



Appeal Decisions

Site visit made on 23 May 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th June 2023

Appeal A: APP/B2355/W/22/3312875

3 New Houses, Springfield Road, Rawtenstall, Lancashire, Rossendale, BB4 7SG

- 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 Steven Denny against the decision of Rossendale Borough Council.
 - The application Ref 2022/0298, dated 7 June 2022, was refused by notice dated 9 November 2022.
 - The development proposed is described as 'the creation of a new driveway with timber gate situated within existing stonewall'.
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Appeal B: APP/B2355/Y/22/3312876

3 New Houses, Springfield Road, Rawtenstall, Lancashire, Rossendale, BB4 7SG

- 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 Steven Denny against the decision of Rossendale Borough Council.
 - The application Ref 2022/0299, dated 7 June 2022, was refused by notice dated 9 November 2022.
 - The works proposed are described as 'the creation of a new driveway with timber gate situated within existing stonewall'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Since the proposal relates to a listed building, I have had special regard to section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issue in Appeal A and Appeal B is whether the proposal would preserve a grade II listed building, 1-7, Newhouses Cottages, Springfield Road (Ref: 1361989) and any of the features of special architectural or historic interest that it possesses.
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5. An additional main issue in Appeal A is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

The listed building

6. The appeal property forms part of the listed building at 1-7 Newhouses Cottages. Formerly Newhouse Farmhouse the building dates to 1691 and was built as a large farmhouse that was subsequently altered to create four cottages. It is now in use as three dwellings. The appeal property is in the middle of the short row. It is constructed over two storeys of coursed sandstone rubble painted white with a stone slate roof. It fronts Springfield Road where the front gardens of the cottages are enclosed by a 1.2 metre high stone wall. There is a modern timber trellis to the top of the wall at the appeal property and a timber gate provides pedestrian access.
7. The appellant indicates that the wall is likely to date from the late 19th century and the creation of Springfield Road. The Council advises that the wall was present on the 1849 OS Map and has been retained since then (albeit with some alterations). I accept that the wall shows evidence of several phases of alteration, and that the timber fence set back behind it at the appeal property is a more modern addition. I also appreciate that the gardens are a not an original feature of the farmhouse but rather a late 20th century creation likely to have been established following the subdivision of a larger enclosure.
8. Nevertheless, the listing for the cottages includes any free-standing object or structure erected before 1 July 1948 within the curtilage of the listed building under Section 1(5) of the Act. This is irrespective of whether or not it has been explicitly identified in the list description. In this instance this includes the front boundary wall, because this structure is within the historic curtilage of the listed building and appears to have been erected prior to 1948.
9. I acknowledge that the farmhouse would historically have been set in extensive open agricultural surroundings. The appellant advises that as a result of Rawtenstall's increased industrial activity and urban growth by the end of the 19th century the farmland surrounding the listed building was overrun by the terraced housing in Springfield Road. As a result, the building has been subsumed into the settlement and only the gardens associated with the cottages remain of its former farmland.
10. Despite its suburban surroundings the listed building remains an attractive example of a traditional farmhouse typical of the local vernacular and its period of construction. It is a notable surviving remnant of Rawtenstall's rural past. The front gardens of the cottages and prominent traditional historic boundary wall there, are important features of the listed building. The wall is for the most part continuous and largely unbroken along the road frontage save for the modest pedestrian gateways. Despite the domestic sheds there, the resultant well contained garden areas contribute to what remains of the traditional rural appearance and charm of the listed building. They also tell of its successful evolution and adaptation over time from farmhouse to cottages.
11. Thus, I find the special interest of the listed building, insofar as it relates to these appeals, is drawn from the integrity and charm of its distinctive enclosed front garden areas and traditional historic front boundary treatment. These

elements are important overall to the special interest of the building in terms of these appeals.

The effect of the proposal on the listed building

12. The proposal is for the creation of a driveway to the front of the appeal property. It would provide off-street car parking for a single car on a gravelled area within the garden measuring approximately 3.4 metres by 7.4 metres. It would see the removal of part of the front boundary wall and the existing timber pedestrian gate and some planting to the front garden. New 1.1 metre high timber double gates with a trellis on top would be provided to the resultant opening.
13. The appellant estimates that only a two square metre section of the boundary wall would be lost, and I am aware that the appeal proposal has been scaled down following the refusal of a previous scheme for a wider opening. Additionally, I accept that the wall would remain in front of the neighbouring properties (including a 6.3 metres section to the east of the proposed driveway) and that an area of front garden would be retained. I am also aware of the various garden sheds and modern tree planting in the gardens of the cottages.
14. Even so, the proposal would see the removal of a good deal of the historic wall. Notwithstanding its age and alterations, the removal of a section of the front boundary wall would involve the loss of part of the listed building's historic fabric. It would also introduce a significant break to the mostly continuous boundary wall and largely uninterrupted enclosure of the building's frontage to Springfield Road.
15. In doing so, the proposal would erode the distinctive enclosed nature of the garden and disrupt the building's traditional historic boundary treatment which is a key feature of the frontage. As well as introducing a more modern timber gate feature to the historic wall, it would also open the appeal site up to some views from the road. I accept that some sense of enclosure to the front of the building would be retained by the new gate/trellis, but this would only be so when the gates are closed. Whilst I appreciate that the existing pedestrian gate at the appeal property is often left open, that existing feature is much narrower than the proposed new opening.
16. Additionally, the proposed gravel parking area would dominate the relatively modest front garden and fill more than half its width. It would introduce the parking of a vehicle in front of the building and in relatively close proximity to it (the back edge of the driveway/parking area would be around four metres from the front of the cottage). This would detract from the agreeable open character of the garden. Although Springfield Road and views of the building are already characterised by car parking, this is on the street and is separated from the appeal building by the pavement.
17. There would also be a loss of landscaping. The appellant confirms that two trees would be removed. I appreciate that these are not protected and are relatively young. I also note the appellant's reference to the previous removal of a larger tree at the neighbouring property. Notwithstanding these matters, the loss of this vegetation and the reduction in the site's green frontage would further diminish the pleasant leafy nature of the garden.

18. The appellant refers to the driveways and off-street car parking at nearby Nos 10 and 12 Springfield Road. Although they are part of the immediate street scene, these modern detached houses are not historic or listed buildings and do not share the appeal site's particular relationship with Springfield Road. As such they do not justify the appeal scheme.
19. Taking all these factors into account, I find that the proposal would erode the important front boundary treatment of the listed building and lead to a loss of its historic fabric. It would appear as an unwelcome and prominent intrusion into the site that would compromise and dominate the appeal property's characteristic well contained front garden area, erode the building's sense of traditional enclosure and charm, and undermine the simplicity and integrity of the building's distinctive historic road frontage. As a result, it would reduce the legibility of the appeal building and the ability to appreciate its special interest.
20. In coming to this view, I have had regard to the comments made by Growth Lancashire who raise no overall objections to the proposal. That no comments were received from a Conservation Officer does not alter my conclusions.
21. The appellant argues that the proposal would repair and improve the existing pedestrian gate and trellis which are dilapidated. However, I am not persuaded that these elements of the proposal would improve the architectural or historic significance of the building to any great extent. I am also conscious that these repairs could take place in the absence of the appeal scheme. As such, these matters are insufficient to outweigh the harm to the significance of the listed building that I have identified.
22. I therefore conclude on this main issue that the proposal would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the balance of these appeals.

The heritage balance

23. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I find the harm to the listed building to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
24. Any improvements to a heritage asset itself are also public benefits of a proposal. As set out above, whilst the proposal would see the repair of the existing gate and trellis, I am not persuaded that this would improve the architectural or historic significance of the building to any great extent. Nor can I see that any such repairs are necessarily reliant upon the appeal scheme.
25. In providing off-street car parking for the appellant, the proposal would reduce on-street car parking which is prevalent in the immediate locality. That said, there would also be a loss of on-street car parking in front of the appeal site (since the new opening would have to remain clear of vehicles). As such, any public benefits in this regard would be minimal.

26. It is argued that the main reason for the proposal is to provide a charging point for the appellant's electric vehicle. However, I have been provided with no information as to where it is currently charged, so cannot be sure that alternative arrangements for this do not exist. Nor have I seen any information to suggest that the appellant would cease to use an electric vehicle in the absence of the appeal scheme. Besides, the contribution that the use of a single electric vehicle would make to carbon reduction would be very limited.
27. Taking all these factors into account, I confirm that even taken together, the public benefits of the proposal are insufficient to outweigh the harm to the designated heritage asset that I have identified. For these reasons the proposed development and works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework.
28. They would also be contrary to Policy ENV1 of the Rossendale Local Plan 2019 to 2036 (Local Plan) which requires proposals to take account of the character and appearance of the local area. They would also conflict with Local Plan Policy ENV2 which supports proposals which conserve, or where appropriate enhance the historic environment and states that proposals affecting a designated heritage asset should conserve those elements which contribute to its significance. Additionally they would fail to support the Council's Alterations and Extensions to Residential Properties Supplementary Planning Document (SPD) DC.1 of which expects proposals to be of a high standard of building and landscape design, and to contribute to environmental quality (amongst other things).

The effect of the proposal on the character and appearance of the area

29. In Appeal A there is an additional reason for refusal relating to the effect of the proposal on the street scene and character of the area. I understand that the appeal building is within an area included in the proposed extension to the Rawtenstall Conservation Area. As a prominent and attractive historic building, I find that the appeal building makes a positive contribution to the street scene in Springfield Road, and to the character and appearance of the area. This is so even though it is not yet part of the Conservation Area. Accordingly, in failing to preserve the special interest of the listed building, the proposal would also be harmful to the character and appearance of the area. This would be contrary to Local Plan Policy ENV1 and the SPD.

Other Matters

30. In Appeal A there is a further reason for refusal relating to the impact of the proposal on biodiversity. This concerns the loss of trees and planting which the Council considers would not protect and enhance biodiversity contrary to Local Plan Policies ENV2 and ENV4. These policies state that all development proposals should seek to protect and enhance biodiversity and will be expected to quantify net gains. Whilst no ecological enhancements have been forwarded to support the proposal, I also note that the Council is satisfied that this matter could be dealt with via a planning condition.
31. Whilst not a reason for refusal in either appeal, there are objections to the proposal from the Highway Authority. Although the appellant refers to a generous visibility splay to Springfield Road, the Highway Authority indicates that the necessary sight lines would not be achieved. Additionally, concerns are raised about the use of gravel/loose stone for the driveway. In order to

prevent loose surface material from being carried onto the public highway a hard material such as tarmac, paving or concrete is required by the Highway Authority.

32. Important though both these matters are, given my conclusions in relation to the main issues in this case, it has not been necessary for me to consider them further.
33. The appellant refers to their dissatisfaction with the Council's handling of their applications and makes a number of points in this regard. However, there is no costs application before me, and these are matters between the appellant and the Council. Whilst I note the Council's apology in this regard, I confirm that I have considered the proposal on its individual merits, having regard to all submitted evidence and made my own assessment as to its potential impact. Accordingly, these points have had no bearing on my decisions.

Conclusion

34. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be dismissed.

E Worthington

INSPECTOR