



Appeal Decision

Site visit made on 2 October 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2024

Appeal Ref: APP/A2335/W/24/3347761

Land adjacent to Kirkby Lonsdale Road, Over Kellet LA6 1DS

Easting (x): 352250 Northing (y): 470025

- 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 & Mrs G & S Constantine against the decision of Lancaster City Council.
- The application reference is 24/00275/FUL.
- The development proposed is the construction of a new single storey detached dwelling and adjacent domestic garage & store with associated highways access and hard and soft landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Only the Easting and Northing co-ordinates of the appeal site were used for the address on the planning application form. The appellants have described the appeal site variously in documents submitted with the appeal. I have therefore adopted the description of the appeal site used on the application form in my banner above. I have also included Easting and Northing co-ordinates for clarity.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the appeal site and the setting of nearby Grade II listed buildings (Old Hall and Old Hall Cottages) and the Over Kellet Conservation Area.

Reasons

4. The appeal site is formed of a portion of a steeply sloping agricultural field adjacent to Kirkby Lonsdale Road within the village of Over Kellet. The land rises towards the southeastern corner of the field close to Longton's Cottages. It is bounded by a drystone wall along the roadside. It forms a gap in built development on the north side of the road as it passes through the village. Moreover, given the topography of the area, boundary treatments provide limited screening of the appeal site. The proposal is for a detached single storey dwelling with a flat sedum roof built on a plateau to be cut into the hillside, with a detached pitched roofed two storey garage immediately adjacent to the site entrance.
5. The proposed dwelling would cut into the prevailing slope such that most of it would not be above pre-existing ground level. As a result, it would be likely to

be at least partially obscured by the garage when viewed from the west, the complex roofscape of the dwelling would, nevertheless, be evident when viewed from the east, and would be visible when passing the appeal site, particularly on foot, where pedestrians would be able to see over the boundary wall. Although the garage has been designed to mimic the appearance of a traditional barn, it would be prominently located on the roadside and would dominate views of the site from both the directions along the road, and particularly from the west. Furthermore, I am not persuaded that the use of materials and design features incorporated into the gables and roadside elevation would be in keeping with their surroundings.

6. Although the appeal site is not located within the Over Kellet Conservation Area (CA) it forms a distinct gap in built development and separates two areas which make up the designated CA. The historical significance of the CA is derived from the village's medieval origins and its connections with agricultural activities in a rural setting. Its character is gained from traditional stone-built houses, farms and barns which are principally set in a nucleated form around a green and along Kirkby Lonsdale Road. From the information before me its dispersed spatial character is a typical aspect of the CA, with gaps between groups of buildings allowing views to and from the surrounding countryside. The appeal site is a particularly good example of this characteristic.
7. Old Hall and Old Hall Cottages, both grade II listed are located to the west of the appeal site. Their front elevations face directly onto the road and views of which would be dominated by the introduction of a substantial building on the roadside boundary of the appeal site when approaching from the east. I therefore consider that the proposal would adversely affect the setting of Old Hall and Old Hall Cottages by eroding the current open view on the north side of Kirkby Lonsdale Road and introducing built development into the gap that would impede views of them from the east.
8. Although there are dwellings on the opposite side of the road these are set at a higher level and do not interfere with the gap in built form on the opposite side, which forms an important aspect to the village. The appeal site is not specifically mentioned in the Over Kellet Conservation Character Assessment and Old Hall and Old Hall Cottages are not mentioned as important buildings. However, it does not automatically follow that these features do not contribute positively to the character and appearance of the CA.
9. The appellants contend that the proposal would deliver a site which would be suitable for a self-build dwelling and would help meet housing supply in the district. However, it is unclear from the information before me whether the appellants have applied to be on the Council's self-build register. As such, I give only moderate weight to the benefit of the self-build nature of the appeal proposal in assisting to meet a particular housing need.
10. The appellants also contend that the site would deliver biodiversity net gain. However, I have neither any baseline nor proposed data upon which this could be measured. Therefore, there cannot be any certainty as to whether or not the proposal would result in any demonstrable biodiversity net gain, and I attribute limited weight to this benefit. Whilst the proposal would provide living accommodation for the appellants this is largely a private benefit. I

have not been presented with any demonstrable public benefits which otherwise arise from the proposal.

11. With respect to paragraph 208 of the Framework less than substantial harm would be caused to the significance of the Over Kellet CA and the setting of Old Hall and Old Hall Cottages which are designated heritage assets. Paragraph 205 of the Framework is clear that great weight should be given to conserving assets. Having regard to the above matters and given the scale and context of the proposal, I consider the public benefits before me are modest and insufficient to outweigh the identified harm.
12. I therefore conclude that the proposed development would adversely affect the character and appearance of the appeal site and the surrounding area including the setting of the Over Kellet Conservation Area and the setting of Grade II listed Old Hall and Old Hall Cottages. The proposal would therefore conflict with Policies DM28, DM38, DM39 and DM46 of a Local Plan for Lancaster District Part Two: Review of the Development Management DPD July 2020, which amongst other things seek to ensure that new development contributes positively to the identity and character of the area through good design which has regard to local distinctiveness, features which contribute to the special character of an area and the setting of heritage assets.

Other Matters

13. My attention has been drawn to other residential developments within the village. I do not have the details of these before me. However, they do not indicate the acceptability of a scheme in the form before me. In any event, I must consider the appeal on its individual merits, and I have not been presented with any evidence which would lead me to an alternative conclusion.
14. I note that the appellants state that they held pre-application discussion with Officers at the Local Planning Authority (LPA). However, I am mindful that pre-application discussions are informal and not binding on any future decision the LPA may make once a proposal has been subject to the formal planning process. This matter does not lead me away from my conclusion on the main issue in this case.

Planning Balance and Conclusion

15. The Council acknowledge that they cannot demonstrate a five-year housing land supply. Paragraph 11d) of the Framework requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Planning permission should therefore be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The policies referred to in this part of the Framework are set out in footnote 7 and include those relating to designated heritage assets.
16. In this case the proposal would affect the setting of both listed buildings and a conservation area. Consequently, there is a clear reason for dismissing the appeal and, therefore, the presumption in favour of sustainable development as set out in paragraph 11d) of the Framework does not apply.

17. The proposals would only contribute a net addition of one dwelling to the supply of housing in the area. The benefits of providing one house where there is a shortfall would be limited. I have found harm to the character and appearance of the site and its surroundings including the setting of the Over Kellet Conservation Area and nearby listed buildings at Old Hall and Old Hall Cottages. This issue carries significant weight. Whilst I have insufficient evidence to demonstrate that the scheme would deliver biodiversity net gain, a benefit would arise from the use of environmentally sustainable features. I have attributed moderate weight to this benefit.
18. With the above in mind, the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh its benefits when assessed against policies in the Framework taken as a whole.
19. Therefore, for the reasons given above, there are no other material considerations, individually or cumulatively, that would warrant taking a decision otherwise than in accordance with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.

KL Robbie

INSPECTOR