
Appeal Decision

Site visit made on 25 April 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 16th May 2017

Appeal Ref: APP/T2350/W/16/3165893

Freemasons Arms, Vicarage Fold, Wiswell, Lancashire, BB7 9DF

- 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 Borton Limited against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0366, dated 18 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is a single storey extension to Freemasons kitchen and the change of use of 4 & 6 Vicarage Fold from 2 dwellings to 4 letting bedrooms.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to the Freemasons Arms kitchen and the change of use of 4 & 6 Vicarage Fold from 2 dwellings to 4 letting bedrooms at Freemasons Arms, Vicarage Fold, Wiswell, Lancashire, BB7 9DF in accordance with the terms of the application, Ref 3/2016/0366, dated 18 April 2016, subject to the conditions in the schedule attached at the end of this decision.

Preliminary matters

2. I have taken into account plan ref 4814-11A which seems to have been submitted after the Council's decision and as it only amends the garden level of a property to the rear in response to a third party objection I am satisfied that the interests of none of the parties have been prejudiced.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - the character and appearance of the Conservation Area;
 - the living conditions of neighbouring occupiers.

Reasons

Conservation Area

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Key Statement EN5 and policies DME4 and DMG1 of the Ribble Valley Core Strategy (CS) (2014) seek to ensure the conservation and enhancement of heritage assets and accords with the National Planning Policy Framework (the

Framework) which states in paragraph 132 that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The Framework goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any harm should require clear and convincing justification.

5. The appeal site lies within the Wiswell Conservation Area (CA). From what I saw at my visit I would agree with the Council's CA Appraisal that the village plan with its 'folds' or rectangular enclosures lined with rows of cottages and the homogeneity of the built environment, deriving from the use of locally quarried sandstone for the majority of houses and their boundary walls, constitute important features that contribute to the special interest of the CA.
6. The Freemasons Arms and 4 & 6 Vicarage Fold are C19th buildings which lie at the centre of the historic core and together with other surrounding buildings are locally listed by the Council as Buildings of Townscape Merit. The public house is separated from nos 4 & 6 by a narrow alley or ginnel that gives private access to the rear of the buildings. The public house has had a variety of rear extensions dating from the C20th which include two large, flat roofed sections of the building that accommodate the toilets and kitchen, together with the change of use of first floor rooms from residential to a licensed area. Nos 4 & 6 form part of a short row of three terraced dwellings with common openings and the sub-division of stone-flagged plots with traditional stone walls to the rear.
7. The proposed kitchen extension would be sited in the rear yard of no 6. Although the rear areas are generally concealed from public view and some sections of walling have been altered, are missing or are in poor condition, the loss of some of the existing stone walls and flags in the rear yards would cause a modest level of harm to the significance of the Conservation Area as those elements make a positive contribution to its character.
8. The proposals also involve the blocking up of the ground floor door and window openings in the rear elevation of no 6, although their reveals would remain. The harm caused by this to the significance of no 6 and to the CA would be limited given that some of the openings have unsympathetic replacement windows, the first floor openings in the property and all openings in no 4 would remain and this is not the principal elevation of the properties.
9. Although in this case the harm would be less than substantial, I must give it considerable importance and weight. I must now assess whether there are any public benefits arising from the proposals that would outweigh the identified harm as required in paragraph 134 of the Framework.
10. The appellant says that the extended kitchen would eliminate the need to prepare food in a different building at no 6 and then carry it outside and into the kitchen to be cooked. I saw during my visit that this is likely to necessitate the frequent opening and closing of the doors in each building and the frequent comings and goings of staff. It seems to me that much of the noise, disturbance and odours to which local residents have referred stems from this arrangement and the proposed extension would lessen the impact in those terms. The appellants also say that it would make a significant difference to the efficiency of the business and is considered essential for the business to continue to thrive and progress. Whilst I have not seen any formal request for

additional space to be provided from the Council's Environmental Health team it is clear from the Council's officer's report that the proposed extension is welcomed by Environmental Health who have confirmed that the existing arrangements are far from satisfactory. Additionally, the appellants say that kitchen deliveries would reduce in number from seven days a week to three days a week because storage space would be improved. This would further lessen noise and disturbance to surrounding residents. On the basis of the plans and from what I saw at my visit it is clear that the proposed extension would represent a significant improvement both in terms of reducing noise, disturbance and odours to neighbouring residents and in terms of the operation of the business and its contribution to the local economy.

11. The proposals also include the replacement of the existing unsympathetic top opening windows in nos 4 & 6 with vertical sliding sash windows. Those in the front elevation would be clearly seen from public viewpoints within the CA and would significantly improve the character and appearance of these locally listed heritage assets and that of the CA.
12. I conclude then that in total these are significant public benefits that would sufficiently outweigh the harm arising from the proposals to the CA.

Living conditions

13. The Council has not sought to explain how residents' living conditions would be affected other than a reference to the overlooking of neighbouring gardens from the flat roof of the extension. Objections from local residents also refer to existing and potential problems from noise and odours.
14. I saw that there are high walls to the rear of the appeal site. The proposed extension would have only one door opening which would face the high rear wall. 10 Old Back Lane is well screened from the public house by a very tall conifer tree although there are oblique views from a rear bedroom and bathroom windows of the rear windows of nos 4 & 6 and it is possible to see anyone walking across the flat roof of the existing kitchen to which there is access from the existing fire door. However, the proposals do not include the use of the new flat roof area as a roof garden. A new external fire escape staircase (the realignment of the existing steps) would be seen in oblique views from 10 Old Back Lane and more clearly from properties at 2 Vicarage Fold and some of the properties on Pendleton Road but I see no reason why this would result in additional overlooking, noise or disturbance as it is merely a realignment of the existing steps.
15. The Planning Statement says that the kitchen extension is required for food preparation and storage space rather than cooking and it seems to me that there will be no adverse change in terms of noise or odours from the extension. I have not been made aware of any action taken by the Council's Environmental Health team in relation to noise or odours who has raised no objection and is in favour of the proposals.
16. I have also considered the effect of the change of use of nos 4 & 6 Vicarage Fold on the living conditions of neighbouring occupiers. The garden to the rear of no 4 is in very close proximity to the dwelling at no 2 Vicarage Fold and to properties on Pendleton Road. However, the plans show that there would be no access into it from the proposed letting bedrooms and the design and access statement indicates that it would be used as a kitchen garden. In order to

protect the living conditions of neighbouring occupiers from any potential use as a pub garden, a condition restricting its use is necessary as referred to previously and would make the development acceptable in this respect. Furthermore, as the change of use of nos 4 & 6 would reduce the movement of staff across the existing yard between no 6 and the existing kitchen, the proposed development would be likely to result in an overall reduction in levels of noise and disturbance.

17. I am satisfied then that there would be no significant harm from overlooking, noise or odours from the proposed development to the living conditions of the occupiers of any of the surrounding properties and it would accord in this respect with CS policy DMG1 which seeks to protect such matters.

Other matters

18. I have noted a third party objection regarding fire safety but that is a matter that would be dealt with under the Building Regulations and I have no compelling evidence to indicate that the proposals would be unsafe.
19. Local residents have also highlighted existing parking problems in the village arising from the public house and the additional need for parking that would arise from the proposals. As referred to earlier, the proposals would lead to a reduction in deliveries which would be beneficial given the narrow width of some of the roads in the village and the proximity of neighbouring dwellings. I am not persuaded that the use of four letting bedrooms would result in a higher level of parking than the existing use of the three bedroomed properties. Whilst the proposals seek to maximise the existing number of covers, no change is proposed to the number of covers already permitted and controlled by a condition on a previous permission. The highways authority has not raised any objection to the proposals and I am satisfied that they would not have a harmful effect on parking and highway safety.

Conditions

20. I have considered the Council's suggested conditions against the tests of the Framework and the advice in the Government's Planning Practice Guidance. The standard time limit and accordance with the plans conditions are necessary to provide certainty. In addition to the condition limiting the use of the kitchen garden referred to above, a condition requiring samples of external materials is necessary as full details are not given in the application and in the interests of the character and appearance of the CA.

Conclusion

21. For the reasons given above, material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan as a whole. I conclude that the public benefits that would result from the proposed development outweigh the harm that would be caused to the Conservation Area. I have taken into account all other matters raised but none are sufficient to lead me to reach a different conclusion. The appeal should be allowed.

Sarah Colebourne

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4814-3F, 4814-11A, 4814-2D; Design and Access Statement.
- 3) No development shall take place until samples of external materials have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 4) The area shown in the approved plans as garden to the rear of 4 Vicarage Fold shall be used as a kitchen garden and for no other purpose (including any other purpose in Class A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of conditions.