

Appeal Decision

Site visit made on 14 January 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal Ref: APP/P2365/D/24/3352223

4 Top Locks, Wheat Lane, Lathom, Lancashire L40 4BF

- 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 APR Projects Limited against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/1160/FUL.
 - The development proposed is rear extension with associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.
3. The appeal site is within the Green Belt but there is no dispute between the main parties that the proposal would be inappropriate development. I have no reason to reach a different conclusion. I have therefore assessed the appeal on the basis of the main issues I have identified below.

Main Issues

4. The main issues are :-
 - whether the proposal would preserve or enhance the character or appearance of the Top Locks Conservation Area; and
 - the effect of the proposal on parking provision.

Reasons

Conservation Area

5. The appeal site is an end property in a row of cottages close to the Leeds Liverpool Canal and the Rufford Branch. The site is within the Top Locks Conservation Area and a stone bridge over the Rufford Branch, a canal basin and dry dock are Grade II Listed Buildings. I have therefore had regard to the statutory duties under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. I have also had special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest under Section 66(1) of the Act.
6. Top Locks Conservation Area includes the junction of the Leeds Liverpool Canal with the Rufford Branch which links the canal network via the River Douglas to the Ribble estuary. Top Locks lies at the uppermost part of the canal leading out of Burscough towards Lathom. This section of the canal system was completed in 1774. The properties in the Conservation Area include 18th Century vernacular canalside dwellings, of which No 4 Top Locks is one, which were developed due to their proximity to the canal and the Top Locks basin. The latter constructed in 1781. Much of the employment in the local area was dependent on the canal and the provision of housing relates to that. The properties therefore have a simple architectural style common to workers cottages with a unity of design reinforced by a regular fenestration pattern of windows and doors.
7. The Grade II Listed bridge, canal basin and dry dock provide the context for the Conservation Area. The significance of these heritage assets therefore lies in their historical context in the role of the canal in the 18th Century and early 19th Century and the development of industries reliant on them and the homes of associated workers and their families.
8. The proposal includes various works to refurbish the dwelling including repairing and/or replacing works to the front porch, the roof, render and masonry, windows and doors. It would also include the demolition of an outbuilding. The Council has not raised any specific concerns about these matters that could not be addressed through suitably worded conditions. I agree and also find no harm in this regard.
9. The side elevation of the cottage is close to the boundary with the tow path alongside the canal. Although there is vegetation that would provide some screening, especially when viewing the property from further along the tow path to the north-west, the side and rear elevations are clearly visible from the canal.
10. The proposed rear two-storey extension would be substantial in size extending a significant way across the width of the cottage and projecting rearwards from the existing ridge with a double apex roof. Although I appreciate that the design is intended to distinguish the extension from the existing cottage by adopting a contemporary approach, the appearance, scale and overall massing of the extension would represent a large and incongruous addition to the simple

traditional form of the existing cottage. This would be at odds with its character and the broader heritage status of this canalside location.

11. Furthermore, the row of cottages drop in level from the main canal as the land drops away through the lock system on the Rufford Branch. No 4 Top Locks is at the highest level close to the canal towpath and therefore is particularly prominent. Whilst the extension is to the rear of the cottage, its location means that the side and rear elevation and subsequently the proposed extension would be very prominent.
12. I note that there are extensions to some of the other cottages in the row and whilst these are visible and include two-storey additions and a large conservatory, due to the drop in levels and their distances from the tow path, they do not appear unduly out of place with the design of the cottages or their overall appearance nor are they particularly prominent, unlike the proposal which, as explained, would be much more visually intrusive.
13. The alterations to this property, and in particular the two storey extension, would have a significant impact on the visual appearance of the cottage. However, due to the distance to the listed bridge, the canal basin and the dry dock, the works to the appeal site would not have an adverse impact on the Listed Buildings and I do not consider that any harm to their significance would arise. However, I take a different view with regard to the Conservation Area as a whole.
14. Paragraph 212 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
15. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There would be economic benefits during the construction of the proposed works and the subsequent economic and social benefits derived from bringing the property back into beneficial use and the future occupiers contribution to the local economy and community. There would also be environmental benefits in the physical improvements to a building clearly in need of some attention.
16. However, these would arise mainly by refurbishing the cottage and improving it as a family home and would not necessarily require the size and scale of the rear extension as proposed. Although the additional living accommodation would create a more spacious dwelling which may make it more adaptable and flexible, the additional benefits above that which could be achieved through a less intrusive development would be small.
17. Given the above, I conclude that the proposal would not affect the Grade II Listed Junction Bridge, canal basin and dry dock but in the absence of any defined or substantiated public benefit, the proposed two-storey rear extension would fail to preserve or enhance the character and appearance of the Top Locks Conservation Area. This would fail to satisfy the requirements of the Act

and Chapter 16 of the Framework. It would also conflict with Policy EN4 of the West Lancashire Local Plan¹ which indicates a presumption in favour of the conservation of heritage assets having regard to a set of criteria, including requiring development to preserve or enhance a heritage asset. In addition, the proposed two storey extension would fail to meet the quality of design required by Policy GN3 and the Council's Design Guide Supplementary Planning Document (SPD)².

Parking

18. The existing cottage has no designated car parking space and the row of cottages generally utilise an informal area close to the canal and the dry dock. Whilst the proposal would enlarge the property and increase the number of bedrooms, four rather than three, this would not necessarily increase the demand for parking space to an extent where harm would arise. It would increase the required spaces set out in Local Plan IF2, that is, 2 spaces for a three bedroom dwelling and 3 spaces for a four bedroomed one. However, the lack of designated parking provision applies now and there is clearly no potential to alter the existing arrangement.
19. The canal tow path runs directly alongside the appeal site and provides an easy footpath and cycle link to the amenities in Burscough. Bus services on the A5209 and rail services at Burscough Junction and Burscough Bridge are also available all of which are less than a mile away. Although demand for car parking spaces can vary depending on levels of occupancy, given the existing situation and the specific characteristics of this location, I do not find harm in relation to this issue.
20. Consequently, although the proposal does not demonstrate parking provision in accordance with the standards in Local Plan Policy IF2, given the existing informal parking arrangement for the property together with the location of the appeal site and the ability to walk, cycle or use public transport to access services and facilities, I am satisfied that the objectives of this policy would not be undermined.

Other Matters and Planning Balance

21. I am aware of the Article IV Direction in place in the Conservation Area which withdraws permitted development rights for development that fronts a highway, waterway or open space. Whilst the extension is to the rear of the property, the side elevation faces the canal although the parties disagree whether the position of the rear extension would fall foul of the restrictions imposed by the Article IV Direction. This could be open to interpretation and in any event, it is not the purpose of this Section 78 appeal to determine what would or would not be permitted development or whether such developments would be restricted by the Article IV Direction. I find that the side and rear elevations of No 4 Top Locks are clearly visible from the tow path and have assessed the proposal accordingly.
22. Also, the appellant states that the proposal would be only slightly larger than would normally be allowed as permitted development but no scheme is before

¹ West Lancashire Local Plan 2012-2027 Development Plan Document October 2013.

² West Lancashire District Council Supplementary Planning Document Design Guide January 2008 (SPD).

me to demonstrate that. I am unable to make a comparison that would justify a realistic fall back position.

23. Whilst I do not consider that the proposal would have an adverse effect on parking provision in the area, I have found that the proposal would harm a designated heritage asset. This carries significant weight. Therefore, despite my findings on my second issue, my conclusions on my first issue would cause harm, as I have outlined, thereby making the proposal unacceptable.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR