
Appeal Decision

Site visit made on 5 September 2019

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28th October 2019

Appeal Ref: APP/M0933/Y/19/3227831

4 Town View, Kendal LA9 4QL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr John Caton and Ms Linda Crellin against the decision of South Lakeland District Council.
 - The application Ref SL/2019/0091, dated 1 February 2019, was refused by notice dated 26 March 2019.
 - The works proposed are described as construction of new parking space, driveway and associated footway crossing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the formation of the proposed driveway would preserve the listed building or its setting and would preserve or enhance the character or appearance of the conservation area.

Reasons

3. No.4 Town View is the end unit of a terrace of four houses that face onto a private road and overlook an adjoining open green space. The terrace dates from the early nineteenth century and is listed Grade II. The site and its surroundings form part of the extensive Kendal Conservation Area.
4. The list description records that the four houses were originally a single dwelling. Perhaps for that reason, the terrace is fronted by an uninterrupted garden laid out and managed in a consistent style, with well-tended topiary trees and clipped hedges. It appears that residents of the terrace have the right to pass across each other's plots. Access to the front doors of Nos.1-3 is gained by a single winding gravel path that runs across the frontage from a gate off the adjacent Windermere Road. At the opposite end of the terrace, within the garden area of No.4, this path meets a straight gravel path that runs from Town View to the front entrance to No.4, which is on the side elevation, and on to a common access way along the rear elevation of the terrace.
5. Consent is now sought to remove this straight path, with its stone step and short length of retaining wall, together with the adjoining shrub border and its edging, and to replace it with a hardstanding for vehicle parking. The front gate and adjoining privet hedge and small trees would be removed to allow access

from Town View. The proposed driveway would be surfaced in resin-bonded chippings, with concrete edgings on two sides, a stone edging on the other long side and a stone-faced rising wall next to the house¹.

6. In considering a proposal for listed building consent, statutory duty² requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. A similar duty applies in respect of the preservation or enhancement of the character or appearance of a conservation area³. National policy guidance set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the conservation of 'designated heritage assets' such as listed buildings and conservation areas⁴. The particular significance of any element of the historic environment likely to be affected by a proposal should be identified and assessed⁵. Any harm should require clear and convincing justification⁶.
7. In this case, the listed building has historic interest, originally as an example of rather grand residential development of its period at the outlying edge of the town, and subsequently by its successful subdivision. Its architectural interest appears to lie in the ambition of its original scale and design, with the block broken down into three distinct elements, and in the use of high quality materials in its well-proportioned and detailed main façades. The terrace, which is prominently situated on rising ground, is noted by the Council's Conservation Area Appraisal ('CAA') as a landmark feature within the Windermere Road character zone. It makes a positive contribution to the character and appearance of the conservation area.
8. The CAA also notes the importance of the front garden. The very individual character of the garden as a single well enclosed space adds to the 'set-piece' quality of the terrace. The 'setting of a heritage asset' is defined by the NPPF as 'the surroundings in which a heritage asset is experienced'. In this case the approach to the houses through the single garden provides a highly distinctive experience, enhanced by the quality of the planting. I noted on my visit that the gate and path on the appeal site appear to provide the nearest and most convenient access to the front door of No.3, as well as to the rear of the whole terrace. The layout of the front garden is an important component of the setting of the terrace that contributes to its heritage significance. The simple treatment of the area affected by the appeal proposal, including the well-compacted gravel path and natural stone step and walling, adds to this contribution.
9. The creation of a wide opening to Town View would be at odds with the otherwise enclosed nature of the garden, whose strong green boundary would be weakened by the loss of the tall hedge and evergreen tree. The fact that the gap in the frontage would not be directly in front of the house would not lessen the adverse impact of opening the private space to the road.

¹ The appellants have submitted an amended plan (Ref 504b) to confirm that the stone to be used would be limestone and not sandstone as indicated on the application plan. As this submission merely corrects an unintended error and no interests would be prejudiced, I have taken it into account in the appeal decision.

² Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ NPPF paragraph 193

⁵ NPPF paragraphs 189, 190

⁶ NPPF paragraph 194

10. The opening would expose a rather stark edge to the garden with a hard surface up to the side boundary wall, rather than the soft edge provided by the existing shrub border. A long length of resin-bonded material would also be exposed. I acknowledge that similar materials have been used in heritage settings, although perhaps in more heavily trafficked locations than the appeal site, and that the impact of the material could be mitigated by the use of carefully chosen aggregate, and avoidance of a resinous finish. However, concrete edgings would appear incongruous and the use of vertical stone flags, particularly for the proposed rising wall, would not represent a suitably traditional solution. More importantly, the formation of the drive and the parking of a vehicle or vehicles⁷ forward of the house front would provide a quintessentially modern suburban solution that would not be in keeping with the historic context.
11. A car parked on the adjoining drive can be seen from Windermere Road, through the topiary and planting. It follows that a vehicle on the proposed drive would also be seen. I accept that the impact of this and of the proposed alterations would be minor in those views from the public highway. But the driveway and any parked vehicles would be clearly visible to residents and visitors passing along Town View to the adjoining care home and also, according to the Council, to pedestrians going to and from the nearby park. However, the greatest impact would be on residents of the four houses, whose experience of approaching their houses would be adversely affected.
12. For the above reasons, I find that the appeal proposal would not preserve the listed building or its setting and would not preserve or enhance the character or appearance of the conservation area. The harm to the overall significance of the listed building would, in the terms of the NPPF, be less than substantial, and to that of the conservation area as a whole would be minor. However, the benefits of the appeal proposal would be essentially private rather than public, and would not outweigh the harm caused, which is not supported by clear and convincing justification.
13. In addition to the conflict with statutory and national policy objectives, the proposal would also be contrary to Policy CS8.6 of the South Lakeland Core Strategy and to saved Policy C16 of the South Lakeland Local Plan, which respectively seek to protect the significance of heritage assets in general and conservation areas in particular, as well as to the contextual design objectives of Core Strategy Policy CS8.10 and saved Local Plan Policy S2.
14. As the appeal is for listed building consent and not for planning permission, consideration is confined to heritage issues only. This decision does not take account of concerns raised by neighbours about safety of the garden for play and of the use of the access by vehicles.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Brendan Lyons

INSPECTOR

⁷ At 9.5m in length, the drive would be long enough to accommodate two cars.