



Appeal Decision

Site visit made on 13 August 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH August 2024

Appeal Ref: APP/H4315/D/24/3344584

94A High Street, Newton-le-Willows WA12 9SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Jackson against the decision of St Helens Council.
 - The application Ref is P/2023/0642/HHFP.
 - The development proposed is the erection of a first floor balcony to rear.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal scheme is related to a building in mixed commercial and residential use rather than just being a dwelling house. However, the appeal application was assessed by the Council on the basis of being a householder application and so has the subsequent appeal. Although procedurally the proposed development as a householder appeal, the evidence available and the observations made during the site visit provide sufficient information to enable the proposed development to be assessed. The parties were consulted about whether the appeal was capable of being determined on this basis.

Main Issue

3. It is considered that the main issue is whether the proposed development would preserve or enhance the character or appearance of the Newton-le-Willows Conservation Area.

Reasons

4. The appeal property is a building situated within a terrace of 4 properties fronting High Street. The ground floor of the property is used as a café and there is a flat above. To the rear of the property, there is an area which can be used as external seating for the café's customers. The proposed development includes the creation of a terrace garden above this seating area for use by the occupiers of the flat. This elevated terrace would be enclosed by an obscurely glazed privacy screen.
5. The property is located within the Newton-le-Willows Conservation Area where there is a statutory duty to have special regard to the preservation or enhancement of the character or appearance of the area. This duty is echoed in Policy LPC11 of the St Helens Borough Local Plan (LP). The Conservation

Area appears to have been designated for its historical significance, including the High Street being a Medieval road along which, over time, frontage development has occurred creating a linear settlement.

6. In terms of the character and appearance of this part of the Conservation Area, there are groups of buildings along either side of this wide road which is tree-lined. The buildings comprise a mix of ages but are predominantly 2-storey terraced properties, some of which have ground floor commercial uses. There are examples of 3-storey buildings which are larger and more imposing within the streetscene, including the public house. The buildings are predominantly constructed of red brick, with some properties colour washed, and a mix of slate and concrete tiled pitched roofs. There are some decorative stone and brick features associated with the openings which generally possess timber frames.
7. As identified by the appellant and seen during the site visit, there are examples of alterations having occurred to the rear of other properties fronting High Street. These include rear external accesses, extraction equipment and elevated terraces. Only limited information about the planning circumstances of these other schemes is provided in the evidence, principally the Planning Officer's report. Accordingly, limited weight is given to these other schemes in the determination of this appeal as precedents for the proposed development.
8. It is the front elevation of the property facing High Street which makes the greatest contribution to the character and appearance of the Conservation Area. The proposed terrace would not be visible from the High Street because of its siting and the screening afforded by the terrace of buildings within which the property is situated. Accordingly, the appeal scheme would not harm the heritage significance of the Conservation Area in terms of its identified historical significance.
9. As with other buildings in the Conservation Area, the rear elevation of the terrace has been subject to alterations, including ground floor extensions and a 2-storey addition at No. 90. However, from Rokeden these alterations are either not readily visible or their design, form and materials respect the character and appearance of these properties. The opaque glazed means of enclosing the proposed elevated terrace would be highly visible from Rokeden and, principally because of the choice of materials, it would fail to respect the character and appearance of the property, the terrace buildings and wider Conservation Area. For these reasons, the appeal scheme would represent an incongruous, prominent and uncharacteristic form of development.
10. Although the heritage significance of the area would not be harmed, it is concluded that the proposed development would fail to preserve the character and appearance of the Newton-le-Willows Conservation Area and, as such, it would conflict with LP Policy LPC11. LP Policy LPD04 refers to alterations to dwellings which includes flats and, as such, there would be a conflict with this policy concerning proposals respecting the character and appearance of the existing dwelling. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR