

Appeal Decision

Site visit made on 13 August 2024

by A Veevers BA(Hons) PGDipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2024

Appeal Ref: APP/A4710/D/24/3341881

Cottonstones House, Lumb Lane, Mill Bank, Sowerby Bridge HX6 3EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Sean Lewis against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00830/HSE.
 - The development proposed is an extension at first floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans have been submitted with the appeal. These show alterations to the design and number of windows and roof lights within the proposed extension. The government's Procedural Guide¹ advises that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested parties views were sought.
3. As the appeal was submitted through the Householder Appeals Service this process does not provide either interested parties or the Council with a further opportunity to comment on or to be consulted on revised plans. In view of this, and in applying the principles of the Holborn Studios judgement² and the interests of fairness, I have considered the appeal on the basis of the plans that were originally considered by the Council. To do otherwise would be prejudicial to the positions of the Council and interested parties. I have therefore not taken the amended plans into account in my decision.
4. The appeal site lies within the Green Belt. However, the Council is satisfied that the proposals fall within the exceptions set out in the National Planning Policy Framework (the Framework) and I see no reason to disagree. As such I have not considered the effect of the proposals on the Green Belt further.

¹ Procedural Guide - Planning Appeals – England (2016), Annex M.1.1

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

5. The appeal site is located within the Mill Bank and Cottonstones Conservation Area. I have therefore had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

6. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Mill Bank and Cottonstones Conservation Area (CA).

Reasons

7. Cottonstones is a hamlet in a pleasant and secluded upland rural setting. The CA covers much of the hamlet and the neighbouring village of Mill Bank, along with large areas of open countryside, dispersed farmhouses and buildings. The CA is notable for its steeply sided valleys, wooded cloughs and stone cottages, many of which supported the growth of mill development in the area, although little evidence of the mills remain. The building pattern in Cottonstones includes a church, a public house, cottages and farmhouses nestled on the valley sides. A strong characteristic of the CA, amongst other things, is the predominance of pennine stone, which is prevalent in the buildings and boundary walls. Indeed, a stone wall runs along the length of Lumb Lane which connects Cottonstones and Mill Bank.
8. On the basis of the evidence before me and my own observations, the heritage significance of the CA insofar as it relates to this appeal is to be found in the collective effect of stone buildings set amongst the visual impact of the discernibly steep valley sides and open moorland beyond. There is also historical social significance arising from the, albeit limited, growth of cottages at the time of mill development in the area, which was dependent on water power from surrounding steep river valleys.
9. Cottonstones House is a detached stone dwelling. Due to the sloping topography, its imposing presence directly to the south of St Mary's Church facing down the valley, together with its traditional aesthetic qualities make a highly positive individual and collective contribution to the CA.
10. I note the Council's reference to Cottonstones House as a non-designated heritage asset. Paragraph 209 of the Framework sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. I note that the building does not appear on a local list, however, I am mindful of the Planning Practice Guidance (PPG)³ which sets out that in some cases, local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications.
11. The appellant does not dispute that the building is a non-designated heritage asset. The appellant's Heritage Statement⁴ sets out that Cottonstones House was originally a pair of cottages built in the late 18th or early 19th century with more recently constructed two storey and single storey additions. It is now a single dwelling, although its origins as a pair of cottages are clear from the symmetrical arrangement of doors and windows on the front

³ Paragraph: 040 Reference ID: 18a-040-20190723

⁴ Madison James Associates Limited R24005/RJM, March 2024

elevation. It is constructed of stone with a stone slate roof and the horizontal composition of the fenestration arrangement on the front elevation reflects the strong identity of buildings typically found in the surrounding area. I agree with the appellant's assertion that the social significance of the building lies in its close association with the growth of the textile industry in the area and the provision of workers accommodation at that time. Although previously extended, the property is a good, relatively intact aesthetic example of the period.

12. Having regard to the age, materials and composition of its built form, its contribution to the CA and the features described above, I am satisfied that the appeal building has sufficient heritage significance to constitute a non-designated heritage asset as set out in Policy HE1 of the Calderdale Local Plan 2018/12 – 2023/33, March 2023 (CLP), the Framework and the PPG.

