



Appeal Decision

Site visit made on 13 August 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/A2335/W/19/3230534

36 Silverdale Road, Yealand Redmayne LA5 9TB

- 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 Holgate against the decision of Lancaster City Council.
 - The application Ref 19/00385/FUL, dated 25 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is the erection of a replacement dwelling following demolition of existing dwelling and outbuildings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Local Planning Authority (LPA) altered the description of application ref: 19/00385/FUL to read; "Demolition of existing dwelling and outbuilding, and erection of a replacement dwelling (C3) including excavation of land, regrading of garden and installation of a package sewage treatment plant." This description is more detailed than that given on the application form and clarifies the exact works proposed in the submitted plans. All plans are correct and remain the same as those submitted with the planning application (ref: 3242-106A, 3242-105B, 3242-102, 3242-100B, 3242-101A, 3242-103A, 3242-104). I have therefore considered the appeal on this more detailed description.

Main Issue

3. The main issue is the effect of the proposal on the architectural and historic interest of the non-designated heritage asset.

Reasons

4. The site is situated on the edge of Silverdale Road in the village of Yealand Redmayne. This village is located within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). The appeal site contains a traditional two storey residential dwelling and a single storey outbuilding, both are in close proximity to the highway. To the rear is an established terraced garden with an open aspect and unobstructed views over the countryside.

5. The proposal is to demolish the existing buildings and replace them with a new 4-bedroom detached house, set back from the road and constructed of sympathetic materials which complement the surrounding character. Lancaster LPA finds the principle of the replacement dwelling acceptable.
6. The LPA did not raise any issues regarding this case that would harm the AONB. In line with paragraph 172 of the National Planning Policy Framework, 2019 (the Framework), I have given great weight to conserving the landscape and beauty of the AONB. I agree with the Council's assessment and consider that there would be no adverse impacts on the special qualities of the AONB due to this proposal.
7. The issue in this appeal is the demolition of the existing buildings to allow the construction of this new dwelling. The LPA considers the buildings to be a Non-Designated Heritage Asset (NDHA), as they are present on the first edition Ordnance Survey (OS) map and have features that are typical of the local architectural style.
8. It is evident that there are buildings present on the site in the first edition OS map (published 1848). However, there is a debate between the appellant and the LPA, due to a discrepancy of the current position of the buildings in relation to the historic mapped position. Another area of dispute is the fact that the buildings are not on the LPA's Local List of NDHAs.
9. The appellant's Heritage Statement also refers to a lack of rarity of the buildings in the local area, as a reason for them not being a NDHA. However, the LPA consider that the buildings contribute to the character and appearance of the village, due to their historical and architectural significance and therefore are a NDHA.
10. It was evident from my examination of the submitted information and my inspection of the site, that these buildings have historical and architectural merits and form part of the village's historical character. These buildings may not be rare in the wider area, but they do form part of the history of this village and are an important heritage feature along with numbers 32 and 34 Silverdale Road, which are of a similar age and architectural style.
11. In accordance with paragraph 197 of the Framework (2019) and the High Court judgement, *Dorothy Bohm v SSCLG* (2017) EWHC 3217 (Admin). I have made a balanced judgement and given full consideration to the significance of these buildings, and to the scale of any harm or loss in relation to the benefits. In this case the harm would be significant as the historical buildings would be lost.
12. The appellant states that the benefits would be the replacement of a substandard dwelling with a new dwelling of modern construction, that would complement the character of the local area, improve highway safety and provide off-road parking.
13. The buildings are old and in need of modernisation. I also appreciate that their removal would not require planning permission, but this is not a justification for demolition. There was also no evidence to suggest that the existing buildings were structurally unsound. Off-road parking would only make a minimal impact to highway safety, as it is a reasonably wide road with a 30 miles per hour speed limit and most other properties have off-road parking. The new building would be constructed out of materials that complement the character of the neighbouring properties, but it would be subjective to state that it would have a positive impact on the character of the area compared to the existing buildings.

14. Notwithstanding the issue of whether the existing buildings are a NDHA, I conclude that the benefits would not outweigh the harm caused by the loss of the existing structures, which are an important part of the village's heritage.
15. The appellant considers that there is a conflict between Policy DM33 of the Local Plan for Lancaster District (adopted 2014) and the Framework (2019). However, this Local Plan underwent a rigorous examination, which found that all policies were robust and in line with the 2012 Framework. The section of the updated Framework (2019) relevant to this appeal is paragraph 197, which relates to NDHAs. This paragraph remains virtually unchanged from paragraph 135 of the 2012 Framework. Therefore, policy DM33 is deemed to be sound.
16. Even though the LPA have not included these buildings on their Local List, I consider that policy DM33, which relates to NDHAs, is relevant in this case. The background text to this policy states that there may be other NDHAs which are not specifically identified, but which make a significant contribution to the character and appearance of the area.
17. Therefore, the demolition of these buildings to enable development is not in accord with Policies DM33 and DM35 of the Local Plan for Lancaster District (adopted 2014), AS02 and AS07 of the Arncliffe and Silverdale Area of Outstanding Natural Beauty Development Plan Document (adopted 2019), or in accordance with section 16 of the Framework. These require development to take into account the historic character and local distinctiveness of an area and protect, conserve and enhance the significance of the heritage asset. Consequently, I find that the benefits of this proposal are outweighed by the harm to the heritage asset.
18. In accordance with paragraph 172 of the Framework, I have attributed great weight towards conserving and enhancing the AONB. I conclude that the proposal would not have an impact on the special qualities of the AONB designation.

Other Matters

19. I have taken account of the letter of support for demolition of the existing property and replacement with a modern building incorporating energy and thermal efficient properties. However, this does not outweigh the harm I have identified above or alter my decision.

Conclusion

20. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR