



Appeal Decision

Site visit made on 22 June 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by L McKay MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2021

Appeal Ref: APP/P2365/D/21/3272650

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 Mrs Sarah Doyle against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0384/FUL, dated 26 May 2020, was refused by notice dated 22 December 2020.
 - The development proposed is described as 'Increase in height of existing brick wall along front (western) boundary to 1.6m. Erection of metal shed and decking to rear of dwelling. Erection of 1.83m fence along eastern boundary, extending westwards towards the dwelling and including a gate.'
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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.

Preliminary Matters

3. The description of development above is taken from the planning decision notice as it is more accurate and succinct than the description on the application form.
4. The appellant has indicated that they are only appealing against the refusal of the proposed fence and the increase to the height of the existing wall. However, no part of the proposal has been formally withdrawn from consideration and therefore I have considered all elements of the proposal in my reasoning below.

Procedural Matter

5. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

6. The effect of the proposed development on the significance of heritage assets, including the setting of the Grade II listed building and whether the development preserves or enhances the character or appearance of the Up Holland Conservation Area, including in respect of the impact on trees.

Reasons for the Recommendation

7. The appeal property, Brooklands, is a Grade II listed building dating from the 19th century. Its significance appears to be principally derived from its architectural detailing and form, and its open and mature landscaped setting, which would have previously been considerably more generous, contributes towards its significance.
8. The appeal site also lies within the Up Holland Conservation Area (the CA) whose significance lies in its narrow streets lined with historic buildings and elevated, mature landscape character. Brooklands, due to its historic merit and presence in the street scene, makes a positive contribution to the significance of the CA.
9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving the setting of the listed building. Section 72(1) of the Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The Framework identifies what is meant by the term "setting" as the surroundings in which a heritage asset is experienced.
10. The existing wall along the western boundary of the site with Parliament Street is low and steps down further in height at the point of the rear garden. This allows the dwelling and its features of significance to be appreciated from the public realm. Whilst mature landscaping would, at times, reduce the full extent of views, glimpses can nevertheless be achieved from the northern approach to the site. As such, the existing low boundary wall contributes positively to the setting of the listed building.
11. This proposal seeks to significantly increase the height of the lower section of the boundary wall. This would reduce the views of the listed building which can currently be achieved from Parliament Street, thus substantially altering and interrupting the ability to appreciate the historic property from the public realm. Furthermore, it would significantly increase the height of the wall when seen from within the site, which is set at a lower level. As such, it would considerably alter the relationship of the wall to the dwelling, creating a dominant feature and a much stronger sense of enclosure on the western boundary than at present. Consequently, although it would be of traditional form and materials, the proposed wall would erode the relatively open setting of the listed building, harming its significance and its contribution to the CA.
12. The appellant has provided other examples of higher boundary walls in the locality however they do not appear to bound listed buildings and thus are not directly comparable in this regard. The historic photograph provided of the appeal site clearly indicates that the relevant section of the wall stepped down in height at that time. While it appears that the road is now at a higher level, making the wall appear lower on that side, there is no compelling evidence

before me that the height of the wall itself has significantly altered over time, or that the relationship of the wall to the dwelling has therefore changed in terms of their relative height. Therefore, the photograph serves to confirm that the proposed increase in height of the wall would fail to preserve its historic relationship with the host dwelling.

13. The front driveway sweeps down from the highway to the side of the property, giving this part of the site an open feel. The proposed fence would separate the driveway from the rear garden and would be prominently visible due to its substantial height and length. It would create a sense of enclosure out of keeping with the spacious grounds historically associated with the dwelling and consequently erode this currently open part of the appeal site. These grounds have already been eroded by the separation of the lower garden from the appeal site, and the enclosure and subdivision now proposed would add to this impact. As such, this section of the proposed fence would harmfully diminish the open setting in which the listed building is experienced.
14. Due to its height, length and design, the fence proposed along the eastern boundary would appear as an incongruous and modern feature in the predominantly mature landscaped setting. It would not be reflective of boundary treatments in the area or traditional boundary treatments for a property of this age. Its modern timber construction would be in stark contrast to the walls that characterise the area and, as it would require the removal of the existing planting along this boundary, it would detract from the leafy character of this part of the site which in turn contributes to the character of the adjacent Dean Wood Close.
15. The fence would be on top of an existing retaining wall, and while lower than the existing conifers on this boundary, due to its length and solid construction it would be a dominant and prominent feature when seen from Dean Wood Close, which is at a much lower level. The appellant suggests that planting could be placed in front of the fence, however the submitted plan shows it on the boundary of the site and no planting is shown. Therefore, it has not been demonstrated that there is sufficient space to accommodate any planting to soften and screen the fence. It would therefore appear as an incongruous addition that would harm the setting of the listed building and would be detrimental to the character and appearance of this part of the CA.
16. Although there is an existing modern timber fence along another boundary of the site, I have no details of the circumstances which led to its construction. In any event it is between two gardens and as such is much less prominent than the boundaries proposed to be altered here. Therefore, it does not justify the use of inappropriate boundary treatments on other boundaries.
17. Accordingly, both stretches of fencing, in combination with the existing fence along the northern boundary and the proposed increased wall height, would significantly enclose the garden and would fail to preserve the spacious setting of the host dwelling. This would harm the setting of the listed building and the character and appearance of the CA.
18. Few details have been provided of the proposed decking other than its location. It would be sited in a currently open area close to trees and would be a strikingly modern addition to the otherwise relatively natural grounds of the listed building. As such, even if only low in height, it would detract from the setting of the listed building to a small degree. It is unlikely to have a

- significant impact on the CA however, due to the amount of vegetation present, which would be likely to screen it from view from outside the site.
19. The proposed shed would be sited relatively close to the boundary with Dean Wood Close and as such, whilst small in scale, would be seen in an elevated position from that road. Although outbuildings are not uncommon in the grounds of listed dwellings, the introduction of a modern style metal shed would be an incongruous feature in this historic context and as such would harm the setting of the listed building. As a relatively temporary feature this harm would be easily reversible however, and planting could provide some screening. As such the harm to the significance of the listed building and the CA from this element would be limited.
 20. The proposed fences, decking and shed would all be close to existing trees which, due to their size and prominent positions, make a positive contribution to the setting of the listed building and to the character and appearance of this part of the CA. The construction of the proposed developments has the potential to impact on the trees and their roots systems and there is no information before me to demonstrate how this has been considered in the siting and design of the proposal. I therefore cannot be certain that the proposals would not damage the trees or affect their long-term health. The loss of any of these trees would further harm the setting of Brooklands and the significance of the CA.
 21. Taking all the above into consideration, this proposal would harm the setting of Brooklands, and thereby its significance. The proposal would affect only a small part of the CA but would also diminish the contribution of Brooklands to the CA, and as such would harm the significance of the CA as a whole. In terms of the approach set out in the Framework, the proposal would cause less than substantial harm to the significance of each of these heritage assets. The Framework is clear that great weight should be given to the conservation of heritage assets and, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
 22. The proposed introduction of new or taller boundary treatments would improve security, privacy and safety for the appellant and their family, and I afford the interests of the children significant weight. However, I am unconvinced that existing concerns cannot be addressed through more appropriate measures and, moreover, I consider the benefits of this proposal to be solely private. They do not therefore outweigh the harm that I have found to the heritage assets.
 23. Article 8 of the European Convention on Human Rights affords the right to respect for private and family life. I have taken into account the concerns regarding privacy and security in the appellant's home and garden and their personal circumstances. However, the evidence is not persuasive that, if the appeal were dismissed, privacy or security would be significantly diminished beyond the existing arrangement. Therefore, I consider that dismissal of this appeal is a proportionate and necessary response having regard to the legitimate and well-established planning objective of protecting heritage assets.
 24. Therefore, for the above reasons, the appeal proposal would fail to preserve the setting of the listed building and would neither preserve or enhance the character or appearance of the CA, and as such would harm the significance of

these heritage assets. Consequently, it would conflict with Policies EN2, EN4 and GN3 of the West Lancashire Local Plan Development Plan Document 2012-2027 (October 2013), which collectively seek to ensure developments have regard to the historic character of the local townscape, with a presumption in favour of the conservation of designated heritage assets; and safeguard existing trees. It would also conflict with the Framework policies on heritage assets.

Conclusion and Recommendation

25. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I recommend that the appeal should be dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

L McKay

INSPECTOR