Proposals and effects

13. The appeal proposal would add a first floor extension to the rear. It would be constructed above an existing single storey extension and adjoin an existing two storey side extension. These previous extensions have undoubtedly diminished the original form and appearance of the building. Nonetheless, the origins of Cottonstones House remain clearly legible, even at the rear. This is because the original first floor rear elevation is clearly visible.
14. I recognise that the existing two storey extension is substantial in size. However, it is slightly lower than the original ridge line of the property and is set back slightly from the front elevation. Furthermore, the existing single storey rear extension is somewhat screened by the sloping garden at the rear. These extensions are therefore additions that have not prevented the ability to read the original form of the building.
15. The proposed extension would cover an extensive portion of the original first floor rear elevation. It would also result in the removal of part of the original first floor rear wall, which would be replaced with a stud wall to accommodate a bathroom and doorway to a home office.
16. The main roof and ridge line would remain intact and visible. However, the eaves of the existing building would be obscured by the continuation of the roof of the extension. In combination with existing extensions, the proposal would further engulf the original building and diminish its historic form.
17. In addition, the extension would include a large window within the rear elevation that would extend into the roof. Due to its modern design and size, it would appear starkly at odds with the simply proportioned small or mullioned windows found on the appeal property and other residential properties in the CA.
18. Owing to the masking of a large part of the first floor rear elevation, and thus the concealment of the original form of the building, the extension would undermine the appreciation of Cottonstones House as a traditional former pair of mill cottages. Combined with the incongruous fenestration and the loss of part of the existing rear wall, this would adversely affect the significance of the non-designated heritage asset and would diminish the

aesthetic value of the building within the CA, to the detriment of its character and appearance.

19. Although the plans indicate the stone removed would be re-used as an exposed stone feature in the bathroom, this would not outweigh the harm caused by the loss of a substantial element of the original fabric of the building.
20. For the above reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA and would amount to less than substantial harm to the CA and the significance of the non-designated heritage asset. Although the courts have found there is no requirement to quantify less than substantial harm, I give moderate weight to the overall harm in this regard.
21. There would therefore be conflict with the Act and Section 16 of the Framework. The proposal would also conflict with Policy HE1 of the CLP which seeks to, amongst other things, conserve and, where appropriate, enhance the historic environment in a manner appropriate to its significance.

Heritage balance

22. I have identified less than substantial harm in relation to the CA. I have also identified harm to the significance of the appeal property as a non-designated heritage asset. Paragraph 208 of the Framework states that where there is less than substantial harm, the harm to heritage assets should be weighed against public benefits and, where appropriate, securing its optimum viable use.
23. Paragraph 209 of the Framework goes on to state that 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.
24. I note that the appellant is seeking to provide a home office and a house bathroom. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful that planning is concerned with land use in the public interest. It is also probable that those personal circumstances would be outlasted by the permanent nature of the proposed development. There is no substantive evidence before me that the resulting benefits, or similar benefits, are dependent on the extension subject of this appeal. Nor is there any substantive evidence that the building would be at risk, or that the use of Cottonstones House as a dwelling would cease, were the appeal to fail. Any public economic or environmental benefits of a home office, or through construction of the extension, would be inherently limited by the small scale of the scheme.
25. I find, based on the information before me, the limited benefits would not, outweigh the harm to the character and appearance of the CA. Furthermore, the harm to the non-designated heritage asset would, in my balanced judgement, be unacceptable.

Other Matters

26. A Grade II listed building, St Mary's Church, is located to the north of the appeal site. From the listing description and my own observations, the significance of the building is derived from its architecture, its prominence, eminence, scale, materials and age. The setting of the church, in my view, includes the surrounds of the churchyard, the surrounding backdrop of the open countryside from which the church is viewed, as well as the small cluster of traditional rural dwellings on the upper slope of Lumb Lane to the south, including the appeal site. The buildings in its proximity contribute positively to its setting and significance as they form a group of traditional stone development which overlooks the valley.
27. Cottonstones House contributes to this by virtue of its proximity, its historic form, age and materials, including its limited subservient height and relationship to what is a locally prominent and important building. The proposed development would not extend the outward limits of Cottonstones House. Due to its scale and materials, the topography of the land and the intervening vegetation and access track, the proposal would not be prominent within the setting of the church.
28. The Council does not allege that the development would have an adverse effect on the listed building, its setting or any features of special architectural or historic interest which it possesses. Having considered the evidence and visited the site, I concur with that view. Accordingly, the proposal would have no effect on the setting of the listed building and there would be no conflict with section 66(1) of the Act. I am satisfied that the proposal complies with the heritage protection policies of the Framework.
29. I have noted the appellant's comments highlighting absence of identified harm to the Green Belt, landscape character, neighbours' living conditions and biodiversity. Even if I were to agree that there would be no unacceptable effects on these issues, these are neutral considerations.

Conclusion

30. The development would conflict with policies in the development plan relating to heritage assets, national guidance and the Act. There are no material considerations of such weight to lead me to conclude otherwise.
31. The appeal is dismissed.

A Veevers

INSPECTOR