



Appeal Decision

Site visit made on 19 June 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/W4705/Y/23/3320426

1 Bank Walk, Baildon, Shipley BD17 5HH

- 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 Mrs Linsey Cottrell against the decision of City of Bradford Metropolitan District Council.
- The application Ref 22/03683/LBC, dated 22 August 2022, was refused by notice dated 10 November 2022.
- The works proposed are a roof installation of solar panels at the rear of the property (south-west facing aspect) and external installation of a 12kW air source heat pump at the front of the property, near to the front door.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The appeal property is a Grade II listed building¹ which lies within the Baildon Conservation Area ("the BCA"). The address used in the banner heading above is taken from the listed building consent application form, though the building is also known as Bank Walk House, the name by which it is referred to in the official list entry (and which I use here), and Bank House, the name used in the Council's 2005 *Baildon & Station Road Conservation Area Assessment* ("the CAA")². The proposed works are as described in the banner heading.
3. In determining this appeal, I have had special regard to the statutory requirements placed on decision makers by sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act"). Listed building consent appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004, and consequently do not need to be determined in accordance with the development plan. However, I have had regard to the development plan policies cited in the decision notice issued by the Council inasmuch as they are relevant material considerations.
4. The Government published a revised National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the previous version dating from July 2021. The amendments made did not have any bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the September 2023 version.

¹ Historic England list entry number 1133440

² Baildon and Station Road are two separate conservation areas.

Main Issue

5. The main issue is whether the proposed works would preserve the Grade II listed building known as Bank Walk House, or its setting or any features of special architectural or historic interest which it possesses, and whether the character or appearance of the BCA would be preserved or enhanced.

Reasons

Significance and special interest of heritage assets

6. Bank Walk House was listed in October 1985, and is described in the official list entry as a timber-framed house dating from the late 15th or early 16th centuries. The CAA suggests that it was probably originally a farmhouse, and that it is thought to be the oldest building within the BCA. The building was enclosed in rubble stonework walls in the early 17th century, with further alterations being carried out in the mid-18th and late 20th centuries.
7. The house stands more-or-less perpendicular to the street Bank Crest at its junction with Bank Walk, where it has a prominent position within the streetscape. The two-storey east-facing front elevation has a doorway towards its left-hand side, with tie-stone jambs under a large weathered linted; to the right-hand side of this a blocked window opening can be seen within the stonework. The building has a stone slate pitched roof which extends almost to ground level on parts of the west-facing rear elevation; a two-storey gabled porch which rises almost to the main roof ridge height breaks up the rear elevation and roof slope. While the front elevation is partly screened from public view by mature trees and boundary hedges within the front garden, the south gable end and, in particular, the west roof slope (which can be seen along much of the length of Bank Crest as it falls gently towards the house from the west) are conspicuous features in the surrounding street scene.
8. The alterations made to Bank Walk House over the 500 years or so of its existence include extensions and the insertion of two rooflights on the western side; outside the main building a stone-built detached garage was added during the 1980s on the plot's western boundary. However, the building still retains its authenticity as a vernacular house of considerable age. From the evidence before me I find the building's special interest and significance, insofar as they relate to this appeal, to be principally derived from its age, its evolution over time which has retained the legibility of its robust traditional form, and the surviving historic fabric incorporating local natural materials. Its setting at an entrance to the heart of the village also contributes to its special interest and significance.
9. The BCA covers the historic core of Baildon. Its significance is largely derived from the preservation of the village's historic street pattern and the retention of many of its 17th, 18th, 19th and early 20th century buildings (although it is also evident that parts of both of these elements has been lost, not least as a consequence of 20th century highway developments). The variety of building types, the traditional building materials, and the dramatic topography of its Aire Valley setting are all positive factors of the conservation area; local natural materials such as stone and stone slate are prevalent in the older buildings within the BCA, and the changing land levels mean that roofscapes are readily visible and easily appreciated. The historic form, traditional materials and aesthetic charm of Bank Walk House positively contribute to the character and

appearance of the BCA as a whole; its status as probably the oldest building within the area also adds to its historic value, and to the significance of the BCA as a designated heritage asset.

Proposed works and their effects

Solar panels

10. The solar panels would be installed on the west facing roof slope at the rear of the property. The submitted drawings show that there would be ten panels but, although the Council surmised that “the panels would present the usual reflectivity and have either black or silver edges”, there is no detailed information before me about the appearance of the panels.
11. The appellant has referred to guidance published by Historic England dealing with the installation of solar panels³, and which sets out how careful selection and design of the colour, contrast, framing, size and symmetry of panels can help to reduce or avoid the harmful impacts of such installations. However, there is nothing before me which demonstrates how the proposed installation in this case has been informed by this advice.
12. Based on the limited information provided, it is highly probable that the panels would be prominent, discordant and incongruous additions to the building. There is also nothing before me explaining how the panels would be attached to the roof, and there is therefore a considerable risk that the installation would lead to a loss of, or damage to, historic fabric; this in itself would be harmful to the building. Details of the appearance of the panels and how they would be fixed to the building are central to consideration of the scheme, and so it would not be appropriate to leave them to be dealt with via a condition. The evidence before me indicates that the panels would undermine the special architectural and historic interest of the Grade II listed building, which would not therefore be preserved.
13. Two of the ten panels would be on the north side of the two-storey porch on the rear side of Bank Walk House, and therefore largely obscured from public view by the projection of its roof. The other eight, however, would be highly visible from the west along Bank Crest at the entry to the BCA; their prominence and incongruity would detract from the appearance of Bank Walk House. Views of the traditional roofscapes are a positive feature of the BCA; disruption of the appearance of the roof of a prominently-located listed building within the area would also incrementally harm the character and appearance of the conservation area as a whole, which would not therefore be preserved. Such harm would not therefore be alleviated by the fact of the appeal site being on the edge of, and the solar panels largely being visible from outwith, the BCA.

Air source heat pump

14. The proposed air source heat pump (“ASHP”) would be approximately 1,565mm wide, 1,100mm high and 500mm deep. It would be a freestanding unit, sitting on small raised feet and not fixed to the building. Again though, very few details of its installation or appearance have been provided; the submitted drawing indicating the proposed location of the ASHP appears to show (by reference to the position of the existing skylight on the rear facing

³ *Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics)*, Historic England 2018

roof slope) that the unit would be installed in a place where it would block the front doorway. The annotated photograph provided⁴ shows instead that the ASHP would be sited just to the right of the doorway, with plumbed/electrical connections made to the interior of the house via an existing gas boiler exhaust outlet. Either location would be within the immediate setting of the listed building.

15. The lack of detail and accuracy in the submitted information is concerning. No information has been provided to explain whether there is a technical necessity to site the unit so close to the building. Although the appellant suggests that the dimensions of the ASHP would make it similar in size to “a typical wheelie bin”, its form would be somewhat intrusive and incongruous. While I am reasonably confident that the appellant would not actually wish to site the ASHP in a position which obstructs the front door, the more likely proposed siting to the right of the doorway would partly obscure views of the infilled window opening which adds visual and historic interest to the building’s front elevation. This would not be alleviated by the proposed use of hazel panel screening, and there would therefore be some harm caused to the significance of the listed building by the siting of the ASHP within its immediate setting
16. While the proposed ASHP could be seen views from the street, in most instances this would be in brief glimpses at oblique angles through the front gate of Bank Walk House. I am therefore satisfied that the ASHP would not harm the character or appearance of the BCA, though this does not mitigate or outweigh the other harm I have found.

Public benefits and heritage balance

17. Drawing the above matters together, I find that the proposal would fail to preserve the Grade II listed building known as Bank Walk House, or its setting or any features of special architectural or historic interest which it possesses. I also find that the solar panels would fail to preserve or enhance the character or appearance of the BCA. This would be contrary to the requirements of sections 16(2) and 72(1) of the Act. In these respects, the works would harm the significance of the designated heritage assets. I find that the installation of the ASHP would preserve the character and appearance of the BCA, but a lack of harm in this respect is not a consideration in favour of the appeal proposal.
18. The Framework requires great weight to be given to the conservation of a heritage asset when considering the impact of a proposal. Paragraph 200 of the Framework states that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification; paragraphs 201 and 202 require the decision-maker, having identified harm to the designated heritage asset, to consider the magnitude of that harm. In this case, I consider the degree of harm would be less than substantial when considered in the context of the significance of the assets as a whole, though nevertheless of considerable importance and weight. In such circumstances, any harm should be weighed against any public benefits of the proposal including, where appropriate, securing their optimal viable use.
19. There is nothing before me to suggest either that the optimal viable use of Bank Walk House is anything other than a single private dwelling, or that this

⁴ Photo 1

would be at risk without the proposed works. The appellant has stated that the installation of solar panels and the ASHP would facilitate the removal of the existing gas boiler heating system and range cooker in Bank Walk House, and that over 25 years it is estimated they would lead to a net greenhouse gas emissions saving equivalent to around 140 tonnes of carbon dioxide. No technical evidence has been provided to substantiate this claim which, dependent as it is on the assumption that “all household electricity demand [would be] met by the installed panels” might be considered optimistic; nevertheless, I agree with the appellant that any significant reduction in greenhouse gas emissions would represent a public benefit. Nevertheless, in giving considerable importance and weight to the identified harm to the significance of the designated heritage assets of Bank Walk House and the BCA, I find that this would not be outweighed by the public benefits arising from the proposal.

Other Matters

20. The appellant has drawn my attention to two other buildings within the BCA where solar panels have been installed, at No 3 Ellison Fold (very close to, and visible from, the appeal site), and Baildon Methodist Church. The Council has stated that it has no recorded planning history for No 3 Ellison Fold but that the panels there were “likely” to have been installed using permitted development rights under the GPDO⁵. In respect of the Methodist Church, the Council found that a recent application made under the provisions of Schedule 2, Part 14, Class A of the GPDO did not require prior approval⁶. An earlier planning application for the installation of 16 solar panels on the roof of the Methodist Church⁷ was approved because the Council considered that the public benefits in respect of the maintenance and upkeep of the church outweighed any “less than substantial” harm to the character and appearance of the BCA. Neither of these other two buildings is listed so, even though they are near to the appeal site the circumstances are not directly comparable to the scheme before me.
21. The appellant also referred to the installation of solar panels on other listed buildings: Bradford Cathedral (Grade I), Legrams Mill (Grade II), both within the City of Bradford, and York Minster (Grade I). The Council indicated that in respect of the two Bradford examples there were significant differences relating to the age or originality of the roofs on which the panels were to be mounted, as well as the visibility of the panels. There is very little substantive information before me in respect of the York Minster scheme nor, in any event, had the Council attempted to argue that it considered that solar panels were not appropriate for listed buildings as a matter of principle. Again, none of these examples weighs in favour of the particular proposal before me.

Conclusion

22. Given the above, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed Bank Walk House, and the character and appearance of the Baildon Conservation Area, thus failing to satisfy the requirements of the Act and paragraph 197 of the Framework. There would also be conflict with Policy EN3 of the 2017 Bradford Core Strategy, which is a

⁵ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

⁶ LPA Ref: 23/00866/PNP

⁷ LPA Ref: 11/05108/FUL

material consideration in that it seeks to protect the historic environment within the city.

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

M Cryan

Inspector