



Appeal Decision

Site visit made on 15 January 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/A4710/W/23/3326422

5 Ayre View, Parrock Lane, Old Town, Hebden Bridge HX7 8SX

- 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 Mrs E Hall against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/01066/FUL, dated 27 September 2022, was refused by notice dated 10 February 2023.
 - The development proposed is construction of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since making its decision, the Council has adopted the Calderdale Local Plan (2023) (LP). The Replacement Calderdale Unitary Development Plan (adopted 2006, amended 2009) policies referred to in the reasons for refusal, therefore no longer form part of the adopted development plan. I have considered the appeal accordingly. The adoption of the LP is confirmed in the Council's statement, and the appellant has had the opportunity to respond at final comments stage.
3. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal.

Background and Main Issues

4. The proposed development follows a dismissed appeal¹. Both main parties agreed that the scheme would not be inappropriate development in the Green Belt. As a result of the adoption of the LP, the Council has confirmed that the appeal site is no longer within the Green Belt.
5. The main issues are, the effect of the proposed development on:
 - the setting of the nearby listed buildings; and
 - the safe use of the highway.

Reasons

Setting of Listed Buildings

¹ APP/A4710/W/21/3278822

6. The appeal site comprises part of the rear garden of 5 Ayre View. The site contains a garage which is accessed from Wainsgate Lane. The dwelling has been designed to be below ground level with a sedum roof, and new planting is proposed.
7. Nos 1-5 Wainsgate Lane are a row of two-storey Grade II listed nineteenth century cottages. They are constructed of stone with stone detailing around the doorway and 5 mullioned windows to the ground and first floor (albeit some mullions have been removed on some of the cottages). As the proposal relates to the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
8. The listed cottages face towards the appeal site and have a small garden area to the front, next to the lane. Therefore, there is a very limited gap between the cottages and appeal site. The verdant nature of the appeal site provides a positive contribution to the setting of the listed building and contributes to its special interest. The design of the dwelling would help to reduce the development's impact on the listed cottages. Nonetheless, it is likely that the dwelling would be visible from the listed cottages, especially from the first-floor windows. The proposal would also relocate the boundary wall to provide the lay-by, significantly widen the existing vehicle access to the site and would introduce a large area of hardstanding.
9. The introduction of the dwelling and associated access, lay-by, hardstanding, and ramp would erode the verdant character and appearance of the site, which is a feature which positively contributes to the setting of the listed cottages. The scheme would increase the built-up nature of the site in close proximity to the cottages. The introduction of the proposed development close to the principal frontages of the cottages would impact on their setting and views from and towards the site which would distract from the cottages setting. The proposed materials and large window openings would not respect the character and appearance of the nearby listed cottages, having said that, materials could be conditioned. For these reasons, I find that the proposal would fail to preserve the special interest of the Grade II listed cottages.
10. Paragraph 205 of the Framework advises 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 206 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.
11. Given the scale, siting and design of the proposed dwelling, the level of harm would be less than substantial. Nonetheless, mindful of my statutory duties, this is a matter to which I attach considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
12. At the time of determining the application, the Council could not demonstrate a 5-year housing land supply. The Council has since adopted the LP which means that they can demonstrate a 5-year housing land supply, and this has not been disputed by the appellant.
13. The proposal would provide an accessible single dwelling, for the appellant's elderly mother, with a low carbon impact and a passing place. There would also

be economic benefits. I give these benefits limited weight given the scale of the development and the Council's housing land supply position. I give neutral weight to the highlighted benefit of removing the conifer hedge as this would contribute to eroding the verdant character of the site and given my findings above.

14. The benefits would not be sufficient to outweigh the harm that I have identified. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposed development would fail to preserve the special historic interest setting of the Grade II listed cottages. Consequently, the proposal would fail to satisfy the requirements of the Act, paragraph 208 of the Framework and conflict with Policies HE1 and HS1 of the LP that seek, among other things, to ensure proposals conserve or enhance heritage assets, including their settings.

Highway Safety

15. The proposed dwelling would be accessed from Wainsgate Lane. This is an unmade and unadopted track with no pavement. It is narrow, so there is insufficient width for two vehicles to pass, and there are no passing places between Parrock Lane and the appeal site. The lane is a public right of way and provides access to a number of residential properties as well as a cemetery and chapel.
16. The proposed drawings show that the existing vehicle access would be widened by setting back the existing dry stone wall to provide a passing place. The appellant highlights that the existing garage has been used recently and has been previously rented out to other residents in the village. Consequently, they consider that the proposal would have no net highway intensification and utilise the existing parking provision. In contrast, a local resident states that the garage has not regularly been used for parking a vehicle.
17. Vehicles park either side of the junction of Wainsgate Lane and Parrock Lane as the majority of nearby dwellings do not benefit from off-street parking. Parrock Lane is the main route for traffic travelling from Keighley Road to nearby villages and past Old Town. The parked vehicles obstruct visibility at the junction which results in it being difficult to have a full view of the road when exiting the junction.
18. Based on the evidence submitted, the proposal would result in an increase in vehicles using the access road, albeit to a limited degree. This is because the proposal would introduce a new dwelling which would result in vehicle and pedestrian movements from future occupiers, visitors, and deliveries. I recognise that the dwelling is proposed for the appellant's elderly mother, but in the future, it could be occupied by someone else. It would also be difficult to ensure that the proposed passing place would be kept free of any obstructions.
19. Given the specific circumstances of the access road and the junction, the proposal would not ensure the safe and free flow of traffic and would represent a highway safety risk for road users and pedestrians. It has not been robustly demonstrated, such as through an independent speed survey or traffic calming, that the visibility splay at the junction is safe. Consequently, the proposed access road does not provide adequate dimensions, passing places, visibility or necessary turning areas to safely accommodate the proposed development.

The matters raised by the appellant, and within the support comments, do not outweigh the highway safety matters.

20. For these reasons and based on the evidence presented, the proposed development would have an unacceptable impact on highway safety. Consequently, it would conflict with Policies BT4 and HS1 of the LP which seek, amongst other things, to ensure new development provides safe and efficient movement by vehicles and pedestrians in the interest of highway safety. It would also conflict with paragraph 115 of the Framework which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusion

21. 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