



Appeal Decisions

Site visit made on 19 September 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal A Ref: APP/W4705/W/24/3338482

1-2 Coll Place, Bradford, BD6 1AU

- 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 Kusum Patel against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 23/03973/FUL.
 - The development proposed is proposed front extension at no.2 and no.1 existing shop change of use into residential.
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Appeal B Ref: APP/W4705/Y/24/3338484

1-2 Coll Place, Bradford, BD6 1AU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Kusum Patel against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 23/03974/LBC.
 - The works proposed are proposed front extension at no.2 and no.1 existing shop change of use into residential.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals in the banner headings above concern the same proposal at the same property which are being appealed under different legislation. For the sake of expediency, I have dealt with both appeals together in my reasoning.
4. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). However, the changes are at an early stage and do not affect the main issues of this appeal. As such, I have not sought the views of the main parties in coming to my decisions.

Main Issue

5. The main issue in both appeals is whether the proposal would preserve the Grade II listed building or any features of special architectural or historic interest which it possesses.

Reasons

Special Interest and Significance

6. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The appeal building encompasses numbers 1 and 2 Coll Place and forms part of the Grade II listed building known as '1-6, Coll Place'. The listing description¹ advises the terrace dates from the early 19th Century and is formed of two-storey stone cottages. The listed building also contributes to the group value of adjacent terraces which are also listed.
7. From all that I have seen and read, the special interest and significance of the listed building is derived from its architectural and historic interest. Historic interest is predominantly derived from its age and being a good surviving example of a modest cottage of the time period as well as the former function of No.1 as a shop. Its architectural interest is mainly taken from its simple form and proportions, traditional materials, surviving historic fabric and detailing such as the stone lintels and remaining features of the former shop front. Internally there is further interest from the historic plan form.
8. The proposal seeks to change the use of No.1 Coll Place and replace the former shop window and surround with a smaller double glazed sash window. Furthermore, it is proposed to erect a single storey extension with a pitched roof to the front elevation of No.2. I note the Council does not object to the change of use of No.1 in principle.
9. The former shop window surround of No.1 is legible along with the sign fascia and decorative pilasters, albeit they are in need of repair. The frontage now includes a large white uPVC framed window which I am informed was poorly installed and does not have listed building consent. I agree this is an incongruous addition to the frontage of the property due to its colour and materials. However, there is nothing before me to indicate that the surround could not be repaired and a more appropriate window installed, and why a complete replacement of the surround with another uPVC window is necessary. The loss of the surround would further erode the special interest and significance of the former shop use by the loss of its remaining features.
10. The proposed extension would project a significant distance from the front elevation of No.2, adding significant bulk and mass to the building in a highly prominent location. This would harmfully disrupt the pleasing simple form and modest proportions of the listed building while also causing the loss of part of the historic plan form of the property.
11. My attention is drawn to other properties in the host terrace which have added front extensions. However, I understand these were erected without planning permission and/or listed building consent and I have nothing before me to indicate otherwise. In any event, they serve to highlight the harmful effects of incongruous additions in this manner and are not justification to allow the harm I have identified.

¹ List Entry Number: 1329946

12. For the above reasons, I therefore conclude that the proposal would fail to preserve the Grade II listed building or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act. The proposal would also be contrary to policies DS1, DS3 and EN3 of the Local Plan for the Bradford District Core Strategy Development Plan Document. These seek, among other things, to ensure development proposals preserve, protect and enhance the character, appearance and historic value and significance of the District's designated heritage assets.

Heritage Balance

13. 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. As per the approach in paragraph 208, the proposal would amount to 'less than substantial' harm to the significance of this designated heritage asset. The harm is of considerable importance and weighs heavily against the scheme. This should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use. There would be some limited economic benefit from the renovation of the property, which would lead to general improvements to the local housing stock. However, given the nature and scope of the proposal any benefits in this regard would be very limited.
14. I am informed that a family member of the appellant is suffering from ill health and that the proposal would provide increased living space for their care. While I sympathise with this predicament, I have no evidence to substantiate this before me. As such I can only attribute limited weight to this matter. To that end, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, for the reasons set out above, it does not follow from the PSED that the appeal should succeed and the benefits as set out do not outweigh the harm I have identified.
15. Accordingly, the proposal would not preserve the listed building, or any features of special architectural or historic interest which it possesses. The public benefits as presented to me would not outweigh this harm. As such, it would not satisfy the provisions within the Framework which seek to conserve and enhance the historic environment.

Conclusion – Both Appeals

16. I have found that the proposed development would fail to preserve the listed building. In the parlance of the Framework, the harm to the significance of the designated heritage assets would be less than substantial and of considerable importance and weight, which I find would not be outweighed by public benefits. Accordingly, for the reasons given, I conclude that both appeals A and B should be dismissed.

C McDonagh

INSPECTOR