



Appeal Decision

Site visit made on 4 August 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/A2335/D/22/3303037

19 Townsfield, Silverdale LA5 0RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Amor against the decision of Lancaster City Council.
 - The application Ref 22/00010/FUL, dated 5 January 2022, was refused by notice dated 21 April 2022.
 - The development proposed is described as 'The renovation of the existing house to include a single storey rear extension to replace the existing conservatory, the renovation of the existing utility outbuilding and a rear dormer. The conversion and extension of the existing car port to form an annex building and greenhouse. The installation of a new package treatment plant'.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed rear dormer. The appeal is allowed insofar as it relates to the renovation of the existing house to include a single storey rear extension to replace the existing conservatory, the renovation of the existing utility outbuilding, the conversion and extension of the existing car port to form an annex building and greenhouse and the installation of a new package treatment plant and planning permission is granted for the renovation of the existing house to include a single storey rear extension to replace the existing conservatory, the renovation of the existing utility outbuilding, the conversion and extension of the existing car port to form an annex building and greenhouse and the installation of a new package treatment plant at 19 Townsfield, Silverdale LA5 0RS in accordance with the terms of the application, Ref 22/00010/FUL, dated 5 January 2022, and the plans submitted with it so far as they are relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1773.E.1 Rev B, 1773.P.2 Rev B, 1773.P.1 Rev B, and 1773.P.3 Rev C.
 - 3) The annex hereby approved shall be used wholly in conjunction with, and ancillary to, the use of 19 Townsfield as a single dwellinghouse. In particular it shall not be occupied, sold, disposed of, or otherwise let as a separate dwelling.

Procedural Matters

2. A set of revised plans were provided to and considered by the Council during the course of the application, which included amended materials for the

scheme, notably to the proposed dormer and annex. I have determined the appeal based on these revised plans.

3. Appendix 2 of the appellant's Grounds of Appeal, provides further illustrative drawings of possible reductions to the size of the proposed dormer. These drawings are not formal revisions to the plans, nor do they appear to have been formally considered or subject to any public consultation by the Council. Therefore, I have not considered these drawings as part of the appeal because doing so would deprive those who should have been consulted, with an opportunity to comment.

Main Issues

4. The main issues are the effect of the proposed development upon (a) the character and appearance of the area, which includes the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB); and (b) the living conditions of occupiers of neighbouring properties on Townsfield, with specific regard to parking provision and the ease of turning/manoeuvring vehicles.

Reasons

Character and appearance

5. 19 Townsfield is a traditional end of terrace, stone faced cottage, with design and materials that reflects the local vernacular. It is located towards the southern end of a private road. Beyond No 19, Townsfield narrows to a footpath only, linking through to Emesgate Lane where the public buildings of the church and school hold a prominent position on higher ground. Whilst there are some modern houses and bungalows throughout this dispersed village, the traditional buildings add positively to the distinctiveness of the area. Routes through the village are undulating, with trees and hedgerows prevalent throughout, giving this rural village a pleasing and verdant character.
6. The appeal property lies within the Arnside and Silverdale AONB designation. Noting the duty under section 85 of the Countryside and Rights of Way (CROW) Act, I have had regard to the purpose of conserving and enhancing the natural beauty of this important designation.
7. The proposed development includes several elements. The Council has raised no specific concerns with the physical form of the proposed development insofar as it relates to the single storey rear extension, the alterations to the utility building, the conversion and extension of the car port to create an annex and greenhouse, and the package treatment plant. The scale, design and materials of these elements are generally in keeping with the traditional character of the cottage. I therefore agree with the Council's position in relation to these parts of the proposal.
8. However, the proposed flat roof rear dormer would be limited in the extent to which it would be set down from the main ridgeline of the cottage or set in from the sides of the roof. As such, it would be substantial in size, appearing as an overly dominant feature of the roof. Combined with the flat roof design, which would be at odds with the dual pitch roof of the host property, the proposed dormer would fail to respond to the traditional style and proportions of this terraced cottage, harming the character and appearance of the host dwelling. The use of sensitive materials would not be sufficient to address these concerns.

9. Given that No 19 is an end terrace, and the unattached neighbour is set back substantially from the road, the proposed dormer would be visible in public views, particularly when approaching on foot from the south. Albeit some trees and buildings would partially screen the proposal along this route, they would not be sufficient to screen all views and the dormer would appear overly dominant. In failing to achieve a sensitive design that responds to local character and distinctiveness, the proposal would not conserve or enhance the character of the Arnside and Silverdale AONB.
10. The presence of other dormers within the area has been highlighted. My own observations were that other dormers to the rear of Townsfield would not be so readily visible in public views, given their position further along the rear of the terrace, as opposed to the appeal site, which is at the end. Views of these existing dormers from the public footpath at the rear are screened to a large extent by well-established trees and vegetation. However, the dormer to the front of no 13 Townsfield is readily visible in public views. It appears to be similar in width to the dormer proposed, but it did not appear to extend up to the ridge line, to the same extent as the proposal. This existing dormer did not appear to be of recent construction and I have no information as to the legislative or policy context applying at that time. Whilst it forms a small part of the character and appearance of the area, its presence does not justify harmful development that would further erode the traditional character of this village. The other dormer examples provided relate to bungalow style properties that would not be directly comparable to the proposal in terms of its traditional character. For these reasons, these dormer examples do not weigh in favour of the proposal.
11. The Council states that further harm to the character and appearance of the area would result from the need for additional on-street parking arising from the proposed development. On-street parking on Townsfield is already prevalent. Therefore, should there be any small-scale increase in on-street parking, it would not result in any significant change or harm to the character and appearance of this road. Wider views of parked cars along Townsfield are limited by nearby buildings and hedgerows.
12. To conclude on this first main issue, whilst all other elements of the proposed development would be acceptable with regards to their effect on the character and appearance of the area, this does not outweigh my findings in respect of the proposed rear dormer, which would harm both the character and appearance of the cottage itself and the surrounding area, which includes the designated Arnside and Silverdale AONB. This part of the proposed development would therefore conflict with Policy AS08 of the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD), Adopted Version 28 March 2019, Policy EN2 of the Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD Adoption Version July 2020 (LP Part 1), or Policy DM29 of the Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adoption Version July 2020 (LP Part 2). Collectively, these policies seek to ensure that new development contributes positively to the character of an area through good design, conserving and enhancing the visual amenities, built environment and distinctive settlement character of the Arnside and Silverdale AONB.

13. Furthermore, the requirements of the National Planning Policy Framework (NPPF) are not met in terms of achieving high quality buildings that are sympathetic to local character or conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection and great weight should be given to conserving and enhancing landscape and scenic beauty within these areas.

Parking and turning

14. On my reading of the Council's case, this issue relates to whether the proposal would increase parking on street, exacerbating existing difficulties with parking and turning. I have dealt with concerns relating to increased parking and the effect on character and appearance above.
15. Townsfield is somewhat restricted in width. Parking on this road is possible, however residents are required to park sensitively in order to allow a single car to pass and to allow turning and manoeuvring.
16. The Officers Report (OR) indicates that the proposal would increase the reliance on on-street parking, making manoeuvring more difficult. From my own observations, the existing car port serving No 19 did not appear to be of a size sufficient to accommodate two modern sized vehicles. The dimensions of the carport provided by the appellant, suggest it would not meet the Council's standards to be considered as such. Therefore, I do not consider that the loss of the carport would necessarily reduce the availability of existing off-street parking, as one off-street parking space is proposed. As such, it is likely that there will already be a reliance on on-street parking to provide for more than one vehicle at this property.
17. The Council's parking standards suggest 3 off street parking spaces are required for a 4-bedroom property; however, this is a maximum requirement, not a minimum. This rural village is relatively well served by a range of services and facilities, which could be accessed by walking or cycling. Therefore, the accessibility of the location suggests existing and future occupiers would not be wholly reliant on the private car for their day-to-day needs.
18. To conclude on this second main issue, having considered the availability of on and off-street parking as existing and proposed, along with the accessibility of the location, I do not consider that the proposal would give rise to any significant demand for additional on-street parking, sufficient to impact detrimentally on the ability of other residents to park and turn with ease. As such, the proposal would not conflict with LP Part 2 Policy DM62, which seeks to ensure adequate parking provision for new development, so as not to prejudice highway safety and efficiency, and local amenity.

Other Matters

19. For the above reasons, I find that, with the exception of the rear dormer, all other elements of the proposed development are acceptable. As these other elements are severable both physically and functionally from the proposed rear dormer, I will issue a split decision. This was raised by the appellant in suggesting that the Council could issue a split decision. There is no explicit provision for Council to do so. However, I can do so under the provisions of s79(1)(b) of the Act and it would be clearly appropriate in this case.

20. The granting of a subsequent planning permission by the Council has also been brought to my attention, but no further details of that permission have been provided. In the absence of those details, I have determined the appeal based on the information before me.
21. I note the lack of objections to the proposal from neighbours, the Parish Council, the Highways Authority and the AONB Partnership. I also appreciate the appellant's desire to improve the accessibility and flexibility of the loft space, in order to provide a family home for themselves and to support extended family and visitors, and which would enable them to continue supporting village services and facilities such as the local school. However, there is little evidence as to other design solutions that have been explored to achieve this. I also note the visual improvements described as resulting from the conversion of the current car port. However, these matters are not sufficient to outweigh the harm arising from the proposed rear dormer, given the great weight that is afforded to conserving and enhancing the natural beauty of the AONB.

Conditions

22. I have considered the conditions suggested to me with respect to the tests for planning conditions in the NPPF at paragraph 56.
23. A condition specifying the approved plans is imposed for certainty. These drawings include reference to the materials to be used for external finishes, to protect the character and appearance of the area.
24. The Council has suggested a further condition be imposed specifying that the development be used wholly in conjunction with, and ancillary to, the use of 19 Townsfield as a single dwellinghouse. Given that the annex could physically function as a separate dwelling but has been assessed as acceptable on the basis that it will operate as an annex only, the certainty provided by the condition is reasonable and necessary.

Conclusion

25. Having had regard to the development plan as a whole and all other material considerations, I consider that the proposal is acceptable in part only. The appeal is therefore allowed insofar as it relates to the renovation of the existing house to include a single storey rear extension to replace the existing conservatory, the renovation of the existing utility outbuilding, the conversion and extension of the existing car port to form an annex building and greenhouse, the installation of a new package treatment plant. The appeal is dismissed insofar as it relates to the proposed rear dormer.

S Brook

INSPECTOR