



Appeal Decision

Site visit made on 20 September 2022

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/P2365/W/22/3299485

8 Station Road, Parbold, Lancashire, WN8 7NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Andrew Wood against West Lancashire Borough Council.
 - The application Ref 2022/0297/FUL is dated 15 March 2022.
 - The application sought planning permission for change of use from hotel to two dwellings without complying with conditions attached to planning permission Ref 2015/0441/COU, dated 23 June 2015.
 - The conditions in dispute are No 2 which states that: *The development hereby approved shall be carried out in accordance with details shown on the following plans:- Plan reference A2040/PL01, A2040/PL02 and A2040/PL03 received by the Local Planning Authority on 29th April 2015;* and No 3 which states that: *Before the first occupation of the hereby permitted dwellings all car parking spaces and manoeuvring areas as shown no drawing no A2040/PL01 'Proposed Site Layout' shall be made available for use and shall remain for the duration of the development.*
 - The reasons given for the conditions are, for No 2: *For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document;* and for No 3: *To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.*
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. Planning permission (ref 2015/0441/COU) was granted in June 2015 for change of use from hotel to two dwellings subject to planning conditions including No 2 specifying the approved plans and No 3 requiring car parking and manoeuvring areas as shown on the approved plans to be available for use.
3. The planning application subject of the appeal sought to remove condition No 2 and replace it with a condition specifying alternate plans that amend the boundary wall and the car parking area. It also sought to remove condition No 3 and replace it with a condition specifying the parking shown on the alternate plans. The proposal would provide separate parking for the dwellings.
4. The application form states that the development commenced in 2016 but it is not yet completed. At the time of my visit, I observed that the front boundary

wall had been removed. Notwithstanding, I have determined the appeal on the basis of the submitted plans.

5. The proposal is in a conservation area. I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

6. The main issue is whether condition Nos 2 and 3 are necessary in the interests of preserving or enhancing the character or appearance of Mill Lane Conservation Area.

Reasons

7. The appeal property is part of a row characterised by 2 storey red brick semi-detached properties dating from 1883-1884. The buildings are similar in scale and detailing, including fenestration and front gable features. They are consistently set back from the road behind small frontages with low brick boundary walls. The boundaries of several properties have been altered or removed to facilitate frontage parking.
8. The Mill Lane Conservation Area (the CA) covers a predominantly residential area characterised by nineteenth century dwellings and buildings, including some in commercial use, in a variety of styles and materials. The significance of the CA derives in part from its historic early townscape comprising typical nineteenth century buildings. The group that includes the appeal property are identified as unlisted buildings that make a positive contribution to the character of the CA.
9. The group of dwellings were constructed before the advent of widespread motor vehicle usage, at a time when frontages would have been enclosed by boundary treatments interrupted only by pedestrian access. Accordingly, the removal of traditional boundaries is unsympathetic and out of keeping and it erodes the historic early suburban townscape. The proposal, which would be the removal of part of the boundary wall, would diminish local distinctiveness and it would detract from sense of place.
10. The appeal site is in a prominent roadside location. The proposal would be clearly visible from the public domain and therefore capable of harming the wider character and appearance of the CA. Irrespective that boundary treatments elsewhere have been altered, I find that the proposal would fail to preserve the significance of the CA. This is a matter that attracts considerable importance and weight.
11. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 advises that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification. Given that the proposal would result in the loss of part of a traditional boundary feature, I find the harm to be less than substantial but nevertheless of considerable importance and weight. In this regard, I note that the Heritage Statement also acknowledges there would be less than substantial harm.

12. Paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal. The appellant suggests that the partial reinstatement of the wall would be a public benefit. However, the appeal site is in an Article 4(2) Direction area and the wall was removed without planning permission. Irrespective, I am determining the appeal on the basis of the submitted plans including the drawing 'Plans & Elevations as Existing' (ref 2020.18.S2.P1) which illustrates the appeal site with the wall existing. It does not illustrate the wall removed. On the basis that the proposal would be the loss of part of the existing boundary wall, it would not be a public benefit. The creation of separate parking for the 2 dwellings would be a private benefit.
13. Evidence has been provided in relation to the condition of the wall and storm damage to part of it. However, there is little substantive evidence that it needed to be removed in its entirety and that it could not be repaired. Even if it did require full removal, it has not been demonstrated that it could not be fully rebuilt. The condition of the former wall does not justify the proposal.
14. I understand that the front boundary wall was constructed in the early 1990s, before which time the boundary was formed by a privet hedge. However, features within conservation areas that make a positive contribution to significance are not limited to those that form part of the original historic fabric of the area. The age of the wall does not provide a justification for its removal.
15. While traditional boundary features have been removed elsewhere in the CA, full details have not been provided and there is little evidence they are directly comparable to the proposal. Boundaries that were removed before the Article 4(2) Direction was adopted do not provide a justification for the proposal.
16. Given the above, and in the absence of defined substantiated public benefits, I conclude that on balance the proposal would fail to preserve the character or appearance of Mill Lane Conservation Area. It would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and it would conflict with Policies EN4 and GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document Adopted October 2013 (the LP) which require, among other things, that development should preserve or enhance heritage assets, having regard to the historic character of the townscape and local distinctiveness. There would also be conflict with the guidance relating to boundary treatments in the Design Guide Supplementary Planning Document Adopted January 2008.
17. Therefore, I conclude that conditions Nos 2 and 3 are necessary to preserve or enhance the character and appearance of the CA. The proposed variations of the conditions would fail to preserve the character or appearance of the CA. The appeal proposal would conflict with the development plan.

Conclusion

18. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR