

Appeal Decision

Site visit made on 17 June 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2020

Appeal Ref: APP/D0650/W/19/3233183

67 Main Street, Runcorn WA7 2AT

- 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 Jamie Pugh (Spacelight Limited) against the decision of Halton Borough Council.
 - The application Ref 17/00497/FUL, dated 18 September 2017, was refused by notice dated 14 May 2019.
 - The development proposed is the construction of 4 x 1 bedroom flats in a two storey building.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jamie Pugh (Spacelight Limited) against Halton Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Halton Conservation Area.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the Halton Conservation Area (CA).

Reasons

5. The significance of the CA is defined primarily by Halton Castle and by the arrangement of the settlement around it. The appeal site is behind a section of Main Street where the built form is tightly arranged in its relationship to the public highway to which it fronts and which curves around the base of the castle mound. Many properties, including the existing property at 67 Main Street, are built directly on the back edge of the pavement. Whilst this gives this section of Main Street a compact feel, it also serves to create a distinct character and appearance in this part of the CA. Behind No 67 and those properties on the same side of Main Street, the compactness of the built form gives way to a more open aspect, as the settlement transitions towards the public open space beyond the rear boundary of the appeal site and this,

together with the verdant character of this area, contribute positively to the CA. Collectively, these factors define the character and appearance of the CA, and its significance, in the locality of the appeal site.

6. The proposed development would be set back behind the existing building, but it would be clearly visible in the gap which provides access to its rear parking area. It would be a building of substantial size. At the present time, this gap provides views towards what is an open area surrounded by established trees. Even on consideration of the set back of the proposed development and lower ground level, it would still be visually dominant due to its scale when viewed through the gap. However, regardless of the degree of visibility from the public domain, the positioning of the proposed residential development to the rear of the existing built form and without a road frontage would not be in keeping with the prevailing pattern of settlement in the vicinity of the appeal site. The presence of the proposed development would therefore jar with the established character and appearance of the CA in this locality. It would also significantly erode the spacious feel of the CA to the rear of the properties on Main Street.
7. Reference has been made to the presence of outbuildings to the rear of properties in close proximity to the appeal site, but I have nothing before me to suggest that they are of equivalent scale to the appeal proposal or that they provide living accommodation. For the most part, they appear to be single storey domestic outbuildings and I have not been directed to any specific existing development in the CA that is similar to the appeal proposal in its positioning, scale and use. A historic ordnance survey map dated c.1890 has been provided which suggests an outbuilding was present at that time to the rear of a property adjacent to the appeal site, and that there were other rear outbuildings elsewhere in the settlement. However, there is no clear evidence as to what form these buildings took, in particular their height, and the map provided does not offer a persuasive case that outbuildings of substantial scale form part of the current character of the CA, in particular in the area close to the appeal site.
8. Taken together, these factors mean that the proposed development would cause harm to both the character and appearance of the CA, which is a matter I afford considerable importance and weight to. It follows therefore that the proposal would neither preserve nor enhance the CA. Given the nature of the development and that the harm is localised, I consider that less than substantial harm to the CA would occur. As the development would result in less than substantial harm, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 196 of the National Planning Policy Framework (The Framework). Whilst the proposal would provide four new flats within an existing settlement and there would be some benefits arising from the supply of this new housing, due to the scale of the proposal this would represent only a limited benefit and it does not outweigh the harm that would arise to the CA.
9. I note that there was support for the proposal from both the Council's Planning Officers and the Council's Conservation Advisor, however for the reasons I have set out I have found that the proposal would result in harm to the CA and that this harm is not outweighed by public benefits. I also acknowledge that the appellant has sought to engage in discussions with the Council and to evolve the scheme to address specific concerns that were raised. However, this too

does not justify a development which I have found would cause harm to the CA.

10. Both parties have referred to the Halton Village Conservation Area Appraisal and Management Plan, but the Council has not provided any evidence to demonstrate that this appraisal has been formally adopted. However, the appraisal offers little in addition to the other information that is before me and to the observations that I was myself able to make during my site visit. Therefore, whilst there is dispute between the parties as to its status and how much weight the appraisal should be given, it is not a decisive document in my reaching my conclusions on the appeal proposal.
11. The appellant considers that the character and appearance of the CA in Main Street has already been severely eroded by ad hoc and ill-considered additions to domestic properties in the immediate vicinity of the appeal site. However, the issue in this case is how the positioning, scale and use of the proposed building affects the CA. Therefore, any harm of the type highlighted that may have occurred elsewhere in the CA does not justify the appeal development.
12. The Council's reason for refusal included reference to the impact of the proposal upon Halton Castle, and the views taken from the castle mound. At the time of my site visit any views from the castle towards the appeal site were obscured by intervening trees, in addition to the presence of St Mary's Church. But even at times when the trees are not in foliage, I am not persuaded that the proposed development would have any perceptible impact upon views to or from the Castle, or cause harm in this respect, given the topography of the surrounding area and the intervening distances. In terms of the Council's concern about precedent, I have assessed the appeal proposal upon its own merits and the impact that would arise upon the CA.
13. I therefore conclude that the proposed development would cause harm to the character and appearance of the CA by reason of its scale, its positioning and its use. The harm caused would not be outweighed by any public benefits arising from the proposal. The proposed development therefore conflicts with Policy CS20 of the Halton Core Strategy 2013 and Policies BE1, BE2 and BE12 of the Halton Unitary Development Plan 2005. There would also be conflict with The Framework where it refers to conserving and enhancing the historic environment, as the proposal would result in less than substantial harm to the CA and this would not be outweighed by public benefits.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR