



Appeal Decision

Site visit made on 6 April 2022

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2022

Appeal Ref: APP/P2365/W/21/3285657

19 Chorley Road, Parbold, Wigan WN8 7AN

- 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 and Mrs Philip and Esther Cropper against the decision of West Lancashire Borough Council.
 - The application Ref 2021/0578/FUL, dated 4 May 2021, was refused by notice dated 15 July 2021.
 - The development proposed is described as: 'four bedroom detached dwelling house making up two-storeys with a garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within the Lancaster Lane Conservation Area (the LLCA). In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
3. The appellant has cited Policies GN1 (Settlement Boundaries), EN2 (Preserving and Enhancing West Lancashire's Natural Environment), IF2 (Enhancing Sustainable Transport Choice) and RS1 (Residential Development) of the West Lancashire Local Plan 2012-2027, October 2013 (LP) in their submission, which they consider to be relevant in addition to those cited by the Council on its decision notice. The Council has provided a copy of the additional policies in its questionnaire and has had the opportunity to comment on these additional policies. However, I do not consider that LP Policies EN2 and IF2 are relevant in the determination of this appeal, given the main issue below.

Main Issue

4. The main issue of this appeal is the effect of the proposed development on the character and appearance of the appeal site and whether the proposal would preserve or enhance the character or appearance of the LLCA.

Reasons

5. The appeal site currently comprises part of the garden to No 19, which in turn forms a generous plot in the LLCA, and is identified in the LLCA Conservation Area Appraisal 2003, as a building that makes an important contribution to the character of the conservation area. LP Policies GN3 and EN4 seek for proposals to have regard to historic character of the local landscape and/or townscape, and prevent development that would adversely affect a conservation area,

respectively and amongst other things. Paragraph 197 of the National Planning Policy Framework (the Framework) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness.

6. The plot serving No 19 would be subdivided to accommodate the proposed development. The subdivision of the existing plot would result in a notable reduction in the size of the plot serving No 19. However, I accept that this would be comparable to the plot at 17 Chorley Road, which adjoins the site. Whilst I note some smaller plots when compared to No 19 within the LLCA, I have little doubt that the generous plot at the appeal site positively contributes to the open and verdant character of this part of the LLCA.
7. The notable rear garden of No 19 and its position and relationship to the grassed area within the public realm on the opposite side of Robin Lane, along with the front garden at 'The Coach House' (TCH), gives a distinct sense of spaciousness to the immediate surroundings. This makes a positive contribution to the LLCA, forming an essential part of its significance. This harm would be further emphasised through the scale and siting of the proposed development, with particular regard to it being located closer to Robin Lane than TCH. I recognise the conservative approach to the design of the proposed development and that it would front Robin Lane. I also note, the care and attention paid towards the choice of external materials. However, these factors do not provide sufficient mitigation to outweigh the harm identified that would occur to this prominent site within the LLCA.
8. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 202 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed. Whilst no formal public benefits have been put forward by the appellant, the proposed development would add a dwelling to the Council's housing supply and there would be economic and social benefits associated with the construction and subsequent occupation of the property, albeit modest. However, in this instance, I find that the public benefits of the proposed development would not outweigh the harm to the significance of the LLCA.
9. For the above reasons, I therefore conclude that the proposed development would fail to preserve or enhance the character and appearance of the LLCA, and would adversely affect the significance of this designated heritage asset. This is contrary to the heritage, design, character and appearance aims of LP Policies GN3, EN4, RS1 and the Council's Design Guide Supplementary Planning Document 2008. There would also be conflict with the requirements of the Framework.

Other Matter

10. The appellant has drawn my attention to a previous application (2020/0297/FUL) that was refused by the Council. Although little detail on this application has been provided, I accept that this previous scheme was for 2no. houses. Nonetheless, the proposal was still to sub-divide the site. Therefore, the outcome of the previous application does little to alter my conclusions on

this appeal. I have considered the proposed development on its own particular merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusion

11. Whilst I accept the lack of conflict with LP Policy GN1 and the absence of other harm arising from the proposed development, there would also be a minor positive contribution to the Council's supply of homes, and some economic and social benefits through the construction phase and subsequent occupation of the scheme.
12. Nonetheless, these factors do not form the necessary public benefits to outweigh my assessment on whether the proposed development would preserve or enhance the character or appearance of the LLCA, where there would be 'less than substantial harm'. Given my findings above, the proposed development conflicts with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. It is also at odds with the requirements of the Framework.
13. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR