
Appeal Decision

Site visit made on 8 July 2016

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 August 2016

Appeal Ref: APP/T2350/D/16/3150282

Blue Trees, Manor Road, Copster Green, Lancashire BB1 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Rowley against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0114, dated 29 January 2016, was refused by notice dated 15 March 2016.
 - The development proposed is erection of garage and boundary fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effect of the proposed garage and fence on (1) the character and appearance of the area; and (2) the living conditions of the occupiers of the adjacent dwelling.

Reasons

Character and Appearance

3. The proposed garage would be large and the appellant states that it is required for a caravan / motorhome. It would have large aluminium doors to the front and rear. Whilst it would be set back some distance from the road, it would still be visible especially due to its height. The submitted drawings show dimensions for the building as being 4.2 metres to the eaves and almost 5.9 metres to the ridge. The overall scale of this garage would appear at odds in this location, it would not reflect the semi-rural residential character of Copster Green but would appear incongruous to the area.
 4. The fence would run along the boundary with the adjacent dwelling, Oaksmead and for most of its length it would be just under 3.2 metres high. Although it would be lower in height as it neared the road, given the long length and height it would be visually intrusive and out of keeping with the character of the area.
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5. Core Strategy¹ Policy DMG1 sets out design considerations, amongst other things. These set out a number of matters to be taken into account when determining planning applications including that development must be of a high standard of design. It also requires development to be sympathetic to existing land uses in terms of size, scale, massing and building materials. A high standard of design is also required by the National Planning Policy Framework². I do not consider that the size, scale and massing are consistent with policy DMG1 or the Framework. I also do not consider that the proposed large aluminium doors would be of a satisfactory appearance to comply with Policy DMG1. I also do not consider the proposal to be consistent with the objectives of Core Strategy Policy DME2 in terms of protecting the landscape and townscape.

Living Conditions

6. Although there is a tall hedge along the boundary with Oaksmead the garage would be very close to the boundary. Notwithstanding the hedge, which could easily be reduced in height or removed, given the height and proximity of the garage it would be visually intrusive when viewed from Oaksmead. Likewise the long stretch of fencing proposed along the boundary would be visually intrusive and result in an overbearing impact. However, due the orientation of Oaksmead in relation to the garage and fence, the proposal would not lead to direct overshadowing but this does not lessen the unacceptable impact of the proposal on the living conditions of the occupiers of Oaksmead.
7. As well as the matters set out above, Policy DMG1 also emphasises the visual appearance and relationship to surroundings and the effect of development on existing amenities. The proposal would relate poorly to the adjacent dwelling and the amenity of the occupiers would be harmed in conflict with this policy.

Other Matters and Conclusion

8. The appellant refers to an extension that has been approved to the front of Oaksmead. However, this does not alter my determination of this appeal. I also note the long planning history associated with the appeal site and can appreciate the concerns raised by local residents. However, I have determined this appeal on the basis of the proposal currently before me.
9. Other matters raised include vehicular activity and noise. I have taken these and all other matters raised into consideration but none alter my conclusion. I conclude that the proposed garage and fence would have a harmful effect on the character and appearance of the area and on the living conditions of the occupiers of the adjacent dwelling. It would conflict with the policies referred to and therefore the appeal fails.

J D Clark

INSPECTOR

¹ Ribble Valley Borough Council Core Strategy 2008-2028. A Local Plan for Ribble Valley Adoption Version, Adopted 16 December 2016.

² Department for Communities and Local Government National Planning Policy Framework, March 2012.

Appeal Decisions

Site visit made on 9 August 2016

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 August 2016

Appeal A: APP/T2350/W/16/3148964

Great Mitton Hall, Mitton Road, Mitton, Clitheroe BB7 9PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Kay against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2016/0091, dated 22 January 2016, was refused by notice dated 22 March 2016.
 - The development proposed is a conservatory on the south east elevation of a modern extension.
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Appeal B: APP/T2350/Y/16/3148963

Great Mitton Hall, Mitton Road, Mitton, Clitheroe BB7 9PQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Kay against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2016/0132, dated 22 January 2016, was refused by notice dated 22 March 2016.
 - The works proposed are a conservatory on the south east elevation of a modern extension.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matter

3. As the proposal affects listed buildings I have had special regard to sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are whether the proposal would preserve a Grade II listed building, Great Mitton Hall, and any of the features of special architectural or historic interest that it possesses; and whether the proposal would preserve the setting of nearby listed buildings.
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Reasons

5. Great Mitton Hall was listed in 1954 and was originally constructed in the 17th century. It comprises two stories with an attic and cellar. It is constructed from coursed rubble with a slate roof. A gabled, single storey extension projects at a right angle from one end of the south-western elevation. The extension is a modern addition which forms a partially enclosed courtyard. This elevation also accommodates the main entrance to the building via a single storey, gabled porch. Hooded mullion windows predominate and an impressive series of windows characterise the buttressed, south-eastern gable of the original building. These comprise a mullioned cellar window, a 14-light mullioned and transomed ground floor window, a 7-light first floor window and a 6-light attic window. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the fenestration and architectural detailing of its south-western gable.
6. The appeal property is within the setting of a Grade I listed building, Church of All Hallows, and a further Grade II listed building, Aisled Barn, Mitton Old Hall Farm, 35 Metres West of Great Mitton Hall. The Church was listed in 1954 and was originally constructed in the late 13th century with an early 15th century west tower and a late 16th century north chapel. It is constructed from coursed, sandstone rubble with a stone slate roof. The Barn was listed in 1984 and dates from the 17th century and is also constructed from coursed, sandstone rubble with a slate roof. The close juxtaposition of these buildings, common materials and highly prominent position at the top of an escarpment have created an ensemble of considerable historic and aesthetic value. As noted by a previous Inspector¹, 'the historic and visual connections between the three adjacent listed buildings adds to their significance and distinctiveness'. Given the above, I find that the special interest of the setting of these listed buildings, insofar as it relates to this appeal, to be primarily related to the close visual juxtaposition of the Church and appeal property when viewed from the southwest along Mitton Road and the valley of the River Ribble.
7. The proposal would lead to the construction of a neo-classical style conservatory on the southern elevation of the single storey extension to the original building. It would be located centrally and utilise the existing terrace as a foundation. A number of minor changes would be made to the existing fenestration of the extension and the structure would not extend above the ridge line. Consequently, there would be no loss of original fabric or any change to the original layout of the listed building. However, the introduction of this alien feature would diminish the dominance of the windows of the buttressed gable and undermine their functional role. This is because the conservatory would create a diversionary feature and introduce a new vantage point from which wider views of the landscape to the southwest would be gained. It would also significantly increase the extent of the reflective surfaces associated with the extension during the day as well as the prominence of its illumination at night. Whilst I accept that the latter could be controlled through an appropriate condition, this is not the case for the former. Even if less reflective glass was used the overall extent of the reflective surface would still remain unacceptable.

¹ APP/T2350/D/13/2210765

8. Notwithstanding the modern origin of the extension, the proposed structure would introduce a highly incongruent feature that would lack sympathy with the simple architectural form and period detailing of the original building. This harm would also erode the setting of the church given the prominence of the conservatory within the asset grouping. Given the above, I find that the proposal would fail to preserve the special interest of the listed building as well as the setting of the nearby listed church. I consequently give this combined harm considerable importance and weight in the planning balance of this appeal.
9. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the fact that the conservatory would be attached to a modern extension and contained within its form, I find the harm to be less than substantial in this instance. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellants have not suggested that any public benefits would arise in this instance.
10. Given the above, and in the absence of any defined public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building and the setting of the Grade I listed building, thus failing to satisfy the requirements of the Act and paragraph 134 of the Framework. This would conflict with key statement EN5 and policies DME4 and DMG1 of the Ribble Valley Borough Core Strategy 2008-2028 (2014) that seek, among other things, to protect, conserve and enhance heritage assets and their settings. Consequently, the proposal would not be in accordance with the development plan.

Conclusion

11. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Roger Catchpole

INSPECTOR

Appeal Decision

Site visit made on 9 August 2016

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 August 2016

Appeal Ref: APP/T2350/D/16/3152577

Salisbury Cottage, Newton-in-Bowland, Lancashire BB7 3DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Elizabeth Parker against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2016/0009, dated 14 December 2015, was refused by notice dated 29 April 2016.
 - The development proposed comprises: internal alterations; alterations to 3 no. windows; new window opening to rear elevation; replacement of existing windows with timber effect uPVC mock sash double-glazed units; removal of existing render and partial wall structure to utility room extension to rear and re-clad with stonework to match existing; and existing tarmac driveway to be removed and replaced with new cobbles/stone setts.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a Conservation Area and affects a Listed Building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The proposal was amended after the application was determined, as reflected in the following plan: 4716-02 F. However, the appeal process should not be used to evolve a scheme and it is important that the facts before me are essentially the ones considered by all interested parties. The acceptance of these amendments would be prejudicial to interested parties who may wish to comment or raise specific concerns. Consequently, this appeal will be determined in accordance with the details that were submitted at the application stage, as shown on plan 4716-02 E.
4. For reasons of clarity, I have shortened the description of development to remove unnecessary wording for the purposes of this appeal.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, Salisbury Hall, and the extent to which it would preserve or enhance the character or appearance of the Newton Conservation Area.
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Reasons

6. The Newton Conservation Area (CA) was designated in 1974. It covers a small area encompassing the village of Newton-in-Bowland and some adjoining agricultural land. The first historical records of settlement date from the 13th century. It is located in a remote rural area and its architecture reflects its historical association with agriculture and flax weaving. Approximately a third of the buildings are listed. Notwithstanding some of the more recent dwellings, the consistent use of local stone has led to a cohesive appearance which is supported by vernacular architectural detailing which includes the use of traditional, timber windows. The arrangement of the dwellings, open areas and converted farm buildings all contribute to a strong rural character which is reinforced by the frequently encountered vistas of the surrounding landscape. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the consistency of its architectural detailing with regard to traditional patterns of fenestration.
7. Salisbury Hall was listed in 1954 and was constructed in the early 18th century. It was constructed from coursed rubble with sandstone dressings around the door and windows. It has a graded slate roof and comprises two stories with an attic. The principal elevation is largely defined by an off-set main entrance and a series of mullioned and transomed windows. The individual lights are single glazed and comprise wooden windows with either a single pane or a one over one arrangement. This elevation is set back from the nearby road by a generously-sized front garden which is enclosed by a low stone wall. A secondary entrance to the listed building, with a lower status plain stone surround, is present at the south-western end of this elevation. This is outside the current garden boundary and accessed via a narrow driveway associated with the appeal property. Given the above, I find that the setting of the listed building, insofar as it relates to this appeal, to be primarily related to the historical relationship and visual consistency of its main elevation with the appeal property.
8. The appeal property is closely situated to the adjacent listed building and aligned parallel to the south-western boundary of its front garden. Its main elevation faces this boundary. The property is a converted agricultural building that has been constructed from coursed rubble with a stone tiled roof. Prominent dressed quoins define the gable end which faces onto the nearby road. The building has a predominantly rectilinear layout with a single storey, lean-to extension to the rear of the building. Modern, casement windows characterise its fenestration. It has been identified as a 'building of townscape merit' and, as such, is a non-designated heritage asset.
9. In addition to a number of other modifications, the appellant has proposed the replacement of the existing windows with double-glazed, mock sash windows. These would comprise two wooden units on the gable end and 'Residence 9' uPVC units in the remaining windows which would match the colour of the windows of the adjacent listed building. Whilst I accept the incongruity of the existing windows I do not find that the proposed replacement windows would be consistent with the traditional windows of the CA or the adjacent listed building.
10. Despite the use of a more appropriate colour, the replacement windows would perpetuate the incongruent fenestration of the appeal property because of the

resulting increased reflectivity of the glass, greater width of the meeting rails and alien, casement-style openings. The proposal would lead to bulky, inelegant replacements that would further erode the traditional 3 over 3, horned sash windows that I observed in a number of historic buildings which included a three-dwelling terrace near the junction of Bright's Close, the Old Post Office, Newton Hall and Lowlands Farmhouse.

11. The harm caused by uPVC windows has been recognised in the conservation appraisal¹ for the village and this negative impact was abundantly apparent during my site visit. This has not only arisen from the use of white uPVC and stained wooden windows but also coloured mock sash windows. I acknowledge the appellant's assertion that 'Residency 9' windows are specifically designed for use in conservation areas. However, the extent to which they have been successfully used has not been substantiated in the evidence before me and, in any event, each case must be judged on its individual merits.
12. I acknowledge that the appellant has relied upon information that is only accessible via hyperlink to justify the suitability of the proposed windows. This is contrary to the advice set out in Appendix I.1 of the procedural guide for planning appeals in England². This states that hyperlinks should not be used in submitted evidence and that any relevant information should be downloaded and submitted as separate attachments. This is because web-based information is prone to frequent changes and there is consequently no guarantee that the content that an Inspector considers will be the same as content that was considered relevant by an interested party.
13. Given the above, although I find that the impact of the proposal on the significance of the appeal property would be neutral, in terms of replacing one incongruent feature for another, I nevertheless find that the proposal would fail to preserve the setting of the listed building and the significance of the conservation area. I consequently give this harm considerable importance and weight in the planning balance of this appeal.
14. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the impacts relate to changes in fenestration, I find the harm would be less than substantial in this instance.
15. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal would be beneficial because some economic benefit to a local builder would accrue and that an aesthetic improvement would result from the wider renovation of the property. In these respects I acknowledge a limited public benefit. However, the magnitude of this benefit is insufficient to outweigh the harm that would otherwise be caused.
16. Given the above I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building and the character or

¹ Ribble Valley Borough Council - Newton Conservation Area Appraisal 2005

² Procedural Guide - Planning Appeals in England 2014

appearance of the Newton Conservation Area, thus failing to satisfy the requirements of the Act and paragraph 134 of the Framework. This would conflict with key statement EN5 and policies DME4 and DMG1 of the Ribble Valley Borough Core Strategy 2008-2028 (2014) that seek, among other things, to protect, conserve and enhance heritage assets and their settings. Consequently, the proposal would not be in accordance with the development plan.

Other Matters

17. The appellant has provided some considerable detail with regard to the way in which the Council handled both the current case and a previous application (Ref: 3/2015/0746). However, allegations of poor working practices, inconsistent opinions and 'unethical conduct' are not matters that are relevant to the planning merits of this case and can therefore be afforded no weight.
18. The appellant has suggested that the replacement windows would achieve a greater level of energy efficiency and enable a better quality of life. However, such benefits would also be derived from properly fitted wooden windows. Although they would require a greater level of maintenance, this is far from onerous if the windows are painted regularly and consequently kept in good condition. Consequently, these matters carry little weight.
19. I acknowledge the lack of objection to the proposal and active support from a number of residents. However, the absence of an objection does not indicate an absence of harm, merely that it has not been identified. Consequently, a lack of objection cannot be relied upon to imply that the development is acceptable. Similarly, any support for a proposal may not have identified or considered specific harms. Consequently, this matter carries limited weight.
20. The appellant has pointed out that a like-for-like replacement of the existing windows could occur in the absence of an Article 4 direction under Permitted Development rights. I have no evidence before me to suggest that this option would be unavailable but find that this course of action would be less harmful and have a neutral effect in comparison to the existing situation. Consequently, this matter carries no weight.

Conclusion

21. For the above reasons and having regard to all other matters raised I conclude that, on balance, the appeal should be dismissed.

