



Appeal Decision

Site visit made on 23 January 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/A2335/D/23/3332635

Sellet Mill Cottage, Mill Lane, Whittington, Lancashire LA6 2DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr and Mrs P Haslam against the decision of Lancaster City Council.
 - The application Ref 23/00364/FUL, dated 27 March 2023, was refused by notice dated 17 August 2023.
 - The development proposed is Two-storey side extension, single storey rear extensions, associated landscape works and drainage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the above banner heading has been taken from the original application form. However, the decision notice includes for the demolition of existing porch and car port, erection of a single storey detached garage, installation of a package treatment plant, regrading of land and alterations to existing access. I have determined the appeal accordingly.
3. An update to the National Planning Policy Framework (the Framework) has been published dated 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property, which is a non-designated heritage asset, including whether it would preserve the setting of the adjacent Grade II listed building, Sellet Mill.

Reasons

5. The appeal site relates to a two-storey detached dwelling located at Sellet Mill Cottage, Whittington. The appeal site is accessed from the B6254 that runs to the southeast of the site and whilst the property is set back from the road, it is highly visible when approaching the site along that road as well as nearby public footpaths and has a level of prominence due to its overall traditional design, positioning and siting.
6. The host property is a non-designated heritage asset and is located to the southwest of Sellet Mill which is a Grade II listed building. As such, I have a duty under Section S66(1) of the Planning (Listed Buildings and Conservation

Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to paragraph 205 of the Framework which 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 209 of the Framework goes on to explain that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7. The Council explain in their officers' report, that the nearby Grade II listed building Sellet Mill was a late 18th/early 19th century waterpowered corn mill that has been converted to a house in the late 20th century. The building has been constructed from rubble, mainly limestone with a slate roof. Its significance derives from its vernacular construction, retention of waterwheel and prominence when viewed from the road. Sellet Mill Cottage, which is the subject of this appeal, has been identified as a non-designated heritage asset for its positive contribution to the local character and history. It is understood from the officers' report that Sellet Mill Cottage was constructed in the latter half of the 19th century following the demolition of Sellet Mill House. The Council explain that the building would have served as living accommodation for the manager or supervisor of the mill. It is a smaller, quaint cottage appearing subservient and of a modest scale when compared to Sellet Mill. Architecturally it enjoys a polite symmetrical design, which reflects the design of the larger Mill adjacent to the site. It is this relationship which contributes to the significance of the listed Mill via its setting.
8. I am aware of the dispute regarding the history of the property. However, it is clear that the appeal property shares many similar characteristics with Sellet Mill including its well balanced, spacious front elevation, materials and architectural detailing such as windows. Sellet Mill is a larger more prominent building reflective of its historic origins and despite the dispute regarding its history, the appeal property is connected to Sellet Mill based on the sharing of similar characteristics and the appeal property reads as a secondary element to Sellet Mill both of which are aesthetically pleasing when viewed from the nearby public footpath and main road.
9. The proposed extension would significantly increase the overall width and depth of Sellet Mill Cottage particularly the two-storey element. Its front elevation would sit slightly back from the front elevation of the property and its ridge height would also sit slightly lower than the ridge height of the host property. However, despite it being finished in a style which is in keeping with the house and surrounding buildings, substantial height and volume would still be added. Rather than comprise a subservient addition to the existing dwelling and Sellet Mill, the proposed development would be an overly large addition on this dwelling, completely altering the appearance, form, and proportions of the property. The size of the extension mirrors the existing width of the property set by the outbuilding although I note that the existing outbuilding is single storey located further back from the front elevation and thus sits more quietly in relation to the main property.

10. The height and overall volume would significantly unbalance the front elevation design appearing as a prominent addition. The unbalancing of the property would threaten the secondary nature of the appeal property with Sellet Mill to the detriment of the listed building and its setting as the height and overall volume would appear unduly prominent in its surroundings. I note the appellants' claims regarding possible improvements to the building including its surroundings and relationship with Sellet Mill through changes proposed to the existing sunroom, car port, surfacing and finish to the western elevation along with removal of pipework to the eastern elevation. However, even taking this into account as well as matters relating to overall condition/ventilation problems etc, it would not be sufficient to weigh in favour of the application as the development would still result in further extensions which would be inappropriately large for this building particularly when viewed from the main road and nearby footpaths to the south of the site whereby the relationship between both properties can be fully appreciated.
11. My attention has been drawn to claims made regarding works at Sellet Mill and the conversion and extension of the neighbouring barn which is said to have set a precedent for development as well as recent development within Kirkby Lonsdale where flush-mounted Solar PV panels have been successfully installed on a heritage building. However, such matters would not justify the harmful impact arising from the proposals in this case and I have considered this proposal on its own individual planning merits and in the light of current planning policy. The proposed side extension may limit some visibility of the extension to the barn, but this would be at the expense of the significance of the host property and the setting of Sellet Mill which would be unacceptable.
12. For the reasons given above, the proposed development would unacceptably harm the character and appearance of the host property which is a non-designated heritage asset and would fail to preserve the setting of the adjacent listed building, Sellet Mill. This would result in less than substantial harm to the significance of the designated heritage asset.
13. Paragraph 208 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The benefits associated with the scheme are largely to the benefit of the occupiers by increasing living accommodation at their property. There would be some very minor public benefits associated with improving drainage, water management and increasing green energy generation although these would be of a small scale and would not be sufficient to outweigh the harm identified. Accordingly, I find that there are not sufficient wider public benefits to offset the identified harm to the setting of the listed building to which I have attached great weight given the requirements of the Framework.
14. The proposed development would therefore be contrary to Policies DM29, DM37, DM39 and DM41 of the Review of the Development Management Development Plan Document, 2020 which together, amongst other matters, explains that the significance of a Listed Building can be harmed or lost through alteration or destruction of those elements which contribute to its special architectural or historic interest or through development within its setting. Any harm (substantial or less than substantial) to such elements will only be permitted where this is clearly justified and outweighed by the public benefits

of the proposal. Any extensions or alterations should be designed sympathetically, without detracting from or competing with the heritage asset. Proposals should relate appropriately in terms of siting, style, scale, massing, height and materials.

15. The proposed development would not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness in line with the aims of Section 16 of the Framework relating to Conserving and Enhancing the Historic Environment as well as S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

16. I appreciate that the proposed development would improve the living space. However, the proposed development still lacks subordination and balance with the general form and proportions of the host property and adjacent listed building. I also accept that older buildings need to adapt to reduce their impact on the environment. Nevertheless, there is no evidence before me to suggest that this could not be achieved by a scheme that would be less harmful to the non-designated heritage asset, including the setting of the adjacent Grade II listed building, Sellet Mill.
17. I am aware of the appellant's commitment to the property as well as frustrations regarding engagement with the Councils' Conservation Officer during the application process and overall assessment. However, this does not affect my findings on the main issue.

Conclusion

18. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR