



Appeal Decision

Site visit made on 19 December 2024

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/P2365/W/24/3349778

5 Dean Wood Close, Up Holland WN8 0BS

- 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 Harvey Tongue against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/1102/FUL.
 - The development proposed is an outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.
3. During the submission of the appeal, the appellant submitted an updated Preliminary Ecological Appraisal. This was submitted to respond to one of the reasons for refusal. The Council's Ecological Consultant has acknowledged and commented on the submission of the updated Preliminary Ecological Appraisal, noting that the information submitted would be sufficient to remove the ecological ground for refusal as this matter has now been addressed. Therefore, I have not considered this matter further in my decision.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Up Holland Conservation Area (CA) and preserve the setting of a Grade II listed building; and,
 - the effect of the proposal on car parking.

Reasons

Effect on the conservation area and the setting of a grade II listed building

5. The central area of the CA is characterised by properties which face onto the highway and have an intimate and compact relationship with each other. The topography of the locality compounds this relationship further as some properties appear taller than others in this central area. Moving towards the appeal site which is located on the periphery of the of the CA, properties begin to host spacious plots and are generally

sited as individual buildings or small clusters. As the built form of the locality becomes increasingly isolated away from this central area, the topography and the steep hillsides become more apparent.

6. Despite variations in their design, mix and type, the buildings within the CA have a uniformity in their palette of materials which generally is made up of stone, with the occasional example of a building faced in brick or render. Uniformity is also gained from well-proportioned elevations of buildings which do not appear as overtly large or cramped within their plots, despite the ever-changing sizes of buildings noted when travelling along Parliament Street.
7. The significance of the CA therefore is largely taken from the layout and the differing spatial relationships of properties through the main thoroughfare along Parliament Street. Significance is also gained from the hillside locations of several buildings and the open fields which can be viewed beyond the built form of the CA. Despite the heights of some of the buildings sited on hilltop locations, the expanse of open fields visible from some vantage points along Parliament Street creates a sense that the locality is unenclosed.
8. The appeal site is positioned next to 5 Dean Wood Close, and the grade II listed building known as Brooklands. Brooklands is an example of one such property located on the periphery of the central area of the CA which benefits from an isolated and raised position on Parliament Street. It hosts a spacious plot with a large driveway to the front and a sizeable garden to the rear. The property of Brooklands itself is a 19th Century detached building constructed in a Jacobean design, with gabled bays creating a strong feature of the listed building. As such, owing to its prominent position, topography, design and detached nature, Brooklands has an appearance of a building of importance which contributes positively to the character of the CA.
9. The site is situated on land which is lower than the listed building and the main thoroughfare of Parliament Street. Therefore, the site is initially unassuming when travelling along the highway in its current configuration due to the level difference between the site and this public vantage point. Its current appearance takes the form of an enlarged garden to No 5, which is one of five properties which make up a new estate development.
10. However, it once formed the historic lower garden of Brooklands. Though a retaining wall has been erected along the boundary between Brooklands and the appeal site, it is subject to an enforcement notice. I therefore place little weight on its presence. Despite its current condition, given the visual and historic association between the appeal site and the grade II listed building, the site makes a positive contribution to its setting and significance. For the same reason it makes a positive contribution to the significance of the CA.
11. The building would be set back into the site behind the front elevation of the host dwelling, with hardstanding filling this space between the building and the highway. Similar to the other properties on Dean Wood Close, its position would be lower than the properties located on Parliament Street. The outbuilding would be of a width similar to the host property of No 5 with a large area of hardstanding. Despite the position of the site lower than Parliament Street, the building would not be obscured from public view in its entirety. It would be visible upon entry into Dean Wood Close, from the grounds of Brooklands and certain vantage points along Parliament Street within the CA.

12. As such, the overtly large width of the building with a large expanse of driveway to the front would create a development completely at odds with the character of the CA. Its front elevation would be excessively wide when viewed in relation to its neighbouring buildings. Furthermore, the orientation of the building facing into Dean Wood Close would exacerbate its substantial width. I do note that outbuildings are visible in the private street scene of Dean Wood Close. Nevertheless, when compared to the appeal proposal, these are much smaller in their width and are sited in positions where they do not appear incongruous in their surroundings. The proposal, therefore, would not conserve or enhance the character or appearance of the CA.
13. Sited in this position, the outbuilding would also exacerbate the apparent severance of the lower garden from this listed building, and its extent of hardstanding would detract from the use of the land as the spatial lower garden area. This would create an urban appearance of the lower garden and as such, would not preserve the setting of the grade II listed building.
14. The appellant notes that the setting of heritage assets is not a fixed concept. They may evolve overtime as new development occurs. The designation of listed buildings and CAs does not prevent change from occurring. Change often arises by the changing needs of their occupants. In this instance, the site is now under separate ownership. Nevertheless, this change in ownership does not affect the historical and visual connection of the site to the listed building, the significance of the garden in relation to the property or the ability to appreciate the site's association with the listed building. Although the land is no longer accessible for the benefit of the listed building's occupants, the decision by the landowner to separate ownership does not justify any development that would negatively impact its setting. The loss of garden land, coupled with the design of the proposed outbuilding, would undermine the positive contribution the site provides to the setting, and therefore the significance of Brooklands.
15. The development of Dean Wood Close has reduced the openness of the area and the openness to the setting of the listed building. However, this would not excuse any further development which would be harmful to the setting of Brooklands. Each application, including that of the proposal for 5 dwellings at Dean Wood Close is subject to their own assessment on their merits. The appeal site has a direct historical association with the grade II listed building. The proposal would cause harm to its setting, despite its current form, condition and the adjacent modern development.
16. To conclude, the development would fail to preserve or enhance the character or appearance of the CA and fail to preserve the setting of a Grade II listed building. The proposal would conflict with Policies EN4 and GN3 of the West Lancashire Local Plan 2013 (LP) and the guidance found within the West Lancashire District Council Supplementary Design Guide 2008 (SPD). These policies and guidance state that new development should not adversely affect the setting of a listed building or a conservation area. Proposals will be expected to be of a high-quality design which has regard to the historic character of the townscape and landscape of the locality.

Car parking

17. The proposal includes an element of hardstanding to the front of the outbuilding. This space would provide two additional car parking spaces. The Council note that No 5 is a four-bedroom dwelling. As such, Policy IF2 of the LP and the guidance found within the SPD notes that a property of this size must provide three car parking spaces. In addition to this, Policy IF2 notes that proposals for provision above or below the

recommended standards should be supported by evidence. This evidence should detail the local circumstances which justify this deviation. The supporting text to Policy IF2 of the LP also notes that a shift towards sustainable modes of transport should be encouraged.

18. The appellant has provided reasoning as to why an increase in the provision above the recommended standard is justified. It is contended that the proposal would provide a net gain in the number of parking spaces. In turn, this would reduce the number of cars parked within the access road of Dean Wood Close. It is also suggested that the driveway of the host appeal site holds a space only large enough for two vehicles and that many residents, including the appellant require parking for cars and larger work vehicles.
19. However, during my site visit, I noted that the driveways of the five properties in Dean Wood Close are large in width and depth. Whilst some properties within the close may host driveways where cars may appear more tightly parked than their neighbours, these driveways did appear to be of an adequate size for the properties which they serve. They were also of a depth which would enable the parking of larger vehicles such as a van. Therefore, I am not of the view that there is a local parking congestion issue, as suggested in the local circumstances criteria listed in Policy IF2 of the LP.
20. Turning to the appeal site specifically, the driveway to the host property is more irregular in its shape than those of its neighbours. Nevertheless, in the assessment of this space, despite its limited width for two vehicles, there would be adequate space for three vehicles to be parked within the driveway of No. 5 due to its depth, without taking the existing outbuilding into account of this assessment.
21. To conclude, taking the matters raised into account, there is no adequate justification or evidence provided to suggest that a parking provision above the recommended standards should be supported. The provision of this further parking provision would not assist in the encouragement of the uptake of sustainable transportation. Therefore, the proposal would conflict with Policy IF2 of the LP and the guidance found within the SPD.

Heritage balance

22. The development would harm the significance of Brooklands and the CA. The harm caused would be less than substantial. Such harm attracts considerable importance and weight. In accordance with paragraph 215 of the Framework it is necessary to weigh this harm against the public benefits of the development.
23. The proposal would create an outbuilding with the provision of additional parking spaces. This would result in construction employment which would be a limited, but positive benefit to which I attract limited weight. However, the benefit of the provision of additional parking spaces would be limited to the occupiers of the host dwelling, 5 Dean Wood Close. Whilst this might also free up some space on-street, I have found above that there is no congestion issue. Dean Wood Close is itself a private road. As the provision of additional parking space would not be a public benefit, it does not attract weight.
24. The change in the appearance of the site, from its suggested neglected state to that of an attractive garden with an outbuilding is stated to be a public benefit. However, as noted in my reasoning, the erected retaining wall does not benefit from planning permission and is subject to enforcement proceedings. Therefore, the current

appearance of the garden, created through the construction of this retaining wall, is subject to enforcement action and may not appear in this configuration once these proceedings have concluded. Therefore, this suggested public benefit attracts no weight in my decision.

25. Overall, the limited public benefits cited do not outweigh the harm that would be caused to the significance of the listed building or the CA. The scheme thereby conflicts with the approach to heritage assets in section 16 of the Framework. Consequently, the Framework does not indicate in favour of the scheme.
26. Furthermore, I consider that the proposal conflicts with the development plan taken as a whole. Material considerations do not outweigh the conflict with the development plan. A decision should therefore be taken in accordance with the development plan.

Conclusion

27. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR