



Appeal Decision

Site visit made on 27 June 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/W4705/W/23/3316975

Dimples Cottage, Dimples Lane, East Morton, Keighley BD20 5SU

- 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 David Eastell against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/02826/FUL, dated 24 June 2022, was refused by notice dated 20 September 2022.
 - The development proposed is construction of 2No detached houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on Dimples Cottage and the character or appearance of the East Morton Conservation Area.

Reasons

3. Dimples Cottage is a stone, detached building, whose rear elevation forms the boundary wall with Dimples Lane. The cottage is set down below the road and is largely hidden, particularly because of the extensive climbing plants growing on the rear elevation and adjoining wall. The building has a linear form because it has been extended and altered.
4. The site is accessed off Hawthorne Way where the entrance to the drive is located at one corner of the site. The drive sweeps down in front of the cottage to a large, detached garage. The cottage is in an elevated position, with terraced gardens to the front and sides. It has extensive views over pasture fields to Morton Beck, which is fringed by woodland, and beyond that to the surrounding countryside.
5. Dimples Cottage is located within the East Morton Conservation area (CA) and is considered to be a key unlisted building and positively contribute to the character of the CA. It would therefore be regarded as a non-designated heritage asset (NDHA). The significance of the cottage relates to its reputed association with the industrial heritage of East Morton. It has a datestone of 1824, although the style of windows found on the front elevation have been noted as suggesting an earlier date to the building.
6. The significance of the CA, which is linear in form, reflects the historic core of what was originally a rural agricultural village which expanded during the late 18th and 19th centuries with the construction of mills during the industrialisation

of the area. The CA therefore reflects a variety of housing including cottages and farmhouses, as well as early industrial housing. This part of the CA runs along the rear boundary of the cottage and includes the raised terraced area to the front of it.

7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. 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, in this case the CA, great weight should be given to the asset's conservation. Furthermore, paragraph 203 of the Framework requires the effect of an application on a NDHA to be taken into account.
8. The proposed two houses would be sited on the raised garden area between the drive and the boundary wall to the south of the cottage. This is a roughly triangular area of land which is limited in size. Plot A would be the closest to the cottage and partly within the CA, with Plot B close to the site entrance. The houses would be two storeys in height but because they would be built into a terraced slope, they would appear bulkier when viewed from the side or front. Although the houses would be modest and smaller than many of the houses in the vicinity, two properties in this location would appear cramped.
9. The houses would be built in a local vernacular style with traditional stone and slate materials and designed with a vertical emphasis which would be appropriate to the character of the host property and the CA. However, whilst the houses would sit behind the existing stone boundary wall, they would intrude into the current open space that exists to the south of the cottage. Whilst Dimples Cottage appears unobtrusive from the rear, a significant part of the rear elevation of the proposed houses would be visible above the boundary wall, which is lower in this location. This would serve to constrain Dimples Cottage and intrude into the space that currently exists around the cottage which would harm the setting of this NDHA.
10. Whilst the CA boundary is drawn close to this site, and on one side there is a more suburban setting with modern housing, the proposal site has a rural character. The position of the houses would, however, interrupt the openness of the site which makes an important contribution to the character and appearance of the CA in this location. The site is visible from public footpaths which, despite views varying according to season, with potential landscaping able to reduce the impact and helping to block out modern housing, the proposal would affect key views of the site. The proposal would be discordant and intrusive in this location and the harm caused to the setting of Dimples Cottage, which is a key building within the CA, would not preserve or enhance the character or appearance of the CA.
11. In assessing the degree of harm to the significance of the CA, as a designated heritage asset, and as set out in the Framework, this would be less than substantial. Regardless of the level of harm, the Framework indicates that great weight should be attributed to the conservation of heritage assets. In such circumstances, paragraph 202 of the Framework requires the harm to be weighed against the public benefits of the proposal. The proposal would provide two new houses where the Council accepts that it cannot demonstrate a five-year housing land supply. The proposal would provide economic benefits and

support to local services and the facilities in the vicinity, and it would have access to a bus service. It would also be built with energy efficient measures in terms of water consumption, insulation and heating. However, given that the proposal would only provide two houses, this would only carry modest weight overall. This would not be sufficient to outweigh the harm to the significance of Dimples Cottage and the CA.

12. The proposal would not accord with Policy EN3 of the City of Bradford Core Strategy Development Plan Document, 2017, which requires all proposals for development to conserve and where appropriate, enhance the heritage significance and setting of Bradford's heritage assets. This includes protecting and enhancing locally identified non designated heritage assets, including buildings. It would also fail to accord with the Framework as set out above.

Other Matters

13. The Council accepts in its appeal statement that it is not possible to demonstrate a five-year housing land supply and its delivery was below 75% of the housing requirement over the previous three years. Paragraph 11 d) of the Framework states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As I have already found that the proposal conflicts with the Framework relating to heritage assets, the presumption in favour of sustainable development does not apply. The development would result in harm to the setting of a NDHA and the character and appearance of the conservation area contrary to policies in the development plan.
14. Whilst the appellant refers to discussions and advice given by the Council when developing the scheme, I have no evidence that suggests that the application was not determined based on the merits of the proposal.

Conclusion

15. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
16. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR