



Appeal Decisions

Site visit made on 25 October 2022

by Siobhan Watson BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal A Ref: APP/V4305/W/22/3299419

Land at rear of 10 Vicarage Place, PRESCOT, L34 1LA

- 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 Total Homes Maintenance Ltd against the decision of Knowsley Metropolitan Borough Council.
- The application Ref 21/00120/FUL, dated 1 February 2021, was refused by notice dated 23 November 2021.
- The development proposed is a 4-unit development in existing car park to Vicarage Place, accessed from West Street.

Appeal B Ref: APP/V4305/Y/22/3299420

Land at rear of 10 Vicarage Place, PRESCOT, L34 1LA

- 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 Total Homes Maintenance Ltd against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 21/00121/LBC, dated 1 February 2021, was refused by notice dated 23 November 2021.
 - The works proposed are a 4-unit development in existing car park to Vicarage Place, accessed from West Street.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Since the planning application was determined a residents' parking scheme has come into operation on West Street. As a result, the Council has confirmed that it has no objections to the amount of car parking proposed and has chosen not to pursue its second reason for refusal in respect of car parking. This changed position was set out in its appeal statement. There have been no objections to the planning application or the planning appeal from interested parties in respect of parking. I have no reason to disagree with the Council's withdrawal of objection on this matter.
4. As set out in the header above, listed building consent was sought for the overall proposal. However, the only actual works identified relate to the replacement gateposts. I have dealt with the S.20 appeal on the basis that listed building consent was sought for those works.
5. As the appeal site is in a conservation area and the proposal relates to a listed building I have taken account of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

6. The main issues are (i) the effect of the development upon the setting of 10 Vicarage Place and (ii) whether the proposed development would preserve or enhance the character or appearance of the Prescott Town Centre Conservation Area.

Reasons

7. Prescott Town Centre Conservation Area is characterised by Georgian, Victorian and early 20th century buildings which housed its civic, religious, commercial and industrial functions as the town grew. The immediate area around the site is characterised by a high concentration of listed buildings, high quality paving and its tranquil location next to wooded areas. Its significance is derived from its association with the development of the town, its collection of historic buildings and its layout.
8. There are several listed buildings in the vicinity of the site. I agree with the Council that the proposal would cause no harm to the setting or significance of St Mary's Church (Grade I), 2, 4 & 6 Vicarage Place, 14 Vicarage Place and Our Lady Immaculate and St. Josephs R.C. Church (all Grade II). However, concerns have been raised about the impact on the setting and thereby the significance of 10 Vicarage Place.
9. 10 Vicarage Place was built as a house in the mid-18th century. Its garden wall is included on the list description. The house is three storeys high with 4 bays and sash windows. It has curly brick lintels to the first-floor windows, segmental lintels to the ground floor windows, and sash boxes almost flush with the wall. The glazing bars are a very rare survival in this part of Lancashire of the thick early 18th century type. It had a garden to the rear which was divided by a wall which denotes a certain grandeur to the house.
10. The significance of No 10 is its high-status character, its contribution to the Georgian era of the town and its architectural detailing. It is also significant due to its association with John Hamnet and his family who occupied it in 1841. He was the Headmaster of the Free Grammar School in Prescott.
11. I note the appellant's comments that No 14 was built in the garden of No 10. I also accept that the site is not currently in use as a garden; that the original boundary was set further away from West Street than it is now and the wall did not have a vehicular entrance. However, the boundary walls, lack of buildings and peripheral planting reflect a walled garden, especially when viewed from Vicarage Place where the car parking is screened by the boundary walls. The open aspect of the site lends a sense of spaciousness to this part of the conservation area. The erection of 4 dwellings, which would fill the width of the site and subdivide it into 4 plots, would result in the loss of the ability to experience the scale and character of the space as a historic large private walled garden connected with the house. Furthermore, whilst I note the layout of the previous approval for two dwellings, the proposed dwellings would have a particularly enclosing effect upon the passage at Vicarage Place. The site is not listed as a Historic Park and Garden but this does not mean that the space is not of significance to the setting of the listed building.
12. I accept that there was previously a collection of buildings on the site fronting West Street, but these have since gone and the evidence does not confirm that

they were part of the original layout of No 10. I also accept that the dwellings would be set back from the road frontage like others on West Street and that their rear boundary would be in the same place as the approved scheme; in the position of the former garden dividing wall and retaining a small garden area to No 10. However, these factors do not overcome the subdivision of the remainder of the original garden space into 4 dwellings and the excessive width of the proposed built development. In totality, the harm would be greater than that of the previously approved scheme.

13. For the above reasons, the proposal would erode the historic significance of the main building. It would therefore harm the setting, and therefore the significance, of the listed building. I consider that the harm to the significance of the listed building to be less than substantial and, in the language of the Framework, towards the middle of the scale of less than substantial harm. Nevertheless, this harmful impact is a matter of considerable importance and weight.
14. In addition to the harm to the significance of the listed building, the subdivision of the former garden into 4 residential plots would also be detrimental to the historic layout of the conservation area. I consequently find that the proposal would neither preserve nor enhance the character or appearance of the conservation area. I consider the harm to the significance of the conservation area to be less than substantial and towards the middle of the scale of less than substantial harm.
15. The modern gateposts would be replaced. Whilst the Council has no objection to the principle of the replacement of the existing gateposts, the submitted details are vague. There is a lack of full elevational details and although one plan states that they would be sandstone, another plan indicates that they would be brick. Therefore, there is insufficient information before me about what is proposed and the impact they might have on the significance of the listed wall.
16. I understand that no objections were received from members of the public but a lack of objection does not equate to a lack of harm.
17. The appellant has referred me to the recently constructed Shakespeare North Playhouse which is further up the road from the appeal site. However, this building is closer to the town centre and it was not constructed within the curtilage of a listed building. Its surroundings are also different to that of the appeal site as it is in a more commercial area. Therefore, it is not directly comparable to the appeal scheme and even if it were, it would not justify further harm.
18. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework advises that less than substantial harm must be weighed against the public benefits of the scheme.
19. The development would optimise the use of land by making a small contribution to the mix of housing in a sustainable location. These would be moderate benefits of the scheme. I acknowledge the appellant's comments that

the detailed design of the dwellings would be of a high standard, however, good design is an expectation of the planning system rather than a benefit. The appellant says that the removal of a sunroom on the main house would be a benefit but the removal is not part of the appeal scheme and the Council say that the sunroom has been subject of an enforcement investigation, that it is unauthorised and that enforcement action could be taken. I consider that the public benefits do not outweigh the less than substantial harm to both assets.

20. I conclude that the proposal would harm the significance of both 10 Vicarage Place and the conservation area. Therefore, it would conflict with Policies CS19 and CS20 of the Knowsley Local Plan Core Strategy 2016 (the CS). In combination, these policies seek to protect the historic environment.
21. The appellant contends that the proposal is in accordance with CS Policy CS2. However, the proposal would conflict with Principal 4 of this policy which seeks to enhance local character and to protect the historic environment.
22. The appellant argues that UDP Policy DQ5 is out of date. I accept that it pre-dates the Framework. In addition, it does not reflect the wording of the Framework but this factor does not alter my determination of the appeal as the proposal conflicts with the development plan as a whole.

Conclusion

23. For the above reasons, both appeals are dismissed.

Siobhan Watson

INSPECTOR