
Appeal Decision

Site visit made on 7 February 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 February 2017

Appeal Ref: APP/P2365/D/16/3165923
34 Ainscough Drive, Burscough L40 5SQ

- 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 G Smith against the decision of West Lancashire Borough Council.
 - The application Ref 2016/0893/FUL, dated 22 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is conversion of garage to living accommodation.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. A previous planning application¹ at the host property has been refused on the basis of loss of car parking. There is no dispute between the parties that the design of the garage conversion would be in keeping with the host property. The main issue is the effect of the proposed increase in hard standing to provide additional parking on the character and appearance of the wider area.

Reasons

3. The appeal site is a modern detached brick built dwelling on the edge of an attractive, well landscaped estate within the inner urban area of Burscough. It forms part of the wider Ainscough Mill residential development. However, from what I observed as part of my site visit, it has no visual link with the listed building, due to the distance between it and the original mill building.
4. The wider development has been designed to include small pockets of grass and other landscaping within the development appropriate to its urban location consistent with Policies EN2 and GN3 of the West Lancashire Local Plan 2012-2027 adopted 2013 (LP). Both policies require developments to include and maintain landscaping as an integral part of the design. However, due to the relatively recent nature of the wider scheme, the landscaping is not fully mature. Nonetheless, even at this early stage, these small areas, when viewed together, contribute significantly to the wider character of the area. Were they to be incrementally lost, they would result in significant harm contrary to Policies GN3 and EN2 of the LP as the predominant character would be that of hard standing and road.

¹ 2016/0429/FUL

5. It has been suggested that the young silver birch tree will require to be felled in the future. In the absence of any substantive evidence that the silver birch is currently causing any harm I afford this little weight in my consideration of the appeal. Indeed, from what I saw on site, the tree and the small area of landscaping cumulatively, together with other areas of landscaping within the estate make a significant positive impact on the street scene. Were there to be piecemeal loss of landscaping and areas of grass the wider character of the area would be substantively affected. This is because the balance between hard standing and roads for the servicing and parking of vehicles to serve the development, and landscaping to provide a softened street scape, would be tilted in favour of a sterile street scape. Moreover, I understand that the areas of grass and landscaping serve a valuable function as surface water drainage.
6. Therefore, whilst I understand that the appellant wishes to reconfigure his home to provide additional living accommodation by the conversion of the garage, the proposed increase in hard standing and loss of the silver birch specimen would be such as to run counter to the core planning principle of the Framework to always seek high quality design and Policies GN3 and EN2 of the LP.
7. I have considered the Council's argument that the current proposal would set a precedent for similar developments in the surrounding area. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council's concern that approval of this proposal could be used in support of similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given that the wider development is subject to the same restrictive conditions. Allowing this appeal would make it more difficult to resist further planning applications for similar development, and I consider that their cumulative effect would exacerbate the harm which I have described above.

Other matters

8. I have been referred to the Council's parking standards, the loss of, and status of the garaging and whether compensatory provision is required. However, this does not directly relate to my consideration of the merits of the case before me.
9. I note that the appellant has suggested making amendments to the proposed scheme to reduce the area of hard standing as a means of providing the requisite number of parking spaces. However, I am only able to determine the appeal on the basis of the application before me.

Conclusion

10. I appreciate that the appellant wishes to provide additional accommodation for his family. Nonetheless, for the reasons set out above I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR