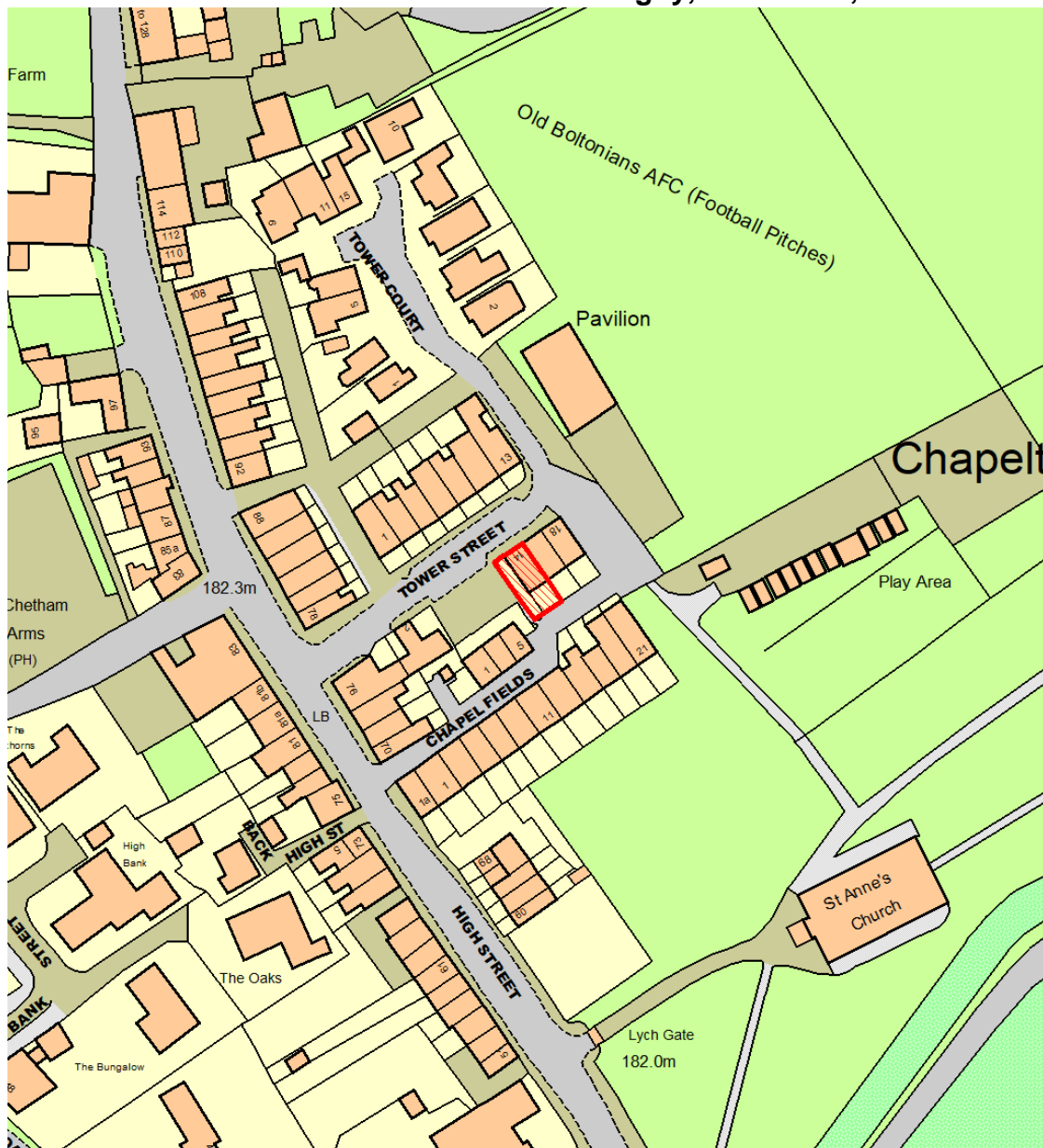


Proposed development: Full Planning Application for Proposed change of use to the land as side garden (Use Class C3) with 1.8m timber fence and erection of single storey rear extension

Site Address:
14 Tower Street
Chapeltown
Bolton
BL7 0EU

Applicant: Mr Steve Charnock

Ward: West Pennine: Councillors: Jean Rigby, Neil Slater, Julie Slater



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE, subject to the conditions recommended within Paragraph 5.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, due to the receipt of an objection to the proposals from North Turton Parish Council.
- 2.2 The proposal seeks to change the use of a small strip of land to the side of No.14 Tower Street to garden area (Use Class C3), and enclosing it with the installation of a 1.8m high timber fence. A single storey rear extension limited to the existing rear yard area is also proposed.
- 2.3 The key issues in the assessment of the application are the principle of the development, impact upon the character and appearance of the Chapeltown Conservation Area and setting of listed buildings, design / visual amenity issues, and potential harm of the extension on residential amenity. In arriving at the recommendation, all material matters have been considered, in the context of relevant Development Plan policies and The Framework, as set out in the Assessment section of this report. In summary, assessment of the application finds the proposal is acceptable, subject to control of certain matters through the use of appropriately worded conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to a two storey cottage at the end of a row of three on the southern side of Tower Street off High Street, within the Chapeltown Village Boundary. The host dwelling constructed in the mid-late 19th Century has stone elevations to the front and rear, a rendered side gable elevation and a slate roof. The site lies within the Chapeltown Conservation Area.
- 3.1.2 To the immediate west is an area of paved open space with planters and three single trees followed by two dwellings which are set-back. A short distance away to the north-east is Old Boltonians AFC pavilion and football pitches.

3.1.3 Figure 1 presents an aerial view of the site and its surroundings.

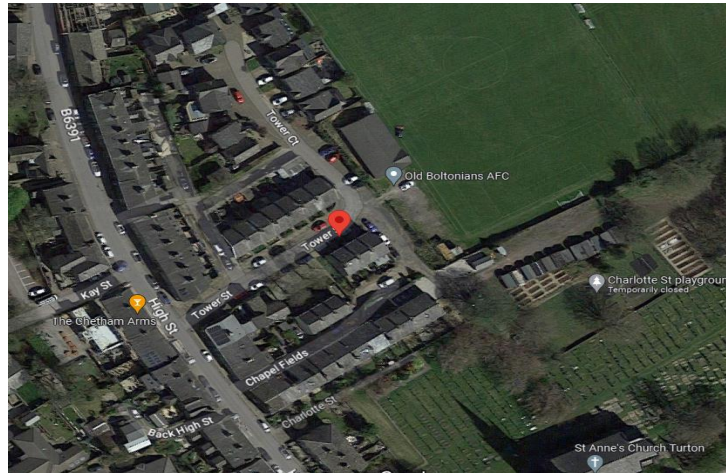


Figure 1: Google aerial view of the application site

3.2 Proposed Development

- 3.2.1 The strip of soft landscaped land to the gable elevation of the host property despite proven to be within the ownership of the applicant was determined during previous planning applications not to be within the residential curtilage associated with No.14 Tower Street.
- 3.2.2 Planning permission is sought to change the use of this aforementioned area to be used as garden (Use Class C3). To enclose the land a 1.8m high timber close boarded fence is proposed.
- 3.2.3 The proposal also seeks consent to erect a single storey lean-to extension at the rear of the property to create additional living space to provide a family room and open plan kitchen and dining area and to relocate the stairs.
- 3.2.4 The proposed single-storey extension will span most of the rear elevation at 4.6m in width and project out circa 3.7m into the existing garden/yard area, leaving a small area for access. It will have a mono-pitch roof with an eaves height of 2.5m and 3.8m the ridge. The proposed extension will have full-length windows on its rear elevation, an entrance doorway to the side, and two roof lights.
- 3.2.5 As part of the works, the existing stone boundary wall that currently continues from the side elevation will be replaced by the side elevation of the proposed extension. The proposed extension will be finished in render and quoins with a slate roof to match the existing. There are no material details provided for the proposed windows and door.
- 3.2.6 Figure 2 shows the proposed site plan and proposed ground floor plan. Figures 3 and 4 demonstrates the submitted elevation drawings for the proposed rear extension and extent / height of the proposed timber fencing.

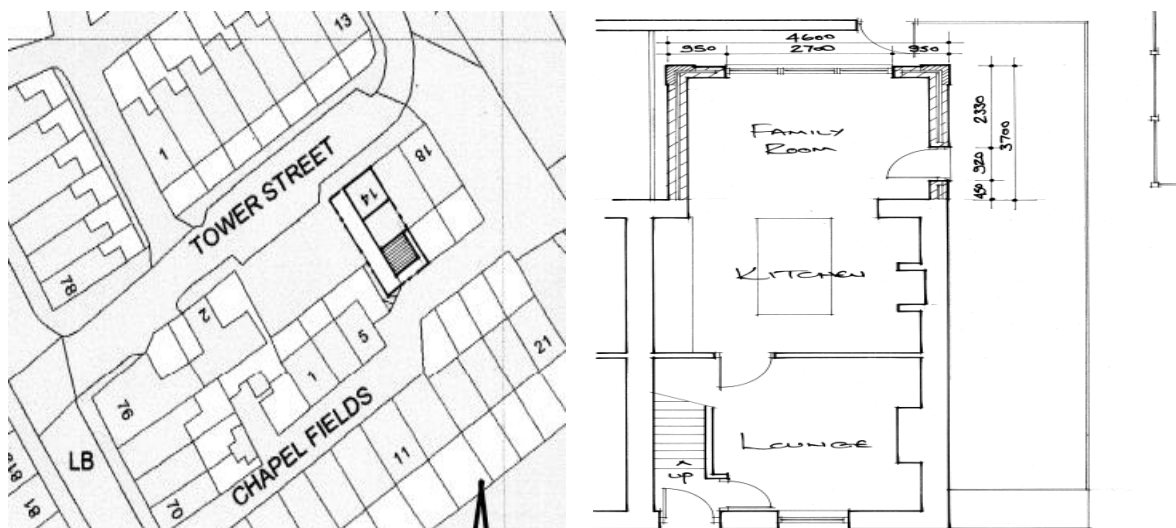


Figure 2: Proposed Site Plan (left) and Proposed Ground Floor Plan (right)

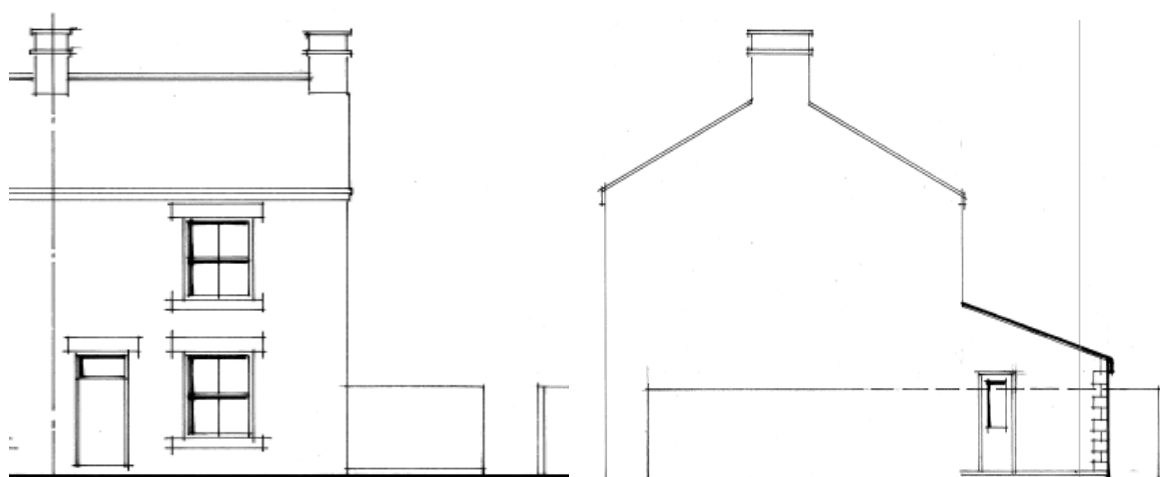


Figure 3: Proposed Front Elevation (top left), Proposed Side Elevation facing No.5 Chapel Fields (top right).

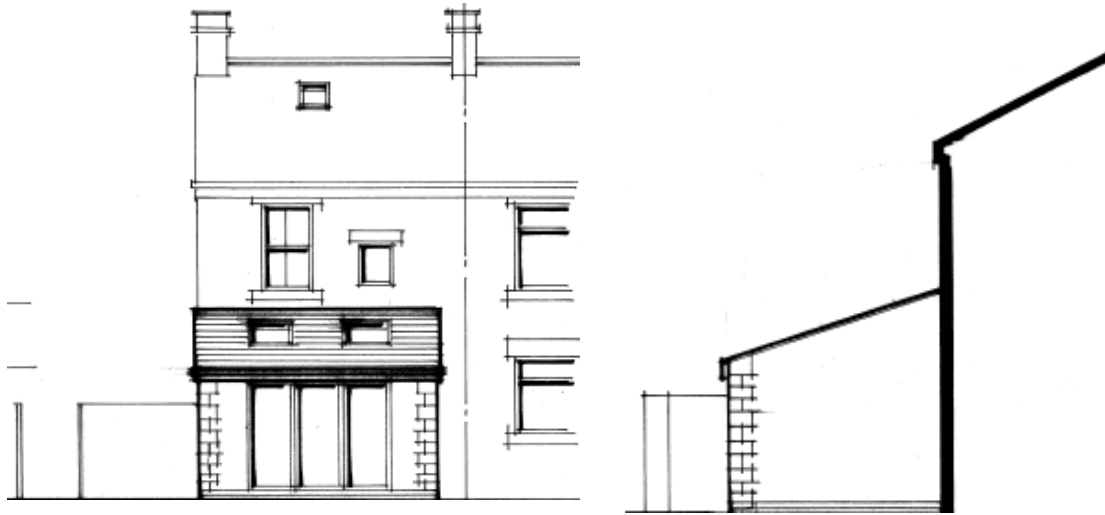


Figure 4: Proposed Side Elevation facing No.16 Tower Street (bottom right)

3.3 Case Officer Photos



3.4 Development Plan

3.4.1 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). The following policies are considered relevant in assessment of the proposed development;

3.4.3 Core Strategy

- Policy CS16 – Form and Design of New Development
- Policy CS17 – Built and Cultural Heritage

3.4.4 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 25 – Residential Curtilages
- Policy 39 – Heritage

3.5 Other Material Planning Considerations

3.5.1 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, as Amended – Section 72(1)

3.5.2 National Planning Policy Framework (NPPF)

- Section 12: "Achieving Well-Designed Places"
- Section 16: "Conserving and enhancing the historic environment"

3.5.3 Residential Design Guide Supplementary Planning Document

3.5.4 Chapeltown Conservation Character Appraisal

4.0 ASSESSMENT

4.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Principle of Development
- Impact to the Chapeltown Conservation Area and the Setting of nearby Listed Buildings
- Design/Visual Amenity
- Residential Amenity

- Highways

4.2 Principle of Development

4.2.1 The proposed garden extension involves a very modest encroachment into land to the west of the dwelling. This strip of land has been established to be within the ownership of the applicant, but has never formed part of the residential curtilage associated with No.14. It is an unenclosed area largely comprising of overgrown vegetation which is already read in connection with the host dwelling.

4.2.2 As such, in land use terms, the principle of the change of use to garden (C3) is accepted, together with the domestic extension proposed in accordance with the presumption in favour of sustainable development detailed in the NPPF and LPP2, Policy 7, which proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

4.3 Impact to the Chapeltown Conservation Area and the Setting of nearby Listed Buildings

4.3.1 The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

4.3.2 Policy 39 of the Local Plan Part 2 requires development with the potential to affect any designated or non-designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset.

4.3.3 The Council's Conservation Officer (CO) has reviewed the submitted proposals and offers no objections. The full assessment from the heritage advisor can be viewed at paragraph 7.4 of this report.

4.3.4 It was noted that the proposed rear extension is to be on a secondary elevation which is of lesser significance. In addition, several properties in the immediate area have benefitted from similar extensions to that proposed under this application. These include one within the same row as the application site. The dwellings with lean-to single storey rear extensions (of various styles) which were visible on my site visit together with supporting images are presented below:



Figure 5: 18 Tower Street (left), 19 and 21 Charlotte Street (middle), 70 High Street (right),

- 4.3.5 With regards to the materiality of the extension, some concern is offered to the proposed rendering of the rear elevation, however it was concluded it would result in no discernible harm and the render would tie in with that of the existing gable elevation. Notwithstanding this, written and illustrative details of the walling, roofing, window, and door materials to be used in construction of the extension will be secured by condition prior to their use in the development.
- 4.3.6 Concerns are raised by the North Turton Parish Council that the proposal would result in the closure of the historic bypass in between the application site and No.5 Chapel Fields. However, it should be pointed out access for this thoroughfare will be maintained by virtue of a circa 1.2m gap being left, and thus will allow continued use. It is also worth noting that the applicant could enclose the piece of land to the side with a 2m high fence without the need of planning permission, albeit consent is required for use as garden area. Taking this fall-back position into account, the proposal would result in no greater impact than that which could be carried out through permitted development under Part 2, Class A of the GPDO.
- 4.3.7 In regards to the timber fencing proposed to enclose the garden extension, whilst accepted that fencing is not a typical feature with the CA it is not totally an alien feature. It is also recognised that the fencing mirrors the arrangements at the neighbouring property, No.5 Chapel Fields. A condition is to be attached to control the exact type of fencing to be used with details required to be submitted prior to its installation.
- 4.3.8 In summary, the CO points out;

‘The proposal put forward for the lean-to single storey rear extension is of an appropriate design/scale and is an improvement on the earlier application, which was refused. The extension mirrors similar extensions/additions to properties seen within the immediate CA. As such, I do not think there will be any substantive harm to either the

character or appearance of the Chapeltown Conservation Area as a result of the proposed works’.

- 4.3.9 The proposed location is sited within close proximity to several Grade II listed buildings, most notably The Chetham Arms, 87 and 89 High Street, 75 High Street and the Church of St. Anne. Therefore, the proposal will be assessed in relation to the impact on the listed buildings setting.
- 4.3.10 The assessment from the CO identifies that there are only limited views from the host property to the listed Chetham Arms with no visual connection to any of the other above-mentioned listed buildings. As such, the proposal will not impact upon the setting of those nearby Grade II listed buildings.
- 4.3.11 Subject to compliance with those conditions, the proposed development would meet the statutory test to ‘preserve’, causing no substantive harm to either the character or appearance of the Chapeltown Conservation Area, nor to the contribution made by the setting to the significance of any nearby Grade II Listed building. Thereby, the proposal complies with the core objectives of Policies CS17 and 39 together with Chapter 16 of the NPPF.

4.4 Design / Visual Amenity

- 4.4.1 Policy 25 of the LPP2 states ‘an extension to a residential curtilage will only be permitted where it will not, in isolation or in combination with other committed or completed development, lead to any detriment to visual amenity or to the character of the surrounding landscape. In appropriate cases the Council will remove permitted development rights in order to protect the character and amenity of the landscape’.
- 4.4.2 The garden extension amounts to a circa 2.3m extension to the land at the side which measures 14m from front to back. The subsequent change of use is not considered to be detrimental to visual amenity or landscape character. Indeed the extended curtilage will be read in conjunction with the existing dwelling, and enclosed by a timber fence which is similar to the arrangements at No.5. It should also be pointed out that at present this strip of land has an untidy appearance by virtue of overgrown vegetation, and thus the proposal will lead to an improvement.
- 4.4.3 Policies CS16 and 11 require development proposals to be of a high standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.
- 4.4.4 RES E7 require that materials used, roof shape and fenestration details for any single storey rear extensions reflect the appearance of the existing dwellinghouse.

4.4.5 The proposal has been appropriately designed through the use of a mono-pitched roof which harmonises with the main roof form. As discussed in the above heritage sub-section, whilst acknowledged the use of stone would harmonise better with the existing rear elevation. However, render is largely prevalent on the dwelling and within the street scene, and thus is not considered to be unduly harmful upon visual amenity of the property itself or surrounding area. The proposed two velux rooflights cause no concern given they are a common feature in the area.

4.4.6 Subject to the imposition of conditions relating to the materials and fencing to be used, the resultant scheme is considered to acceptable in design / visual terms, complying with Policies CS16, 11, 25, and RES E7 of the Design SPD.

4.5 Residential Amenity

4.5.1 Policy 8, amongst other criteria, requires successful proposals to secure satisfactory levels of amenity for users of the development and surrounding uses, with reference to matters including; light, privacy/overlooking and the relationship between buildings. These matters are reinforced within the Design SPD.

4.5.2 It was noted on my site visit that a habitable room window was positioned within the rear elevation of No.16 Tower Street in close proximity to the common boundary. When measuring the 45 degree rule on a horizontal plane, the proposed rear extension would breach against this ground floor window at the neighbouring property. The proposal does accord on a vertical plane.

4.5.3 Whilst accepted, the proposed extension may have a slight impact upon this window in terms of loss of light it is not considered to result in a significantly overbearing and dominant addition. The proposal would also see the removal of the existing high stone structure in the rear yard area along its boundary. Therefore, it is likely to result in a slight betterment to the living conditions in terms of light and outlook of the rear kitchen window at No.16.

4.5.4 With regards to No.5 Chapel Fields, the gable side elevation of this property features a blank wall with no window openings. The positioning, massing and design of the single storey rear extension will therefore cause no undue impacts in terms of dominance etc. A door opening that is partly glazed is to be inserted in the side of the extension facing towards No.5, however this will not result in privacy concerns given the relationship to the front window at No.5 which only allows for oblique views. The proposed boundary treatment will also act as a screen.

4.5.5 The proposed rear extension includes floor-to-ceiling windows in the rear elevation which directly face towards rear of the properties adjacent on Charlotte Street. Given the proximity of the extension to the existing stone boundary wall at the host property, limited views would be afforded to the first

floor windows adjacent and vice versa, thus mitigating against any detrimental privacy impacts.

- 4.5.6 RES E5 states extensions should be designed to allow sufficient amenity space and not constitute over development of the plot. Despite, the proposed rear extension covering a large proportion of the rear backyard, resultant of the inclusion side area as garden it is determined adequate space is provided for bin storage, and general use of outdoor space including drying of washing etc.
- 4.5.7 For the reasons above, the proposal is found to be acceptable from an amenity perspective, in accordance with LPP2, Policy 8, as well as guidance contained with Design SPD.

5.0 RECOMMENDATION

5.1 Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
 - Site Location Plan; and
 - Drawing No. TS/PL/22/001 A – Existing and Proposed Plans and Elevations - Received 22nd April 2022

REASON: For the avoidance of doubt and to clarify, which plans are relevant to the permission.

3. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, written and illustrative details of the external walling, roofing, window and door materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory; in accordance with Policies 11 and 39 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. Prior to installation of the fencing hereby permitted, details confirming the exact height, materials and design shall have first been submitted to and approved in writing by the Local Planning Authority. The agreed boundary

treatment shall then be provided in full accordance with the approved details before the proposed garden extension hereby approved is first brought into use and remain in perpetuity thereafter, unless otherwise agreed in writing.

REASON: To ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2.

5. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6.0 PLANNING HISTORY

- 10/20/0845 – Proposed single storey side and rear extension. Withdrawn, 5th November 2020.
- 10/20/1066 – Extension of residential curtilage to side and proposed single storey side/rear extension. Refused, 12th January 2021 for the following reasons;
 1. The proposals, by virtue of their scale, design, massing, siting and materials, are considered contrary to Policies 8, 11 and 39 of the Blackburn with Local Plan Part 2 (2015), the Council's Residential Design Guide SPD and Conservation Areas SPG and the National Planning Policy Framework. The proposals would be unsympathetic and incongruous additions, out of keeping with the style, character and appearance of the original dwelling and locality, that will neither preserve nor enhance the character, appearance or significance of Chapeltown Conservation Area.
 2. The loss of the open area to the side of the property will result in the enclosure of one of the historic thoroughfares from Tower Street to St Anne's CofE Church which are fundamental to the intrinsic character of Chapeltown Conservation Area. The proposed enclosure of this area of land would thus be detrimental to the character and appearance of the Conservation Area and would lead to the setting of a dangerous precedent which would cause visual harm and harm to the significance of the Conservation Area. The proposal is therefore contrary to Policies 8, 11 and 39 of the Blackburn with Local Plan Part 2 (2015), the Council's Conservation Areas SPG and the National Planning Policy Framework.

The decision was appealed (ref. APP/M2372/W/21/3269504), and subsequently dismissed. See Appendix 1 for attached appeal decision.

7.0 CONSULTATIONS

7.1 Statutory Consultation

7.2 North Turton Parish Council

The Parish Council objects to this planning application on the following grounds:

- Issue with the loss of right of way currently at the side of the house that has historically been in use for many decades. This would see not only a loss of amenity for the residents of Chapeltown but the loss of a heritage asset intrinsic to the preservation of the Chapeltown Conservation Area.
- The type of extension planned would be inappropriate and not in keeping with the current street view.
- Contravenes policy numbers 8, 11 and 39 of the local plan (part 2, 2015).

7.3 Public Protection

With reference to the above application, I recommend that the following condition(s), informative(s) and/or comment(s) be included if planning permission is granted:

Condition – Unforeseen Contamination

If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

Reason

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 – Planning and Pollution Control.

7.4 Conservation Officer

Impact to the Conservation Area

The issues from a conservation perspective is whether the proposal will harm the character and appearance of the Chapeltown Conservation Area.

The Chapeltown CA was originally designated in 1970, making it the oldest Conservation Area in the Borough. The character and appearance of the Conservation Area is largely derived by the special interest of its historic core formed by its linear road pattern and rows of 18th and 19th Century stone built terraces of similar design, which demonstrate Chapeltowns transition from a rural economy to a more industrialised economy with the development of mills and bleach works.

The significance of the property is moderate, which positively contributes to the character and appearance of the CA through its natural stone materials, built form and uniform design along with the other groups of terraces on Tower Street and the other linear terraces within the CA.

The property is an end-terraced property that is set significantly forward of the adjacent terraced row to its southwest, with a dominant side gabled elevation when viewing from the west, looking east along Tower Street. The proposed extension will be located on the rear elevation of the property; I note that the rear of the property is a secondary elevation and therefore, considered to be of lesser significance. However, there are clear views from Tower Street of the of the side elevation including the stone boundary wall that serves the rear garden, where the proposed extension will be located.

Nevertheless, in this part of the CA a large majority of terraced houses have had lean-to single-storey rear extensions erected (of various styles), particularly those where the rear elevation runs along Chapel Fields and those along High Street, where the rear elevations are easily viewed from the public realm on Tower Street.

In regards to the proposed windows for the new extension, the proposed material and design has not been provided. However, in this area, there is already a heavy use of uPVC in a range of styles and colours. The CAA notes that uPVC windows have replaced many of the traditional timber window frames in many of the unlisted buildings and must be considered to be a negative influence. Nevertheless, whilst I would prefer to see the use of traditional window materials, there is already a wide variety of windows throughout the CA, all of which are of differing colours and styles. Although, the material and style has not been disclosed, if the intention is to install uPVC, composite or Aluminium, I do not think this will cause any additional harm to the CA.

In regards to the proposed fencing that will enclose the side of the property and provide a narrow garden area. Whilst boundary fencing is not a common feature within the CA, they are not totally absent; whilst set back further than the host dwelling, the adjacent property (No.5) has timber fencing running along its rendered side elevation, set back marginally from the front elevation. The proposed fencing would be similar. In addition, the (historic) gap for the bypass access route between the application site and No.5 Chapel Fields will be retained, although slightly narrower. Therefore, I do not think this part of the proposal will result in any substantive harm to the CA.

My only slight concern is the rendered finish to the proposed extension. In this part of the CA, whilst there are some rendered gable ends, stone remains the dominant material, including on modern extensions. I do also acknowledge that the side elevation of the dwelling is already and historically rendered and that the extension will be screened to some extent by the proposed boundary fencing. In this context, whilst I would prefer to see a stone finish on the proposed extension, particularly along the side elevation, that will replace the existing stone boundary wall, I do not feel the use of stone could be insisted upon.

Similarly, I do not object to the proposed use of rooflights, which are located on the rear elevation of the extension. In this part of the CA most of the rear extensions and elevations contain rooflights, even on the rooflines, which are easily seen from public vantage points.

In my view, the proposal put forward for the lean-to single storey rear extension is of an appropriate design/scale and is an improvement on the earlier application, which was refused. The extension mirrors similar extensions/additions to properties seen within the immediate CA. As such, I do not think there will be any substantive harm to either the character or appearance of the Chapeltown Conservation Area as a result of the proposed works.

Impact on the Setting of the Listed Buildings

The issue from a heritage viewpoint is whether the proposal would harm the setting of the adjacent Grade II listed buildings, which are of high significance.

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017), which describes the setting as being the surrounding's in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access.

Mindful of the above guidance, from No.14 Tower Street there is only a glimpsed and partial view of the Grade II Listed Chetham Arms, which is located to the west of the No.14 Tower Street. There is no visual connection from the proposal site itself, nor to any other of the Grade II Listed buildings within close proximity, due to screening from intervening properties and mature trees. Therefore, the proposals will have no impact on the contribution made by the setting to the significance of those nearby Grade II Listed Buildings.

Conclusion / recommendation

As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

I consider the proposal would meet the statutory test 'to preserve', causing no substantive or discernible harm to either the character or appearance of the Chapeltown Conservation Area, nor to the contribution made by the setting to the significance of any nearby Grade II Listed building. Therefore, no balancing exercise is required as per NPPF P.202 and the proposal meets the objectives of Chapter 16 of the NPPF and accords with the policies of the Local Plan.

7.5 Public Consultation

Neighbourhood consultation letters were sent out on 23rd January 2023, to 14 properties surrounding the application site. In addition, a Site Notice was displayed on 27th January 2023 positioned on High Street. Also, given the sites position within the Chapeltown Conservation Area the application was advertised in the local newspaper on 7th February 2023. In response to the public consultation, no comments or objections have been received.

8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

9.0 DATE PREPARED: 29 March 2023

**APPENDIX 1: APPEAL DECISION DATED 16TH AUGUST 2021 –
APP/M2372/W/21/3269504 – 14 TOWER STREET, CHAPELTOWN**



Appeal Decision

Site Visit made on 6 July 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2021

**Appeal Ref: APP/M2372/W/21/3269504
14 Tower Street, Chapeltown, Bolton BL7 0EU**

- 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 Mr Steven Charnock against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/20/1066, dated 9 November 2020, was refused by notice dated 12 January 2021.
 - The development proposed was originally described as 'change of use of the land to the side to garden and a single storey side/rear extension.'
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs is made by Mr Steven Charnock against Blackburn with Darwen Borough Council. This is subject to a separate decision.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance of this revision to the Framework to their respective cases.
4. The Council amended the original description of development to '*extension of residential curtilage to side and proposed single storey side/rear extension.*' However, 'curtilage' is a legal concept and not a use of land. From the evidence before me, the proposal seeks to use land to the side of the dwelling for residential purposes, both as the site of the side extension and as a garden. Accordingly, I consider the appellant's description more accurately describes the proposal. However, despite this change, the Council's reasons for refusal refer not to the acceptability of the change of use of this land, but to the effect of the loss of the open area to the side on the character and appearance of the Chapeltown Conservation Area (CCA). I have therefore considered the appeal on this basis.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the CCA, both in respect of the design of the proposed extension and the development and enclosure of the open land to the side of the property.

Reasons

6. The CCA is characterised by rows of traditional two-up, two-down stone worker's cottages and later terraced houses centred on High Street and several small streets leading off it. The significance of the CCA lies in its organic built form which reflects the transition of the area from a mainly rural economy to an more industrialised one in the mid to late nineteenth century, and in the predominant use of sandstone, consistent roof forms, small, enclosed yards and open spaces which together contribute to a highly coherent and attractive townscape.
7. The appeal site forms part of a short group of three cottages on the southern side of Tower Street. The dwellings to the west are set significantly back behind an area of mainly paved open space populated by several street trees, which creates an more open character and gives the flank elevation of the appeal building a particular prominence in the street scene.
8. The appellant indicates that the land to the side of the appeal dwelling is within his ownership, comprising an unenclosed area of overgrown vegetation alongside the side wall and the first row of flagstones beyond this. A narrow route between Tower Street and Chapel Fields is possible between the vegetation and the side fence of 5 Chapel Fields, though passage was blocked at the time of my visit by wheelie bins. It is indicated by interested parties that this route is a public right of way; however, the Council states that it is not a public right of way or an adopted public footpath. Rather, the Council's concern relates to the effect of the loss of what it considers to be an important feature of the CCA. The Council points to the Chapeltown Conservation Area Appraisal (March 2006) which states that 'the alleyways and narrow paths and roads, contribute greatly to the character of the Conservation Area.' I agree that the small and, in parts, unmade lanes and back streets surrounding the appeal site give it a distinctive, traditional and organic character.
9. The proposed single storey extension would span across virtually the full width of the rear elevation and would extend just over 3 metres out to the side, wrapping around the host dwelling and extending forward along to the approximate midpoint of the existing side wall. The space between the front of the proposed extension and the front building line would be enclosed to form a small garden area. The extension would almost wholly infill the gap between the appeal dwelling and the side garden wall of 5 Chapel Fields.
10. I saw a number of examples of rear extensions to neighbouring properties. These take the form of simple lean-to structures sitting within the existing width of the dwellings. Though visible from the public realm, they are modest additions which respect the simple form of the cottages and the rhythmic layout of the terraces. The proposed extension would stand in contrast to this established pattern. Although the depth of the rear projection would generally match that at No 18, the wraparound form of the extension would widen the footprint of the dwelling and disrupt the rhythm of the terrace in which it sits. Moreover, the forward projection along the side wall would form an uncharacteristic offshoot to the building which would appear discordant against the substantial side gable wall due to its offset alignment and introduction of a secondary pitched roof and gable with an atypical triangular window. The proposal would also upset the plan form of the site, and the rhythm of the group, by removing part of the existing side garden wall and creating a wider site relative to its immediate neighbours.

11. The appellant points to the side and rear elevations of dwellings in the CCA being more understated in appearance and of lesser significance as a result. However, in this case, the side and rear elevations are in clear view from public areas of the CCA, and they form an important part of the built form in their own right. The extension would be a highly visible feature that would intrude upon and detract from the simple arrangement and understated appearance of the adjacent open space on Tower Street. Moreover, it would infill the existing physical and visual gap between the appeal site and 5 Chapel Fields which serves to separate two groups of dwellings, and has acted historically as a cut-through, notwithstanding its lack of status as a public right of way. The existing layout of small terraces and narrow streets and gaps adds to the organic quality of the built form. However, as a result of the proposal, the groups from 14-18 Tower Street and 1-5 Chapel Fields would be less legible as separate terraces which would diminish their presence in the street scene and erode the historic layout of the street and wider CCA.
12. In reaching a view, I note the use of render is not wholly uncharacteristic of the CCA, given its presence on a number of side gables, including the appeal site. However, this does not alter my view that the extension would be harmful in terms of its location and overall form.
13. For these reasons, I find that the proposal would represent an incongruous addition within a longstanding townscape gap that would detract from the historic urban grain and would harm the character and appearance of the CCA. This would conflict with Policies Policy CS17 of the Core Strategy (January 2011) and Policies 8, 11 and 39 of the Local Plan Part 2 (December 2015), which together require development to present a good standard of design that takes advantage of opportunities to integrate with and promote the Borough's cultural assets, including enhancing the setting and views of buildings through appropriate layout of new development; designing new development to fit and strengthen the urban grain created by historic buildings; and to sustain or enhance the significance of designated heritage assets.
14. The harm identified to the significance of the CCA would be less than substantial, in the language of the Framework. Paragraph 202 advises 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 securing its optimum viable use.

Other Matters

15. I note the appellant's point that the land to the side could be enclosed under permitted development rights, which I take to mean a fence or wall. However, such works would not be comparable to an extension in terms of scale or massing, and would not have the same enclosing effect on the townscape gap. Therefore I do not regard this as a significant fall-back position and I afford this argument only limited weight.
16. The appeal building is already in its optimum viable use as a dwelling, and there is no indication that this use would be under threat were the appeal to be dismissed. Therefore, I am not persuaded that an extension is necessary to

secure its long-term future. Ultimately, the additional accommodation would be a largely private benefit for the appellant, with only a modest public benefit in terms of adding to the size of accommodation generally. Some modest, and temporary, economic benefits would arise for local contractors in building the development.

17. Taken together, these limited benefits would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which I must give significant weight. Accordingly, the Framework does not indicate the proposal would amount to a sustainable form of development.

Conclusion

18. The proposal would result in conflict with the development plan, taken as a whole, which is not outweighed by other material considerations, including the Framework.
19. Therefore, for the reasons given, the appeal should be dismissed.

K Savage

INSPECTOR