



Appeal Decision

Site visit made on 11 April 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2019

Appeal Ref: APP/A2335/W/19/3220346

Land North of 1 Melling Hall, Melling, Lancaster, LA6 2RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs G Vass against the decision of Lancaster City Council.
 - The application Ref 18/00351/OUT, dated 14 March 2018, was refused by notice dated 17 July 2018.
 - The development proposed is outline application for the erection of a detached dwelling and creation of an access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs G Vass against Lancaster City Council. This application is the subject of a separate Decision.

Preliminary matter

3. During consideration of the appeal it became evident that the Council had not consulted Historic England on the planning application. Historic England (HE) have now been informed of the appeal and the proposed development and have confirmed that they do not wish to offer any comments on the proposal.
4. I do not consider that the appellants have been prejudiced by the failure of the Council to consult HE during the processing of the application and note the response from HE.
5. The Council modified the site address and description of the proposed development in the decision notice. I consider that this description more accurately reflects the site location and the nature of the development, the address has also been used by the appellants on their appeal form so this is the one I have used for this appeal.

Main Issues

6. The main issues in this case are;
 - a) Whether the proposed development would preserve or enhance the character or appearance of the Melling Conservation Area (CA) and, in relation to an adjoining listed building, the effect on its setting;

- b) The effect on highway safety having regard to use of an existing access on to Melling Road (A683); and
- c) Whether adequate foul water drainage can be accommodated to serve the development.

Reasons

Character and appearance

7. The appeal site is located to the north of Melling Hall, a Grade II Listed building which has been divided up into three residential properties. It is a roughly rectangular piece of land that forms part of the former grounds to Melling Hall. The site is elevated up from the adjacent Melling Road, the A683, from which an existing access to the appeal site exists.
8. The appeal site lies within the CA whose boundary surrounds the whole of the village. The CA is characterised by its nucleated settlement plan with buildings facing on to two main streets. The character of many of the buildings in the CA is associated with the post-medieval period from the 17th to early 19th century vernacular. Melling Hall is a mid-18th century former grand house faced in ashlar stone with stucco render. The grounds of the property have been eroded over time with the development of Gillison Close to the east of the appeal site.
9. The application was submitted in outline with approval sought for access, layout and scale with all other matters reserved. The proposed layout plan showed the proposed dwelling abutting the rear boundary of No.7 Gillison Close to the east with the access road to serve parking to the appeal property and access to No.2 Melling Hall immediately to the west with the boundary with the A683 just beyond that to the west. Whilst there would be space to the north and south of the proposed dwelling, I consider that the close proximity of the boundary on the eastern side and access road on the western side of the proposed dwelling would result in a cramped form of development that would be out of character with surrounding development.
10. In respect of the relationship of the site with the rear façade of Melling Hall, the proposed dwelling would be set at a lower ground level than Melling Hall and set some distance away from the rear wall of Melling Hall. Given this I consider that it would not directly compete with or be seen as a distinct part of the listed building. When viewed from the A683, views into the site are limited when travelling from the north given the elevated position of the proposed siting and existing vegetation. That said, it would be seen at some point as one travels south along the A683 toward the site but I do not consider that such a glimpse would detract from views of Melling Hall or demonstrably harm the setting of the listed building.
11. Notwithstanding my findings in respect of the effect of the proposed development on the setting of the listed building, I consider that the proposed siting would present a cramped development in relation to site boundaries and the access. Whilst no details of the design have been submitted at this outline stage, I do not consider that a two-storey building on the footprint and location proposed would not have a degree of prominence and appear cramped. This would neither maintain nor enhance the character or appearance of the CA. Whilst external views of the proposed dwelling would be limited, it would still

be visible to walkers, cyclists and drivers passing the site. I do not consider that limited opportunities to see it would diminish the harm I have identified.

12. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. I consider that the proposed development would have a negative effect on the significance of a designated heritage asset, the CA, and would result in "less than substantial" harm in the words of the Framework.
13. As a heritage asset, the CA is characterised by its nucleated settlement plan with buildings facing on to two main streets. The proposed development would clearly deviate from this. The Melling Conservation Area Appraisal (2016) (CAA) says that the *"development of the village has created a distinctive linear arrangement of historic buildings facing onto the main highway, which has been infilled by modern housing."* The proposed development would fail to respect this distinctive linear form and could not be considered to be an infill development given the location of the site on the edge of the village.
14. The parties have acknowledged that any harm to the identified heritage asset would be less than substantial. Paragraph 196 of the Framework says that *"Where a development proposal 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."* In the appellants appeal statement a number of public benefits have been advanced; Support for existing services in Melling; Support for surrounding villages; provision of housing; Self-build project; and would facilitate the completion of renovation to No.1 Melling Hall.
15. I concur with the view that the harm to the significance of the CA would be less than substantial, however, I do not consider that the public benefits suggested by the appellants would be enough from one additional dwelling to outweigh the harm. Whilst the appellants have identified additional work required to the renovation of 1 Melling Hall and showed me elements during my site visit, I have been provided with no details on costs for these works and the likely cost of ongoing maintenance. The appellants have also suggested that the proposed dwelling would enhance the CA and provide a *Gatehouse* style development that would be complimentary to the listed building. In the absence of any detailed plans for the design of the proposed dwelling I must give this no weight in my consideration.
16. The appellants have also drawn attention to a number of cases that are considered to be similar within 2 miles of the appeal site. I have limited information on these cases and do not consider them to be directly comparable to the appeal site that falls to be considered on its own individual merits.
17. Taking all the above factors into account, I consider that the proposed development would fail to preserve or enhance the character and appearance of the CA. As such the proposal would conflict with Policies DM 31, 32, 35 and 42 of the Lancaster District Local Plan 2011-2031: Development Management DPD (LP) that, amongst other things, require proposals in conservation areas to respect the character of the surrounding built form and its wider setting, to make a positive contribution through a number of factors including appropriate siting, and be well related to the existing built form of the settlement.

Highway safety

18. Access to the proposed dwelling would be from an existing access directly on to the A683. This access currently serves 1 and 2 Melling Hall although there is some disagreement from third parties as to the degree of use of this access. It is also stated that this access served the servicing for Melling Hall when it was used as a hotel although again third parties have suggested that this was for ingress only.
19. Notwithstanding question marks over the degree of use, the fact remains that an access exists on to the A683 that could serve the proposed dwelling. The proposal would also create a new access off Gillison Close to serve No.1 Melling Hall. The access from the A683 would serve the proposed dwelling and No.2 Melling Hall. The Council have raised no objections to this and whilst some third party concern has been expressed about the impact of use of this access on occupiers of Gillison Close, I could see no reason why this access would not be acceptable from my site visit.
20. There has been post decision correspondence between the appellants and the Highway Authority where amended access details have been provided to show that a safe access could be provided to serve the proposed dwelling although third parties have questioned whether this would all be within land in the control of the appellant. I have had sight of the amended access details, but they are not in a form or scale where I can adequately judge them in the context of the whole of the application site and the siting of the proposed dwelling. Furthermore, I am conscious that third parties and the Council have not been formally consulted on these plans. Consequently, I am not able to consider these amended access details in my determination of the appeal.
21. The plans that were considered by the Council provide an access that would results in vehicles exiting to travel south having to stray into the opposite lane. Such a manoeuvre would not be in the interest of highway safety on a road where the current speed limit is 60mph in front of the access. I acknowledge the existing use of the access, but this does not outweigh my concerns. This would conflict with LP Policy DM20 that, amongst other things, seek developments that are designed to ensure the provision of safe streets.

Drainage

22. No information on foul drainage was submitted with the planning application but details have been submitted with the appeal. A sewage treatment plant has been proposed some 7m south of the proposed dwelling that could be a pumped system. Third party comments highlight concerns about the proximity of the sewage treatment plant to properties in Gillison Close whilst the Council raise concerns about the impact of proposed levels changes on protected trees and the setting of the site to accommodate the treatment plant.
23. Whilst a planning condition could be considered to deal with this matter, the impact of such an installation in respect of any level changes, impact on protected trees and adjoining residential properties would need to be considered carefully such that I consider that there is insufficient information to enable me to deal with this by way of a planning condition.
24. On this issue I conclude that the proposed development would conflict with LP Policies DM29 and DM40 that, amongst other things seek to ensure that new

development supports the protection of existing trees and considers effective and efficient disposal of wastewater.

The planning balance and conclusion

25. Notwithstanding my findings in relation to the effect of the proposed development on the setting of the listed building, it does not outweigh the concerns I have in relation to the other main issues identified above.
26. Taking all the above into account the appeal is dismissed.

David Storrie

INSPECTOR