



Appeal Decision

Site visit made on 16 May 2023

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2023

Appeal Ref: APP/A4710/Y/22/3310068

4 Tower View, Lumbutts, Todmorden, OL14 6JE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Ms Susanna Cunningham against Calderdale Metropolitan Borough Council.
 - The application Ref 22/00494/LBC is dated 12 July 2022.
 - The works proposed are installation of 4No. new rooflights in master bedroom.
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Decision

1. The appeal is allowed and listed building consent is granted for installation of 4No. new rooflights in master bedroom at 4 Tower View, Lumbutts, Todmorden, OL14 6JE, in accordance with application Ref 22/00494/LBC, dated 12 July 2022 and the plans submitted with it and subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 211-001, 421-001 and 413-001.
 - 3) The rooflights hereby granted consent shall match the materials and profile of the rooflights already installed on the building.

Preliminary Matters

2. The appeal is made against the failure of Calderdale Council to reach a decision within the prescribed period. Following the submission of the appeal the Council submitted a statement outlining reasons why the appeal should be refused. I have taken this statement into account in reaching my decision.
3. The Council have referred to amended plans which reduce the number of proposed roof windows from 4 to 2. However, these plans do not form part of the proposal before me.

Main Issues

4. The main issues for the appeal are whether the proposal would preserve the listed buildings, known as Water Tower to Lumbutts Old Mill and Lumbutts House, or on any features of special architectural or historic interest that they possess and whether the proposal would preserve or enhance the character or appearance of the Lumbutts and Mankinholes Conservation Area.

Reasons

5. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. Policy HE1 of the Calderdale Local Plan (CLP) seeks to conserve, and where appropriate, enhance, the historic environment, especially those elements which make a particularly important contribution to the identity of Calderdale including the areas textile/industrial heritage. The policy reflects the statutory duties defined in the Act.
7. Lumbutts House is a Victorian former mill owners house. It is a handsome building constructed in stone with a stone slate roof. The Water Tower to the former cotton mill (now gone) is also Grade II listed. It is a 98ft stone tower which is rectangular in form and has a square balustrade along the top stage. It is a visually prominent feature in the narrow valley. The significance of these assets is derived from their historic association with the former mill complex which is an important remnant of the area's industrial heritage, and in the visual contribution the buildings make to the wider landscape.
8. Tower View is Grade II listed as a curtilage structure of Lumbutts House. The building was constructed on the site of the former cotton mill and was converted from an outdoor pursuits centre building around 2007. It is constructed in stone with a pitched stone roof and a small tower with a square balustrade which mimics the Mill Tower. Although the footprint of the later building may well sit on that of part of the original mill, the proportions of newer building, the height and span of the roof and the disposition and detailing of the openings are industrial in appearance. Therefore, whilst it sits within the curtilage of the former mill complex it is clearly a later addition.
9. The previous conversion to 5 dwellings included the installation of rooflights to serve the living and bedroom accommodation within the roof space. The current proposal seeks to introduce 4 more small lights, 2 on either side of the roof slope. Due to the location of the building in the valley bottom the roof of the building is clearly visible from views above. In these views the regularly placed rooflights on the existing building do not appear incongruous in the context of the modern conversion. Views of the proposed rooflights on the eastern roof slope would be largely screened by the small tower to the building. Views to the west would be more available. In these views, due to the position of the proposed rooflights they would sit comfortably in the roof slope. Furthermore, as they would be relatively small, the additional windows would not upset the balance of solid to void and so would not leave a discordantly open roof slope.
10. I am therefore of the view that the works would assimilate comfortably into the existing building and would not harm its character or appearance. It therefore follows that the proposal would preserve the character and appearance of the Lumbutts and Mankinholes Conservation Area. As it would not harm the appearance of the building it would also preserve the special interest of the Grade II Listed Buildings Lumbutts Old Mill and Lumbutts House. I therefore find no conflict with Policy HE1 of the Local Plan or with guidance within the

Framework which, amongst other things, seeks to preserve heritage assets in a manner appropriate to their significance.

Conditions and Conclusion

11. The proposal would preserve the Listed Buildings and the character and appearance of the Conservation Area. I therefore conclude that the appeal be allowed.
12. I consider it necessary to impose a condition requiring the development to be implemented within a required time period of three years. The Council have suggested a condition which requires the roof windows to be flush with the roof slope. However, I do not consider this to be necessary. In the interests of ensuring an appropriate appearance for the development it is more important that the appearance and profile of the windows matches that of the existing roof windows on the building. I have therefore imposed a condition to that effect.

Anne Jordan

INSPECTOR