Roger Catchpole

INSPECTOR

Appeal Decision

Site visit made on 23 August 2016

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 August 2016

Appeal Ref: APP/T2350/D/16/3153583

22 St Peters Close, Clayton-le-Dale, Blackburn, Lancashire, BB1 9HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Chesterton against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2016/0178 dated 12 February 2016, was refused by notice dated 14 April 2016.
 - The development proposed is a lounge, kitchen and bathroom extension (including room in roof space and side dormer) and detached 2-car garage.
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Decision

1. The appeal is allowed and planning permission is granted for a lounge, kitchen and bathroom extension (including room in roof space and side dormer) and detached 2-car garage at 22 St Peters Close, Clayton-le-Dale, Blackburn, Lancashire, BB1 9HH in accordance with the terms of the application Ref: 3/2016/0178 dated 12 February 2016, subject to the following conditions.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Building Regulations Plan/Proposed Plan (unnumbered); Garage Details (unnumbered) received by the Council on 22 March 2016; and Proposed Site Plan (unnumbered) received by the Council on 22 March 2016.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Background and Main Issue

2. Planning permission has previously been granted for a side and rear extension identical in scale to that now proposed¹, although as built it differs from the approved plans in several respects. 1) The addition of a pitched roof dormer on the side-facing roof slope. This is 4.1m wide and in white UPVC. 2) The addition of two rooflights on the front elevation and one on the west elevation, a French window on the west elevation; and a Juliet balcony on the rear elevation. 3) A detached double garage to the rear. This too is substantially complete.
3. The Council has raised no objections to the garage and the additional roof lights, French window and Juliet balcony. It also has no overriding objections to the effect of the proposal on the living conditions of neighbours. Based on my

¹ Ref: 3/2012/0658

own observations I find no reason to disagree, and consider the one main issue in this case is the effect of the proposed dormer window on the character and appearance of the host dwelling and surrounding area.

Reasons

4. The appeal property is a semi-detached bungalow on a corner plot. This section of St Peters Close comprises similar semi-detached hipped roof bungalows following a fairly uniform building line, although there are semi-detached dwellings at either end of the street. The area has a spacious open character, although to my mind it exhibits no strong prevailing character or especially local distinctiveness.
5. The *National Planning Policy Framework* requires local planning authorities to encourage high quality design. However, it also says policies and decisions should not attempt to impose architectural styles or particular tastes, should avoid unnecessary prescription of detail, and should concentrate on guiding the development in relation to neighbouring buildings and the area generally. Amongst other considerations, Policy DMG1 of the *Ribble Valley Core Strategy 2008-2028* (CS) requires development to be of a high standard of design which considers the building in context, including the relationship to its surroundings. CS Policy DMH5 requires extensions to comply with Policy DMG1 and any relevant designations within which the site is located.
6. The Council says the dormer would be seen as a bulky and incongruous addition that would disrupt the unified pattern of hipped roofs and would unacceptably alter the roof of the host dwelling. Overall it says it would be visually incongruous and harmful to the character of the streetscene and area.
7. However, in the context of the surrounding area I consider it would not significantly undermine the architectural integrity of the host dwelling, and would respect the character of the area to which it relates. Although the dormer would unbalance the symmetry of the pair of houses at roof level, I do not consider this factor to be particularly harmful. The dormer is also set slightly below the main ridge and well above the eaves level, and this mitigating factor lessens its visual impact to a degree. Although I noticed no similar side or rear dormer extensions in close proximity, I consider this factor alone is insufficient to render the scheme unacceptable.
8. The Council says a precedent would be set for similar extensions of this type which would further compromise the appearance of the area. However, each application and appeal has to be assessed on its own merits, and given my conclusion regarding the effect of the proposal I do not consider that a harmful precedent would be set. Overall, I conclude that the proposed dormer window would harmonise with the design of the host dwelling and respect the character and appearance of the surrounding area. As such, I find no conflict with CS Policies DMH5 and DMG1.
9. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning practice Guidance*. As the development is substantially complete, a time condition relating to the commencement of development is not necessary. However, a condition requiring matching materials is needed in the interests of the appearance of the area, and a condition to secure compliance with the submitted plans is needed for the avoidance of doubt and in the interests of proper planning.

10. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR