



Appeal Decision

Site visit made on 20 December 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/N2345/W/23/3326786

Dean Garage, Whittingham Lane, Broughton, Preston PR3 2JJ

- 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 Lester of Lester Developments against the decision of Preston City Council.
 - The application Ref 06/2023/0175, dated 13 February 2023, was refused by notice dated 4 April 2023.
 - The development proposed is described as 'Full Application for the Demolition of an Existing Building and Construction of 1no. Dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A set of revised plans were submitted with the appeal, which amend the design of the proposal. The appeal process should not be used to evolve a scheme. These revised plans have not been formally considered by the Council or been subject to any public consultation. Therefore, I have not considered them as part of the appeal, because to do so would deprive those who should have been consulted with an opportunity to comment.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Background and Main Issue

4. The Council's decision notice for the appeal scheme references two reasons for refusal, the second raising insufficient information relating to possible land contamination. However, the Council's Statement of Case sets out that subsequent to their decision on the appeal scheme, a revised application was made for a dwelling at this site, which was accompanied by a Phase 1 Geo-environmental Site Assessment. This revised scheme was subsequently approved¹, subject to conditions to secure site investigation works and any necessary remediation. This Phase 1 report has been provided with the appeal. Based on this information, I am satisfied that this issue would be satisfactorily addressed through the imposition of conditions as suggested by the Council.
5. As such, the main issue is the effect of the proposed development upon the character and appearance of the area.

¹ Planning reference 06/2023/1054

Reasons

Character and Appearance

6. The appeal site comprises a commercial building and hardstanding, formerly used as a car wash. The building is rendered with sheet roofing, and it has two distinct parts with contrasting roof pitches. Land levels rise when approaching from the southwest and the appeal site frontage presently has a mesh boundary treatment. As such, the existing building sits prominently on the junction of Whittingham Lane and Short Lane. Housing lies to the northeast and northwest. These houses vary in size, style and materials. I noted at my site visit that new housing is being constructed on adjoining land, as referred to by the main parties. The wider area comprises open fields with dispersed development between Broughton and Goosnargh.
7. In recognition of the prominent position of the appeal site, the appellant states that a bespoke, rather than generic design approach has been adopted. In terms of its form, scale and massing, the existing building on site sits comfortably in its context, and the proposed development has had regard to this, by incorporating a design that has two adjoining parts, each with a pitched roof, on the footprint of the existing building.
8. However, where the appeal site narrows, the proposal also incorporates a third distinct part to the building, also with a pitched roof, connected by a flat roofed section of building. This third part to the building would project forward, at a contrasting angle. Additionally, a projecting gabled feature has been added to the central section of the building, which would have eaves projecting above those of the main part of the building. Whilst the overall footprint of the building would remain relatively compact, in combination, these numerous and sometimes contrasting elements of the building design would result in an overly complicated form.
9. This complexity would be exacerbated by the proposed variation to each elevation in terms of the extent of brick/zinc cladding and the numerous different window sizes and glazing patterns. Consequently, whilst I acknowledge that the existing building is not of any architectural interest and there is support from members of the public for re-development of the commercial premises, the proposal would not achieve a high quality building and it would contrast with the more simple form and appearance of surrounding development.
10. I acknowledge that the use of brick would be consistent with other housing in the area and that the use of a zinc materials has been accepted on the revised scheme that has subsequently been approved by the Council. Estate type fencing would not be out of character with the more rural setting of the appeal site and the high wall to the rear would be largely screened by the dwelling itself and so it would not encroach materially into the countryside. Additionally, re-development of the site would result in the removal of existing hardstanding and its replacement with landscaped garden, which would be an improvement visually. However, the acceptability of these aspects of the scheme would not address the concerns I have raised above.
11. As such, the proposed development would be harmful to the character and appearance of the area. There would be conflict with Policies 17 and 21 of the

Central Lancashire Core Strategy² and Policy EN9 of the Preston Local Plan³, which collectively, and amongst other matters, require that new development is of high-quality design and well-integrated, taking account of, and positively contributing towards the character and appearance of an area, through the consideration of matters including layout, massing, scale, design, materials, and landscaping. There would also be conflict with the Central Lancashire Design Guide Supplementary Planning Document (2021), which requires that a development responds positively to its surroundings through its external appearance and form.

12. Further, the requirements of the Framework would not be met in terms of the creation of high quality, beautiful and sustainable buildings and places which are visually attractive as a result of good architecture and layout, and add to the overall quality of an area.

Other Matters

13. I am advised that there are no ecological/landscape designations associated with the site, or Tree Preservation Orders, and the site is at the lowest risk of flooding. The Council has raised no technical issues, nor any concerns relating to the living conditions of occupiers or neighbouring properties, or heritage assets. Adequate waste facilities could be afforded to the new dwelling. These are neutral matters that do not carry weight for or against the appeal scheme.
14. The proposal would utilise previously developed land to provide a new dwelling, contributing towards housing supply, on a site smaller than one hectare. There would be direct and indirect economic benefits during the construction phase, whilst landscaping could provide some biodiversity enhancement. Given the scale of the proposal, these benefits carry limited weight, which would not outweigh the harm that I have identified in relation to the main issue.
15. Whilst a revised design for a dwelling that was subsequently approved by the Council has been brought to my attention, I have considered the appeal scheme on its individual planning merits.
16. I note that the appellant wished to work with the Council at the application stage to resolve any issues and that this is considered to have been a missed opportunity. However, this is not a matter for this appeal decision.

Conclusion

17. For the reasons set out above, the proposed development would not represent a sustainable form of development. It would conflict with the development plan when taken as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR

² Central Lancashire Adopted Core Strategy Local Development Framework July 2012

³ Preston Local Plan 2012-2026 Site Allocations and Development Management Policies, Adopted 2 July 2015.