
Appeal Decision

Site visit made on 19 September 2017

by Katie McDonald MSc MRTPI

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

Decision date: 28 September 2017

Appeal Ref: APP/M2325/D/17/3178018
27 Cecil Street, Lytham St Annes FY8 5NN

- 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 Mark Partington against the decision of Fylde Borough Council.
 - The application Ref 16/0596, dated 4 August 2016, was refused by notice dated 3 April 2017.
 - The development proposed is part demolition of existing boundary wall to form new vehicular access. New area of hardstanding to be created to provide vehicle parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Policies GD7 and ENV5 of the Fylde Council Local Plan (submission version) are referred to in the reason for refusal. The purpose of a Local Plan examination is for the Examiner to consider whether the plan is 'sound'. Accordingly, it is possible that a policy could be amended or deleted as a result of the examination or that the plan is withdrawn or found unsound. Whilst the examination may be in an advanced stage, Policies GD7 and ENV5 are not adopted development plan policy and I will not give them significant weight in my assessment.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the Lytham Conservation Area (CA), including its effect on protected trees.

Reasons

4. The site is a three storey, red brick, end of terrace dwelling, located within the CA. The significance of the conservation area is derived from the distinctive late-19th Century buildings that create a pleasant and historic townscape, characterised by many archetypal high quality architectural details.
5. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is to remove a section of the boundary wall to Upper Westby Street in order to create a

- vehicular access point, along with the formation of hardstanding to the side garden and alterations to the kerb. The works would facilitate off-street parking for 2 cars.
6. A prominent feature of the CA is the prevalence of low height brick boundary walls with stone copings. They serve to define private gardens, but are also an important element of the townscape positively contributing to the overall character and appearance of the CA. This is particularly evident at the fronts and side of dwellings, where boundary walls are generally unbroken, with the exception of pedestrian access gates.
 7. In this location, the boundary wall encloses the front and side garden running parallel with Upper Westby Street to the rear boundary. The side wall is extensive and features only one modest break to provide pedestrian access, flanked by gate posts.
 8. The proposal would amount to the removal of around a 4m wide section of boundary wall, relocating the existing gate post and blocking up the pedestrian access. The proposal would introduce a reasonably wide break in a fairly prominent location. Given the almost unbroken and continuous nature of walling in this location, I find that it would be a noticeable and adverse change.
 9. The appellant details that the wall is in a poor condition and the proposal would facilitate its repair. I acknowledge that the wall could perhaps benefit from some remedial works. However based on the evidence before me, there is nothing to conclude that it is beyond economic repair. As such, the interference to the wall would not meet any of the demolition exception criteria set out in Policy EP3 of the Fylde Borough Local Plan as Altered (October 2005) (LP).
 10. Therefore, I find that the creation of the vehicular access would be harmful to the overall setting of the CA, neither conserving nor enhancing its character and appearance.
 11. Moreover, the area proposed for the car parking is a side garden, partially located in front of an attractive bay window. It is currently landscaped, open and reads as part of the front garden, contributing to the landscape quality and character of the CA. On its own, the installation of hardstanding would not be unduly harmful. However, the introduction of cars parked in this specific location would be conspicuous, incongruous and detrimental to the overall physical setting of this dwelling in the CA.
 12. I recognise that the area is heavily reliant on on-street parking. However, as the proposal would remove one on-street space to facilitate the access, I do not find that the provision of one net additional space would be sufficient to outweigh the identified harm to the character and appearance of the CA.
 13. Consequently, I find that the proposal would be in conflict with Policies HL5 and EP3 of the LP, which seek, amongst other things, high quality residential development that conserves or enhances the character and appearance of conservation areas.
 14. The protected trees to the side of the site are of a very high amenity value, being 2 substantial, tall species of *Whitebeam* that positively contribute to the character and appearance of the CA; as recognised by their inclusion in the Tree Preservation Order.

15. The appellant has not submitted a site specific arboricultural report and therefore it is difficult to judge what the impact of the proposal would be on the protected trees. I note the generic method statement, and that the Council's Tree and Landscape Officer suggests that this matter could be dealt with by a planning condition that would control how digging in the root protection areas (RPA) is carried out, during the construction of the development.
16. Nevertheless, in the absence of an arboricultural report that examines the health of the trees, the depth of their roots and their RPAs, this carries risks. Damage to even a small percentage of tree roots can be fatal. I find that allowing the development would risk damaging the trees unnecessarily, which may lead to their premature loss, contrary to Policy EP12 of the LP, which seeks the protection of trees.

Other Matters

17. I observed all examples of parking that were mentioned by the appellant. I found that those within the CA were not directly comparable due to the specific location of the parking areas and the individual circumstances of each site. Furthermore, each proposal falls to be considered on its own particular merits and that is what I have done here.
18. The gap between the trees is narrow, and I have noted the photographs from the appellant regarding vehicles parking in close proximity. To allow this proposal would restrict parking in this area on-street, but this would not outweigh the impact that I have identified above.
19. I have no specific information or evidence regarding the removal of other trees in the area or poor repairs to boundary walls and I give these matters little weight.

Conclusion

20. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. I find that the proposal would harm the significance of the CA, leading to 'less than substantial harm' as set out in the National Planning Policy Framework. There are no identified public benefits that would outweigh the harm. I have also found that the proposal may result in the loss of protected trees.
21. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR