



Appeal Decision

Site visit made on 13 December 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/P2365/D/22/3306813

The Hermitage, Flash Lane, Rufford, Lancashire, L40 1SW

- 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 Mr Mark Keane against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0347/FUL, dated 23 March 2022, was refused by notice dated 11 July 2022.
 - The development proposed is erection of a single storey extension together with associated alterations and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area I am required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Main Issues

3. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) The effect of the proposal on the character and appearance of the area, including the appeal property and the conservation area; and
 - iv) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not inappropriate development

4. The Hermitage is a substantial detached 2 storey dwelling to the west of Flash Lane. It is in a residential area in the Green Belt.

5. Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document Adopted October 2013 (the LP) sets out that proposals in the Green Belt will be assessed against national policy and relevant Local Plan policies.
6. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and it should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to exceptions. Of relevance to the appeal is paragraph 149 c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. Policy GB4 of the West Lancashire Borough Council Supplementary Planning Document Development in the Green Belt Adopted October 2015 (the GB SPD) sets out criteria for extensions to buildings in the Green Belt. These include that it should not result in an increase of more than 40% of the volume of the original building; and that it should be in keeping with the original form and appearance of the building, not materially harm the openness of the Green Belt through excessive scale or bulk, and it should be in keeping with the character of the area and appropriate in terms of design and materials. However, Framework paragraph 149 c) does not explicitly require an assessment of impacts on openness, and neither it nor visual amenity are directly relevant to the question of inappropriateness in this case.
8. The proposed extension would result in a roughly 16% increase in the volume of the original building. Even accepting that the GB SPD figure is only a guide, the increase would be well below the 40% threshold. However, Framework paragraph 149 c) refers to size, which relates not only to volume but also to other measures of size such as external dimensions and floorspace. In this regard, the extension would be about 7m long and 6m wide and it would be a little over 4.5m in height. It would be a similar height and width to the existing single storey part of the dwelling and, although slightly deeper, it would be subservient in scale to its host. The additional floor space, although generous, would not be disproportionate in the context of the large host property.
9. Therefore, I conclude that the proposal would not be disproportionate additions over and above the size of the original building. As it would meet the test in Framework paragraph 149 c), it would not be inappropriate development in the Green Belt. It would not conflict with the policies in the Framework that protect the Green Belt.

Effects on Openness

10. I understand the Council considers that the proposal would harm the openness of the Green Belt. However, case law has established that where a development is found to be not inappropriate for the purposes of the Framework, it should not be regarded as harmful to the openness of the Green Belt. Therefore, as I find that the proposal would be not inappropriate development, it would not harm the openness of the Green Belt.

Character and appearance

11. The Hermitage is a Locally Listed Building and a non-designated heritage asset. It is a large former farmhouse dating from 1673, although it was substantially reconstructed in 1940. The handmade brick property retains historic features

including stone fireplaces, exposed timbers and panelling and a minstrels gallery. It is a complex building with a projecting 2 storey pitched gable porch feature, various roof gable extensions, irregularly positioned and sized windows and a single storey side extension with a pitched hipped roof. The dwelling is set within a large mature plot enclosed by tall stone walls and boundary trees.

12. The appeal site is in Rufford Park CA, which encompasses a large area of predominantly open farmland and woodland, historic halls and parkland and the historic village with detached and semi-detached properties set back behind stone walls and vegetation. The significance of the CA derives in part from the historic evolution and importance of Rufford Park, the key historic buildings and their design and architectural features. By virtue of its historic significance as part of the narrative of the area, its historic fabric and architectural details and its large enclosed grounds, The Hermitage makes a positive contribution to the significance of the CA.
13. The proposal would extend to the front of the existing single storey side extension. It would have a pitched roof above brick walls to match its host. Its front gable elevation would be nearly entirely glazed with timber truss details. Its side elevation facing towards the road would also feature extensive glazing and there would be rooflights in the roof slope.
14. Although tall, the existing side extension is a subservient feature that appears to recede from and it respects the main 2 storey dwelling. In contrast, the proposal would protrude out from the main front elevation to a significant and conspicuous degree. As it would be roughly the same height as the tops of the first floor windows in The Hermitage, the extensively glazed and contemporary gable front elevation would be out of scale and out of keeping with the historic property, including its fabric and fenestration. The side elevation with its extensive modern glazing and conspicuous rooflights would be similarly unsympathetic to its host. The proposal would be a discordant feature that would dominate the principal elevation of the non-designated heritage asset.
15. Notwithstanding the use of matching materials, by virtue of its design, scale and siting the proposal would not respect or relate well to its host. It would detract from the historic character and appearance of The Hermitage. Consequently, the proposal would not make a positive contribution to, and it would diminish, local distinctiveness and sense of place.
16. The setting of The Hermitage has changed over the years, from agricultural land in keeping with the former farmhouse to residential gardens and grounds. However, while the existing swimming pool has been a long-established feature in the garden, it is relatively unobtrusively sited close to the side boundary. In contrast, its proposed relocation directly in front of the historic principal elevation would result in a visually obtrusive and discordant form of development that would be out of keeping with the character and appearance of the historic property. The harm to its setting would further detract from the significance of the non-designated heritage asset.
17. The tall roadside boundary wall obscures views of the ground floor of The Hermitage and its garden. However, there are views of the upper parts of the 2 storey elevations, including the first floor windows in the principal elevation, and of part of the existing tall single storey roof. Therefore, as the ridge of the proposal would finish above the height of the first floor windows, the proposal would be visible from public viewpoints along the road. In the absence of street

scene illustrations, and based on my observations, it seems likely that views would be afforded of the long side facing roof slope and rooflights and the gable end glazing with timber trusses.

18. 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 the CA as a whole and must therefore be at least moderately prominent. In this regard, while the swimming pool would be screened from views from the CA, the proposal would be clearly visible above the boundary wall. Therefore, the harm to the Locally Listed Building and non-designated heritage asset would be capable of harming the wider character or appearance of the CA.
19. Given the above, I find that the proposal would fail to preserve the significance of the CA. Taking into account the scale of the proposal and its partial screening, I find the harm to be less than substantial but nevertheless, in accordance with the Framework, of considerable importance and weight.
20. Paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal. The enhanced living space would be a private benefit. Compliance with policy in relation to matters including design quality and materials and the avoidance of impacts on neighbouring residential occupiers, trees, biodiversity and highway safety are not public benefits. There would be limited short term economic benefits during construction. The continued viable use of the property as a dwelling, with the associated benefits to the local economy and community arising from its occupation, are not dependent upon the proposal as the property is already in residential use.
21. In the absence of any substantiated public benefit, I conclude that on balance the proposal would fail to preserve the character or appearance of Rufford Park Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and it would conflict with LP Policy EN4 in relation to preserving and enhancing heritage assets including CA and Locally Listed non-designated heritage assets.
22. Furthermore, I conclude that the harm to the character and appearance of the appeal property and the area would conflict with LP Policy GN3 and Policy DP5 of the Supplementary Planning Document Design Guide Adopted January 2008. These require, among other things, that proposals should complement or enhance local distinctiveness and they should respond positively to the characteristics of the site including in terms of scale, mass and built form.

Other Considerations and planning balance

23. I have found that the proposal would not be inappropriate development in the Green Belt and it would not harm the openness of the Green Belt. As it would not conflict with the policies in the Framework that protect the Green Belt, it has not been necessary to take into account other considerations. However, as noted above, LP Policy GN1 requires proposals in the Green Belt to be considered against both national and relevant local policies. In this regard, while the volume increase would be acceptable and it would not harm openness, nevertheless by virtue of the harm to the character and appearance of the appeal property and the area I conclude that the proposal would conflict with GB SPD Policy GB4. As there would be conflict with relevant local policies, the proposal would therefore conflict with LP policy GN1.

24. The harm to the character and appearance of the non-designated heritage asset and the conservation area, and the conflict with the development plan as a whole, weigh against the proposal to a significant degree.
25. While the proposal would provide additional living space, the property is already generously proportioned and the benefit to the appellant carries negligible weight. The avoidance of impacts on the neighbours, biodiversity and the highway network are neutral factors. Taking into account the scale of the proposal, the limited economic benefits during construction carry little weight. There would be negligible longer term economic or social benefits from the continuing residential use of the property.
26. My attention has been drawn to nearby planning permissions. Daisy Cottage (Ref 2009/1432/FUL) is prominently sited but the extensions are in keeping with the design of the dwelling, they do not protrude excessively from the main front elevation and the dwelling is not a key or historic building. In the case of Woodside (Ref 2007/1455/FUL), the first floor side extensions and glass balustrade to the rear were not considered disproportionate or visually intrusive in the context of the modern dwelling and its secluded location. The Pear Tree Cottage permission (Ref 2017/0946/FUL) relates to a detached garage, in an area with similar existing outbuildings, following the demolition of timber sheds. As none of these appears directly comparable to the appeal scheme, I am not persuaded that the Council has been inconsistent in its decision making and they do not provide a justification for the proposal.

Conclusion

27. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
28. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR