

Appeal Decision

Site visit made on 10 August 2021

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

Decision date: 13 September 2021

Appeal Ref: APP/M2325/W/21/3267270

Home Farm, Watchwood Drive, Lytham St Annes, Lancashire FY8 4NP

- 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 Home Farm Lytham Limited against the decision of Fylde Borough Council.
 - The application Ref 20/0404, dated 12 June 2020, was refused by notice dated 2 September 2020.
 - The development proposed is erection of dwelling and garaging, re-instatement of the wall and walled garden and vehicular access to same.
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Decision

1. The appeal is dismissed.

Reasons

Background Information

2. Home Farm is to the north of the built up area of Lytham St Annes. It was, originally, associated with, and supported occupation of, Lytham Hall, which was built in the mid-18th century. The Hall is a Grade I listed building and is about 400 metres to the south-west of Home Farm. Lytham Hall and Home Farm, which are in separate ownership, are principal built features of the Grade II listed Lytham Hall Registered Park and Garden. Access to Home Farm is off Ballam Road along, as noted on application drawings, Watchwood Drive (this is stated as being Green Drive on Street Map and Google Maps but will be referred to as Watchwood Drive).

3. Home Farm, when it was associated with Lytham Hall, included a farmhouse, stables, farm buildings and a walled garden. It subsequently became an independent farm and the walled garden was concreted over and occupied by a large portal frame building. The walls surrounding the garden became dilapidated and only about half of the walls remain, these being in poor condition and partly propped. The current owner of Home Farm, the Appellant, has removed the building and has undertaken extensive improvements to the farmhouse and stables and their surroundings. The walled garden is the site of the proposed dwelling.

Main Issues

4. The main issues are; first, whether the proposed dwelling would comply with development plan housing policy; and second, the effect of the proposed development on the significance of Lytham Hall Registered Park and Garden.

The first issue - development plan policy

5. The development plan includes the Fylde Local Plan to 2032 (FLP). The FLP Proposals Map identifies the appeal site to be in a countryside area. FLP policies S1 and DLF1 are strategic development location policies that do not support the proposed location of a dwelling in the countryside. FLP policy GD7 requires development to be of a high standard of design and FLP policy GD4 states that development in the countryside will be limited to, amongst other things, isolated new homes which meet the criteria set out in FLP policy H6.

6. FLP policy H6 states that isolated homes in the countryside will only be permitted where, amongst other things, the exceptional quality of design of the building helps to raise standards of design in the countryside, and the exceptional quality or innovative nature of the design of the house would: a) be truly outstanding or innovative, helping to raise standards of design more generally in the countryside; b) reflect the highest standards of architecture; c) significantly enhance its setting; d) be sensitive to the defining characteristics of the local area; and e) protect the local environment.

7. The proposed dwelling would be an isolated home in the countryside. FLP policy H6 is therefore a relevant policy and, it must be noted, all of its criteria must be met for a proposed dwelling to be in compliance with the policy. The dwelling itself would have two principal storeys, with rooms in the roofspace, and a rectangular footprint about 25 metres wide and 20 metres deep. It would be centrally located in the walled garden and would have a single storey leisure complex attached to its north-east corner. In the north-east corner of the site there would be a four car garage and the site would be landscaped.

8. The house is designed in the Georgian style; chosen to, taken from the Design and Access Statement (DAS) submitted with the application, "...respect the history of the site...(and)...the surrounding built context..." which includes Lytham Hall. The dwelling would be constructed with the highest quality materials and its design is, in some respects, commendable. It would have the symmetry and elegance of the Georgian style and would have features such as box sash windows, brick elevations with sandstone detailing, a slate mansard roof and symmetrical chimney stacks that are typical of Georgian architecture.

9. However, there are some features of the design that undermine its integrity. There is nothing Georgian about double garage doors under flat lintels and the flat roofed leisure complex would be incongruous because flat roofs of such a wide span, ten metres, could not have been achieved in the Georgian era; modern technology would need to be incorporated to support the roof. The garage building has been designed as a stand alone building, see drawing no. 20-02 PL 10 'Proposed Garage Building Elevations', but it would be sited to abut the garden wall, as shown on drawing no. 20-05 PL 04 Rev A 'Proposed Site Plan'.

10. The garden wall abutting the garage building would be about 4.3 metres high and the garage building would have an eaves height of about 3.95 metres. The garage building as it is shown on drawing no. 20-02 PL10 simply could not be built to have a stone cornice projecting eaves on its rear elevation if it were to be sited as shown on drawing no. 20-05 PL 04 Rev A. The relationship of the garage building to the garden wall would be clumsy and the resulting valley gutter is an unresolved element of the overall design.

11. The relationship of the garage building to the garden wall is highlighted because to remedy the poor relationship would require the building to be located away from the wall. This would narrow the gap between the garage building and the leisure complex to less than is required for access into the garage thus necessitating the relocation of the dwelling. This, in turn, would require changes to the design of the formal landscaped garden and to the location of a new opening in the east garden wall, if it were to remain aligned with the main entrance into the dwelling in the centre of its east elevation. The location of a new opening in the west wall of the garden would also need to be reconsidered.

12. The DAS refers to coated steel heritage range rainwater hoppers and downpipes but these are not shown on the elevational drawings submitted with the application. All elements of the dwelling would have hidden gutters behind sandstone cornices and how rainwater hoppers relate to the cornices and how downpipes pass through or around the sandstone string course on the two storey element of the dwelling are crucial to the detailed design of the development. Neither these nor the location of the garage building are matters that can be dealt with through the imposition of conditions because they are matters that affect whether the design of the development can be considered to be outstanding.

13. The proof of evidence in support of the appeal by Nicola de Quincey states that "The design is modest and not dominating when compared with Lytham Hall...". But there is no visual relationship between Lytham Hall and the proposed dwelling so any comparison between the two is not relevant. The proposed six bedroom dwelling would have a floor area, setting aside second floor storage areas, of about 1200 square metres. There is no doubt that the dwelling would be very large and, in terms of footprint, the development would take up about 20% of the walled garden. It would, furthermore, rise to an overall height of about 12.8 metres. It would dominate its immediate surroundings.

14. Traditional elements of Home Farm consist of single storey stable buildings and modest residential buildings. This close knit group of buildings is immediately to the south of the walled garden. The walled garden and other traditional elements of Home Farm are historically and visually linked, and are visually appealing. Notwithstanding the presence of large modern agricultural buildings to the north-west and west of the walled garden, the proposed development, given its physical size and position, would dominate not only its immediate surroundings but the visually appealing group of traditional buildings at Home Farm.

15. The Georgian style of architecture, established and refined in the late 18th and early 19th centuries and revived in the early 20th century, has often been copied and has influenced the design of residential buildings throughout the country. But copying an historic style can never be innovative and no claim is made that the development would utilise any pioneering or inventive technology. In this regard it is claimed that the development would be carbon neutral, but no detailed explanation has been given of how this would be achieved.

16. The research that has been carried out to support the proposed development is commendable and the design of the house and its surrounding garden is, as claimed, integrated. But the detailed design of the house and the detached garage, as previously described, is flawed and the flaws undermine the integrated design. The house, furthermore, and given its physical size, would dominate the walled garden and the traditional group of buildings at Home Farm. The proposed development would not therefore be outstanding, would not reflect

the highest standards of architecture, would not significantly enhance its setting, and would not be sensitive to the defining characteristics of the local area. The proposed development thus conflicts with FLP policies H6, GD4 and GD7.

The second issue - the significance of Lytham Hall Registered Park and Garden

17. Lytham Hall Park was established to be the gardens and pleasure grounds of Lytham Hall, and Home Farm served the occupants of the Hall. Home Farm, including the walled garden, is listed by the Council as a Non-designated Heritage Asset but they do not allege any harm to the non-designated asset in the reasons for refusal of the application. However, the Heritage Statement submitted with the application correctly points out that the two designated heritage assets and the non-designated heritage asset, Lytham Hall, Lytham Hall Park and Home Farm, "...are intrinsically linked"; Lytham Hall and Home Farm being the principal historic built elements encompassed by the designated Park.

18. The reinstatement of the original walls of the walled garden is promoted as being the reintroduction of "...a historically important structure..." that would "...be seen in context with Home Farm and some of the other original buildings at the site". But it is central to the Appellant's case that the reintroduction of the 'historically important structure' would not be possible without the construction of the dwelling, which would thus, it is claimed, be enabling development. But the re-instated walls would be viewed not just in the context of Home Farm as it currently is but also in the context of the dwelling that would be built within them. Whether any harm caused by the enabling development is acceptable is considered later.

19. With regard to this issue the proposed dwelling, given its physical size and its position within the walled garden, would, for the reasons already given in relation to the first main issue, adversely affect the significance of Home Farm. Furthermore, given Home Farm's accepted intrinsic link to Lytham Hall Park, the proposed dwelling would adversely affect the historic interest and significance of the Registered Park and Garden. The proposed development thus conflicts with FLP policy ENV15. With regard to paragraph 202 of the National Planning Policy Framework (NPPF) the adverse effect on the significance of the Registered Park and Garden would be less than substantial.

The Planning Balance

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is at the heart of the planning balance.

21. Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal. Though specific to designated heritage assets it is not unreasonable to also apply this approach to non-designated heritage assets. The Appellant maintains, with regard to Section 38(6) of the 2004 Act and paragraph 202 of the NPPF, that a material consideration and a public benefit would be the repair and rebuilding of the walls around the walled garden and thus the re-instatement, enhancement and conservation of the non-designated heritage asset.

22. The DAS submitted with the application sets out the proposed project phasing. Construction of the proposed dwelling would follow the repair and

protection of retained sections of wall and only after completion of the dwelling would the proposed works to reinstate the kitchen walls be commenced. The aforementioned Heritage Statement states that "The future repair and maintenance of the wall...would be secured via a Legal Agreement under the Town and Country Planning Act 1990 (as amended)". No Unilateral Undertaking made under Section 106 of this Act has been submitted so there is no legal mechanism in place to ensure that the walls are reinstated after completion of the proposed dwelling. There is therefore no certainty that the proposed development would be completed in its entirety and the weight to be given to heritage benefit is diminished.

23. The proposed garage building, as previously mentioned, would abut the wall of the walled garden. Part of the abutment would be to an existing section of wall and it is not clear how this section of wall would be preserved whilst foundations are installed for the garage building. Application drawings 20-05 PL 11 and 20-05 PL 12 show existing and proposed elevations of the walled garden walls. The first of these drawings shows 'Wall 3' as being a section of existing north wall that would be, as noted on the drawing, 'retained and repaired', and this also applies to other sections of existing wall. But the proposed north wall elevation shows the retained section of wall to be exactly the same as new sections of the wall. For these reasons there must be some doubt that, once the dwelling is built, the stated intention to retain and repair sections of existing wall would be realised.

24. A publication by Historic England is 'Enabling Development and Heritage Assets'. Paragraph 19 addresses circumstances such as found in this case where enabling development, the proposed dwelling, causes harm to heritage assets, Home Farm and the Registered Park and Garden. The Appellant has done much to improve and conserve the buildings at Home Farm but the enabling development required to continue those efforts would cause harm to the significance of Home Farm and thus to the significance of Lytham Hall Park. As a matter of planning judgement, the benefit gained by the reinstatement of the walls to the significance of those historic assets would be outweighed by the harm that would be caused.

25. All matters mentioned in support of the appeal have been taken into account but they do not, either individually or collectively, outweigh the overall conclusion.

Overall conclusion

26. The proposed dwelling would be an isolated dwelling in the countryside but would not, most crucially, be truly outstanding or innovative. The dwelling would thus conflict with FLP policy H6 and thus also with FLP policies S1, DL1, GD4 and GD7. The proposed development would also adversely affect the historic interest and significance of the Lytham Hall Registered Park and Garden and would conflict with FLP policy ENV15.

27. The proposed development conflicts with the development plan and there are no material considerations to justify determination of the appeal other than in accordance with the development plan. Planning permission is therefore withheld for 'erection of dwelling and garaging, re-instatement of the wall and walled garden and vehicular access to same' at Home Farm, Watchwood Drive, Lytham St Annes.

John Braithwaite

Inspector