
Appeal Decision

Site visit made on 13 March 2018

by **Nicholas Taylor BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2018

Appeal Ref: APP/M2325/Y/17/3191120

3 Queen Street, Lytham St Anne's FY8 5LQ

- 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 Brian Shepherd against the decision of Fylde Borough Council.
 - The application Ref 17/0381, dated 11 May 2017, was refused by notice dated 26 July 2017.
 - The works proposed are removal of part of existing boundary wall to provide vehicular access and creation of 1 no. parking space.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The appeal property is a Grade II listed building and is located close to other listed buildings within the Lytham (Town Centre) Conservation Area. Consequently, the main issue in this case is whether the special architectural and historic interest of the listed building and the setting of nearby listed buildings would be preserved and whether the character or appearance of the conservation area would be preserved or enhanced.

Reasons

3. No. 3 Queen Street is a two storey house within a predominantly residential area on the edge of Lytham town centre. It is situated on the corner of Queen Street and Henry Street and the proposed vehicular access would be off the latter.
4. The list description refers to the buildings around the corner forming a group of mid-19th Century terraced houses. They possess modest, vernacular form with distinctive fenestration. The low boundary walls, surmounted by hedges, enclose shallow front gardens. The boundary walls, forming part of the buildings' curtilage, are within the listing, although not specifically mentioned in the list description, and form a distinct aspect of the fabric and setting of the group.
5. The appellant argues that the short section of low cobble wall, which would be removed, is a relatively recent addition, but this is disputed by the Council and a third party. From my site visit, it is apparent that the cobble wall is of similar appearance, albeit lower, than numerous others within the conservation area, which although not generally uniform are characteristic features of historic

interest. Indeed, there is a further, quite long section of cobble wall in Henry Street, a few metres west of the appeal property. The section of wall in dispute is capped by flat coping stones of, apparently, some age, in contrast to the newer-looking brick and concrete coping of the remainder of the boundary wall. Taking account of all the evidence before me, I am unable to agree with the appellant's assertion that the section of cobble wall is of no historic interest or aesthetic value.

6. Notwithstanding any doubt regarding the antiquity of parts of the boundary wall, the reasonably complete, prominent, modest and harmonious corner composition of domestic residential development in which it plays a positive part, encompasses, to a considerable degree, the architectural and historic significance of the appeal property and the setting of the group.
7. My attention has been drawn to a vehicular access which has been permitted to 15a Henry Street. The Council says that the property dates from the 1970's and has limited historic significance. Whilst I have not been given the full circumstances surrounding this development, I consider that it has limited bearing on the current appeal. Notwithstanding the presence of a few non-residential uses, some recent infill developments and variations in boundary treatment, including some private accesses, this part of the conservation area has a domestic, village-like character and appearance. The boundary treatments of the corner group contribute positively to this.
8. It is arguable, although I accept not certain, that the proposed development would involve the loss of historic fabric. However, of equal if not greater importance is that, no matter how careful the detailed design of piers and surface materials, it would create a prominent gap, further disrupting the sweep around the corner of the prevailing boundary treatment. The parking of a vehicle within the restricted frontage space would be incongruous, creating a cluttered appearance, diminishing the aesthetic value of the listed buildings and their setting. Although a small intervention in relation to the overall extensive conservation area, it would nevertheless be harmful to its character and appearance. Whilst, as the appellants argue, the hedge itself may not remain in perpetuity irrespective of whether the appeal proposal were to go ahead, in event of its alteration or loss, the continued presence of the wall and absence of on-site parking would retain the continuity of the boundary and frontage space.
9. Overall, therefore, the proposed works would fail to preserve the special architectural and historic interest of the listed building, its setting and that of its neighbouring buildings, and would fail to preserve or enhance the character or appearance of the conservation area. Thus, the significance of all the designated heritage assets would be harmed, contrary to the expectations of Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
10. This would also conflict with the development plan as a whole. Both main parties have referred me to a number of saved policies of the *Fylde Borough Local Plan*, including EP3, EP4 and EP6, which, in combination, seek to protect listed buildings and their settings and conservation areas. There would also be conflict with Policy ENV5 of the emerging *Fylde Local Plan to 2032*, which also seeks to protect heritage assets. As I have been given limited information

about the progress of this emerging plan, I afford less than full weight to the conflict with it.

11. Paragraph 132 of the *National Planning Policy Framework* (the Framework) states that when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. As I have found in this case, the Framework confirms that significance can be harmed by alterations to a heritage asset or development within its setting.
12. In this case, the harm, although serious, would be less than substantial, within the meaning of the term in paragraphs 132-134 of the Framework. This requires that the less than substantial harm should be weighed against the public benefits of the proposal. I note that the Highway Authority does not object in principle to the construction of a parking space but I am not convinced that its creation would provide a significant public benefit, since it would involve some loss of kerb-side parking capacity in return for the creation of one small private space. Thus, it has not been demonstrated that the proposal would give rise to public benefits which would outweigh the harm to the heritage assets.
13. I accept that the scheme would provide a private benefit to the appellant, as parking outside the property is restricted between 09.00 and 18.00 and is generally limited in this congested area. The inconvenience of not being able to park outside one's dwelling during daytime and, potentially, facing difficulty doing so overnight should be afforded weight and that is increased by the appellant's mobility difficulty. The evidence provided to me in the form of a letter from a Nurse Clinician at the appellant's a GP practice hints at the severity of those difficulties but does not make clear whether they are likely to be temporary or permanent. Nor is the precise location or difficulty involved in accessing alternative parking arrangements fully explained. In giving careful consideration to these personal circumstances, including the guidance in the government's *Planning Practice Guidance* regarding use of conditions, I have come to the view that the harm to the heritage assets would not be readily reversible in the event that the particular personal circumstances reduced in severity or no longer applied.
14. Set against the undoubted considerable personal benefit and the very limited public benefit is the duty placed by the 1990 Act on the decision-maker, in considering whether to grant listed building consent, to have special regard to the desirability of preserving a listed building or its setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Whilst the harm would be less than substantial in this case, this overarching statutory duty must be given considerable importance in weight. In all the circumstances of this case, I conclude that the duty towards the preservation of the heritage assets should prevail.

Conclusion

15. Therefore, for the reasons set out above, the appeal should be dismissed.

Nicholas Taylor

INSPECTOR