



Appeal Decisions

Site visit made on 4 June 2024

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal A Ref: APP/A2335/W/23/3328705

28-30 Yealand Road, Yealand Conyers, Carnforth, Lancashire LA5 9SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David Keeton against Lancaster City Council.
 - The application Ref is 23/00422/FUL.
 - The development proposed is described as the erection of a single story rear extension.
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Appeal B Ref: APP/A2335/Y/23/3328708

28-30 Yealand Road, Yealand Conyers, Carnforth, Lancashire LA5 9SH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr David Keeton against Lancaster City Council.
 - The application Ref is 23/00399/LB.
 - The works proposed are described as the erection of a single storey rear extension, removal of internal wall and relocation of bathroom.
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Decisions

1. Appeal A is dismissed, and planning permission is refused for the erection of a single story rear extension.
2. Appeal B is dismissed and listed building consent is refused for works described as the erection of a single storey rear extension, removal of internal wall and relocation of bathroom.

Preliminary Matters

3. The 2 appeals have been lodged against the Council's failure to issue their decisions within the prescribed statutory timescales.
4. The appeal site is a Grade II listed dwelling at 28-30 Yealand Road and which is listed as 'Old Post House'. The appeal site is also located within the Yealand Conyers and Redmayne Conservation Area.
5. The proposals relate to the same scheme, although owing to the different legal regimes there are differences in the scope of the planning appeal (Appeal A) and the listed building consent appeal (Appeal B). In making my determination, I have exercised my statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The scope of Appeal A relates solely to the erection of a single storey rear extension. Whereas Appeal B relates to that extension and a series of internal works. The appellant's submissions at the application stage also refer to works which are not specifically captured within the description of development relied upon by the main parties. These are the replacement of the windows in both the southern half of the rear east facing elevation and the southern gable elevation; and also the removal of an existing timber fence which encloses the roadside boundary of the rear garden. Given the grounds upon which Appeal B is made and the fact that these proposals formed part of the related listed building consent application, I have addressed them within my determination.
7. During my site visit I observed that, with the exception of the proposed insulated cavity walls, the proposed internal works had been carried out. I understand that this is because of an overlap between the appeal scheme and the scope of other planning and listed building applications that were made and determined before Appeal A and B were brought to a conclusion. The accordance with those implemented works with any extant consent which exists is not a matter for the appeals before me. The outcome of Appeal A and B would not prejudice the validity of any such extant consent. Furthermore, I must determine the full scope of the proposals before me, even if the appellant no longer intends to pursue all components.

Main Issues

8. The main issues are:
 - whether or not the proposals would preserve the setting or features of special architectural or historic interest of the Grade II listed The Old Post House; and
 - the effect of the proposed ground floor extension on the character or appearance of the Yealand Conyers and Redmayne Conservation Area.

Reasons

Listed Building

9. This 2 storey detached single dwelling was once divided into 2 properties. Its historic special interests include its former use as a post office and post office shed dating back to the late 17th century. Its architectural special interests include its limestone rubble walls, the remnants of its natural slate roof construction and rebated and chamfered windows with mullions.
10. The proposed single storey extension would be located on the rear elevation of the host building. It would cover the northern most quarter section of the existing rear east facing elevation of the property, including a ground floor window to the lounge. It is intended that window would remain in situ and access to the proposed extension would be taken from the rear garden through double doors.
11. The proposed extension would be built off an existing section of high stone walling which runs along the roadside boundary. The remaining 3 sides of the proposed extension would be formed from the mounting of component sections of a salvaged painted timber framed conservatory onto low limestone walling. The plane of the proposed apex roof which would face onto the road would be built off that existing stone wall and constructed in natural slate. In contrast,

the roof slope facing into the rear garden would be constructed from fully glazed panels. The proposed finished ridge would be situated just beneath the window of what on the existing layout plan is referred to as 'bedroom 3'.

12. My site observations corroborate the common ground between the main parties that the proposed extension would be located in a similar position and footprint to a former building and that the existing section of walling to be extended is a remnant of that former building.
13. The resulting extension would be Victorian in its appearance. My attention has been drawn to the origins of the frame to be used and the existence of similar structures in the locality on older buildings.
14. No large scale plans have been provided to show the precise detailing of the proposed elevational treatment. Therefore, the precise juxtaposition between the proposal and the existing first floor window opening in terms of its positioning, and finishing, including any flashing is unclear; as is the eaves and guttering arrangement along the existing remnant section of walling; and also the proposed finishing of the external faces that would be enclosed. In addition, the evidence provided does not demonstrate that the existing stone wall could structurally withstand the proposed works.
15. Although those matters could be addressed by the imposition of conditions, the submitted evidence does not demonstrate that a pastiche Victorian design solution would be appropriate to special interest features of the Old Post House which are reflective of its own historical evolution. The enclosure of the existing lounge window together with the adaptation of the conservatory frame to incorporate the remnant section of walling and a partially slated roof would be an overly contrived treatment for this important and unique Grade II listed building. These concerns could not be satisfactorily addressed through the imposition of further conditions as a significant re-evaluation of the proposed design solution would be necessary and it falls beyond the remit of this appeal to generate an appropriate solution.
16. Overall, the proposed extension would not respect the architectural and historical integrity of the host building which contribute to its special interest features but would be harmful to them.
17. The rear garden boundary with the road is delineated by a vertically boarded timber fence which is situated in an elevated position well above street level. This structure is of an age which means that it does not represent a special interest feature of this designated heritage asset. Moreover, its contemporary design is inconsistent with the historic character and appearance of the host property. By virtue of its height and solid construction, its removal and exposure of a recently planted hedge row would be more authentic and would better reveal the significance of the Old Post House, particularly from vantage points on approach along Dykes Lane from the rear.
18. By their nature, the proposed internal works would alter the interior layout of part of the property and result in the loss of some historic fabric in terms of the removal a dividing wall and replacement of parts of the floor at first floor level. However, the legibility of the building as 2 former properties would not be eroded. The cellular layout of the rooms to be merged would remain discernible through the retention of a change in floor levels and creation of a short wall reveals where they converge. The reuse of the original bathroom door for the

- repositioned bathroom would respect the historic fabric of the property. The exact detail of the proposed external pipework in terms of its materiality, size, positioning and implementation timeframe could be controlled by a condition.
19. The works to the floor of the upper level had been undertaken prior to my site visit. I observed associated water damage to the ceiling below the original bathroom. However, it is unclear the extent to which floor boards have been lost as no photographic record has been provided. Consequently, I am unable to conclude on the acceptability of the materiality of the replacement floor.
 20. I concur with the Council that the proposed method of insulation to exterior walls would adversely affect the ability for the building to breathe and would be harmful to the integrity of its built fabric.
 21. The appellant believes that 7 No timber framed windows situated across the southern gable and southern part of the rear east facing elevation are rotten and should be replaced with painted timber framed double glazed units. From the submitted evidence and my site observations these do not appear to be original window frames and glazing. I observed some areas of rotten timber.
 22. However, no precise details have been submitted to this appeal to confirm that a suitable design would be secured in terms of the profile and construction of the frames and their glazing. I accept that this could be controlled by the imposition of a condition. Nonetheless, these windows form part of the historical evolution of the fabric of the host building. Crucially, no specialist report has been provided to this appeal to corroborate that all of these windows are indeed beyond reasonable repair. In the absence of such evidence, I find that this component of the appeal scheme would represent unjustified harm to its special interest features.
 23. In overall conclusion, there are individual components of the appeal scheme which would not preserve the features of special architectural or historic interest of the Grade II listed Old Post House but would harm it. Therefore, overall the proposal would fail to satisfy the requirements of the Act. This finding carries considerable importance and weight.
 24. In terms of the National Planning Policy Framework (the Framework) those identified harms would each be less than substantial. In line with paragraph 205 of the Framework when considering the impact of development on the significance of a designated heritage asset, I give great weight to the conservation of the Old Post House.
 25. Paragraph 206 of the Framework recognises that the significance of heritage assets can be harmed or lost through the alteration of the asset. Any such harm should have a clear and convincing justification. Paragraph 208 of the Framework requires that less than substantial harm to a designated heritage asset is weighed against the public benefits of the proposal. I undertake that balancing exercise later.

Conservation Area

26. The mature and leafy character and appearance of the Yealand Conyers and Redmayne Conservation Area is largely derived from the medieval origins and associations with flax spinning and weaving, agriculture and the Quaker tradition of the 2 villages that it covers. The area continues to present as a close knit grouping of traditional properties built to a linear street plan form

and perpendicular to the road. There is a prevalence of limestone for walling and Westmoreland slate for roofing. In Yealand Conyers these buildings tend to be of a grander scale and design to neighbouring Yealand Redmayne and are interspersed with barns, farmhouses and weavers' cottages within a countryside setting.

27. The significance of this designated heritage asset includes the character and appearance of the area as derived from these important historic, cultural and architectural interests.
28. The appeal site occupies a prominent roadside position at the junction between Dykes Lane and Yealand Road. The rear garden area within which the proposed extension would be located is particularly exposed by virtue of the positioning of neighbouring buildings and its elevated level above Dykes Lane.
29. I have already found that the design of the proposed rear extension would be contrived. Coupled with its elevated exposed positioning, this particular design solution would preside dominantly, awkwardly and unharmoniously in relation to the host building and within its wider heritage street scene context.
30. Consequently, in overall conclusion to this main issue the proposed ground floor extension would be harmful to the character and appearance of the Yealand Conyers and Redmayne Conservation Area. Therefore, the proposal would fail to satisfy the requirements of the Act in this regard. This finding carries considerable importance and weight. In terms of the Framework, this harm would be less than substantial.

Heritage balance

31. The components of the appeal scheme which are acceptable relate to the appellant's preferences and do not provide any public benefits. The proposed windows and insulation would be beneficial in terms of improving the thermal qualities of the building. However, in the absence of any comparison data to measure the differential, this carries limited favourable weight. The replacement of the floors and windows would address built fabric in need of repair. However, as maintenance is a legal obligation of the owner of any listed building, I attribute limited weight to this as a public benefit. No other public benefits have been identified.
32. When undertaking the necessary heritage balance in respect to this listed building and the conservation area within which it stands, each of the identified harms would not be outweighed by the benefits of the scheme.
33. Therefore, each of the identified heritage harms are unjustified in terms of the approach to heritage set out in the Framework. This is because of the great weight I give to the conservation of both the Old Post House and the Yealand Conyers and Redmayne Conservation Area.
34. Consequently, in view of my findings the appeal scheme would conflict with Policies DM37 and DM38 and of the Local Plan for Lancaster District – Part Two: Review of the Development Management DPD (the DPD).
35. Owing to the great weight attached to the conservation of these designated heritage assets, the failure to accord with these policies represents conflict with the development plan as a whole.

Conclusion

36. For the reasons given above, and having had regard to all matters raised, both Appeal A and Appeal B should be dismissed.

C Dillon

INSPECTOR