

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00504/LBC	Claire Ringwood	22 nd November 2023

Address: Dearnley Old Hall, New Road, Littleborough, OL15 8NL

Proposal: Erection of detached garage

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	Y

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RG

DATE: 01 December 2023

SITE

Dearnley Old Hall is a Grade II* Listed Building and has been described in the submitted Heritage Statement as “a late-medieval timber-framed hall-house, possibly dating as early as the first half of the 16th century. Evidence for this derives from the existing king-post trusses and internal timber-framed screen. The building is composed of a linear main range that was probably constructed around mid-17th century, and a smaller 19th century rear wing.”

The Historic England listing entry reads:

“II House. Probably early to mid C17. Rendered stone with graduated stone slate roof. 3-unit 2-storey plan with C19 parallel range to rear. Projecting plinth. Paired doors between bays 1 and 2 have chamfered surrounds and flat-arched lintels. 5, 6 and 4-light double-chamfered mullion windows with hoodmould which continues over the doors. 4, 5 and 4-light first floor windows. Coped gables with kneelers. Ridge and gable chimney stack rebuilt in brick. Rear obscured by C19 addition in rock-faced stone. Interior retains a timber-framed crosswall at the lower end of the house-part with 3 Tudor-arched doors in the Medieval manner. Chamfered beams and a boxed-in bressumer beam. H. Fishwick, History of Rochdale, 1889.”*

The site is located behind properties on New Road and accessed from Union Road to the west where there is a relatively recent residential development. The property is located to the north-west corner of the site with garden land to the east and south of the property. The red line on the Location Plan includes access from Union Road, two parking spaces to the side of the property and an area of parking to the south of the property which is in line with the front garden.

The property is currently under offer and the sales particulars refer to ‘a double garage is soon to be built to the front of the property which will be included within the sale.’

The site lies within the Defined Urban Area as designated in the saved Rochdale Unitary Development Plan Proposals Map (Policy G/D/1) and within an SSSI Impact Risk Zone.

PROPOSAL

The application is for the erection of a detached garage on garden land to the front of the property. The garage measures 6m x 6m with a pitched roof measuring approximately 2.4m in height to eaves level and approximately 4.10m in height at its highest point. An up and over electric garage door is proposed to the front which faces onto the new housing development and a side window would face the front elevation of the dwellinghouse.

The submitted Block Plan shows the proposed garage up to the boundary with 154 New Road.

The submitted plans state the driveway would consist of natural (Indian) stone, setts to be Marshall's Fairstone sawn and tumbled laid to falls. Re-constituted stone to the front of the garage and render to rear and side walls, timber garage door, soft wood window, aluminium gutter and downpipes (unsure if these are also to be aluminium) and Marley Modern slate grey tiles to match the new housing development.

The application has been submitted in tandem with an application for planning permission 23/00226/FUL.

PLANS AND INFORMATION SUBMITTED

Heritage Statement
Received 6th March 2023

Drawing No: PL-12 – Garage to Dearnley Old Hall
Received 26th April 2023

Drawing No: PL-01 – Existing Site Plan
Drawing No: PL-02 – Proposed Site Plan
Received 27th April 2023

RELEVANT PLANNING POLICY AND LEGISLATION

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF) September 2023
Chapter 16 – Conserving and Enhancing the Historic Environment

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS)

P2 Protecting and enhancing character, landscape and heritage

Unitary Development Plan (UDP)

G/BE/9 Conservation of the Built Heritage

RELEVANT SITE HISTORY

80/D11142 – Front Entrance Porch. Permitted.

11/D54094 - Outline Application - 9 Dwellings, Part Demolition Of Chapel And Conversion Of Outbuilding To Garage For Dearnley Old Hall. Withdrawn 05/01/2015.

11/D54104 - Alterations To Existing Chapel And Outbuilding To From A Double Garage For Dearnley Old Hall And The Demolition Of Disused Industrial Building And Garages. Withdrawn 05/01/2015.

14/01530/OUT - Outline planning permission (by means of access, layout and scale) for the erection of 14no. 3 and 4 bedroom dwellings. Withdrawn 12/05/2015.

15/00200/LBC - Application for listed building consent to demolish the chapel of rest outbuilding to allow for the development of 14 dwellings. Withdrawn 12/05/2015.

15/00916/OUT - Outline planning permission (including means of access, layout and scale) for the erection of 14no. 3 and 4 bedroom dwellings (Resubmission of 14/01530/OUT). Permitted 14/06/2017.

15/01132/LBC - Demolition of Chapel of Rest and retrospective consent for the demolition of the principal outbuilding. Permitted 11/02/2016.

16/00267/DOC - Submission of details to comply with conditions 3 and 4 on planning permission 15/01132/LBC. Discharged 02/05/2018.

20/00520/FUL - Residential development - 13 terraced and 1 detached dwelling with associated access, parking and landscaping. Permitted 14/10/2020.

22/00451/DOC - Submission of detail to comply with condition 4 (remediation scheme) on planning permission 20/00520/FUL. Discharged 25/05/2022.

23/00226/FUL - Erection of detached garage. Pending consideration.

CONSULTATION RESPONSES (SUMMARY)

Conservation Officer

Proposal is acceptable in principle – however clarification and amendments are required.

The submitted heritage statement does not adequately analysis the historical development of the site, nor does it analyse the impacts of the proposed on the significance of the designated heritage asset. This is not in line with both paragraph 194 of the NPPF. Further information is required in relation to the setting of the asset in respect of trees and boundary treatments in order to assess the proposals. Other elements in relation to material finishes may be controlled via planning condition.

Joint Committee of National Amenity Societies

No comments at the time of writing.

Greater Manchester Ecology Unit (Trees)

No comments at the time of writing.

REPRESENTATIONS

Written notification letters were sent to occupiers of properties surrounding the development site and the application was publicised in the local newspaper and site notices displayed. One letter of representation has been received:

1. A double garage in the grounds of a Grade II Listed Building would seriously affect the character and would not be 'in keeping' with this amazing property;
2. The recently built development already has many cars accessing from Union Road, additional cars travelling through this development would add further to the highways traffic.

ANALYSIS

When making a decision on all listed building consent applications, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

NPPF Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum

the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

NPPF paragraph 199 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

NPPF paragraph 200 states 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.

Paragraph 202 states 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.

This is reiterated at a local level by Rochdale Core Strategy Policy P2, which seeks to protect the borough's heritage. This policy seeks to conserve, enhance and promote key heritage assets.

GMCA's draft Places for Everyone Plan Policy JP-P2 seeks to encourage heritage place-making and states the desire to positively conserve, sustain and enhance the historic environment, heritage assets, and their settings.

Assessment of harm to the significance of the Listed Building

Dearnley Old Hall is a Grade II* Listed Building and the proposal is for the erection of a detached garage to the front of the hall which would be located within the front garden, to the rear of 7 Old Hall Mews, Union Road and 154 New Road.

The erection of this garage as proposed may be agreeable in principle. However, the Council's Conservation Officer reviewed the submitted plans and advised that the submitted heritage statement did not adequately analyse the historical development of the site, nor did it analyse the impacts of the proposal on the significance of the designated heritage asset. This is not in line with paragraph 194 of the NPPF.

The Council's Conservation Officer also advised that clarification should be sought to ensure that no mature trees would need to be felled in order to accommodate the construction of the garage as there are some mature trees close to the location of the proposed garage. Any works or harm to the trees would affect the setting of the listed building, possibly resulting in some less than substantial harm. This possible harm had not been provided with clear nor convincing justification and was therefore not agreeable. If any trees need to be removed, an updated heritage statement would be required which fully explored the significance of the site (under the guidelines set out in paragraph 194 of the NPPF). The updated heritage statement should include any contribution which the setting has contributed to the overall significance and development of the site and should also include an analysis of the impacts of any proposed tree removal on the heritage significance of the listed building. Should the proposal result in harm to the asset's significance, clear and convincing justification would need to be provided under section 16 of the NPPF.

Details relating to the driveway gate and any piers are mentioned briefly on the superseded plans, although no elevations or architectural details have been submitted. Likewise, any impact this element of the proposal may have on the significance of the heritage asset has not been considered. Any potential harm has therefore not been provided with clear nor convincing justification. Both architectural and material details of the gates/piers proposed and an amended heritage statement detailing the aforementioned are required for submission before this element of the proposed can be supported. All materials should be chosen to be in keeping with the historical materials of the listed building and its surroundings.

The Council's Conservation Officer has identified matters within the application that may be agreeable subject to securing appropriate conditions. Firstly, there are further details required when considering the interaction between the exterior wall of the garage and the existing garden wall and privet hedgerow. The drawing makes reference that care will be taken to minimise disturbance of the Old Hall's external garden walls & privet hedge. Any disturbance is not agreeable as this will materially alter the setting of the hall in a way which could negatively impact the significance of the hall. Any such impact could result in some less than substantial harm and has been provided with neither clear nor convincing justification under NPPF paragraph 200 and is therefore not agreeable. A method statement should be submitted to, and agreed upon with, the Local Planning Authority detailing what measures will be taken to ensure that neither the existing garden wall nor the hedgerow will be disturbed throughout the course of works.

Additionally, further information is required relating to the cladding material to the exterior walls of the garage. It is referenced as being stone, but no further details have been provided. It must be ensured that any stone chosen is locally sourced sandstone, in keeping with buildings of the surrounding area and of the existing boundary wall. Photographs, type, and procurement specification of any stone should be submitted to, and approved in writing by, the Local Planning Authority prior to instatement.

The slates proposed for instatement to the roof are categorized as natural grey slate; photographs, type, and procurement specification must be submitted to, and approved in writing by, the Local Planning Authority for approval prior to instatement.

All rainwater goods which are proposed to be aluminium should be powder coated, colour should be submitted to, and approved in writing by, the Local Planning Authority prior to instatement.

Any sandstone paving should not be natural "Indian" sandstone as detailed on the plans, but rather locally sourced Yorkstone. Photographs, type and procurement details should be submitted to, and approved in writing by, the Local Planning Authority prior to instatement.

All proposed timber garage doors and windows are agreeable in principle, although full product specification and finishing details would need to be submitted to, and approved in writing by, the Local Planning Authority prior to instatement.

An email was sent to the applicant's agent on the 2nd August 2023 advising there were a number of matters that needed to be addressed across this application and the parallel application for planning permission. The first was asking for the existing parking provision to be clarified, the second requested a Tree Survey to be submitted including a Root Protection Plan and a Tree Protection Plan and lastly the comments provided by the Council's Conservation Officer needed to be addressed.

Following the initial request for additional information, officers have reiterated the request on 14th August 2023, 21st September 2023 and 29th September 2023. On the 8th November 2023 officers advised that as the information had not been forthcoming, that the authority would need to determine the application on the merits of the submitted information if no further details were by 22nd November 2023. Without the additional information it was made clear that the application would fail to demonstrate that the proposed development would not harm the significance of the listed building and its setting (including trees).

RECOMMENDATION

REFUSE:

1. The applicant has failed to demonstrate that the proposed garage would not harm the significance of the listed building or affect the setting of the listed building as insufficient information has been provided. The proposal is therefore contrary with the requirements of section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004, Core Strategy Policy P2 and the NPPF.

Informative:

1. The decision relates to the following plans and drawings:

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