan should usually be refused. Moreover, the Framework shares similar aims to the development plan in terms of protecting an area's character and appearance and protected species. Accordingly, I find the policies of the Framework taken as a whole, not to weigh in favour of allowing the appeal.

Conclusion

28. I have found that the proposed development would not be harmful to the setting of the listed buildings of 2-7 Lower Calderbrook and St James Church, or highway safety. Nevertheless, this lack of harm is neutral in the planning balance, so it does not outweigh my findings in respect of the effect of the proposed development upon the character and appearance of the area and protected species. For the reasons set out above and having regard to the development plan as a whole and all other material considerations, the appeal is dismissed.

M Clowes

INSPECTOR