

Appeal Decision

Site Visit made on 22 March 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/P2365/W/20/3264490

land adjacent to Brooklands, 30 Parliament Street, Up Holland, WN8 0LN

- 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 Harvey Tongue against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0661/FUL, dated 21 July 2020, was refused by notice dated 14 October 2020.
 - The development proposed is erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue whether the proposal would preserve or enhance the character or appearance of the Up Holland Conservation Area (CA) and the effect of the proposal on the setting of Brooklands which is a Grade II listed building.

Reasons for the Recommendation

4. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and preserving the setting of the listed building. In this respect national policy on heritage assets is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
5. The central part of the Up Holland CA is characterised by properties fronting onto the highway giving the area a close-knit character. The topography of the area also has a significant impact on the character of the area, with steep hillsides giving long range views from certain vantage points. Development becomes less tightly packed as one leaves the central part of the village along Parliament Street and Brooklands sits in comparative isolation adjacent to the road. The listing description states that Brooklands is probably a 19th century detached dwelling in the Jacobean style, with gabled bays. It has access off

Parliament Street and sits at a higher level than the appeal site. The distinctive design of the dwelling and the fact that it sits detached from other properties provides a sense of grandeur that indicates a building of some status which contributes positively to the character of the CA. Whilst that has undoubtedly been eroded as a result of modern development at Dean Wood Close, the topography and the intervening mature belt of trees provides a visual buffer from that new development, when viewed from Parliament Street.

6. The proposed detached dwelling would be part single and part two storey, with a green flat roof, randomised stone cladding to the ground floor and render to the first floor. It would be positioned at a lower level than Parliament Street in an area previously used as the southern side garden to Brooklands. As noted in previous appeal decisions relating to the retaining wall the historic garden of the property, and the association between the house and the garden, plays an important role in the setting of the listed building¹. Although the retaining wall has severed that relationship and caused harm, the requirements of the upheld enforcement notice were aimed at mitigating against the harm caused by the retaining wall. The appellant has questioned the merits of the enforcement notice/ previous appeal decision, but it is not for me to re-run arguments that were previously covered. I see no reason to depart from the conclusions of the previous Inspector and it is clear that the land at the appeal site has a clear visual and historic association with the listed dwelling which contributes significantly to its character, notwithstanding that it is no longer in the same ownership.
7. Whilst the proposal would be accessed from Dean Wood Close, and would be at a lower level than Parliament Street, it would not be completely obscured from public view and would be glimpsed particularly due to the gap in the boundary wall for the existing driveway of Brooklands. However, the massing of the resultant structure would appear out of character and discordant against the traditional form and design of dwellings in the area. The overtly modern design would sit uncomfortably between the adjacent modern dwelling, which is of a completely different design, and the listed building.
8. The setting of a listed building is not limited to what can be seen from public views. As noted in the previous appeal decision, residents of the property will be aware of and will be able to appreciate the historic association between the lower and upper parts of the garden. The proposals in this instance would irrevocably sever the lower part of the garden from the upper section, both physically and visually. That alone would create harm that was previously found to be unacceptable at appeal in relation to the retaining wall. In addition to the retaining structures, the proposed building would urbanise the garden and completely alter the feel of the area.
9. I recognise that green roofs are proposed but that would not compensate for the introduction of substantial built form, with modern and box like proportions which would completely alter the character of the land. It would no longer read as garden land that was historically associated with the dwelling. The erosion of space and encroachment of substantial built form so close to the dwelling would significantly erode the sense of grandeur which is important to the character of the property.

¹¹ APP/P2365/D/16/3165277 and APP/P2365/C/19/3235072

10. It is acknowledged that buildings and the use of land evolve over time, often in response to changes in occupiers' requirements. In this case the site has been separated from Brooklands by the erection of the wall and is separate ownerships. However, the fact that the land is now in separate ownership does not alter the historical association with the listed building or the role that the garden plays in the setting of the property. The land may no longer be available for the benefit of the occupants of the listed building but the decision of a landowner to segregate ownership of the site does not amount to justification for development that would cause harm to the setting of the building. The loss of the former garden land and the juxtaposition of the design of the proposed dwelling, in relation to Brooklands would diminish the positive contribution the site makes to the setting of the listed building.
11. I recognise that the development at Dean Wood Close has impacted on the setting of the LB and the way in which it is appreciated. Nonetheless, regardless of whether that development is sympathetic, it does not justify further harm to the setting of the LB. The appeal site is more closely adjacent to the LB and has a direct historical and visual association with it and the proposal would cause harm to the setting of the LB, notwithstanding other adjacent modern development.
12. For the above reasons, I conclude that the proposed development would cause harm to the setting of Brooklands. As noted, the property makes a positive contribution to the CA on account of its design and sense of grandeur and the land at the appeal site contributes to that character. The erosion of the space around the dwelling would be detrimental to the setting of the property but would also have a consequential effect on the CA and the way it is appreciated. Whilst public views are limited, the new dwelling would be visible from vantage points along Parliament Street and within Dean Wood Close. From those vantage points the loss of space associated with the listed building would be readily apparent and that would undoubtedly diminish the positive contribution the property presently makes and would not preserve or enhance the character or appearance of the CA. Consequently, the development would not meet the statutory tests set out in the Act and would conflict with Policies EN4 and GN3 of the West Lancashire Local Plan (2013) and the aims of the National Planning Policy Framework. Amongst other things, these seek to ensure that development has regard to, and where possible enhance the historic character and be of high quality design.
13. The development affects only part of the CA and therefore in terms of the Framework the harm caused to its significance is less than substantial. The approach in paragraph 196 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case no public benefits have been put forward.
14. The appellant disputes whether the proposal should be considered as 'garden land' for the purposes of determining whether the proposal would amount to the use of previously developed land. Residential gardens within urban areas do not constitute previously developed land for the purposes of the Framework. Whilst not currently in use in association with any particular dwelling, the land is historically garden land and there is nothing to indicate that it has permission for any other use. Consequently, I am not satisfied that the site should be considered as previously developed land. However, even if I am wrong in that

regard, the benefits of a single dwelling would be small and would only attract limited weight as a result. That would not outweigh the substantial weight that I attach to the harm to the CA and the setting of the listed building.

Conclusion and Recommendation

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Preston

INSPECTOR