



Appeal Decision

Site visit made on 1 October 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/P2365/W/19/3232218

7 Church Road, Rufford, Ormskirk L40 1TA

- 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 Rothwell against the decision of West Lancashire Borough Council.
 - The application Ref 2018/1133/FUL, dated 26 October 2018, was refused by notice dated 4 February 2019.
 - The development proposed is demolition of existing single and two-storey extension to rear of dwelling and garage, and alteration and extension to dwelling to create two dwellings and alteration and extension to outbuilding to create a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans have been submitted with the appeal which alter the proposed vehicular access to the east of No 7 and retain the boundary wall to the street. While the Council considers that the retention of the boundary wall is appropriate, it notes that there could be highway issues as a result of the amended access arrangement. In this respect, the amended plans are not the plans that were determined by the Council or upon which the views of interested parties were sought. I cannot therefore be certain that if I was to accept them no party would be prejudiced by my so doing. Accordingly, I have not taken them into account in my assessment of the appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - i) The character or appearance of the Rufford Park Conservation Area; and
 - ii) Surface water flood risk and drainage.

Reasons

Rufford Park Conservation Area (the CA)

4. No 7 is a detached 2 storey dwelling on the north side of Church Road near to the junction with the A59 Liverpool Road. It is finished in painted render, with quoin stones and a shallow hipped slate roof with wide overhanging eaves. It has a single storey side extension with a sloping roof, with further extensions to the rear comprising a central 2 storey flat roof extension with non-matching single storey extensions to either side. It is widely separated from the neighbouring properties and it is set in a generous plot.

5. The boundary to the street is formed by a low stone wall, with a pedestrian gate to the front of the property and vehicular access to either side. The access to the east of the property is informal and it leads to the rear garden. To the west, there is a formal vehicular access leading to a low modern garage with a flat roof, adjacent to a detached 2 storey outbuilding (the tower). The tower is finished in painted render and it has a shallow square hipped roof similar in style to No 7. The elevation facing the street has a ground floor window with a blind oculus above, and there is a doorway with a further oculus window above in the western elevation.
6. The CA covers a large area of land including the rural village of Rufford between the A59/ New Road and the Leeds and Liverpool Canal, together with Rufford Park to the north. The central core of the village is predominantly residential, characterised by detached and semi-detached dwellings of different ages and styles set back from the street behind stone boundary walls. Although not listed, both No 7 and the detached tower are important buildings that make a positive contribution to the CA. They are conspicuous in the key views along Church Lane towards St Mary the Virgin Church, which is a Grade II listed building. Evidence submitted with the appeal indicates that the appeal property is in close proximity to a further 2 listed buildings, Nos 2 and 4 Church Road, which date from around 1800 and are similarly finished in white painted render with low-pitched hipped slate roofs.
7. The proposed rear extension to No 7 would be set in slightly from the side elevations of the host property, and the roof would be set slightly lower than the existing 2 storey ridgeline. Nevertheless, by virtue of its height, width and depth, it would be a substantial and bulky addition to the property. Notwithstanding that the extension would be to the rear of the property, it would be visible from locations along Church Road. In combination with the proposed extension to the tower, the significant increase in the massing of built development in this location would be conspicuous in the views towards the listed church.
8. Having regard to the guidance in the Framework, including paragraph 127, I am not persuaded that the overly large rear extension would be sympathetic to the host dwelling and the surrounding built environment and the important views of the church. However, I acknowledge that the Council considers the rear extension to be acceptable in terms of its impact on visual amenity.
9. The existing garage to the side of the tower is set back so that its front elevation is aligned with the rear elevation of the tower. Although modern in appearance, the garage is a low and unobtrusive feature that is visually distinguishable from the historic tower. In contrast, by virtue of its height and size relative to the tower, the proposed extension to the tower would be an overly large addition that would be out of scale with and that would overwhelm the distinctive identity of the tower. Consequently, the proposal would fail to respect, and it would not enhance, the character or appearance of the tower.
10. Although detached from it, the tower and the garage are visually and functionally related to the appeal property. However, as a result of the extension and subsequent separation of the tower from No 7, the shared historic narrative and visual connection between the host property and the tower would be diminished.

11. The conversion of the tower to a separate dwelling would result in the loss of the off-street parking that serves No 7. Alternative parking provision is proposed to the rear of the property, via the existing vehicular access adjacent to the shared boundary with No 11. The plans that were determined by the Council indicate that part of the front boundary wall would be removed to widen the access to the highway and that a formal brick driveway more than 6m wide and over 30m long would be created.
12. Except for a short length near to the footway, the existing access to the east of the property is largely grassed and consequently it has the appearance of a lawn and garden rather than a domestic driveway. The proposed large expanse of hard surfacing to the side and rear of the property, the loss of vegetation and the associated parking of several vehicles would be detrimental to the verdant character and appearance of this part of the CA. Moreover, boundary walls are acknowledged to be characteristic and important features within the CA, the loss of part of which would therefore harm the street scene and the CA.
13. There would also be a cumulative detrimental visual effect resulting from the various elements of the proposal. Therefore, the proposal would fail to preserve or enhance the character or appearance of the CA. However, the proposal is modest in the context of the CA as a whole and consequently it would cause less than substantial harm to its significance as a heritage asset.
14. Notwithstanding, the National Planning Policy Framework (the Framework) advises that great weight should be given to the asset's conservation. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of the heritage asset, that harm should be weighed against the public benefits of the proposals.
15. The appeal property is a private dwelling. While the appellant suggests that the conversion of the tower would enable its maintenance and secure its future, there is little before me to demonstrate that the tower could not either be retained in its current form or as part of alternative plans at this site. Therefore, I am not persuaded that the appeal scheme is necessary to secure the tower or that it would result in public benefits that would outweigh the harm to the CA. I therefore conclude that the appeal proposal would conflict with the Framework.
16. As a result of the harm to the CA, the proposal would conflict with the development plan including Policy EN4 of the West Lancashire Local Plan (2012-2027) Development Plan Document Adopted October 2013 (the LP). This requires, among other things, that development preserves or enhances heritage assets, and protects and enhances existing non-designated heritage assets which have particular local importance or character.

Surface water disposal

17. The proposal would result in an increase in the amount of built development at this site with a consequent increase in surface water generation. In this respect, there is evidence before me that the proposal would contribute to an increased risk of flooding in the area in the absence of sustainable drainage solutions.
18. Two alternative plans have been submitted with the appeal to demonstrate potential arrangements for the disposal of surface water, either through separate soakaways in each garden or one drainage pond to serve the 3 dwellings. However, the supporting technical report fails to demonstrate that

there is an adequate depth of unsaturated permeable ground in the proposed soakaway locations or that a drainage pond would be a feasible solution in a domestic garden in this location.

19. While I acknowledge that the appeal site is large, there is little evidence before me to demonstrate that sustainable urban drainage systems could be implemented at this site. In this respect, while there is a liner in the garden pond, this is not substantive evidence of permeable ground for the purposes of disposing of surface water runoff from several domestic dwellings, particularly during periods of high rainfall and ground saturation. No alternative solutions have been suggested. Therefore, I am not persuaded that this is a matter than could be dealt with by planning condition.
20. My attention has been drawn to a recent planning permission for an extension to No 11 Church Road, where surface water runoff was not mentioned in the Officer's report or addressed by planning condition. However, that permission was an amendment to an earlier permission for a 2 storey extension that has been implemented. It is not therefore directly comparable to the appeal scheme before me, which must in any case be considered on its own merits and in the context of current planning policy.
21. Therefore, it has not been demonstrated that the proposal would not result in unacceptable flood risk or drainage problems in the area. It would conflict with the development plan, including Policy GN3 of the LP which requires, among other things, that sustainable drainage systems have been explored alongside opportunities to remove surface water from existing sewers.

Other Matters

22. Although the gardener uses the vehicular access to the side of the property, occasional use of the existing single-width access is not substantive evidence that it would be adequate for the intensification of use associated with parking for 2 properties.
23. I accept that the proposal would accord with some policies in the development plan and the Framework. However, this would not be a benefit that would outweigh the harm that I have identified.

Conclusion

24. For the reasons set out above, the appeal should be dismissed.

Sarah Manchester

INSPECTOR