



Appeal Decisions

Site visit made on 6 March 2012

by Gary Deane BSc(Hons) DipTP MRTPI

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

Decision date: 26 March 2012

Appeal A Ref: APP/T2350/A/11/2166303

18-20 Berry Lane, Longridge, Preston, Lancashire PR3 3JA

- 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 & Mrs Andrew O'Neill against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0245, dated 29 March 2011, was refused by notice dated 8 June 2011.
 - The development proposed is the conversion of existing offices (above a shop) to 2 flats (change of use A2 to C3).
-

Appeal B Ref: APP/T2350/A/11/2166305

18-20 Berry Lane, Longridge, Preston, Lancashire PR3 3JA

- 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 & Mrs Andrew O'Neill against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0508, dated 4 July 2011, was refused by notice dated 7 September 2011.
 - The development proposed is the resubmission of planning application 3/2011/0245 – proposed conversion of existing offices (above a shop) to 2 flats (change of use A2 to C3).
-

Procedural matters

1. Notwithstanding the description of development in both appeals, which refers solely to a change of use, both proposals also include various external alterations to the appeal building. In Appeal A, these alterations include the removal of the chimneystack and the installation of uPVC windows in the front, side and rear elevations, a new uPVC entrance door, and a new roof light in the rear roof slope of the appeal property. In Appeal B, the proposed alterations are the same as Appeal A except for the retention of the chimneystack and the installation of a hardwood rather than a uPVC door at the entrance to the appeal building. I have assessed the proposals on that basis.
 2. From my inspection of the plans, the proposed external alterations in both appeals appear to be clearly severable both physically and functionally from each other. Moreover, while these alterations are associated with the proposed change of use, there is nothing before me to indicate that they could not be carried out, individually or cumulatively, independent of it. Equally, I see no obvious reason why the appeal property could not be used sensibly as
-

self-contained flats, as proposed, with or without any or all of the proposed external alterations in each case. In those circumstances, I consider that there would be no injustice in assessing the appeals on the basis that, if appropriate, one or more components of each proposal could be allowed or dismissed.

Decisions

Appeal A Ref: APP/T2350/A/11/2166303

3. The appeal is dismissed insofar as it relates to the installation of uPVC windows and a uPVC entrance door. The appeal is allowed and planning permission is granted insofar as it relates to the conversion of existing offices (above a shop) to 2 flats (change of use A2 to C3), removal of the chimneystack, and installation of a new roof light in the rear roof slope at 18-20 Berry Lane, Longridge, Preston, Lancashire PR3 3JA in accordance with the terms of the application, Ref 3/2011/0245, dated 29 March 2011, subject to the conditions set out in the schedule to this decision.

Appeal B Ref: APP/T2350/A/11/2166305

4. The appeal is dismissed insofar as it relates to the installation of uPVC windows. The appeal is allowed and planning permission is granted insofar as it relates to the conversion of existing offices (above a shop) to 2 flats (change of use A2 to C3), installation of a timber entrance door, and a new roof light in the rear roof slope at 18-20 Berry Lane, Longridge, Preston, Lancashire PR3 3JA in accordance with the terms of the application, Ref 3/2011/0508, dated 4 July 2011, subject to the conditions set out in the schedule to this decision.

Main Issues

5. The main issues are common to both appeals. These issues are the effect of the proposed development, firstly, on the character and appearance of the local area; secondly, on employment; and thirdly, whether either proposal, if allowed, would set a precedent.

Reasons

Character and appearance

6. The appeal property is a 2-storey stone building that occupies a prominent corner position at the junction of Berry Lane and Irwell Street, within the Longridge Conservation Area (CA). Like many buildings within the CA, it is identified as a Building of Townscape Merit. The overall character of the CA is mixed, with some variety of land uses, building styles, and scale of development. In terms of appearance, the use of traditional materials including stone and timber framed windows and doors together with simple architectural detailing is a notable feature of many buildings in the CA. I saw several examples of properties with non-traditional windows and doors, including those to which the appellants have referred.
7. The proposed uPVC windows would replace the existing softwood windows at 1st floor level in the front, side and rear elevations of the appeal building. In my opinion, the use of uPVC would lack the texture and depth of timber and represent a noticeable loss of quality in the context of the host building and its immediate surroundings. In particular, the plastic quality of the uPVC frames,

- prominent by their white colour in the side and rear elevations, would be discernible from some distance. The proposed black finish in the front elevation would be more subdued and more closely reflect the window frames of the shop below and the entrance door of the adjacent property, 16 Berry Lane. Nonetheless, it would still appear rather stark and out of place.
8. As the appeal property is highly visible in views in both directions along Berry Lane and along Irwell Street, this diminution of visual quality would be evident in the local street scene and the CA. When viewed from these public vantage points, the new uPVC windows would be visually obtrusive. For the same reasons, the installation of a new uPVC door at the ground floor entrance to the appeal property, as proposed in Appeal A, would be incongruous.
 9. In my view, it would seem appropriate to retain the use of appropriate external materials such as timber windows and doors, where possible, to ensure that the character of the CA is not unduly eroded. That aim is particularly important where buildings are acknowledged to be of townscape merit and in prominent locations as in this case. Furthermore, there is no detailed evidence before me in either appeal to demonstrate that the existing windows and door are beyond repair or that their like-for-like replacement is not possible. In those circumstances, it is my view that each of the proposals would lead to the undue loss of the historic fabric of the appeal building, which should be resisted. In principle, a new timber entrance door, as proposed in Appeal B, may be an appropriate replacement to the existing softwood door, subject to detailing, which could be secured by condition.
 10. I saw that several buildings in the CA have been fitted with a variety of replacement windows and doors including uPVC. Although some of these properties are prominent in the local street scene, from what I saw uPVC is not a type of material that is defining characteristic of the CA. Moreover, in many cases, uPVC windows and doors have had a dominant effect in an otherwise traditional building and, in my view, unacceptably diluted the character of the CA. These examples do not, therefore, provide a sound justification for either of the proposals insofar as the use of uPVC is concerned.
 11. The existing chimneystack is modest in height and a diminutive feature in the context of the roofscape and substantial proportions of the existing building. It lacks the height, detailing and pots that characterise some of the chimneys on nearby buildings and which positively contribute to the host building and its setting. Although visible at street level, the chimneystack does not make a significant contribution to the appearance of the building or its immediate surroundings. Consequently, its removal, as proposed in Appeal A, would not unduly detract from the character or appearance of the appeal building nor notably diminish its contribution to the local street scene and the CA. The new roof light would be small in size and positioned away from public view. I therefore find these particular aspects of each proposal acceptable.
 12. Overall, I conclude that the proposed uPVC windows in both appeals, and the new uPVC entrance door in Appeal A, would fail to preserve or enhance the character and appearance of the CA, in conflict with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan (LP). These policies aim to ensure that development proposals achieve a high standard of design, use materials that

are sympathetic to the character of the local area, and safeguard heritage assets.

Employment

13. Since the proposed change of use to 2 self-contained flats from offices would affect the premises as a source of employment in a similar way in both appeals, this issue is relevant to both proposals. I do, however, note that the Council appears to raise no objection to the loss of employment to the proposal in Appeal B.
14. LP Policy EMP11 requires that proposals for the conversion of employment generating sites be assessed against various criteria, two of which are particularly relevant to these appeals. Criterion (iv) indicates that the potential economic and social damage caused by the loss of jobs in the community should be taken into account. Since the appeal premises are currently vacant, there would be no direct loss of jobs as a result of either proposal. On the evidence before me, there is no certainty that the appeal premises would be re-occupied by an employment use in the foreseeable future. As the unit has been vacant for some time, the main effect on the community from the loss of jobs at this location has, in all likelihood, already occurred.
15. Even if an employment generating use did come forward, it is highly likely that the number of jobs involved would be modest given the small size of the appeal unit. I note that the previous occupier employed about 2 full-time staff. In those circumstances, it is my view that the potential loss of jobs caused by either proposal would not be so great as to cause economic and social damage to the local community.
16. With regard to criterion (v) of LP Policy EMP11, the appellant asserts that there would be no serious market interest to occupy the appeal premises by employers given that the demand for offices is limited and the local supply of such floorspace is plentiful. That conclusion is not based on the outcome of a meaningful marketing exercise of the appeal premises. It does, however, reflect the anecdotal evidence provided by the appellants and the view of a local estate agent, Mr Dewhurst of Dewhurst Homes. On the evidence before me, I have no reason to disagree with those findings.
17. In those circumstances, and bearing in mind that the policy requires that proposals should regard to this criterion, the absence of evidence to demonstrate an attempt to secure an alternative employment generating use for the site is, in itself, insufficient reason to refuse planning permission. The Council appears to have reached a similar conclusion in relation to Appeal B.
18. On the evidence before, I find no conflict with the remaining criteria of LP Policy EMP11 for either appeal. I also acknowledge that, in both cases, the proposed residential use may provide an extra income stream that, in turn, may support the appellant's business, which trades from the ground floor premises of the same building. If so, local employment opportunities could be supported through improving the viability of that business.
19. Overall, I conclude that both proposals would not cause significant harm to employment nor conflict with an underlying aim of LP Policy EMP11, which is to retain a range of sites for employment generating uses.

Precedent

20. The Council considers that each proposal, if approved, would set an undesirable precedent. However, the Council provides no clear explanation as to how this conclusion is derived, which particular sites may be affected, nor exactly what harm would result to the street scene and the CA.
21. In my experience, planning decisions often turn on individual circumstances, and these can vary even for developments that have similar characteristics. Therefore, it does not necessarily follow that similar proposals elsewhere would be more difficult for the Council to resist if planning permission was granted in either or both of these appeals. Equally, it is not a forgone conclusion that if other similar schemes came forward that harm would be caused to the street scene or the CA. Much depends on the details of the schemes involved. Consequently, each proposal should be determined on its individual merits, which I have done in this instance.
22. Against that background, I conclude that each proposal, if allowed, would not set a precedent.

Other matters

23. The appellants raise concern with regard to the Council's handling of the appeal applications. The procedures adopted by a planning authority for determining planning applications are generally a matter for the authority within the context of local government accountability. They are not a matter for these appeals.

Conditions

24. In attaching conditions, I have had regard to Circular 11/95: *The Use of Planning Conditions in Planning Permissions*. In both cases, I have attached a condition requiring that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure the satisfactory appearance of the development in Appeal B, I have imposed a condition requiring that the entrance door shall be of a timber construction only, with details to be agreed with the Council before development commences.

Conclusion

25. For the reasons set out above, and having regard to all other matters raised, including the absence of objections from others, I conclude that both appeals should be dismissed in part and allowed in part.

Gary Deane

INSPECTOR

Appeal A Ref: APP/T2350/A/11/2166303

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Those aspects of the development hereby permitted shall be carried out in accordance with the following approved plans: Refs A.01, A.02 and A.03, all dated April 2011, and the location plan which shows the site edged red.

Appeal B Ref: APP/T2350/A/11/2166305

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Those aspects of the development hereby permitted shall be carried out in accordance with the following approved plans: Refs A.01 (dated April 2011), A.02 (dated June 2011), and A.03 (dated June 2011), and the location plan which shows the site edged red.
- 3) The ground floor entrance door shall be of a timber construction only. Details of its design, specification, method of fixing, colour and finish, shall be submitted to and agreed in writing by the local planning authority before development commences. The development shall be carried out only in accordance with the agreed details.