

PRE APPLICATION -SUPPORTING STATEMENT & HERITAGE STATEMENT

1st December 2023

Proposed outbuilding associated with 5 Dean Wood Close.



5 Dean Wood Close, Up Holland, Skelmersdale, Lancashire, WN8 0LN

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants
on behalf of Mr H Tonge

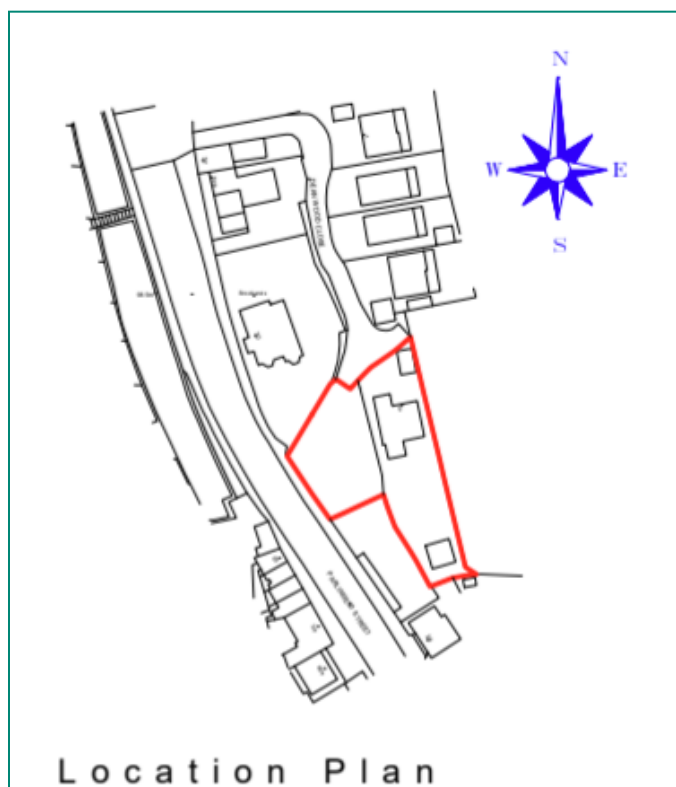


CONTENTS

1.	The Application Site	Page 3
2.	The Proposed Development	Page 5
3.	Planning History	Page 7
4.	Planning Policy	Page 9
5.	Planning Assessment	Page 12
6.	Conclusion	Page 19

1. THE APPLICATION SITE

- 1.1. The site comprises approximately 0.14 acres in size and occupies a position off Dean Wood Close adjacent to Parliament Street on one side, the new build properties to Dean Wood Close on the other and 30 Parliament Street to the North of the site. The residential buildings in the area are generally detached or semi detached and predominantly stone with some brick or render houses between, with slate roofs / composite roof tiles. The windows and fenestration are varied in size and configuration depending upon the age of the property.
- 1.2. The proposal is to create an outbuilding that is sympathetic to the buildings along Parliament Street, but also unite Dean Wood Close as the site forms part of the garden to 5 Dean Wood Close. Access to the proposed outbuilding will be via the existing access from Dean Wood Close.
- 1.3. The site is located within Up Holland Conservation Area and 30 Parliament Street (Brooklands) is a Grade II listed building.
- 1.4. The site and surrounding land is owned by the Applicants, as shown by the red and blue line on the plan below:



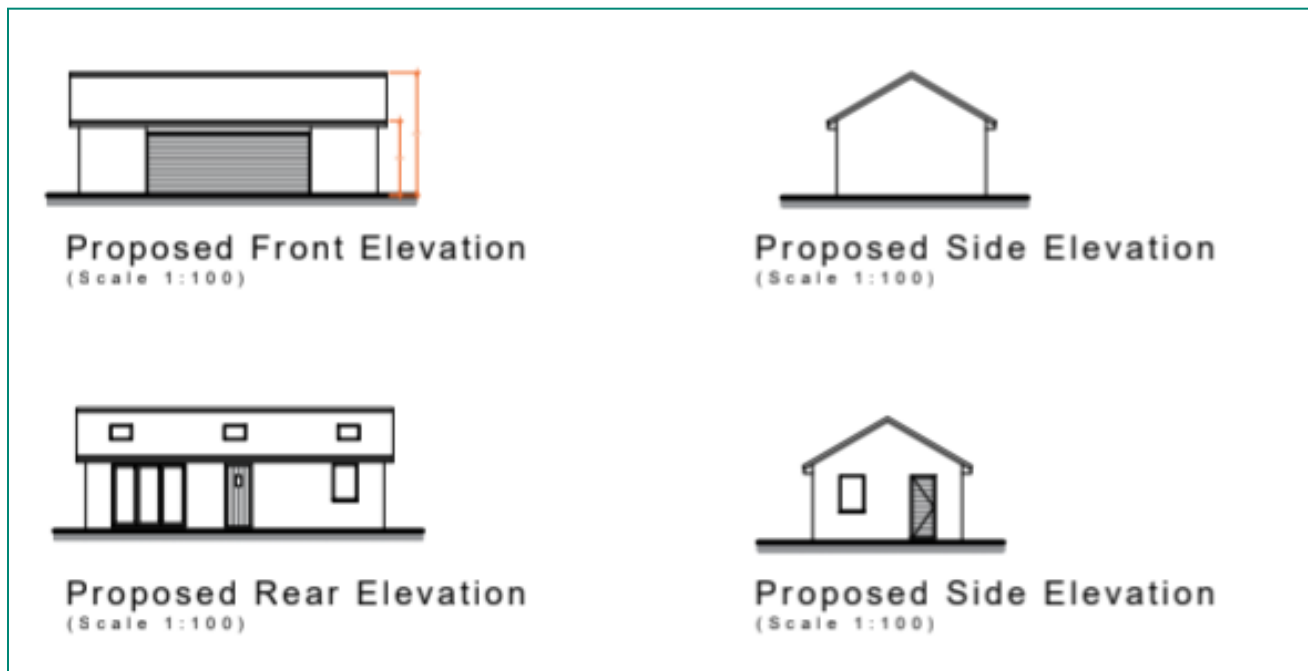
(Figure 1: Site Location Plan)

2. THE PROPOSED DEVELOPMENT

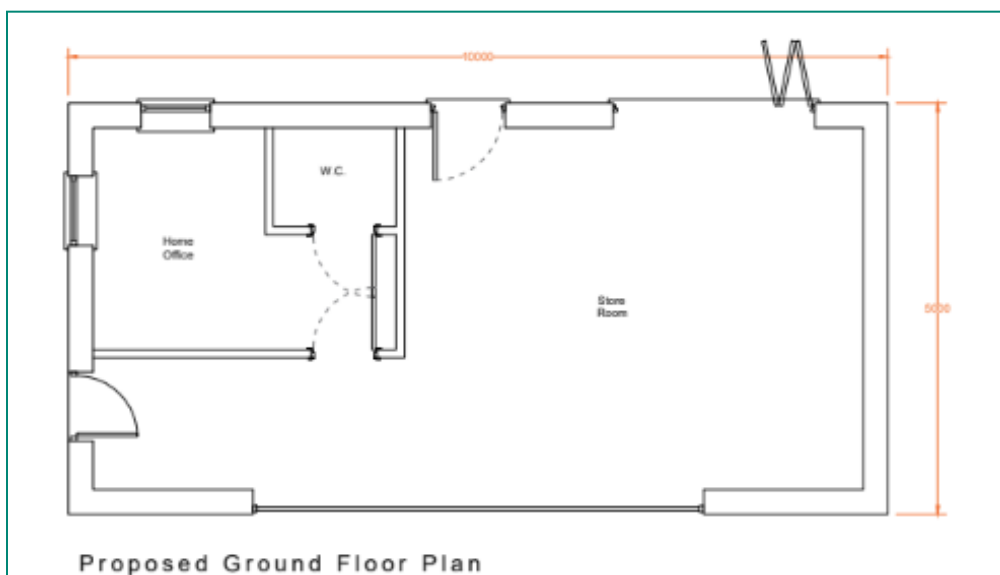
- 2.1. The proposed development is for a single storey garage that comprises a storage area and a home office. The building will be used as an ancillary structure to No 5 Deans Wood, which is the applicant's main residence.
- 2.2. The footprint of the building would comprise 65 square metres.
- 2.3. The plans below show the position of the outbuilding in relation to the host dwelling and the nearby Grade II listed building, Brooklands and the floor plans and elevations of the outbuilding.



(Figure 2: Proposed Site Plan)



(Figure 3: Proposed Elevations)



(Figure 4: Proposed Floor Plan)

3. PLANNING HISTORY

3.1 The site has been subject to a number of previous planning applications and listed building consents and a pre application advice. The planning history of the site is set out below.

3.2 Planning permission refused for the erection of one detached dwelling (reference 2020/0030/FUL) refused 24th April 2020 on the following grounds:

1. *The proposed development does not meet the statutory duty of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and is contrary to policies EN4 and GN3 of the West Lancashire Local Plan (2012-2027) Document and Sections 12 and 16 of the National Planning Policy Framework in that the design, height, scale and siting of the proposed dwelling would result in harm to the setting of the Grade II listed Building and fails to preserve or enhance the character and appearance of the Up Holland Conservation Area.*
2. *The proposal conflicts with Policy GN3 in the West Lancashire Local Plan 2012 - 2027 in that it introduces overlooking into the private amenity area of no. 5 Deans Wood Close that would be to the significant detriment of the residential amenity of occupiers of that property. Furthermore the proposed scheme fails to provide adequate private amenity space for future occupants of the proposed dwelling*

3.3 Listed building application (reference 2020/0031/LBC) for a detached dwelling was withdrawn 25th February 2020.

3.4 Planning permission refused (reference 2020/0032/FUL) on the 28th April 2020 for the erection of one detached dwelling and detached garage. The application was refused on the following grounds:

The proposed development does not meet the statutory duty of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and is contrary to policies EN4 and GN3 of the West Lancashire Local Plan (2012-2027) Document and Sections 12 and 16 in the National Planning Policy Framework in that the design, height, scale and siting of the proposed dwelling would result in harm to the setting of the Grade II listed Building and fails to preserve or enhance the character and appearance of the Up Holland Conservation Area.

3.5 Listed building application (reference 2020/0033/LBC) for a detached dwelling withdrawn 25th February 2020.

3.6 Planning permission refused (2020/0661/FUL) for the erected of a detached dwelling 14 October 2020 for the following reason:

The proposed development does not meet the statutory duty of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and is contrary to policies EN4 and GN3 of the West Lancashire Local Plan (2012-2027) Document and Sections 12 and 16 of the National Planning Policy Framework in

that the design and siting of the proposed dwelling would result in harm to the setting of the Grade II Listed Building and fails to preserve or enhance the character and appearance of the Up Holland Conservation Area.

The refusal of planning permission was subject to an appeal (reference APP/P2365/W/20/3264490) which was dismissed 20th May 2021. Reference to the inspector's decision will be made in the main body of the report.

- 3.7 E/2016/0134/UW Enforcement appeal for the erection of a retaining wall between Brooklands and the application site. The appeal was dismissed and the enforcement notice was upheld. Appeal ref: APP/P2365/C/19/3235072 refers and was dismissed on 2nd September 2020.
- 3.8 An appeal against non-determination was made against a Certificate of Lawfulness (reference 2021/1089/LDP) for the proposed incorporation of the garden land formerly of 30 Parliament Street into the garden of 5 Dean Wood Close. The appeal was allowed and further reference to this appeal is made in the main body of this report.
- 3.9 A pre application advice application was made with a letter dated on 10th August 2023 for a proposed two storey detached outbuilding measuring approximately 18.3 metres in length and 12.3 metres in width and a total height of 5.9 metres. The officer's comments will be addressed under the assessment of this planning statement.

4. PLANNING POLICY

- 4.1 The Application Site is located within the settlement area of Up Holland, its respective conservation area and to the north of the site is Brooklands, a Grade II listed building. The following national, regional and local policies require consideration:
- National Planning Policy Framework (NPPF) 2023;
 - West Lancashire Local Plan 2012-2027 Development Plan Document adopted 2013. (WLDPD)
- 4.2 As the site is located within close proximity of a listed building and is within a conservation area, the following paragraphs of the Planning Framework are considered to be of relevance.
197. *In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness*
199. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
200. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*
202. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
- 4.3 The allowed appeal against non determination for a certificate of lawfulness for the proposed incorporation of the garden land formerly of 30 Parliament Street into the garden of 5 Dean Wood Close, sets out the status of the application site.
- 4.4 The planning inspector in paragraph 8 of their decision notice stated that *'the question arises as to whether the transfer of part of the Brooklands garden to No 5 Dean Wood Close would amount to the formation of a new planning unit that would require planning permission. In my view, it would not. Taking part of the historic garden of Brooklands and adding it to the garden of the recently built No. 5 Dean Wood Close would change the size of each garden but it would not result in a change in the character and impact*

of the use of either property in planning terms that might nevertheless have amounted to a material change of use'. The site therefore forms part of the curtilage of the host dwelling No 5.

4.5 The application site is located within the Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan Proposal Map. The site is within the settlement area of Up Holland, therefore the principle of an outbuilding in the garden of No 5 Deans Close is considered acceptable.

4.6 The most recent planning application for the erection of a dwelling (reference 2020/0661/FUL) was refused on the grounds that the design and siting of the proposed dwelling would result in harm to the setting of the Grade II Listed Building and failed to preserve or enhance the character and appearance of the UpHolland Conservation Area. The planning application was refused by Policies EN4 and GN3 of WLDPD. Policy EN4 refers to the Preserving and Enhancing West Lancashire's Cultural and Heritage Assets and Policy GN3 refers to the Criteria for Sustainable Development

4.7 Policy GN3 states Criteria for Sustainable Development Development will be assessed against the following relevant criteria,

i. Be of high quality design and have regard to the West Lancashire Design Guide SPD;

ii. Have regard to the historic character of the local landscape and / or townscape;

iii. Retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the proposed and neighbouring properties;

iv. Have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping, boundary treatment, detailing and use of art features where appropriate;

v. Adhere to low carbon sustainable building principles in accordance with Policy EN1;

vi. In the case of extensions, conversions or alterations to existing buildings, the proposal should relate to the existing building, in terms of design and materials; and

vii. Create safe and secure environments that reduce the opportunities for crime and prepare a crime impact statement where required in accordance with the Council's validation checklist.

4.8 Policy EN4 states that the historic environment has an aesthetic value and promotes local distinctiveness and helps define our sense of place. In order to protect and enhance historic assets, including their settings, whilst facilitating economic development through regeneration, leisure and tourism, the following principles will be applied:

There will be a presumption in favour of the conservation of designated heritage assets. Regard should be had for the following criteria:

- i. development will not be permitted that will adversely affect a listed building, a scheduled monument, a conservation area, historic park or garden, or important archaeological remains;*
- ii. development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest;*
- iii. in all cases there will be an expectation that any new development will enhance the historic environment in the first instance, unless there are no identifiable opportunities available; and*
- iv. in instances where existing features have a negative impact on the historic environment, as identified through character appraisals, the Local Planning Authority will request the removal of the features that undermine the historic environment as part of any proposed development.*

5. PLANNING ASSESSMENT/HERITAGE STATEMENT

- 5.1 The main issue for the proposed outbuilding is whether the proposal would preserve or enhance the character or appearance of the Up Holland Conservation Area and the effect of the proposal on the setting of Brooklands, which is a Grade II listed building. The applicant has had a number of refusals for the erection of a dwelling on the application site and a dismissed appeal for the same proposal. Since then the applicant has secured a certificate of lawfulness which means that the application site now forms part of the curtilage of No 5 Dean Close. The proposal is for a low profile outbuilding which would be an ancillary element to the host dwelling.
- 5.2 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the proposed development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and preserving the setting of the listed building. The Up Holland conservation area was designated in 1975 because it represents a historic village. Accompanying the conservation area map is an appraisal which was published in 2001.
- 5.3 Brooklands, located on the northern edge of the Upholland Conservation Area was built in the mid to late 19th Century and first appears on the 1893 Ordnance Survey Plan. Map evidence suggests that the building has remained relatively the same through this period. Whilst elements of the Conservation Area date back to the 17th and 18th Century, Brooklands was built in the 19th Century as the settlement evolved, and the buildings that date from these periods help establish the historic character of the place. Brooklands is built in a Jacobean style displaying features such as hood moulds and elements of stone mullioned windows. The property Brooklands is mentioned in the appraisal and it states this house was built in the 19th century of coursed square sandstone with stone slate roofs in a Jacobean style and is a Grade II listed building. However the appraisal does not provide any commentary on the character of the different areas of the conservation area and in particular there is no supporting text on the context of the area in proximity to the application site. An extract of the conservation area plan is shown below.



(Figure 5: Plans of conservation area and an extract of the plan showing the site and its surroundings)

- 5.4 The site is shown to be in the conservation area, which is relatively linear at this location. The plan on the right also shows the extent of the Article 4 area (shaded) which provides an enhanced status within the conservation area. It is noted that the Article 4 area covers Brooklands but stops short of covering the area to the south of the access track, which forms the application site.
- 5.5 The listed dwelling Brooklands is Grade II listed and its listing description is as follows: *'House. Probably C19, in 2 builds. Coursed squared sandstone, stone slate roofs. Double-pile plan formed by 2 parallel ranges. Jacobean style. Two-and-a-half storeys and cellars, with an architectural front to the street of 3 gabled bays, the centre breaking forwards; 6-light mullion-and-transom windows at ground and 1st floors, all with hood moulds, and blind 2-light mullioned attic windows, all these windows double-chamfered and some with stone mullions and transoms but others with wooden copies. Entrance in south return side, which has 2 gabled bays, that to the right projecting, that to the left with a doorway which has a pilastered architrave and both with a canted bay window at ground floor and one window above, all these sashed without glazing bars and those at 1st floor with raised sills and wedge lintels. The listing purely concentrates on the building, it does not mention the curtilage or its setting or give any commentary on its historical association with the land around the building. A photograph of the front of Brooklands is shown below.'*



(Figure 6: Photograph of the front of Brooklands)

- 5.6 The previous appeal decision (reference APP/P2365/W/20/3264490) for one dwelling is a material consideration in the assessment of this proposal. Of note the inspector in Paragraph 5 of the decision letter stated the following:

The central part of the Up Holland CA is characterised by properties fronting onto the highway giving the area a close-knit character. The topography of the area also has a significant impact on the character of the area, with steep hillsides giving long range views from certain vantage points. Development becomes less tightly packed as one leaves the central part of the village along Parliament Street and Brooklands sits in comparative isolation adjacent to the road. The distinctive design of the dwelling and the fact that it sits detached from other properties provides a sense of grandeur that indicates a building of some status which contributes positively to the character of the CA. Whilst that has undoubtedly been eroded as a result of modern development at Dean Wood Close, the topography and the intervening mature belt of trees provides a visual buffer from that new development, when viewed from Parliament Street.

- 5.7 The inspector has described the character of the conservation area in proximity to the application site. Of note they identify that Brooklands sits in comparative isolation adjacent to the road and that the modern development has eroded the character of the conservation area. The proposed development would sit below the level of Parliament Street and therefore the isolated nature of Brooklands would still be retained as the proposal would not be visible from the public vantage point as the viewer moves along Parliament Street. Significant landscaping in the form of hedges have also been planted up between Brooklands and the site. This could be conditioned. Furthermore, the proposal would be

viewed as an ancillary structure to No 5 and therefore there would be no additional harm to the character of the conservation area. The photograph below shows the view of Brooklands taken from Parliament Street and the upper part of No 5 which demonstrates the drop in levels from the main road.



(Figure 7: View of the site and Brooklands from Parliament Street)

5.8 Paragraph 7 of the inspectors decision in part states the following:

Whilst the proposal would be accessed from Dean Wood Close, and would be at a lower level than Parliament Street, it would not be completely obscured from public view and would be glimpsed particularly due to the gap in the boundary wall for the existing driveway of Brooklands. However, the massing of the resultant structure would appear out of character and discordant against the traditional form and design of dwellings in the area. The overtly modern design would sit uncomfortably between the adjacent modern dwelling, which is of a completely different design, and the listed building.

5.9 The inspector acknowledges that the dwelling, the subject of the appeal, would be at a lower level than Parliament Street; it would not be completely obscured from public view. The proposed outbuilding would be a significantly smaller structure and the additional hedges that have been planted provide screening for the gap in the boundary wall forming the existing driveway to Brooklands, it would not appear out of character and would not be discordant against the traditional form and design of other buildings in the area. It would appear as an ancillary structure to No 5 but also would represent an ancillary historical function with Brooklands. The design is of a traditional vernacular style building,

which is more in keeping with the character of the area and overcomes the inspectors concerns set out in Paragraph 7.

5.10 Paragraph 8 of the inspectors decision stated as follows:

'The setting of a listed building is not limited to what can be seen from public views. As noted in the previous appeal decision, residents of the property will be aware of and will be able to appreciate the historic association between the lower and upper parts of the garden. The proposals in this instance would irrevocably sever the lower part of the garden from the upper section, both physically and visually. That alone would create harm that was previously found to be unacceptable at appeal in relation to the retaining wall. In addition to the retaining structures, the proposed building would urbanise the garden and completely alter the feel of the area.'

5.11 The inspector considered that the dwelling in the appeal would irrevocably sever the upper and lower part of the garden and it would urbanise the garden area. The proposed outbuilding is significantly smaller in scale and size and the applicant is of the view that the proposal would read as an ancillary structure at the end of the historic lower garden and would not urbanise the garden area. Furthermore, hedges now separate the gardens from viewpoints. The proposal would still retain the historic link with the upper garden area associated with Brooklands.

5.12 Paragraph 9 of the inspectors decision states the following:

'I recognise that green roofs are proposed but that would not compensate for the introduction of substantial built form, with modern and box like proportions which would completely alter the character of the land. It would no longer read as garden land that was historically associated with the dwelling. The erosion of space and encroachment of substantial built form so close to the dwelling would significantly erode the sense of grandeur which is important to the character of the property.'

5.13 The proposed outbuilding is of a vernacular style and does not have modern box like proportions, therefore the character of the land would not be significantly altered. The proposed building would also have a much reduced footprint and scale, which would not encroach on the setting of the listed building and given its ancillary feel would not erode the grandeur of Brooklands.

5.14 Paragraph 10 of the inspectors decision in part states the following:

'The land may no longer be available for the benefit of the occupants of the listed building but the decision of a landowner to segregate ownership of the site does not amount to justification for development that would cause harm to the setting of the building. The loss of the former garden land and the juxtaposition of the design of the proposed dwelling, in relation to Brooklands, would diminish the positive contribution the site makes to the setting of the listed building.'

5.15 The applicant accepts that the segregation of the garden in ownership terms does not justify development that causes harm to the setting of the listed building. The formalisation of the garden into the curtilage

of No 5 merely allows the applicant to provide an ancillary building to the benefit of the applicant's host dwelling. The design of the outbuilding is significantly different from the previous proposal for a dwelling. The scale and design has been significantly reduced/alterd and therefore it is considered the proposal will not diminish the positive contribution the site makes to the setting of the listed building.

5.16 The inspector in Paragraph 12 in part states the following:

'Whilst public views are limited, the new dwelling would be visible from vantage points along Parliament Street and within Dean Wood Close. From those vantage points the loss of space associated with the listed building would be readily apparent and that would undoubtedly diminish the positive contribution the property presently makes and would not preserve or enhance the character or appearance of the CA.'

5.17 The inspector did concede that public views of the site are limited. Given the proposed outbuilding is much reduced in size and scale, compared to the previous proposal for a dwelling, and the further mature landscaping, the vantage points from Parliament Street would be extremely limited. From Dean Wood Close the building would appear as a subservient building alongside No 5 and therefore it is considered from the limited vantage points the proposed outbuilding would not result in an apparent loss of space associated with the listed building.

5.18 The inspector in Paragraph 13 in part stated:

'The development affects only part of the CA and therefore in terms of the Framework the harm caused to its significance is less than substantial. The approach in paragraph 196 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case no public benefits have been put forward.'

5.19 The inspector in the appeal decision considered the proposal would cause less than substantial harm to the heritage assets. The proposed outbuilding given its modest size and scale would not cause harm to the setting of the listed building or to the character and appearance of the conservation area. The impact due to the lack of harm would have a neutral impact and therefore the test required in Paragraph 202 (previously 196) is not required. If the Council are of the opinion that the proposal represents less than substantial harm, then the harm would be balanced by the public benefit that the appearance of the site would be enhanced as it is currently neglected and that people walking along Parliament Road would be able to see over the retaining wall and see the current unkempt appearance of the site be transformed into an attractive garden with an outbuilding.

5.20 'The planning officer's report in the previous appeal decision made reference to the location of the proposed house would be relatively close to the southern and principle elevation of Brooklands and that the new house will harm the relationship of Brooklands (and historical association) with its surroundings and in particular will destroy any physical association with the southern garden. Furthermore, the appreciation of Brooklands from the lower garden area will be obscured and adversely affected by the siting of the proposed house'. The proposed outbuilding would be set back into the site away from the

principal elevation of Brooklands, it would not destroy the historical association with the listed building and Brooklands would be visible from most points within the application site, due to the reduced scale of the proposed development.

- 5.21 The applicant contends that the proposed development has overcome the inspectors concerns within the previous appeal decision, it complies with Policies EN4 and GN3 proposal and the provisions of the Planning Framework
- 5.22 A pre application advice application was made with a letter dated on 10th August 2023 for a proposed two storey detached outbuilding measuring approximately 18.3 metres in length and 12.3 metres in width and a total height of 5.9 metres. The officer made the following comments within the pre application advice;
- 5.23 *'The proposal is for the erection of an outbuilding at 5 Dean Wood Close. Whilst the building is described as an outbuilding, it is two storeys and has the appearance and footprint of a detached dwelling. The proposed building lies to the east of Brooklands, which is a Grade II listed building. In terms of its impact on the setting of the designated heritage assets, it is my view that the principle of the proposed development results in one of harm. In respect of the response, this does not differ from previous responses, particularly that provided with 2020/0661/FUL.'*
- 5.24 *'The new outbuilding will harm the relationship of Brooklands (and historical association) with its surroundings and in particular will destroy any physical association with the southern garden. It is clear that the southern garden was designed to be experienced from the southern elevation of Brooklands and that the access to the lower garden was obtained (until the unauthorised works) via a sloping embankment/retaining structure. In a similar way the appreciation of Brooklands from the lower garden area will be obscured and adversely affected by the siting of the proposed outbuilding.'*
- 5.25 The officer also states in paragraph 6.22 of the pre application letter that *'Notwithstanding the above, whilst I feel the proposal will harm I still do not regard it as being the total destruction of the setting to Brooklands and as such the development will need to be assessed under P.202 of the NPPF, as causing less than substantial harm. Therefore, the harm can be balanced against its public benefits, including securing its optimum viable use. The terms 'public benefits' and 'optimum viable use' are defined in the Planning Practice Guidance (PPG).'*
- 5.27 In response to the letter, the design of the outbuilding has now changed as the outbuilding is now significantly smaller than what was applied for previously . It has also been set back to reduce the visual impact. The site in question now has residential lawful garden use associated with 5 Dean Wood Close as a result of the aforementioned granted lawful development certificate. The single storey outbuilding will sit within the lawful residential garden of 5 Dean Wood Close and it would be sat ancillary to the main dwellinghouse, behind the building line. As previously mentioned, hedges now separate the upper and lower gardens from viewpoints and there is a clear physical separation between the application site and

the listed building 'Brooklands'. The proposal would still retain the historic link with the upper garden area associated with Brooklands.

- 5.28 In respect of ecology, there are no buildings on the site and therefore it is not considered that the proposal would require an ecology appraisal. However, an ecology appraisal has been submitted anyway.

6. CONCLUSION

- 6.1 Section 38(b) of the Planning & Compulsory Purchase Act 2004 requires that where in making any determination under the Planning Acts, regard is to be had to the development plan, *'the determination must be made in accordance with the plans unless material considerations dictate otherwise'*. Furthermore, Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the proposed development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and preserving the setting of the listed building.
- 6.2 The applicant contends that the proposed outbuilding will preserve the character and appearance of the conservation area and the setting of the listed building.
- 6.3 The proposed development does comply with relevant development plan policies and is a form of sustainable development. There being no material considerations which would dictate otherwise, we conclude that planning permission should be granted.

Produced by: Lewis Berry BSC (HONS)

MacMarshalls Rural Chartered Surveyors & Planning Consultants
Hamill House
112-116 Chorley New Road
Bolton
BL1 4DH

Ref: C437 Planning statement