



Appeal Decision

Site visit made on 6 March 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2023

Appeal Ref: APP/Q4245/D/22/3309819

The Rectory, 9 Bent Lane, Warburton WA13 9TQ

- 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 Wesley Tensel against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 105709/HHA/21, dated 28 August 2021, was refused by notice dated 16 September 2022.
 - The development proposed is the erection of a two storey side extension and rear annexe building, including the demolition of a detached single garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out above is taken from the application form. The proposal was amended during the course of the application, and the annexe element of the proposal has been omitted from the proposals. The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. The appeal site is located within the Green Belt. Based on the information presented, the scheme would not be inappropriate development in the Green Belt because it would comply with local and national planning policy. The extension would not result in a disproportionate addition over and above the size of the original building, in line with Policy R4 of the Trafford Local Plan: Core Strategy (2012) (CS), the Council's Supplementary Planning Document-SPD4: A Guide for Designing House Extensions and Alterations (2012) and paragraph 149 c) of the National Planning Policy Framework (the Framework). This position is agreed by the main parties.
4. Therefore, the main issue is the effect of the proposed development on the setting of the Grade II listed building (Church of Saint Werburg).

Reasons

5. The Rectory is a detached dwelling set within a generous plot. It is adjacent to St Werburg's Church which is a Grade II listed building. The Church was constructed in 1883-5 from snecked red sandstone and clay tile roof. The building comprises of a four-bay nave with north aisle and south porch; three-bay chancel and a three-stage tower. There is also a first World War memorial in the churchyard which is also Grade II listed, and other Grade II listed buildings in the wider vicinity.

6. The nave, chancel and south porch are parallel to The Rectory and are separated from one another by the churchyard, mature deciduous trees, boundary hedge and the dwelling's driveway. The dwelling's principal elevation faces towards the Church.
7. The two-storey extension would be to the western side of the property, towards Bent Lane. It would be largely symmetrical with the existing two-storey element on the eastern side of the dwelling. The extension has been designed to be a subordinate addition to the host dwelling, and matching materials are proposed. The appellant highlights that views across the appeal site from Bent Lane are limited in duration, the Church is taller than the dwelling and the extension would only obstruct a small portion of the Church.
8. Church House is also Grade II listed and is located on the opposite side of the Church. There is disagreement between the main parties regarding the set back of Church House from the highway in relation to the proposed extension. The appellant has provided a plan to demonstrate that the distance to the highway would be consistent with Church House, Pinot Cottage, and the pattern of development of surrounding buildings.
9. The proposed linear footprint would not be disproportionate when taking into account buildings within the vicinity of the site. A large gap would be retained between the proposed extension and highway. However, The Rectory is the first building on this side of Bent Lane when approaching from the south. Therefore, there is little built development which impacts views, and setting, of the Church when approaching from the south.
10. The extension would result in a forward projection that would reduce the setback from the front elevation of the Church. Due to particularly the extension's height and length, the proposal would be conspicuous from public vantage points, and would increase the prominence of The Rectory, especially when approaching Bent Lane from the south. The extension would impact the spacious setting of the Church, views of the Church and would negatively impact the visual separation of the buildings. This is because of the extension's siting (forward of the existing property), scale, height, massing and design.
11. As a result, the extension would compete with the nave of the Church (which is an element which contributes positively to the special interest and significance of the listed building) and would result in The Rectory being less subservient to the listed building. This would be noticeable from Bent Lane and also the footpath within the churchyard which is adjacent to the common boundary shared with the appeal site.
12. At certain times of the year, the row of trees would provide screening (as shown in the Google images provided by the appellant). However, they are deciduous, and I observed on my site visit that these views would be particularly prominent in winter months, when the row of trees are not in leaf. Although I acknowledge that the trees would be in leaf for most of the year and in winter months daylight hours are shorter, there would still be a considerable period of time when the views would be prominent.
13. The proposal results in the loss of the external chimney breast and introduces a large, glazed opening facing towards the road. These elements would not cause harm to the setting of the Church. This is because the dwelling would maintain two chimney stacks and the glazing to the ground floor would not be a

prominent feature due to the set back from Bent Lane and the existing boundary treatment would prevent it being conspicuous.

14. For the reasons given above, the proposal would have an adverse effect on the Grade II listed Church because it would cause harm to the spacious setting and the special architectural and historic interest of the Grade II listed building. The proposal would detract from the ability to appreciate the Church and would not preserve its setting.
15. Paragraph 199 of the National Planning Policy Framework (the Framework) states 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 any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The harm arising would be localised and less than substantial in this instance, nevertheless it is of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
16. The appellant has not presented any clear public benefits. Based on the evidence submitted, there are no public benefits that would justify or outweigh the harm to the heritage asset that I have identified, as required by the Framework.
17. For these reasons, the proposed development would not preserve the setting of the Grade II listed building (Church of Saint Werburg) and would fail to preserve the special historic interest of the heritage asset. Consequently, it would conflict with Policies R1 (although only limited weight can be given to this policy as it is not consistent with the Framework, as stated by the Council) and L7 of the CS. These seek, amongst other matters, to ensure development is appropriate in its context and developers will be required, where appropriate, to demonstrate how their development will protect, preserve and enhance listed buildings, including their wider settings. In addition, it would conflict with the Framework which seeks to promote good design which protects and enhances the historic environment.

Other Matters

18. Whilst not referred to in the reason for refusal, the officer's report sets out, in the design and appearance section, that the extension would detract from the overall appearance of the dwelling and would have a detrimental impact on the visual appearance and character of the street scene and the surrounding area. Given my findings in relation to the main issue, I have not considered these matters further as they would not be determinative to my decision.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR