



Appeal Decision

Site visit made on 8 February 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/P2365/W/22/3307834

1 Normanhurst, Ormskirk, Lancashire L39 4UZ

- 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 Robert Lloyd against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0320/FUL, dated 18 March 2022, was refused by notice dated 6 June 2022.
 - The development proposed is a new build 3 bed residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area, which includes the Ruff Lane Conservation Area (CA), including the effect on trees.

Reasons

3. The appeal site consists of the gently sloping lawned garden of No 1 Normanhurst. This is a late 20th century dwelling, set within a cul-de-sac of similarly styled properties, with large gardens interspersed with mature trees. The appeal site lies on the junction of Normanhurst and Ruff Lane, the latter includes buildings of varying styles and uses, which are predominantly set back from the road in substantial plots, with mature trees lining the road. As a result, the area has a spacious, wooded and leafy character. Some trees within and around the site have been protected by Tree Preservation Order (TPO).
4. The Ruff Lane Conservation Area Appraisal (RLCAA) indicates that the area was principally designated to protect the abundant tree cover and mature vegetation, establishing that the landscape value of the area is high. The significance of the Ruff Lane character area is also derived from the understanding it provides of the stages of growth of Ormskirk, comprising early 20th century villas of high quality and individual architectural character, set within large grounds and with high tree coverage, providing filtered views. The set back of buildings, which allows for the level of tree cover, is an important part of the significance of the CA and the garden of No 1 positively contributes to this significance. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. The proposed dwelling would be of a contemporary architectural style. Whilst there is a consistency in the design of dwellings along Normanhurst itself, the wider CA is formed by a variety of buildings of differing styles and so a contemporary design would add to this mix. The proposal would draw on materials found within the surrounding area, which would assist in assimilating the proposal into its context. The design and materials of the proposed dwelling would not harm the character and appearance of the area. This is a requirement of policy, given the location of the site within the CA.
6. However, the proposal would utilise a substantial portion of the existing garden area of No 1. As a result, the host dwelling would have a much smaller plot than at present, and the appeal scheme would be similarly proportioned, smaller than the remaining plots on Normanhurst itself, and many of those on Ruff Lane. The result would be a more cramped form of development, out of character with the area.
7. Due to the angled alignment of the boundary of No 1 where it joins with the Ruff Lane/Normanhurst junction, the proposal would also sit uncomfortably closer to the site boundaries than other buildings along both Normanhurst and Ruff Lane. Whilst noting that the narrow side of the building would face Ruff Lane, the closest part of the building to the road would be single storey only, and changes are proposed to the ground levels, the lack of spaciousness arising from the proposal would remain visible over the boundary treatment and through the trees, from both roads, particularly when the trees are not in leaf. As a result, the proposal would diminish the characteristic set back of buildings within the CA, and the sense of space that this creates.
8. The resulting plot size and spacing of the appeal scheme would not be dissimilar to the density and layout of development found along Beech Meadow, a cul-de-sac to the east. However, the appeal scheme is not seen directly with Beech Meadow, it sits between Normanhurst and Ruff Lane. Whilst not as large as the plots on Ruff Lane, the plots along Normanhurst provide a sense of space and the mature trees therein add positively to the leafy character of the CA.
9. The submitted Tree Survey indicates that 4 trees would be required for removal, 3 category B trees (of moderate quality with a life expectancy of at least 20 years) and 1 category C tree (of low quality with a life expectancy exceeding 10 years). The works would also impact on the Root Protection Areas of a number of other trees, albeit, with certain mitigation measures, it is stated that these effects would be minimised.
10. The single category C tree for removal is small and has limited amenity value beyond the site itself. The 3 category B trees for removal are all large trees, with T6 and T9 being subject of the above referenced TPO. All of these trees are presently visible from public areas along Normanhurst, whilst T8 and T9 are also visible from Ruff Lane when looking into Normanhurst, providing filtered views of No 1. In combination with other mature trees within this and neighbouring plots along Normanhurst and Ruff Lane, they add positively to visual amenity and to the leafy character of the CA, and therefore its significance. Whilst a high number of trees would be retained, the loss of these 3 trees would be noticeable in opening up the frontage of No 1 when viewed from Ruff Lane, resulting in harm to the filtered views of the property, which is a characteristic of the CA.

11. Having considered the findings of the Tree Survey, these 3 trees are in a reasonable condition and have a life expectancy exceeding 20 years, indicating that they are likely to survive for some time, thereby sustaining their contribution to the character of the CA.
12. No detailed landscaping plan has been provided demonstrating where any replacement trees would be placed within the site. No information is provided as to the height and spread of any replacement trees when first planted, and over time. As such, it is not possible to consider what level of compensation this would provide for the mature trees to be removed. Even if this detail had been provided, new trees would inevitably be younger than those to be replaced and it would be a considerable time before any new trees would reach maturity and make the same contribution to the CA.
13. Overall, the proposal would harm the character and appearance of the area. The harm identified would negatively impact on the significance of this heritage asset, failing to preserve or enhance its character or appearance. Given the scale and nature of the proposed development, the harm to the significance of the CA would be 'less than substantial'. I attach great weight to the asset's conservation. The National Planning Policy Framework (NPPF) requires that less than substantial harm is balanced against any public benefits. Additionally, Policy EN2 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document (LP), requires that the benefits of development clearly outweigh the loss of trees of significant amenity value.

Public benefits

14. The development would add to the supply and choice of housing within an urban area. Given the scale of the development, I attach modest weight to this public benefit.

Planning balance and conclusion

15. For the reasons outlined above, the proposal would result in harm to the character and appearance of the CA, causing less than substantial harm to its significance as a heritage asset. It would also result in the loss of trees of amenity value. I have not been provided with any information to confirm that the need for the development could not be met elsewhere. The modest public benefits identified would not outweigh the identified harm.
16. Therefore, the proposed development would conflict with LP Policy EN4, which requires proposals to preserve or enhance heritage assets. It would also conflict with LP Policies GN3 and EN2, which require new development to have regard to the historic character of the townscape and local distinctiveness, as well as minimising the removal of trees that have significant amenity value. It does not respond to advice contained within the Council's Supplementary Planning Document, Design Guide, January 2008, insofar as it advocates spacing and density of development that reflects the character of the area. Further, the proposal does not comply with the requirements of the NPPF in terms of conserving heritage assets in a manner appropriate to their significance, ensuring that new developments add to the overall quality of an area, and are sympathetic to the local character and landscape setting.

17. For the reasons given above, having regard to the development plan as a whole and any other relevant material considerations including the NPPF, I conclude that the appeal should be dismissed.

S Brook

INSPECTOR