



Appeal Decisions

Site visit made on 21 February 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal A: APP/M2325/W/22/3299645

10 Bath Street, Lytham St Annes, Lancashire, England, FY8 5ES

- 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 Michael Bedford against the decision of Fylde Council.
 - The application Ref 21/1077, dated 5 December 2021, was refused by notice dated 1 March 2022.
 - The development proposed is described as 'removal of single storey rear extension and construction of single storey rear extension including alterations to the height of the northern boundary wall. New single storey conservatory to rear and the replacement windows as indicated together with internal alterations'.
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Appeal B: APP/M2325/Y/22/3299643

10 Bath Street, Lytham St Annes, Lancashire, England, FY8 5ES

- 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 Mr Michael Bedford against the decision of Fylde Council.
 - The application Ref 21/1097, dated 5 December 2021, was refused by notice dated 1 March 2022.
 - The works proposed are described as 'removal of single storey rear extension and construction of single storey rear extension including alterations to the height of the northern boundary wall. New single storey conservatory to rear and the replacement windows as indicated together with internal alterations'.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for 'removal of single storey rear extension and construction of single storey rear extension including alterations to the height of the northern boundary wall. New single storey conservatory to rear and the replacement windows as indicated together with internal alterations' at 10 Bath Street, Lytham St Annes, Lancashire, England, FY8 5ES, in accordance with the terms of the application Ref 21/1077, dated 5 December 2021, subject to the conditions in Annex A.

Appeal B

2. The appeal is allowed and listed building consent is granted for 'removal of single storey rear extension and construction of single storey rear extension including alterations to the height of the northern boundary wall. New single storey conservatory to rear and the replacement windows as indicated together with internal alterations' at 10 Bath Street, Lytham St Annes, Lancashire, England, FY8 5ES, in accordance with the terms of the application Ref 21/1097,
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dated 5 December 2021, and the plans submitted with it, subject to the conditions in Annex A.

Procedural Matters

3. Since the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. A revised plan has been provided as part of the appeal which corrects a drafting error relating to drawing number 378-04 Rev C concerning the position of an existing ground floor window on the building's side elevation. This does not materially alter the nature of the scheme and the Council raises no objections to my acceptance of the plan. On this basis I confirm that I have considered it as part of the appeal in the interests of accuracy.

Applications for Costs

5. Applications for costs have been made by Mr Michael Bedford against Fylde Council. These are the subject of separate decisions.

Main Issues

6. The main issues are whether the proposal would preserve a grade II listed building, 2-10, Bath Street (Ref: 1196396) and any of the features of special architectural or historic interest that it possesses; and whether it would preserve or enhance the character or appearance of the Lytham Town Centre Conservation Area.

Reasons

The listed building and the conservation area

7. The appeal property is situated on the corner of Bath Street and South Clifton Street and is part of the listed building at Nos 2-10. This forms a short terraced row of modest town houses dating to around 1830. Built of red brick in Flemish bond with sandstone dressings and hipped slate roofs, they are double fronted, with various rear extensions.
8. The appeal property is on the end of the terrace and has already been extended. A two storey rear extension with a single storey utility room was permitted in 1980 when a single storey lean to extension and chimneys were removed. The two storey element has a pitched roof and gable end facing rearwards and sits between the property's boundary with adjoining No 8 and its slim two storey rear element. Beyond this is a two storey rear outrigger which runs along the property's side boundary and has a single storey element to its furthest extent which forms part of the boundary wall facing South Clifton Street.
9. Other properties in the terrace have also been extended to the rear with a variety of incremental additions. Adjoining No 8 has a large single storey extension to the rear which stretches across the width of that property. Despite these later additions, the appeal property and its neighbours in the terrace for the most part retain an attractive traditional appearance. This incorporates a variety of built form to the rear which displays a pleasing pattern of generally subservient two storey and single storey additions.

10. Given the above, I find the special interest of the listed building, in so far as it relates to these appeals, to comprise its traditional Georgian design and modest scale including the distinctive and varied pattern of built form along the rear of the terrace.
11. The appeal property is also within the Lytham Town Centre Conservation Area which covers much of the central area of the town and includes a rich collection of mainly Victorian and Edwardian buildings. In so far as relating to these appeals, the historic and architectural significance of the conservation area is derived mainly from the quality and variety of the fine traditional architecture. This tells of Lytham's long history as a settlement and the town's wealth and opulence in the 19th century when its pleasant surroundings made it a popular resort and place to live.
12. The appeal building is prominent on the corner of Bath Street and South Clifton Street on a main route from the coast path towards the town centre. As a charming example of a Georgian building typical of the seaside town, the appeal building and the wider terrace is an attractive component of the street scene and contributes positively to the character and appearance of the conservation area and its significance as a heritage asset in relation to these appeals.

The effect of the proposal

13. The proposal seeks the demolition of the existing single storey 1980s rear utility room extension and the erection of a much larger single storey conservatory. This would extend between the existing two storey outrigger and the boundary with No 8, across the full width of the rear of the building.
14. I appreciate that the original rear elevation of the appeal property featured a range in depth between the main part of the terrace and the two storey outrigger and the outbuildings. However, as set out above, the rear form of the appeal property has already been considerably altered by the extensions that were added in the 1980s. These have obscured the original rear elevation of the property at ground and first floor level such that it is no longer evident. They have also reduced the range in depth of the various rear elements of the building thereby eroding the staggered nature of its floorplan.
15. Whilst the appeal proposal would further square off the property's rear elevation and again alter the shape of the rear part of the terrace, the original form and face of this part of the terrace has already been lost. There have also been a variety of incremental changes to the rear of the wider terrace. Notably, as set out above, adjoining No 8 has a large rear extension. I saw at my visit that this spans the entire width of the rear elevation and has a glazed roof and walls.
16. Whilst I appreciate the Council's view that the particular circumstances that led to the neighbouring development are not the same as those in the case before me, No 8 forms part of the same terrace and listed building and is also within the Conservation Area. The Council confirms that there have been no material changes to the relevant local or national policies since the extension at No 8 was permitted. Moreover, that existing extension has already altered the rear of the row and now helps to define the character of the terrace and the area.

17. The proposed extension would be similar in scale and design to that at No 8. It would retain the current external walls of the host property and would be fully glazed to provide some permeability that would allow the rear wall of existing building to remain to some extent visible. Whilst it would be read as modern addition, it would provide a clear delineation between old and new. It would be relatively modest in scale and subservient to the host property and would not affect the pattern of the two storey outriggers along the terrace. Additionally a good deal of rear garden would be retained. Whilst the proposed extension would be accessed via an existing window which would be altered to create a doorway, since this is in the more modern two storey rear element of the property, there would be no loss of historic fabric.
18. In this overall context, I am satisfied that the proposal would sit comfortably on the rear of the host property and would respect its proportions, form and architectural features. It would also be sympathetic to the wider row and would not unduly disrupt the already varied pattern and distinctive form of the rear of the terrace to any harmful extent. Thus the proposal would not diminish the heritage asset's historic legibility, and the building would still be appreciated as an attractive traditional Georgian terrace.
19. Turning to its effect on the conservation area, since I have found that there would be no harm to the listed building, accordingly I find that this element of the proposal would cause no harm to the significance of the conservation area and would preserve its character and appearance.
20. Additionally, the proposal seeks alterations to the single storey element of the outrigger referred to as an outbuilding. This has a lean to roof attached to the boundary wall and may have been at one time a coal store, but is now converted into a WC and store. It has been altered from its original form and features an internal breeze block dividing wall and the use of stretcher bond brickwork to its flank elevation.
21. This outbuilding would be partially demolished and rebuilt. It would be enlarged to increase its width slightly to match that of the two storey outrigger to which it is attached. A small conservation style roof light would be inserted into the roof. The demolition and rebuilding of its flank wall would not involve the loss of any historic fabric, or unduly alter its form or appearance. The Council raises no objections to these works, but is concerned about the associated increase in height of the side boundary wall. This would be raised by 0.45 metres in order to facilitate the increase in height of the outbuilding's lean to roof.
22. The Council is concerned that this is a most visible feature of the building from off-site given its position against the footpath, and objects to the impact of increasing the height of the boundary wall on both the listed building and the conservation area. No further details are given as to the Council's objections regarding the effect on the listed building itself, but concerns are raised that the increased wall height would screen the rear of the terrace from South Clifton Street. It is argued that this would reduce the potential to appreciate the original architectural form of the rear of the terrace, thereby lessening its contribution to the conservation area.
23. However, as described above, the rear of the terrace has seen a variety of additions that have altered the appearance and shape of the rear of the terrace, such that its original architectural form has been changed and

diminished. Moreover, the relatively tall height of the existing wall where it adjoins the outbuilding at present, already obscures views of the rear of the terrace. The height of the lower adjoining section of boundary wall and gate would not be altered, and views at street level of the rear of the terrace would remain along this stretch of South Clifton Street. In this context, and given the relatively modest scale of the increase that is proposed, I am not persuaded that this element of the proposal would cause any harm to the listed building or detract from the conservation area.

24. Taking all these factors into account, I find that the proposal overall would preserve the listed building and its features of special architectural and historic interest, and would preserve the character and appearance of the conservation area.
25. For these reasons the proposal would satisfy the requirements of the Act and paragraph 197 of the Framework. Accordingly I see no conflict with Policy ENV5 of the Fylde Local Plan (LP) which requires proposal to conserve, protect and where appropriate enhance the character and appearance, significance and historic value of heritage. Nor would the proposal conflict with LP Policy GD7 which requires new development to conserve and enhance the built and historic environment.

Other Matters

26. The scheme overall includes a number of other elements to which the Council raises no objections. One of the windows in the existing two storey rear extension would be altered to provide a door to access the new conservatory (via the removal of brickwork below the cill). As set out above, this is in the more modern 1980s extension would not result in the loss of any historic fabric. The existing internal door opening between the sitting room and kitchen would be moved 100mm from its current location and would constitute only a minimal internal alteration that would not alter the property's floorplan.
27. The proposal also includes the replacement of the ground floor and first floor windows to the flank elevation with double glazed timber sliding sash windows, and the replacement of the existing first floor rear window in the two storey rear extension with a double glazed window of matching style and materials as the existing. The windows to be replaced are themselves later additions to the building.
28. Subject to the imposition of conditions to ensure the use of appropriate materials and to secure the details of the windows, I see no reason to come to a different view from the Council on these elements of the scheme. Thus I am also satisfied that they would preserve the listed building and the character and appearance of the conservation area.

Conclusion and Conditions

29. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be allowed.
30. The Council has suggested a number of conditions which I have considered in light of the advice in the Framework which establishes that conditions should only be imposed where they are necessary, relevant to planning and to the development (or works) to be permitted, enforceable, precise and reasonable

in all other respects. I have amended the wording of some of the conditions in the interests of clarity and preciseness.

31. I have imposed the standard time limit conditions in the interests of clarity. A condition is required in respect of Appeal A to specify the approved plans in the interests of certainty. Such a condition is not needed in respect of Appeal B since the formal decision above requires the works to be in accordance with the submitted plans.
32. A condition requiring matching materials is suggested by the Council. However, given the listed status of the building and its location in a conservation area, I have imposed conditions in relation to both appeals requiring the submission and approval of samples of the external materials, and more detailed information regarding the windows, to ensure they can be adequately controlled in the interests of character and appearance, and the significance of the heritage assets.

E Worthington

INSPECTOR

Annex A

Appeal A: APP/M2325/W/22/3299645

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan

Existing Plans Drawing No 378-01

Existing Elevations Drawing No 378-02

Proposed Plans Drawing No 378-03A

Proposed Elevations Drawing No 378-04D

- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until drawings at a scale of 1:10 showing the precise dimensions of all the new windows and details of their design, construction, materials, glazing and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Appeal B: APP/M2325/Y/22/3299643

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 3) No works shall take place until drawings at a scale of 1:10 showing the precise dimensions of all the new windows and details of their design, construction, materials, glazing and finish have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.