



Appeal Decision

Site visit made on 11 March 2020

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19 March 2020

Appeal Ref: APP/P2365/W/19/3237107

Land adjacent to 76a The Common, Parbold, Wigan, West Lancashire WN8 7EA

- 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 Knowles against the decision of West Lancashire Borough Council.
 - The application Ref 2019/0400/FUL, dated 20 April 2019, was refused by notice dated 3 July 2019.
 - The development proposed is construction of a new single storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the Lancaster Lane Conservation Area; the effect of the proposal on the living conditions of the occupants of 74 The Common, with particular regard to matters of privacy; and its effect on the risk of flooding.

Reasons

Conservation Area (CA)

3. The appeal site forms part of the grounds and access to 76a The Common, which is sited at the rear of the garden to 76 The Common. It lies within the Lancaster Lane Conservation Area (CA), sitting on the edge of the CA adjacent to open countryside. The CA is generally characterised by large houses set in generous plots, surrounded by trees. The appeal site is not as large a plot as some of those in the CA. I understand that it was formerly part of the curtilage to No 76 and the Coach House at No 76a was granted permission for use as a dwelling, being previously within the curtilage of No 76. The adjacent houses at Nos 76 and 74 are substantial and are separated by wide gaps that give a spacious character and appearance to that part of the CA. Even though the Coach House is set directly behind the house at No 76, it is separated from that building by the rear garden. Its driveway and the appeal site contribute to its spacious character and appearance.
4. One of the issues raised in the 2003 CA Appraisal is the sub-division of the large housing plots and gardens for new residential development, and in particular the loss of the general openness of the sites with a raising of the

- building to plot size ratio. The proposed development would share the access to No 76a. It would be a single storey flat roofed dwelling that would be set back from The Common. It would use the slope of the land and stone walling to reduce its impact on public views. However, it would represent a sub-division of the plot, which the Council seeks to resist.
5. The loss of part of the area of land adjacent to No 76a to a separate dwelling and curtilage would significantly increase the density of development. Even though the proposed building would not be particularly apparent in views from The Common or the public footpath that runs across the field to the west, there would be additional stone walls, vehicular parking and associated paraphernalia and a general increase in the use of the site. This would have an adverse effect on the open and spacious gaps between dwellings that make an important contribution to the character of the CA. Although the proposal would include additional planting of trees, these would take a significant time to establish before they would provide any material benefit. I accept that the proposal would preserve the appearance of the CA, due to the design of the dwelling and the topography of the land. Nevertheless, the resulting increase in housing density would cause significant harm to the character of the CA.
 6. I have been referred to other appeals regarding new dwellings in the CA. At my site visit I observed that the appeal that was allowed regarding a new dwelling at Friars Wood involves significantly different circumstances from those of the current appeal, particularly with regard to the size of the plot and its relative location within Parbold village. Whilst I have noted the points raised, no direct comparisons can be made with these other appeals and I have determined the current appeal on its own individual planning merits in the light of prevailing policies and guidance.
 7. I have had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of seeking to preserve or enhance the character or appearance of CAs. I have also taken account of the advice given in paragraph 196 of the National Planning Policy Framework, which indicates that any harm that is less than substantial to the significance of a heritage asset should be weighed against the public benefits. In this regard, I find that the proposal would fail to preserve the character of the CA. This harm to the significance of the CA would be less than substantial but the public benefits associated with the provision of the additional dwelling would not be sufficient to outweigh this harm.
 8. I conclude on this main issue that the proposal would fail to preserve the character of the Lancaster Lane Conservation Area. As such, it would not accord with Policy EN4 of the West Lancashire Local Plan (2012-2027) (LP).

Living Conditions

9. At my site visit I observed the views from the appeal site towards the rear garden of No 74. Although the site is on higher ground, the dwelling would be low enough and far enough away from the boundary to ensure that appropriate boundary treatment would be able to be provided, secured by a condition, to prevent any unacceptable loss of privacy to the occupants of that adjoining property. As such, I find that the proposal would not have an unacceptable effect on the living conditions of the occupants of 74 The Common and would accord with LP Policy GN3 in this respect.

Flooding

10. The proposal includes a planted roof and permeable paving, and the appellant has suggested that the resulting run-off would be able to be drained into soakaways and has included an area of land within the adjacent field for such a purpose. Whilst the Council's drainage engineer has not accepted this until further details have been provided, I am satisfied that it would be feasible, as the field is at a lower level than the site. A suitable Grampian condition to prevent development until a drainage scheme has been submitted to and approved by the local planning authority would address this matter, as there is a reasonable prospect that a satisfactory drainage scheme would be able to be provided.
11. Taking account of the above, I conclude on this main issue that the proposal would be able to be adequately drained to ensure that it would not unacceptably increase the risk of flooding. As such, it would accord with LP Policy GN3 in this respect.

Conclusions

12. I have found that the proposal would not have an unacceptable harmful effect on the neighbours' living conditions or the risk of flooding but its failure to preserve the character of the CA and its non-compliance with the development plan provide sufficient reasons to justify the refusal of planning permission. Therefore, having regard to all matters raised, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR