
Appeal Decisions

Site visit made on 16 March 2016

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 5th April 2016

Appeal Ref: APP/M2325/W/16/3141705 (Appeal A)

352 Clifton Drive North, Lytham St Annes, Lancashire, FY8 2PB

- 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 Mrs Madeleine Jackson against the decision of Fylde Borough Council.
 - The application Ref 15/0564, dated 14 August 2015, was refused by notice dated 12 October 2015.
 - The development proposed is the removal of part of chimney stack.
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Appeal Ref: APP/M2325/W/16/3141708 (Appeal B)

354 Clifton Drive North, Lytham St Annes, FY8 2PB

- 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 Mrs Madeleine Jackson against the decision of Fylde Borough Council.
 - The application Ref 15/0565, dated 14 August 2015, was refused by notice dated 9 October 2015.
 - The development proposed is the removal of top part of chimney.
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Decisions

APP/M2325/W/16/3141705 (Appeal A)

1. The appeal is dismissed.

APP/M2325/W/16/3141708 (Appeal B)

2. The appeal is dismissed.

Procedural Matter

3. As set out above there are two appeals. Although they concern different addresses, they relate to the same works to the flank chimneys of both halves of a pair of semi-detached properties under the same ownership. As such, although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together in this document except where indicated otherwise. Although in the case of Appeal A the works are proposed, in the case of Appeal B the works have already been undertaken.
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Main Issue

4. The main issue is the same for each appeal and concerns the effect of the works on the character and appearance of the host property, and whether they would preserve or enhance the character or appearance of the St Annes (Porritt Houses/Ashton Gardens) Conservation Area.

Reasons

5. The appeal properties comprise a substantial semi-detached Victorian building both halves of which are in use as flats. They are within the St Annes (Porritt Houses/Ashton Gardens) Conservation Area which covers the fine residential properties known as the Porritt Houses and the public park at Ashton Gardens. The appeal properties and the other buildings in Clifton Drive North play a role in defining the character of the area, which is part of the Conservation Area's significance as a heritage asset.
6. The Policy Statement for the Conservation Area advises that the essential character of the Porritt Houses is their harmony and unity. It recognises that the materials of construction, architectural features, emphases, proportion and scale are mutually sympathetic. It also advises that alterations to any one of these features will not only affect the appearance of the individual property, but its harmony with the rest of the area. The Policy Statement recognises that a number of architectural features give the Porritt Houses their particular character, including chimney gables. Additionally it suggests that the demolition of chimneys, or a reduction in chimney heights, is very noticeable and has a damaging effect on the roof line of the properties.
7. Due to their size a number of the Porritt Houses have been converted into apartments, hotels or rest homes and as a result there is no need for the retention of full height functional chimney stacks. The chimneys of a number of the properties in the Conservation Area have been reduced in height in the same way as that sought by the appeal scheme. Others have been reduced more considerably in height and a minority have been removed in their entirety. Furthermore, a good deal of the original chimney pots have been removed from the buildings. The appellant's submitted schedule of works lists alterations to chimneys within the five main streets of the Conservation Area. The Council does not dispute the schedule and I saw the examples referred to at my visit.
8. That said, the appeal properties are at the end of a relatively long and continuous row of semi-detached Porritt Buildings on the west side of Clifton Drive North. Here, although many of the pots have been removed, examples of the stone chimney stacks having been reduced in height (or removed) are not particularly numerous. Notably, although the chimney stacks have been reduced in height at neighbouring No 350, along the rest of the row to the south the stone chimney stacks remain to their original height up until No 332 (where the stack has also been reduced in height). This is a significant stretch of buildings where, with the exception of No 350 and the appeal property at No 354, the original heights of the stone chimney stacks remain intact.

9. Clifton Drive North is wide and tree lined and wide ranging views are possible of the houses here in both directions along the road as well as from Ashton Gardens. The Porritt Houses' chimneys are clearly visible in these views and are a strong and unifying attractive feature on the buildings. Since the instances of reduced chimney heights are in the minority, I am not persuaded that they have eroded the original character of the street scene or undermined the overall appearance of the west side of Clifton Drive North to any significant degree. This being so, the original chimney heights here predominate and contribute to the character of the host buildings. Collectively they are an important and noticeable feature of the Conservation Area which form part of its historic interest and add to the local distinctiveness of the area.
10. The works in the case of Appeal B at No 354 have already taken place and the top part of the chimney stack has been removed. The proposal under Appeal B seeks the same works to the chimney stack at adjoining No 352. The scheme relates to the main stone chimney stacks only and does not involve the removal of the whole of these or their demolition. The chimneys which the scheme concerns are not particularly ornate and the more decorative brick chimneys recognised in the Policy Statement for the Conservation Area would not be affected. Only the top few courses of stonework from the top part of the stacks would be removed. The pots are already absent and have never been in place during the appellant's ownership of the properties (since 1971).
11. Nevertheless, the reduction in height of the chimney at No 354 (Appeal B) has altered this important original architectural feature which is recognised as giving the Porritt Houses their particular character. It has reduced the prominence of the chimney stack on the host building and altered its overall proportions. Thus it appears as an unsympathetic alteration which detracts from the appearance of No 354 and has eroded its detailing and diluted its historic character. Furthermore, the shorter chimney appears at odds with the majority of the chimneys in the rest of the immediate row in which it sits, and as a consequence it disrupts the harmony and unity of the Porritt Houses here. This disruption is appreciated in the street scene and has a damaging effect on the traditional roof line of the buildings in this part of Clifton Drive North.
12. As such, the works detract from the host property and the street scene and, despite the changes that have taken place to other chimneys within the Conservation Area, are not in keeping with the character of the area. For the same reasons, this would also be the case for the proposed works at No 352 (Appeal A), which would furthermore cumulatively add to the unsatisfactory visual impact of the works at adjoining No 354.
13. I am not aware of the full circumstances that led to the alterations to the chimneys referred to on the appellant's schedule including whether they have planning permission or are subject to enforcement proceedings by the Council. Although I acknowledge the appellant's view that the Council could have done more to prevent the nearby works and have noticed them sooner, to my mind these similar developments in the area show how unsatisfactory the appeal scheme is and so justify the Council's wish to avoid more of them and to guard against their cumulative impact.

14. I note the appellant's reference to Sections 71 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and her view that there has been little enhancement of the wider Conservation Area since its designation some 30 years ago. I also appreciate that the Planning Statement for the Conservation Area is dated and an up to date Conservation Area Appraisal and Management Plan has not been produced. On the other hand, the Council confirms that it has worked hard to persuade property owners to repair and retain original chimneys. It also refers to its wider promotion of architectural repair and restoration through grant aided regeneration schemes in its Conservation Areas undertaken in partnership with English Heritage. I see no reason to doubt that this is the case and in any event do not regard these issues to justify development I have found to be harmful.
15. The appellant also draws my attention to the redevelopment of sites nearby where original Porritt Houses have been demolished and the replacement buildings were not required to include chimneys. I am not aware of the circumstances that led to those developments and their planning merits are not before me for consideration. In any event, as new buildings, rather than works to existing buildings, I do not consider these schemes to be similar to the one before me, or to be a reason to allow works which are unacceptable.
16. Bringing matters together, the works fails to be in keeping with, and detract from, both the appearance of the host property, and the street scene, which are both of significance to the area's heritage. Paragraph 131 of the National Planning Policy Framework (the Framework) indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the scheme leads to less than substantial harm to the significance of the Conservation Area (as described at paragraphs 133 and 134 of the Framework), the harm caused is material.
17. I am aware of the appellant's view that no demolition work is proposed or has taken place and note her reference to case law in this regard. However, this does not alter my findings in relation to the main issue and adds no weight in favour of the scheme.
18. I therefore conclude on the main issue that the works are harmful to the character and appearance of the host properties, and fail to preserve or enhance the character or appearance of the St Annes (Porritt Houses/Ashton Gardens) Conservation Area, and adversely affect the significance of this designated heritage asset. This is contrary to Policy EP3 of the Fylde Borough Local Plan as Altered (Local Plan) which is permissive of new development within a designated Conservation Area only where the character or appearance of the area are appropriately conserved or enhanced. I appreciate that the appeal properties are flats rather than houses and the works are not an extension as such. However, in so far as it is an alteration to a residential property, the scheme also conflicts with the aims of Local Plan Policy HL5 to ensure that the design and external appearance of proposals is in keeping with the existing building and does not adversely affect the street scene.
19. Whilst these policies are a number of years old, in my view they are consistent with the Framework which advises that in determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. They also align with the

aims of the Framework to seek to achieve high quality and inclusive design for all development including individual buildings, and to ensure that developments respond to local character and history and reflect the identify of local surroundings. As such, I afford these Local Plan policies due weight.

20. The proposal also conflicts with the core planning principles of the Framework of preserving the significance of designated heritage assets and securing high quality design and accordingly would fail to support the corresponding advice in National Planning Practice Guidance.

Other matters

21. The upper part of the chimney stacks subject to these appeals are unstable due to their exposed coastal position, winds and erosion from sand and I appreciate that their removal is sought for safety reasons. Whilst this is a benefit of the scheme, I have seen no evidence to demonstrate why the chimneys could not be repaired to their original height and extent. Therefore, this benefit does not outweigh the harm I have identified in relation to the main issue.
22. The appellant regards the works to be de-minimis and does not consider them to constitute material alterations to the buildings. However, whether the appeal scheme requires planning permission is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of these appeals.

Conclusions

23. For the reasons given, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

Elaine Worthington

INSPECTOR