



Appeal Decision

Site Visit made on 23 November 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 19th April 2022

Appeal Ref: APP/A2335/W/21/3277118

Baldrand Veterinary Practice, Bowerham Road, Lancaster LA1 3AJ

- 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 Karen Postlethwaite of Bay Vets against the decision of Lancaster City Council.
 - The application Ref 19/01130/FUL, dated 23 August 2019, was refused by notice dated 7 April 2021.
 - The development proposed is redevelopment and extension to existing veterinary practice for Bay Vets.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mrs Karen Postlethwaite of Bay Vets against Lancaster City Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The Council accepted amended plans during the processing of the application. I have determined the appeal accordingly.
4. An updated heritage statement¹ and arboricultural assessment² have been submitted with the appeal. The Council has been provided with the opportunity to comment on the further information through the appeal process. Therefore, I am satisfied that no party would be prejudiced by my taking account of the additional evidence in my determination of the appeal.
5. As the proposal is in a Conservation Area, I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Main Issues

6. The main issues are the effects of the proposed extension on:
 - i) Baldrand House non-designated heritage asset;

¹ Gary Miller Heritage Consultancy, Appeal Heritage Statement in Response to Refusal of Planning Permission May 2021

² Advanced Arboriculture, Initial Tree Constraints Appraisal 18th May 2021 and Arboricultural Appeal Statement 28th May 2021

- ii) The character and appearance of Greaves Park Conservation Area designated heritage asset; and
- iii) Trees, including those protected by Tree Preservation Order.

Reasons

Non-designated heritage assets (NDHA) – Baldrand House

7. Baldrand House is a mid to late Victorian villa set in large mature grounds in the Greaves Road Conservation Area (the CA). It was built as a substantial detached dwellinghouse in the neoclassical style with a sweeping driveway access from Bowerham Road. It is typical of its era, being constructed in sandstone and slate with large vertical sliding sash windows, canted stone bay windows, deep fascias and barge boards.
8. The property has been altered and extended to facilitate its long-established use as a veterinary practice and the highway access has been moved. However, the building retains its historic architectural form and character including the double height bay windows that look over the expansive gardens to the north and west. The hardstanding car parking to its southern and eastern sides has eroded the former landscaped grounds but the building continues to be appreciated in its generous mature and verdant setting. The significance of Baldrand House derives in part from its retained historic fabric, architectural style, spacious wooded setting and its historic association with the Victorian era suburban growth of Lancaster.
9. The extension would be a single storey building with a flat roof. It would be set away from the west elevation of its host and it would be connected by a central narrow glazed link. The method of attachment would minimise the physical harm to the historic fabric of the NDHA. The siting of the proposal away from Baldrand House would preserve the grand west elevation including its prominent 2 storey bay and it would allow limited oblique views of it. However, it would obscure facing views of the west elevation, which would diminish the experience of the building.
10. The windows would have a vertical emphasis to reflect the general proportions of the host villa, albeit that some would be bricked up. Nevertheless, the extension would be a generic modern building and neither its design nor its materials would be in keeping with Baldrand House. The appellant anticipates that the crisp and sharp Forticrete Yorkstone external finish would weather over time to appear more in harmony with the host building. However, there is little to demonstrate that this would be the case or over what timescale this might occur. The functional design of the proposal and its unsympathetic materials would be discordant and it would not relate well to Baldrand House.
11. The large footprint of the proposal, more than half the area of the existing building, would occupy much of the lawned area between Baldrand House and the dense wooded perimeter. Irrespective that the extension's low height would be subservient to the NDHA, there would be a significant increase in built development and a marked erosion of the verdant landscaped grounds and the setting of the NDHA. The retained lawn to the rear of the appeal building would not mitigate or compensate the adverse impact. In combination with the already extensive hardstanding around the building, the proposal would result in cumulative detrimental impacts on the setting and the NDHA.

12. By virtue of its size, siting, design and materials, the proposal would not be sympathetic to the NDHA including its landscaped setting. It would not harmonise, nor would it result in an aesthetically pleasing contrast, with the heritage asset. The proposal would be a visually obtrusive and discordant feature that would erode the significance of the heritage asset.
13. Therefore, I conclude that the proposal would harm the character and appearance of Baldrand House non-designated heritage asset including its setting. It would conflict with Policy DM41 of A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adopted July 2020 (the LP). This requires, among other things, that extensions and alterations to non-designated heritage assets are designed sympathetically, that they relate appropriately including in terms of siting, style, scale and materials, and that they protect and enhance the asset where possible.

Designated heritage assets – Greaves Road Conservation Area (the CA)

14. Greaves Road CA extends alongside the A6 roughly from Palatine Avenue in the south to beyond Bowerham Road in the north. While the southern part is characterised by terraced dwellings, the northern part is sparsely developed with open and wooded green spaces and several widely separated Victorian villas set in generous grounds, including Bowerham House Grade II listed building and Baldrand House NDHA. The CA was designated for, and its significance derives in part from, its historic association with the Victorian suburban development of Lancaster. The Victorian villas and their spacious landscaped setting make a positive contribution to the significance of the CA.
15. As set out above, the extension would harm the significance of Baldrand House NDHA. The proposal would be infill development of the historic landscaped grounds to the side of the notable Victorian villa. The generic functional building would be out of keeping with the surrounding historic built environment and it would diminish the coherent architectural quality of the CA. By virtue of its scale, siting, incongruous design and materials, the extension would erode the characteristic villa setting and it would not respect the buildings and spaces that contribute to the significance of the CA.
16. The significance of a CA is dependent upon how it is experienced. Case law has established that proposals must be judged according to their effect on a CA as a whole and must therefore have at least a degree of prominence. In this case, the proposal would not be readily visible in its entirety from the public domain as it would be screened in part by mature vegetation, including the yew tree within the grounds of Baldrand House. However, the extension would be in an elevated position and views of it would be possible from the entrance to the site and, through the boundary trees from the footway, it would be seen in juxtaposition with the imposing western elevation of its host.
17. The yew tree is protected by Tree Preservation Order and it would be retained. However, while other trees may be protected by the Conservation Area designation, this does not guarantee their retention or their future screening function. The arboricultural assessment notes the need for roadside trees to be maintained to comply with Highway Regulations height clearance requirements and it recommends cotoneaster removal and cutting back of other vegetation to maintain a 2m clearance around the proposal. The thinning and clearance of lower growth would further open up views. Moreover, some of the screening vegetation and trees in any case appear to be on neighbouring land and not

within the control of the appellant. The existing vegetation should not therefore be relied upon to screen the proposal from view.

18. Furthermore, while Baldrand House is in private ownership and there is no open public access, clients and visitors access the grounds on a frequent and regular basis and the lawns and grounds are used annually for garden parties. Taking into account the existing use, and the elevated location and siting of the extension, the proposal would be prominent in these semi-public views.
19. The extension would be a conspicuous and discordant feature that would detract from its historic surroundings. While it would be contemporary, it would have a generic functional and commercial appearance. The extension would not have outstanding or innovative design merits and it would not be the type of high quality, beautiful and sustainable building that the National Planning Policy Framework (the Framework) promotes. It would detract from the historic narrative of the Victorian evolution and development of Lancaster. The extension would not contribute positively to local character and distinctiveness and it would not maintain a strong sense of place.
20. As the extension would be visible from the public domain, and it would be prominent from the semi-public space within the site, it would be capable of harming the character and appearance of the CA. The proposal would fail to preserve or enhance the character or appearance of the CA as a whole. I note that the parties disagree as to the extent of the harm, but even relatively minor harm would result in less than substantial harm, which is of considerable importance and weight. Furthermore, the Framework states that great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial, total loss or less than substantial harm to its significance.
21. The Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Planning Practice Guidance advises that public benefits could be anything that delivers economic, social or environmental objectives as described in the Framework and they should be a benefit to the public at large and not just a private benefit.
22. The business, which operates 4 separate practices in the area, is outgrowing the current clinical space at the Baldrand House practice. The premises is in an accessible location, including by sustainable forms of transport, and the proposal would provide enhanced and additional clinical facilities and improved client-facing and staff facilities.
23. Three full-time and 5 part-time employment opportunities would be a modest public benefit. The additional consulting room would allow the business to take on additional clients. However, in the absence of substantive evidence of a shortfall in veterinary provision in the area, this appears to be primarily a private benefit to the business. The improved client-facing facilities including separate cat waiting room and disabled access would enhance the experience of clients. The separation of the dog and cat kennels would be a preferable arrangement in terms of animal welfare. However, the practice already provides a valued and high standard of service and care such that the alterations and enhancements would result in relatively limited additional public benefit. The provision of a CT scanner would remove the need for some clients

to travel to Kentdale to access a scanner, and it could be used on referral from other veterinary practices. However, while it might be a more convenient location for some clients, there is little evidence that a CT scanner in this location would be more than a limited public benefit.

24. I note the suggestion that the consolidation of the use of Baldrand House would be a significant heritage benefit. However, it has not been demonstrated that the long-established veterinary use would cease in the absence of the extension or that the NDHA would otherwise be at risk. It has not been demonstrated that the extension would be necessary to secure the conservation of the heritage asset, particularly as there would apparently be little refurbishment or enhancement of the asset as part of the proposal. On this basis, there would be negligible heritage benefits.
25. Taking all matters into account, the benefits arising from the new employment opportunities and the enhanced veterinary facilities in this location would collectively be at best a modest public benefit. In the absence of substantiated and significant public benefit, I conclude that on balance the proposal would fail to preserve the character or appearance of the Greaves Park Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and it would conflict with LP Policies DM29 and DM38. These require, among other things, that proposals make a positive contribution to the identity and character of the townscape, having regard to local distinctiveness, and that they preserve or enhance the character and appearance of the conservation area, having regard to matters including the built form, historic patterns and open spaces. As a result, the proposal would not be in accordance with the development plan.

Impact on Trees

26. Baldrand House is set in mature landscaped grounds with a number of trees and tree groups protected by Tree Preservation Order (TPO) No. 178 (1990). By virtue of its scale and its proximity to trees, the proposal has the potential to result in significant adverse effects on trees including those protected by the TPO. Adverse impacts could arise through construction works within the root protection areas, drainage proposals and access paths. The updated arboricultural assessment confirms that the Council's concerns in relation to potential impacts on trees were reasonable, based on the information that was before it when it considered the planning application.
27. The further arboricultural assessment demonstrates that the root protection areas of the majority of trees could be avoided by works and that, subject to appropriate working methods, the limited encroachment into the root protection area of the high quality yew tree could be mitigated to avoid significant harm to that tree. Future management of the proposed flat roof could be achieved without future pressure to significantly prune or remove retained trees. Surface water drainage could be routed away from the western elevation of the proposal. A new access path around the building could be constructed using no-dig methods to minimise root excavation and compaction.
28. Having considered the evidence with the appeal, the Council considers that sufficient information has been provided to establish the impacts on trees. Moreover, subject to the imposition of a planning condition requiring the submission for approval of a detailed Tree Protection Plan and Arboricultural

Method Statement, the proposal would not result in unacceptable impacts on trees. From what I have seen and read, I see no reason to disagree.

29. Therefore, the proposal would not harm trees protected by TPO. It would not conflict with the relevant aims of LP policies DM29 and DM45. These require, among other things, that development is sustainable as possible and that it protects trees that positively contribute to the visual amenity and landscape character of the area. It would not conflict with the Framework in relation to recognising the important contribution that trees make to the character and quality of urban environments and the wider benefits from natural capital and ecosystem services.

Other Considerations and Planning Balance

30. The Framework provides policy support for businesses, including by directing planning policies and decisions to help create conditions in which businesses can invest, expand and adapt. It advises that significant weight should be placed on the need to support economic growth and productivity. Nevertheless, it emphasizes that the economic, social and environmental objectives that contribute to sustainable development are interdependent and they need to be pursued in mutually supportive ways.
31. Although not mentioned by the Council, my attention has been drawn to development plan policies that support employment and business. LP Policy DM14 relates to new employment premises and it is not directly relevant to the expansion of existing businesses. Policy DM15 supports the sustainable expansion of existing small businesses, subject to compliance with other development plan policies. It does not provide unqualified support for a proposal that would conflict with policies in the development plan and the Framework that protect the built and historic environment.
32. The Council is supportive in principle of the sustainable expansion of the appellant's business and it did engage during the processing of the application in order to try and find a satisfactory solution. I understand that the proposal is the appellant's preferred option. However, the evidence suggests that alternative solutions that could allow the business to expand and evolve without the harm to heritage assets may not have been comprehensively explored and discounted. The evidence also indicates that the Council's concerns could have been overcome by a package of improvements and enhancements to Baldrand House such as would have delivered heritage benefits to offset the harm from the extension. There is little compelling evidence that any such heritage enhancements were explored and discounted. The existing practice has operated successfully for several decades and the business has experienced an increase in turnover in recent years. While the desire to further expand and adapt is understandable, there is little evidence that future viability or expansion of the business could only be achieved at the expense of harm to the historic built environment.
33. There are numerous third party representations in support of the existing business and the proposal, including from individuals and a nearby animal rescue centre. The representations evidence that Baldrand House is in a convenient and accessible location and the business provides a high standard of service and care for pet owners and animals. I have taken account of the third party representations, including as part of the heritage balance. However, they do not outweigh the harm that I have found.

34. There would be moderate harm to the non-designated heritage asset including its setting. The less than substantial harm to the conservation area is a matter that weighs to a significant degree against the proposal. The absence of harm to trees protected by Tree Preservation Order is a neutral factor. The policy support for the sustainable expansion of small businesses, which is conditional on compliance with other policies in the development plan, and the economic benefits of the proposal, are matters that carry modest weight in favour of the proposal.

Conclusion

35. For the reasons set out above, the proposal would conflict with the development plan as a whole and there are no material considerations that would outweigh that conflict.

36. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR