
Appeal Decision

Site visit made on 14 November 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 27 November 2017

Appeal Ref: APP/M2325/D/17/3186573

5 Cambridge Road, Lytham St Annes FY8 5PJ

- 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 Robert Attewell against the decision of Fylde Borough Council.
 - The application Ref 17/0388, dated 12 May 2017, was refused by notice dated 1 September 2017.
 - The development proposed is removal of section of garden wall to provide vehicular access. Brick to be reused to create raised bed. Gate added to newly created aperture. New gate added to existing pedestrian entry. New hard-landscaping to front garden to act as driveway.
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Decision

1. The appeal is dismissed.

Procedural matters

2. At the time of my site visit, works to the site had already been completed. However, it is clear to me that the completed works, including the construction of a pier from the bricks taken from the dwarf boundary wall, do not completely accurately reflect that for which permission is sought. Therefore, for the avoidance of doubt I confirm that my determination of the appeal is based on the drawings submitted and not on the works as constructed.
3. I had been provided with a copy of a map of the wrong Conservation Area within Lytham. However, I was subsequently supplied with a correct version. As I had undertaken a thorough site visit including walking around the wider area, and as I had the benefit of the appellant's evidence which includes a description of the extent of the Lytham Avenues Conservation Area no one's interest has been prejudiced by this.

Main Issue

4. The main issue is whether or not the development the subject of the appeal would preserve or enhance the character or appearance of the Lytham Avenues Conservation Area.

Reasons

5. A Conservation Area Appraisal has not been prepared in respect of the Lytham Avenues Conservation Area. However, from the evidence before me, and from what I have observed, I conclude that a significant aspect of the character of the wider Conservation Area derives from the substantial, predominantly red brick nineteenth century residential properties and mature gardens set in

generous plots, bound by red brick dwarf boundary walls, with original piers and gates. The original walls, piers, gates and garden areas, make a valuable contribution to the visual cohesiveness of the Conservation Area as a whole.

6. The appeal property is located some 16 metres from the corner of Stanley and Cambridge Roads, on the edge of the Conservation Area opposite a railway line and close to some modern housing. I am aware that Cambridge Road is not in fact an avenue. However, it sits within the Conservation Area, and therefore, I must have special regard to the statutory duty of preserving or enhancing the Conservation Area's character or appearance.
7. The result of the proposed development, the subject of the appeal, would be to remove a substantial portion of the original dwarf wall to enable vehicular access, to erect an additional pier designed to replicate the existing original piers, to replace the original gate to the pedestrian access and to install a metal gate to the driveway. In addition, the area to the front of the property is to be covered in hard standing and a raised bed built utilising the brickwork from the dwarf wall.
8. The substantial reduction in the extent of the red brick dwarf wall, and the introduction of additional and replacement metal gates would undermine and erode both the character and appearance of the Conservation Area. This derives from the predominance of characteristic low brick walls which, together with modest metal gates set between original piers, form the boundary to the original housing plots.
9. Similarly, whilst I note that the area of hardstanding is not designed to extend the whole width of the front area of the property, and that a raised bed is proposed to be built from the bricks taken from the demolished wall, the consequence of the proposed development is to introduce a hard urban townscape which would be highly visible through the metal gates, rather than a softer green suburban appearance derived from a low walled front garden laid to lawn. As a consequence, separately, and in combination, I conclude that the proposed development would have a detrimental impact on the character and appearance of the Conservation Area.
10. In coming to this conclusion, I am aware from the examples provided to me by the appellant, and confirmed from what I saw at my site visit, that there have been a number of instances, within the Conservation Area, where hardstanding has been introduced into the front gardens of properties to allow off street parking with an associated loss of boundary walls. However, I am not familiar with the associated planning circumstances, and in any case, many serve to emphasise the detrimental impact of such developments both on the host properties and on the wider area, which results in an incremental erosion of the character and appearance of the Conservation Area.
11. As such, I am of the view that the harm caused by the proposed development would result in less than substantial harm to the character and appearance of the Conservation Area.
12. In determining this appeal I have been mindful of Paragraph 134 of the Framework, that where a proposed development 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, including its optimum viable use.

13. I understand that the provision of an off street parking space, to which the County Council as Highway Authority has raised no objection, and which would be consistent with Policy TR10 of the Fylde Local Plan (2005) (LP), would allow the appellant's daughter to place her young children in, and take them out, from a car when parked off the public highway. However, no substantive evidence has been put to me that parking on Cambridge Road poses a safety risk, nor do I consider that on street parking has a negative impact on the character or appearance of the Conservation Area.
14. I am also aware that an electric charging point has recently been installed at the property to enable the occupant to charge an electric vehicle. Whilst there are clearly sustainability benefits to be derived from the use of an electric car, I have not been provided with evidence that the only realistic and practical means of charging one is via an off street parking space. Moreover, if it is necessary, I do not consider that this, together with the other benefits of the proposed development would provide a public benefit, which would outweigh the harm to the Conservation Area.
15. Consequently, as the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area it would be contrary to Saved policies HL5 and EP3 of the LP which promote high quality design and the protection of heritage assets. Whilst these policies predate the publication of the Framework I consider them to be broadly consistent with its objectives in relation to design and heritage matters and I therefore accord them significant weight.
16. I have also been referred to the policies GD7 and ENV5 of the emerging Fylde Local Plan. However, I am not aware of the progress of the LP, nor the extent to which there may be objections. However, I note that they appear to be broadly consistent with the policies of the Framework in relation to heritage matters, and therefore I accord them moderate weight in my determination of the appeal before me, and conclude that the proposed development would be contrary to the principles set out within these policies. Therefore, I conclude that the proposed development would be contrary to both the Framework and the development plan as a whole.
17. As such, for the reasons set out above, I dismiss the appeal.

L. Nurser

INSPECTOR