

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/H6955/A/17/3173915

DETAILS OF THE CASE

Appeal Reference

APP/H6955/A/17/3173915

Appeal By

MR & MRS SIMON TAYLOR

Site Address

Darland Lodge Bungalow, Darland Lane
Rossett
WREXHAM
LL12 0BA

SENDER DETAILS

Name

MR KENNETH TIPTON

Address

Flat 2, Darland Hall
Darland Lane
WREXHAM
LL12 0BA

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☐ Written Statement of Evidence
- ☒ Interested Party/Person Correspondence
- ☐ Other

COMMENT DOCUMENTS

The documents listed below are to follow by post:

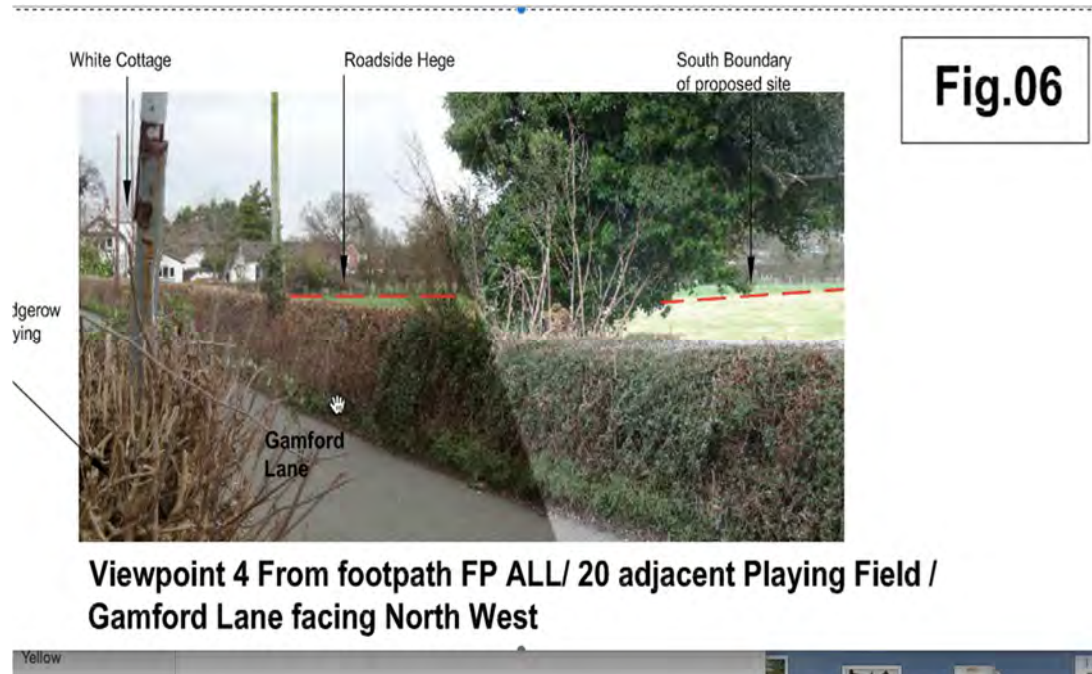
Relates to Section: REPRESENTATION

Document Description: Your comments on the appeal.

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

APPENDIX 1

P1 VIEWPOINT 4 LVIA PAGE 58



P2 VIEW FROM FP ALL/20



P3 GOOGLE EARTH STREET VIEW FP. ALL/20



P4 VIEW FROM LAYBY ON B5102



APPENDIX 2

P5 GAMFORD LANE WHITE COTTAGE



P6 GAMFORD LANE WESTFIELD



P7 DARLAND HIGH SCHOOL PLAYING FIELDS



P8 REVERSE VIEW TO GAMFORD LANE & PLAYING FIELDS



APPENDIX 3
BADGER TRACK SOUTHERN SITE BOUNDARY



APPENDIX 4 LISTING

Full Report for Listed Buildings



Summary Description of a Listed Buildings

Reference Number

1554

Building Number

Grade

II

Status

Designated

Date of Designation

07/06/1963

Date of Amendment

18/10/1996

Name of Property

Darland Hall

Address

Location

Unitary Authority

Wrexham

Community

Rossett

Town

Locality

Darland

Easting

337677

Northing

357831

Street Side

S

Location

Located to the south of Darland Lane approximately 1km off the B 5445 Chester Road, set back in its own garden.

Description**Broad Class**

Domestic

Period**History**

Multi-period small country house altered and extended from earlier cottage of 1636 to the south-west now attached to the Hall. Said to have originated as a late C16 hall built for a goldsmith of Chester. Held by a Mr Maddock from 1742 until 1786 when the Topham family, who owned and developed Aintree racecourse, acquired the property until 1918. It is believed that they developed much of the Hall to be the building it is today and the surrounding developments the pond, the pergola and gazebo to the rear garden, Darland Hall Farm, and the farm buildings attached to the western end of the Hall and Cottage. Sold by the Duckworth family in 1955 and divided into four flats though substantially unaltered by division as much of the Hall remains in single occupancy with three of the flats to the western end.

Exterior

Three storeys, rendered brick under pitched slate roof. String course divides storeys to gabled front elevation. Asymmetrically located front door with single height stone Ionic portico with bracketed cornice. Two large bay windows to rear elevation. Recent single storey flat roofed extension to the eastern end connects with former Roman Catholic chapel now in separate ownership and converted to residential use as part of Darland Hey. To the western end, and at right angles to the principal facade is a former stable block to an earlier building of rendered brick, with string course to eastern elevation and with a date stone inscribed "NM 1769" placed under the keystone of a filled in carriage entrance. Hipped slate roof. To the rear of the stable block is the cottage with date stone inscribed "IA 1636 IA" with farm buildings to the west, the nearest section having been converted to residential use.

Interior

Pine "veneer" half panelling to the entrance hall from which rises a fine early C19 staircase, rising full height, with turned balusters and S-shaped tread ends. Retains many High Victorian fireplaces, original six-panelled doors and plain plaster cornices.

Reason for designation

Listed for its special interest as a multi-period house, with C17 origins, and retaining good C19 interior detail.

Cadw : Full Report for Listed Buildings
[Records 1 of 1]

Case Details

Appeal Reference: APP/H6955/A/17/3173915

Appeal by: Mr & Mrs Simon Taylor

Appeal Site Address: Darland Lodge Bungalow, Darland Lane, WREXHAM

- 1 I am against the appeal proposals.
- 2 I support the five reasons for refusal set out by Wrexham County Borough Council ("WCBC").
I submit that the proposed development of the Appeal Site would lead to the loss of the present open fields and would replace them with an intrusive and incongruous housing estate of 47 dwellings.
- 3 I submit, in addition, that the proposed development will create substantial harm to the Setting of the Grade II listed Darland Hall (CADW Building ID 1554) and that the Appeal should be dismissed.
- 4 Relevant statutory, legal and policy support for this submission is provided by

The Town and Country Planning Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990

Court of Appeal: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors 2015 WLR 45

Planning Policy Wales (Edition 9, November 2016) Listed buildings 6.5.11

There should be a general presumption in favour of the preservation of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic to protect and enhance the special qualities of listed buildings, retaining them in sustainable use.....

The Draft Technical Advice Note 24 issued for consultation in October 2016 may be persuasive in interpreting 6.5.11. The Draft TAN 24 states

1.24 The setting of an historic asset includes the surroundings in which it's understood, experienced, and appreciated both in the

past and in the present. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. **(19)**

1.25 It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or on other sites of national importance and their settings. These principles, however, are equally applicable to all historic assets, irrespective of their designation. For any development within the setting of a historic asset, some of the factors to consider and weigh in the assessment include:

- the prominence of the historic asset□
- the expected lifespan of the proposed development□
- the extent of tree cover and its likely longevity□
- non-visual factors affecting the setting of the historic asset **(20)**

(19) This expands the definition provided in Conservation Principles for the sustainable management of the historic environment in Wales

□ **(20)** Cadw, Setting of Historic Assets in Wales

- 5 I refer to the Appellants Grounds for Appeal at page 4 Para 8.2 which cites The Landscape and Visual Impact Assessment Proposed Residential Development at Gamford Lane, Rossett, Wrexham, LL12 0BA For Land Planning January 2017 Robert Rodger Associates Ltd□Landscape Architects□ (the “LVIA”). This document was not published on the WCBC website until 8 February 2017 and therefore I had no opportunity to address its contents at the meeting of the Planning Committee on 6 February 2017.
- 6 The photographic evidence presented in the LVIA for Viewpoint 4 at Fig 06 page 58 (reproduced at Appendix 1 P1) appears to be a composite of 2 photos. It is inaccurate in that it does not show the full extent of the southern boundary of the Appeal site. A recent photograph taken from the stile and gateway FP.All/20 includes the full extent of the southern boundary (Appendix 1 P2) This reveals the prominent south elevation of the 3 storey Darland Hall at around 300 metres from the viewpoint.
- 7 A screenshot of the street view on Google Earth from the same viewpoint (Appendix 1 P3) shows the view of Darland Hall experienced by users of the public road network (including many recreational

cyclists) over the roadside hedgerow.

8 Further photographic evidence is included to show

- the view from the layby on the B5102 around 100 metres to the East of the continuation of FP.ALL/20. Again this shows clearly the prominent elevation of the Listed Property at around 500 metres from Darland Hall (Appendix 1 P4)
- the residential properties (White Cottage, Westfield and Barnfield) have clear views of the listed building across the open fields of Appeal Site. There are glimpsed views from Gamford Lane between the dwellings (Appendix 2 P5, P6)
- the partial views of Darland Hall from Darland High School Playing Fields on slightly higher ground on the west side of Gamford Lane between the residential cottages (Appendix 2 P7). It would be particularly apposite to preserve these views of the historic asset to be experienced by future pupils of the School.
- The corresponding reverse view from Darland Hall is appended as (Appendix 2 P8).

12 On the basis of the evidence presented above I submit that the development proposal falls within Sections 66 and 67 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Wales (Edition 9, November 2016) Listed buildings at 6.5.11 . I submit that the proposed development of the Appeal Site would lead to the loss of the present open fields and would replace them with an intrusive and incongruous housing estate of 47 dwellings.

13 Darland Hall was listed in 1963 for its special interest as a multi-period house, with C17 origins, and retaining good C19 interior detail. The listing text (Appendix 4) includes the description of a “former stable block” and “farm buildings to the west”. These buildings together with the Appeal Site formed part of the extensive (around 70 acres) Darland Hall estate until October 1954 when, I believe, the estate was offered as some 20 lots for sale by auction including Darland Hall, the Appeal site and the three residential cottages on Gamford Lane. Other lots included land on both sides of Darland Lane as far as the B5445, the lake on the north side of Darland Lane and further agricultural land to the border with England at the Pulford Brook.

14 Historically I would contend, therefore, that Darland Hall sat within a primarily rural agricultural setting. The associated farm buildings and surrounding land are still in use as a small-holding. The character and appearance of Darland Hall and the three cottages on Gamford Lane depend on that setting.

15 The Appellants make the assertion at 8.2 of the Grounds for Appeal

that “The location of the site within existing built form on three sides, will result in a ‘rounding off’ the urban area between Gamford Lane and the woodland south of Darland Hall, and not encroach into the wider countryside.” I submit that the proposed development would lead to the loss of the present open fields and would replace them with an intrusive and incongruous housing estate of 47 dwellings. The construction of this estate would effectively move Darland Hall and the cottages on Gamford Lane from a rural to a suburban setting.

- 16 The lifespan on the proposed development may be considered to be permanent. The Appellants propose to mitigate the impact of the proposed estate on surrounding properties by boundary and internal soft planting. Such measures would not address the issue of the negative impact on the setting of the historic asset.
- 17 The Appellants’ Summary Environmental Site Appraisal notes that “There are no adjacent sites that would cause unacceptable noise levels”. Noise levels within the curtilage and setting are generally low. Light pollution is also low. The rural character is perhaps best appreciated from dusk into nightfall with seasonal birdsong, sounds from sheep and lambs and open skies with early evening stars and planets. By contrast the impact on the setting of an estate of 47 houses with street, external and domestic lighting, car headlights, with intrusive levels of associated domestic noise, car and delivery vehicles, garden machinery should be weighed in the assessment.
- 18 I refer to the specific issue of Protected Species within the curtilage. At 11.0 –11.4 of the Grounds for Appeal the Appellants submit that the reason for refusal “should be discounted as erroneous”. Appendix 3 P9 shows the existing defined badger track leading from the sett to the Appeal site field between the southern boundary post and rail fence and the lambing shed/hay store designated in the development proposal as Open Space. The reason for refusal is therefore strongly supported.
- 19 It is accepted that the Inspector must balance the general presumption in favour of the Listed Building against housing need. In that respect I would support the strong objections raised by WCBC and local residents and point out that the proposed development would contribute only around one half of one percent of the housing requirement. I would therefore submit that the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the setting of the heritage asset.