



Appeal Decision

Site visit made on 1 December 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2021

Appeal Ref: APP/A2335/W/20/3254817

Mawsons, Lindeth Road, Silverdale, LA5 0UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Brian Smith against the decision of Lancaster City Council.
 - The application Ref 19/00841/FUL, dated 1 July 2019, was approved on 31 March 2020 and planning permission was granted subject to conditions.
 - The development permitted is erection of single storey side extensions and timber outbuilding for water storage.
 - The condition in dispute is No 2 which states that:
(2) *The development hereby permitted shall be carried out in accordance with the following approved plans:*
Location plan – amended 20/01/20 (solely in relation to the water storage building)
Drawing number Five: water storage for house
or any amended plans subsequently approved in writing by the Local Planning Authority
 - The reason given for the condition is:
(2) *For the avoidance of doubt and to ensure a satisfactory standard of development.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning Practice Guidance ('PPG') states that a Local Planning Authority may use a condition to grant permission for only part of a development. In this case, condition 2 of permission Ref 19/00841/FUL limits the approval to the timber outbuilding only. In effect, this appeal seeks to vary condition 2 so that permission is granted for the entirety of the scheme, and I have determined the appeal on that basis.
3. Revised plans were submitted at application stage that amended the design of the scheme, and the Council determined the application on that basis. However, the appellant has asked that both the original and the revised plans be considered on an either/or basis. However, the 'Procedural Guide – Planning Appeals – England' (2020) advises that the appeal process should not be used to evolve a scheme. It further states that: "*If an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application*" (Annexe M.1.1). Accordingly, I have determined the appeal based on the revised plans that were before the Council when it made its decision.

4. The Council adopted the Lancaster Local Plan Part Two: Review of the Development Management Development Plan Document ('DPD') in July 2020, after its refusal of planning permission. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my decision.
5. The description of development given above is taken from the Decision Notice. This change in wording has been agreed between the main parties and reflects amendments that were made to the scheme at application stage.

Main Issue

6. The main issue is whether the appeal building should be regarded as a non-designated heritage asset, and if so, the effect of the proposed extension on its significance.

Reasons

7. Paragraph 197 of the National Planning Policy Framework ('the Framework') states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications. In addition, Policy DM41 of the Local Plan Part 2 Review (2020) states that any extensions or alterations to a non-designated heritage asset should be designed sympathetically, without detracting from or competing with it. This policy further states that such proposals should relate appropriately in terms of siting, style, scale, massing, height and materials.
8. The Council has not adopted a Local List for the district, and it is asserted that the appeal building should therefore not be considered as a non-designated heritage asset. However, PPG states¹ that in some cases, Local Planning Authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. In this regard, it will not always be possible to identify such assets before an application is submitted. Whilst my attention has been drawn to an appeal decision at Pattys Barn, Cockerham², this pre-dates the current PPG guidance. It is also unclear whether '*Lancaster's List of Local Heritage Assets: Criteria (2015)*', referred to in that Decision, is still extant.
9. The appeal building is positioned within the original grounds of Greywalls, which is a grand early 20th century house. The gardens surrounding Greywalls were originally designed by Thomas Mawson, who was a renowned garden designer and landscape architect. The appeal property is an attractive summerhouse, built in the Arts and Crafts style, and constructed in stone and slate. It contributes to the character of the surrounding gardens, which are being restored by the appellant, and is illustrative of the Arts and Crafts style. It has both aesthetic and evidential value, and clearly constitutes a non-designated heritage asset in my view.
10. The development would introduce a large linked extension that would more than double the footprint of the existing summerhouse. It would be set at an angle to its frontage and would be visible from the surrounding gardens. In these views, it would appear as an overly large addition that would dominate the more modest proportions of the summerhouse. The window shape and

¹ Paragraph ID: 18a-040-20190723

² APP/A2335/W/17/3184838

high eaves would also be unsympathetic to the character of the host property, and the asymmetric roof profile would have an awkward appearance. Whilst the extension would not significantly encroach into the surrounding historic gardens, and would be positioned away from the summerhouse's prominent western elevation, that does not alter my view that it would be a discordant addition that would visually compete with the host property.

11. My attention has been drawn to an allowed appeal decision³ at The Sun House, which is also within the former grounds to Greywalls. However, that Inspector noted that The Sun House had a "*later rendered extension of utilitarian design*" and that "*the L shaped bungalow has little architectural merit*" (paragraph 6). It is therefore dissimilar to the current appeal proposal, which relates to a better preserved and more characterful building.
12. An allowed appeal decision⁴ at Throstle Nest Farm, Thurnham has also been highlighted. However, the full details of that case are not before me and so it is unclear whether there is any direct comparability to the current proposal. Similarly, the full details of a recent approval in the original walled gardens to Greywalls (Ref No18/00600/FUL) have not been provided. In any case, that proposal relates to a new dwelling rather than an extension to an existing property, as is the case here.
13. For the above reasons, I conclude that the development would significantly harm the significance of a non-designated heritage asset. It would therefore be contrary to Policies DM29 and DM41 of the Lancaster Local Plan Part Two: Review of the Development Management DPD (2020), Policies AS07 and AS08 of the Arnsdale & Silverdale Area of Outstanding Natural Beauty DPD (2019), and guidance in the Framework in this regard.

Other Matters

14. The appeal building is relatively small and offers only limited internal living space. However, it is not clear that an extension of this size and design is the only means of addressing this matter, or whether other less harmful options have been fully explored.
15. Concerns are raised regarding the Council's conduct during the processing of the planning application, and its decision not to proceed with the preparation of a Local List. However, these matters fall outside of the remit of this decision.

Conclusion

16. As set out above, the development would significantly harm the significance of a non-designated heritage asset and would be contrary to the development plan in this regard. Whilst it would provide additional living accommodation, and would generate some economic benefits during the construction phase, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

³ APP/A2335/D/16/3152490

⁴ APP/A2335/W/16/3150263