
Appeal Decision

Site visit made on 10 October 2022

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 November 2022

Appeal A: APP/P2365/W/22/3300864

242 Elmers Green Lane, Skelmersdale, Lancashire WN8 6SN

- 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 Parsons against the decision of West Lancashire Borough Council.
 - The application Ref 2021/1491/FUL, dated 20 December 2021, was refused by notice dated 16 February 2022.
 - The development proposed is a 2 storey extension to the rear of the building with limited internal interventions in relation to the extension to provide circulation.
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Appeal B: APP/P2365/Y/22/3298290

242 Elmers Green Lane, Skelmersdale, Lancashire WN8 6SN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Sarah Parsons against the decision of West Lancashire Borough Council.
 - The application Ref 2021/1492/LBC, dated 20 December 2021, was refused by notice dated 16 February 2022.
 - The works proposed are a 2 storey extension to the rear of the building with limited internal interventions in relation to the extension to provide circulation.
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Decision

1. Appeal A: The appeal is allowed and planning permission is granted for a 2 storey extension to the rear of the building with limited internal interventions in relation to the extension to provide circulation, at 242 Elmers Green Lane, Skelmersdale, Lancashire WN8 6SN, in accordance with the terms of application Ref 2021/1491/FUL, dated 20 December 2021 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: Proposed Site Plan 1173 A DR 004 Rev A; Proposed Ground Floor Plan 1173 A DR 005 Rev F; Proposed First Floor Plan 1173 A DR 006 Rev G; Proposed Elevations 1173 A DR 007 Rev E; Location Plan 1173 A DR 008 Rev A; Sections 1173 A DR 012 Rev A.

3. Prior to the commencement of development on site further survey work, as detailed in the Preliminary Roost Assessment dated May 2021, should be carried out to further assess the suitability of the existing dwelling for roosting bats. If roosting bats are found details of proposed mitigation shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these details.
 4. Prior to the commencement of development on site an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority as detailed in the Arboricultural Impact Assessment dated May 2021. The development shall be carried out in accordance with the agreed details.
 5. Prior to the commencement of development on site protective tree fencing shall be installed in accordance with the protective fencing layout and specification plans as set out in Appendix 4 of the Arboricultural Impact Assessment dated May 2021. The fencing shall be retained for the duration of the construction works.
2. Appeal B: The appeal is allowed and listed building consent is granted for a 2 storey extension to the rear of the building with limited internal interventions in relation to the extension to provide circulation, at 242 Elmers Green Lane, Skelmersdale, Lancashire WN8 6SN in accordance with the terms of application Ref 2021/1492/LBC, dated 20 December 2021 and the plans and details submitted with it, and subject to the following condition:
1. The work hereby permitted shall begin not later than three years from the date of this decision.

Main Issues

3. 242 Elmers Green Road, also known as Barkers Farmhouse, dates from 1742 and is a grade II listed building. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that in considering whether to grant listed building consent, or planning permission for development which affects a listed building, special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
4. Accordingly, and taking into account other matters raised by the Council, the main issues in this case are:
 - Whether the proposal would preserve the special interest, or significance, of the listed building.
 - The effect of the proposal on protected species, specifically bat habitats.
 - The effect of the proposal on protected trees.

Reasons

Whether the proposal would preserve the special interest, or significance, of the listed building.

5. The significance of 242 Elmers Green Lane is set out in detail in the appellant's Heritage Statement which is not disputed by the Council. It is a modest building in terms of its size and architectural detailing and, although it has been modified over time, it provides evidence of the agricultural origins of the settlement, a context which is much diminished due to the suburban development around the site. In addition to that, the plan form of the original building is still evident, as is the architectural hierarchy of the building which has a formal front section, the main part of the house, with an extended rear wing and cat-slide element thought to have been a dairy. These matters contribute to the historic and aesthetic value of the building.
6. The proposal seeks to remove a lean-to extension from the rear of the building and replace it with a larger part two, part single storey addition which would be attached to the rear of the house by a two-storey glazed link. The extension would provide a new kitchen/ dining area and toilet at ground level and master bedroom suite above.
7. As a result of the position of the extension at the rear of the property and the fact that the site is bordered to the rear by trees, the extension would largely be hidden from public view. Nevertheless, listed buildings are protected for their inherent qualities, irrespective of whether or not they are visible to the public.
8. The extension would be sizeable, both in terms of additional floorspace and bulk, and would represent a significant addition to the listed building. However, the extension would be set down into the site by around 1500mm and the ridge height of the extension set well below that of main part of the dwelling such that it would not dominate the building. Seen from the sides and rear, the form of the extension, which would have an elongated rear roof slope to match the pitch of the cat-slide roof, would be respectful of the form of the rear part of the building. Furthermore, the contemporary design of the extension, whilst not a direct copy of the existing building, would be sympathetic and proportionate to it. In addition, the external palette of materials, long format buff brick and a zinc roof, and the contemporary approach to the fenestration, would ensure that the extension would be clearly read as a new addition.
9. The extension would project beyond the building envelope to one side and that element would be visible from certain vantage points from the formal front section of the house. Nevertheless, this element of the building would be set well back and would be of a much lower, more modest form and visually lightweight appearance such that it would not distract or detract from the front section of the property.
10. Internally there would be minor interventions into the historic fabric including the formation of a doorway through to the glazed link at ground and first floor levels. In addition, one of the existing bedrooms would be partitioned off to create a hallway. It seems to me that this intervention would be reversible and would not significantly affect the legibility of the plan form. However, the limited harm arising from these works, including the limited loss of historic fabric, would be off-set by the demolition of the rear lean-to which currently represents a negative element in the

development of the building. Accordingly, there would be no overall harm, in heritage terms, to the listed building.

11. Drawing all these matters together, as a result of its form, layout, design and materials, the extension would allow the existing building and its significance as a heritage asset in terms of both its history and its aesthetic value to remain legible. On that basis the proposal would preserve the special interest of the listed building and would satisfy the requirements of s16 and s66 of The Act as set out above.
12. The National Planning Policy Framework sets out that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. I have taken this into account in arriving at my decision. However, as I have found that the proposal would cause no harm to the significance of the building there is no need for the balancing of public benefits against that harm as required by paragraph 202.
13. On that basis the proposal would also satisfy the requirements of Policy EN4 of the West Lancashire Local Plan 2012-2027 (the Local Plan) which sets out the presumption in favour of the conservation of designated heritage assets and which states that development will not be permitted that will adversely affect a listed building.

The effect of the proposal on protected species

14. Policy EN2 of the Local Plan requires amongst other things that where there is a reason to suspect that there may be priority species or their habitat on or in close proximity to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, make provision for their needs.
15. The appellant's Preliminary Roost Assessment (PRA) indicates that the site provides limited value for foraging bats with suitable habitats located in the wider area. However, on all aspects of the building it was noted that there are gaps and crevices between the soffit, bargeboards and brick work of the original building. These gaps are deemed to have a low potential to support crevice roosting bats in single or low numbers. On that basis further bat surveys were recommended. The internal loft space was not considered to provide suitable roosting opportunities and no gaps or crevices were found on the extensions.
16. On the basis of all I have read, it seems that there is no roosting potential on that part of the building which is to be demolished and no bat droppings were observed. However, bearing in mind the Assessment's findings and recommendations that further survey work is undertaken, a precautionary approach is justified. In the eventuality of bat roosts being found, appropriate mitigation could be secured through a planning condition. In that way the proposal would meet the requirements of Policy EN2.

The effect of the proposal on protected trees

17. The Council has set out its concerns regarding the impact of the development on the health of 2 Maple and 1 Beech tree which lie within a group of trees in front garden of the property. Those trees, along with

others in the garden are protected under a Tree Protection Order¹. The Arboricultural Impact Assessment (AIA) submitted with the application indicated that there would be no direct impact on trees at the front of the site and a plan indicating the root protection area and protective fencing has been prepared. Provided that fencing is constructed prior to the commencement of development I am satisfied that the proposal would not harm the trees identified by the Council.

18. However, trees T9 and T10 would require pruning work and there would be some minor incursion into the root protection areas of those trees. However, such matters could be satisfactorily dealt with through an Arboricultural Method Statement as recommended in the AIA which would require further information to be submitted and agreed. On that basis I am satisfied that the matter can be dealt with by condition and the health of all trees on site preserved in accordance with Policy EN2 of the Local Plan which seeks to preserve trees of significant amenity.

Conditions

19. No conditions have been suggested by the Council in the event of the appeal being allowed. However, given the findings of the PRA and AIA conditions are necessary in the interests of biodiversity and to protect valuable trees on site as set out above. The time limit condition and plans condition are also necessary to provide certainty and in the interests of proper planning.
20. I have also considered whether a materials condition is necessary. However, the application contains a significant amount of information about the proposed external materials to which the Council raised no objection. As set out above, on the basis of the information before me, I am satisfied that there would be no harm to the listed building. As such a condition requiring the submission of further details of the proposed materials is not necessary in this instance.

Conclusion

21. For the above reasons and taking into account all other matters raised, the appeal is allowed subject to conditions.

S Ashworth

INSPECTOR

¹ Tree Preservation Order No WLDC 5 2005.