
Appeal Decision

Site visit made on 23 July 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/A2335/D/19/3227428

4 Main Street, Heysham, LA3 2RW

- 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 John Ellison and Mrs Adelle Ellison against the decision of Lancaster City Council.
 - The application Ref 18/01588/FUL, dated 13 December 2018, was refused by notice dated 5 February 2019.
 - The development proposed is the erection of a detached garage and log storage building.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage and log storage building at 4 Main Street, Heysham, LA3 2RW in accordance with the terms of the application, Ref 18/01588/FUL, dated 13 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 494-LOA and 494-010 A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials described in the application and shown on plan no. 494-010 A.
 - 4) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), the garage hereby permitted shall be retained solely for the housing of private motor vehicles and shall not be converted or used for any other domestic, trade or business purpose.

Application for costs

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

Procedural Matter

3. In the banner heading and formal decision above, I have used the description of development from the appeal form and Council's decision notice. The

description on the planning application form did not include the log store element of the proposed development, although it was part of the plans submitted with the application.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to whether it would preserve or enhance the Heysham Conservation Area and the setting of nearby Grade II Listed Buildings.

Reasons

5. The appeal site is an outdoor parking area within the courtyard adjacent to Manor House in the historic centre of Heysham. The courtyard was once the walled garden of the Manor House, but today is a private residential courtyard serving two pairs of modern semi-detached houses and an older dwelling known as The Old Coach House, as well as Manor House and the attached Manor Cottage. The proposed development is the erection of a detached double garage with an attached open-fronted log store within the courtyard. The garage would be built of sandstone with a double pitched slate roof, while the log store would be timber framed with a black corrugated roof.
6. Manor House and Manor Cottage are together a Grade II listed building. The appeal site is also close to and within the setting of another Grade II Listed Building at 1—5 Main Street. These buildings, the appeal site and courtyard all lie within the Heysham Conservation Area. I therefore have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and to have special regard to the desirability of preserving the setting of the Listed Buildings. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194), and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).
7. The Conservation Area covers the historic centre of Heysham. Its significance derives from its early Christian heritage assets, and its collection of 17th to 19th century buildings of strong vernacular style. The character of the Conservation Area is defined in part by the winding and confined Main Street and Bailey Lane, which are lined with small-scale houses and service buildings from different periods and strong boundaries including the stone wall around Manor Courtyard. The Listed Buildings close to the appeal site make important contributions to the character of this part of the Conservation Area. Manor House dates from the 19th century with some earlier 17th century remains, significant for its historic fabric, and the symmetrical composition of its frontage facing Main Street. 1—5 Main Street lies a little to the north of the appeal site and is a pair of houses originally built as Heysham Rectory in the 17th century. That building's significance derives from its historic features and its associations with the development of Christianity in the area.
8. The frontage of Manor House is mainly appreciated from the south when approaching along Main Street. From that viewpoint, because of its position the garage would only be a minor part of the backdrop to the house and would not

detract from its setting. The Council acknowledges that the setting of the Manor House within the courtyard has already been diminished by unsympathetic modern houses. The design and choice of materials for the garage would be in keeping with the courtyard's more historic features, and it would also be physically separated and some distance from the Listed Building. In longer views towards Manor House from the north the garage would be visible above the courtyard wall, although the topography and arrangement of other buildings mean that these play a relatively small part in appreciating the building's setting. Overall therefore, the setting of Manor House and its cottage would be conserved.

9. The historic character and appearance of 1—5 Main Street is mainly appreciated in close views at the meeting of Main Street, Lade End and Baileys Lane. From these viewpoints the garage would generally be behind an observer or obscured by the courtyard wall. The building's southern gable and part of its rear elevation are also seen when approaching from the south along Main Street, where they contribute to the historic character of the street. The garage would be set to the side of these views and partly obscured by the courtyard wall. I therefore consider that the setting of 1—5 Main Street would also be conserved.
10. Long-range views from the south towards the two Non-Designated Heritage Assets at 2 Main Street and Bailey Cottage would be interrupted to a limited extent by the garage. The Council's conservation officer considered this impact to be minor, and I agree with this assessment. Although both buildings make a valuable contribution to the character of this part of the Conservation Area, they are most appreciated close-up from the street, and the proposed development would not affect this. The garage would be visible from parts of Main Street and it would thus become part of the street scene within the Conservation Area. However, it would not obstruct the key views which are characteristic of the Area, and when it could be seen its design and choice of materials mean it would not be an unduly intrusive feature. It would therefore not have an adverse effect on the Conservation Area.
11. Taking the above points together, I conclude that the character and appearance of the Heysham Conservation Area would be preserved, and the setting of the nearby Listed Buildings would also be preserved. The proposal complies with the requirements of Policies DM30, DM31 and DM32 of the 2014 Lancaster Development Management Development Plan Document (the DPD), which together seek ensure that development proposals preserve or enhance the character, appearance and setting of heritage assets, For the same reasons it complies with the requirements of the Framework relating to conserving and enhancing the historic environment, in particular paragraphs 192 and 193. More generally, the proposal also complies with the requirements of DPD Policy DM35 and paragraph 130 of the Framework, which seek to encourage good design. As I do not find that the proposal would cause harm to or loss of the heritage assets, it is not necessary to apply the public benefit test set out in paragraph 196 of the Framework.

Other matters

12. Several interested parties raised concerns about the shared management and ownership of the courtyard, including its car parking places. Some referred to covenants relating to these matters which could preclude the implementation

of the development. This is a private matter to be resolved between the landowners which sits outside the scope of this planning appeal.

13. The Highway Authority expressed concern about the loss of parking and turning space at the site although this was not presented as a formal objection and did not form part of the Council's reasons for refusing planning permission. A plan provided showing the layout of parking and turning space in respect of an earlier planning permission was of limited assistance as it did not match the layout which I saw at the time of my site visit. The egress from the appeal site onto Main Street is already constrained by the acute angle of a stone wall, and from the information available to me and what I saw on site the scheme would not have a significantly harmful impact on the safety and convenience of highway users. Given the lack of on-street parking in the vicinity of the appeal site, I consider that it would be appropriate to apply a condition requiring that the garage is retained for car parking use.

Conditions

14. I have considered the planning conditions suggested by the Council in the light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In order to protect the character and appearance of the area I have included a condition requiring that the materials to be used for the extension are as specified in the original planning application.
15. The Council has also suggested a condition which would ensure that the garage is retained for the parking of a motor vehicle and not converted to any other use. The proposal would result in the loss of outdoor parking spaces within the courtyard. Furthermore, the introduction of any other use in this location would not be appropriate in respect of its relationship to the existing dwellings and the courtyard. I therefore consider that a restriction to ensure that the garage is retained for car parking and to prevent its future conversion is necessary, although for clarity and to ensure compliance with the Planning Practice Guidance I have amended the Council's suggested wording.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

M Cryan

Inspector