



Appeal Decision

Site visit made on 25 July 2012

by Geoffrey Hill BSc DipTP MRTPI

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

Decision date: 6 September 2012

Appeal Ref: APP/T2350/A/12/2174422

Cherry Hall, Grindleton, Clitheroe BB7 4 QT

- 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 S Cherry against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0095, dated 7 February 2011, was refused by notice dated 23 November 2011.
 - The development proposed is described as "resubmission of refused application 3/2010/0002P for two affordable dwellings in garden area of existing house, demolition of outbuilding, re-aligning of vehicular access to Cherry Hall and removal of part wall to site".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Policy G4 b) of the Ribble Valley Districtwide Local Plan 1988 (RVDLP) would allow for infilling in Grindleton, but development here also has to have regard to the site being within the Grindleton Conservation Area (CA), and the Forest of Bowland Area of Outstanding Natural Beauty (AONB).
4. Cherry Hall stands on the east side of Main Street, towards the northern end of the village. The appeal site is presently part of the back garden of Cherry Hall. The generally accepted definition of an infill site is a small undeveloped gap in an otherwise continuously built-up frontage. The appeal site does not fit this description, and hence the scheme does not obviously come within the terms of Policy G4. It therefore stands to be considered on its own merits, having regard to the considerations of the CA and AONB.
5. RVDLP Policy G1 sets out criteria for acceptable development. Part a) of the policy looks for new development to be sympathetic to existing and proposed land uses in terms of its size, intensity and nature. Policy ENV16 takes this further in the CA and expects new development to reflect the character of the area in terms of scale, size, design and materials; that existing trees should be protected; and that views into or out of the CA should be protected.

Policy ENV2 requires similar safeguarding for areas of high landscape value, which includes the AONB.

6. The CA is characterised by a mix of house types, size and age, spread out informally along the north-south alignment of Main Street, with some development behind the frontage buildings to the east of the main road. I note the Council's critique of the design of the proposed houses, but I saw at my site visit that there has been other recent new building nearby which is in a similar style and using similar materials. In which case, the proposed design *per se* would not necessarily harm the CA. However, there are other aspects of the scheme which would harm the character and appearance of the CA.
7. Whereas the development at the centre of the village is fairly dense, buildings are more scattered and have more space around them towards the top (northern) end of Main Street. The appeal scheme would add a further two semi-detached houses in this area. In my view, this would not be in keeping with these surroundings as it would considerably increase the density of development and appear uncharacteristically crowded. Whilst there are other houses or cottages behind the Main Street frontage hereabouts these are single buildings with a substantial garden area. The proposed scheme would not only leave Cherry Hall with a much reduced private amenity space or garden, but the two new houses would also have notably small gardens. A considerable proportion of all three gardens would be taken up with car parking and circulation areas, which would also be uncharacteristic of residential development at this more spacious northern end of the village.
8. The appeal site is seen to be one of the few identifiable crofts or tenement plots which date back to origins of the village. The plot is not noted on the Village Conservation Area plan as having a particular relevance, nor does the Conservation Area Appraisal report¹ specifically comment that the site is a feature which must be conserved in its present form because of its historical or townscape significance. However, on page 12 of the Management Guidance report², it notes that there are few opportunities for completely new building in the village and that new development is likely to be acceptable usually where there could be some improvement or enlargement of existing buildings. That is, by implication, the Management Guidance does not see open garden areas such as the appeal site representing obviously acceptable development opportunities. This reinforces the view that two new houses here would not be in keeping with the present character of the CA.
9. The houses would be built on rising ground and would, at least in part, be seen above the present frontage development. To a minor degree, this would interfere with a view into the CA from the surrounding countryside to the west, but this would be in the context of all of the built development in the village being seen in views from this part of the countryside of the AONB. That is, whilst this is of some concern it cannot be seen as a main objection, but it does add some weight to other concerns.
10. It is claimed the scheme can be completed with the removal of only inconsequential fruit trees and two damaged sycamore trees. However, I

¹ Grindleton Conservation Area Appraisal – The Conservation Studio 2005.

² Grindleton Conservation Area Management Guidance – The Conservation Studio 2005.

note in the Officers Delegated Report that there is concern that the houses would be uncomfortably close to the trees that remain. I accept that protection can be put in place to ensure minimal damage during the course of construction. However in my experience, with large trees in close proximity to houses once the houses are occupied, there could be subsequent pressure to significantly trim or fell at least some of these trees because of the overshadowing of the houses and their gardens, concerns over branch damage to the properties and leaves blocking gutters. Such subsequent loss of trees – were it to happen – would compound the visual harm to the CA and AONB. Again, this is not in itself a conclusive objection, but it is a reasonable underlying concern which must be put into the balance.

Other Matters

11. The appeal scheme is put forward as contributing to meeting the need for affordable housing in the village. Policy H20 of RVDLP would allow for affordable houses in areas not specifically identified for development. When considering planning applications in the AONB Policy ENV2 expects regard to be had to the economic and social well being of the area.
12. I accept that there is an unmet need for affordable housing in the Grindleton area – as confirmed by the Council’s Housing Officer – but this has to be balanced against other planning considerations. Whilst the need for affordable houses might be acute, it has not been argued that it is unrealistic to assume no other, and more acceptable, sites in or close to Grindleton might come forward for such houses in the future. The CA and AONB are acknowledged heritage assets and the proposed scheme would cause permanent harm which would not, from the evidence in this appeal, be outweighed by the need to provide sites for affordable houses.
13. Nearby residents raised concerns over highway safety as a consequence of increased use of the access. I acknowledge that the access onto Main Street is narrow, and with limited visibility. As such, it falls below design standards usually applied to new development. However, the access is typical of many which are already in use along Main Street and increased use of the present access may not be unexpected by other drivers on the highway. No records of accidents has been produced which demonstrate that such access points are particularly dangerous in this village. I observed one of the local residents who attended the site visit reversing a car into the highway from this access with no apparent difficulty or danger either to himself or other road users. The proposed scheme would allow vehicles to turn on site so that they could both enter and leave the highway in forward gear, which would be beneficial. I also note that the local highway authority – which has a responsibility for highway safety – has no objections to the scheme.
14. Other residents also expressed concern that their properties would be overlooked by the new houses. It is generally accepted that something in the order of 22-24 metres separation between facing elevations is sufficient to give an acceptable degree of privacy between neighbouring dwellings. Here the new houses would be about 25m away from the nearest house, so there would be no undue overlooking. It is also claimed that the new houses would interfere with the amenity of neighbouring residents by obstructing views out from their properties. However, it is a well established principle that nobody has a right to a view over another person’s land.

Conclusion

15. Although there is an identified need for affordable housing in the vicinity of Grindleton, this does not outweigh the harm the proposed scheme would cause to the character and appearance of the CA. The appeal scheme would, therefore, be contrary to the objectives of development plan policies G1 and ENV16. Accordingly, the appeal should be dismissed.

Geoffrey Hill

INSPECTOR