

# **RIBBLE VALLEY BOROUGH COUNCIL**



## **APPEAL STATEMENT**

**TOWN & COUNTRY PLANNING ACT 1990**

<b>Planning Inspectorate Reference:</b>	APP/T2350/W/18/3206077
<b>LPA Application Reference:</b>	3/2018/0263
<b>NGR:</b>	SD 368638 431941

Appeal by Mr and Mrs Coupland  
Against the refusal by  
Ribble Valley Borough Council to grant planning permission for:

**Proposed conversion and extensions to the former care home to create five dwellings at 10 Knowsley Road, Wilpshire, BB1 9PX**

**STATEMENT OF CASE SUBMITTED ON BEHALF OF  
THE LOCAL PLANNING AUTHORITY**

## 1. **Introduction**

1.1. This appeal is against the decision of Ribble Valley Borough Council to refuse planning permission for the conversion and extension of a former care home to create five dwellings at 10 Knowsley Road, Wilpshire.

1.2. The planning application was refused by officers on 25 May 2018 for three reasons:-

1. *The proposed development, by virtue of its layout, scale, design and mass, would result in an unsympathetic and incongruous scheme of development that would be harmful to the visual appearance and significance of the existing building, a non-designated heritage asset, and the character of the wider built environment. This would be contrary to Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy and NPPF paragraphs 58 and 135.*
2. *The proposed development would result in the loss of the public footway along the site frontage on the eastern side of Knowsley Road which is considered essential to the safety and amenity of pedestrians the removal of which would be contrary to Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.*
3. *The proposed development, by virtue of its layout and design, would fail to provide safe visibility for vehicles emerging from the site, the loading and unloading of vehicles would place pedestrians within the live carriageway and visibility for vehicles exiting Clifton Grove would be compromised. As such, the proposed development would be detrimental to highway safety contrary to Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.*

## 2. **The Proposed Development**

2.1. The appeal relates to the conversion and extension of a former care home to create five dwellings at 10 Knowsley Road, Wilpshire. The building, known as Showley Brook, was originally a private dwelling but has most recently been used as a residential rest home for the elderly with the business closing in February 2018. The building is a two storey stone built property that was used

to accommodate up to 15 residents. The building has been extended in the past in the form of a two storey extension to the northern side.

2.2. The building is set back from Knowsley Road with the front boundary of the site delineated by a low stone wall. An area of hardstanding is located to the north side of the building to accommodate vehicular parking. To the south and east of the building are its associated gardens and the rear boundary of the site is denoted by Showley Brook. The curtilage of the property contains a number of trees.

2.3. It is proposed to convert the existing building into three separate dwellings and to extend the building to the north and south in the form of two 2-storey extensions to create two additional dwellings. The proposal would result in the provision of four 3-bed dwellings and one 4-bed property. The proposed conversion would require alterations to the exterior of the existing building including new window openings and the removal of the front porch. The two-storey extensions proposed on the north and south sides would measure 6.3m and 5.2m in width respectively and would be set down from the existing building at eaves and ridge height.

2.4. The proposals would require the removal of trees to facilitate the development. Vehicular parking for the site is proposed to the front of the building and would necessitate the removal of the existing footpath along the east side of Knowsley Road. Ten vehicular parking spaces would be provided with spaces perpendicular to the highway.

### **3. Appeal Site and Surrounding Context**

3.1. The surrounding area is residential in nature. The dwellings in the immediate vicinity, particularly those on the opposite side of Knowsley Road and beyond Showley Brook to the east at Clifton Grove, are detached and semi-detached bungalows.

### **4. Relevant Planning History**

4.1. Pre-application advice was sought prior to the submission of the planning application. In the written response dated 12 October 2017, the Council's pre-application officer raised a number of concerns including the loss of an employment generating use, the visual impact of the proposals, loss of trees

and highway safety. The concluding paragraph of the pre-application advice reads as follows:-

*I have significant concern that the visual impact of the development would be harmful to the character and appearance of the existing building and the appearance of the street scene. In short, I cannot foresee how any proposed scheme would mitigate any of the concerns I have previously raised with regards to the visual harm upon the appearance of the building. Furthermore, the parking arrangement as proposed in my opinion would not be supported and may have an impact upon highway safety.*

4.2. It should be noted that a revised planning application was submitted on 17 July 2018 under planning application ref. 3/2018/0643. When compared with the appeal proposal the application proposed the extension and conversion of the building to create four residential properties, rather than five. The scale and size of the extensions proposed had been reduced to provide space within the site to accommodate an alternative parking layout. Planning consent was granted on 21 September 2018 for the revised scheme.

## **5. Relevant Planning Policy & Guidance**

5.1. The planning policy context for the appeal site is set out at a national level by the revised National Planning Policy Framework (NPPF) and at a local level by the Ribble Valley Core Strategy (Adopted 16th December 2014).

### **National Policy Context**

5.2. The National Planning Policy Framework (which was revised on 24 July 2018) provides the most up to date national planning policy context for the appeal application and is therefore a material consideration in planning decisions.

5.3. Paragraph 8 of the National Planning Policy Framework identifies three dimensions to sustainable development (economic, social and environmental). In securing sustainable development, paragraph 11 makes clear that for decision taking purposes this means, unless material considerations indicate otherwise:

*“c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

5.4. The NPPF at paragraph 15 reaffirms that the planning system should be genuinely plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise whilst the Framework remains a material consideration in planning decisions. This is supported by paragraph 9 of the Framework which sets out that whilst the objectives of sustainable development should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

5.5. The NPPF seeks to boost the supply of housing. This should not however be at any cost and there is a requirement to consider development proposals against the three dimensions of sustainable development.

5.6. Paragraphs 127-130 of the Framework highlight the importance of good design and seek to ensure that developments add to the quality of an area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history.

5.7. NPPF paragraph 197 states that ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be

required having regard to the scale of any harm or loss and the significance of the heritage asset.'

#### Local Policy Context

5.8. The development plan for the Borough is the Ribble Valley Core Strategy which was formally adopted in December 2014. Decisions on all planning applications pay regard to the Core Strategy as a whole, not just the specific policy that relates most closely to the detailed considerations of the particular development in question.

5.9. Key Statement DS1 states that:-

*'The majority of new housing development will be concentrated within an identified strategic site located to the south of Clitheroe towards the A59 and the principal settlements of Clitheroe, Longridge and Whalley.'*

5.10. In addition to the strategic site at Standen and the borough's principal settlements, development will be focused towards Tier 1 Villages, which are the more sustainable of the 32 defined settlements. Key Statement DS1 identifies Wilpshire as a Tier 1 Village and therefore some development will be directed towards the settlement. Key Statement DS1 confirms that:-

*'the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area.'*

5.11. Key Statement EN5 relates to heritage assets and requires development to conserve and enhance the significance of heritage assets according to their contribution to local character, distinctiveness and sense of place. Policy DME4 considers the impact of development on heritage assets and their settings including non-designated heritage assets. Alterations and extensions to buildings of local heritage interest or development within their setting which would cause harm to the significance of the heritage asset would not be supported.

5.12. Policy DMG1 is the general development management Policy and includes a range of considerations relating to design, amenity, environment and infrastructure.

5.13. Policy DMG3 requires considerable weight to be attached to transport and mobility considerations.

5.14. Policy DMB1 states that re-development or conversion of sites with employment generating potential for alternative uses must be supported by evidence that the property/business has been marketed for business use for a minimum period of 6 months or information that demonstrates to the Council's satisfaction that the current use is not viable for employment purposes.

## **6. Case of the Local Authority**

### **Principle of Development**

6.1. The site lies within the settlement of Wilpshire which is identified as a Tier 1 settlement in Policy DS1 of the Core Strategy. The Development Strategy put forward in Policy DS1 seeks to direct the main focus of new house building to the Strategic Site, the Principal Settlements of Clitheroe, Longridge and Whalley and Tier 1 villages which are considered the more sustainable of the 32 defined settlements. Table 4.12 of the Core Strategy sets out the broad distribution of housing development amongst the borough's settlements and identifies a residual housing requirement of 45 units for Wilpshire as at 31 March 2014. It is recognised that this represents the minimum figure needed to meet the housing requirement of 280 dwellings per year over the period 2008 to 2028 in the Core Strategy.

6.2. The appeal site is located within the settlement of Wilpshire and would not result in any demonstrable harm to the development strategy for the borough nor would there be any concerns regarding the capacity of the settlement's services and facilities to accommodate this additional number of dwellings. As such, the provision of five dwellings in this location is acceptable in principle.

### **Impact on visual amenity and character of the building**

6.3. In terms of the impact of the development on the character of the building and the appearance of the surrounding area, as existing, the appeal site

contributes positively. The building is set back from the road and the associated gardens to the sides and rear are in harmony with the general character of Knowsley Road. The trees within the gardens of the building also contribute to the area's character. The building itself is present on the 1845 historic maps and a date stone on the porch of the nursing home depicts the date 1791. The building is therefore of considerable age which qualifies its consideration as a non-designated heritage asset. Paragraph 197 of the NPPF states that such assets can merit consideration in planning matters, with the authority taking a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

6.4. In deciding applications for planning permission that affect a non-designated heritage asset or its setting, the NPPF requires, amongst other things, both that local planning authorities should take into account the desirability of sustaining and enhancing the significance of such heritage assets and of putting them to viable uses consistent with their conservation. Limited consideration has been given to the assessment of the building's significance in the combined DAS and Heritage Statement submitted with the application.

6.5. The original building has already been extended on its northern side. The addition of a further two two-storey side extensions would result in a cumulative level of development that would dominate and overwhelm the original building and result in a prominent and obvious change in its character. It is noted that the proposed extensions would be set back from the front wall of the original building and would be set down at eaves and ridge height. However the original building is characterised by its simple plan form and appearance; it is considered that this would be compromised by the proposals which would include an undulating roof arrangement and loss of the front porch.

6.6. In addition to the physical alterations to the fabric of the building, the proposals would also result in significant changes to the building's setting that would have a detrimental impact. It is proposed to remove the stone boundary wall and footpath along the site's frontage to allow the introduction of vehicular parking to serve the proposed dwellings. The surrounding area is characterised by buildings, predominantly private dwellings, which are set back from the road side with front gardens and driveways. The parking



arrangement proposed, which would result in the parking of vehicles directly adjacent to the highway and forward of the building line, would result in substantial harm to the setting of the building and to the character of the immediate area. It is considered, based on the information submitted, that the proposals would result in harm to the significance of a non-designated heritage asset contrary to Policy DME4 of the Core Strategy and paragraph 197 of the NPPF. The site layout would result in an incongruous development that would be at odds with Core Strategy Policy DMG1 which requires a high standard of design and expects development proposals to consider the density, layout and relationship between buildings with particular emphasis placed on visual appearance. In addition to the above, the proposals would also require the removal of three mature trees of moderate quality which are considered to contribute to the amenity of the area and the setting of the building.

#### Highway Safety

6.7. In terms of highway safety, the proposal would fail to provide the adequate number of off-street parking spaces to serve the proposed dwellings. However the main concern and one which was raised during the highways pre-application discussions was the positioning of the proposed parking provision and the encroachment over the full width of the footway along the frontage of the site. The County Survey has stated that this parking layout would be unacceptable for the following reasons;

- 1) the loss of the footway would be detrimental to pedestrian safety;
- 2) visibility for vehicles emerging from the spaces (likely to be reversing) will be severely impaired by adjacent vehicles;
- 3) loading and unloading luggage and shopping etc. from the boot of parked vehicles would place pedestrians within the live carriageway;
- 4) visibility for vehicles exiting Clifton Grove will be compromised;
- 5) it is a usual requirement on bin collection days for the bins to be moved to the kerb edge prior to collection. The proposed layout does not allow for this and the likelihood is that these bins will be moved onto the carriageway to await collection.

6.8. In the pre-application response from the Highway Authority doubt was raised about whether or not the footway formed part of the adopted highway. It is the

highway officer's view that, notwithstanding whether or not the footway is adopted highway, the fact remains that it was a feature of the original application for the care home and has been a benefit to all its users and the public at large and will remain essential to the safety and amenity of the residents of the care home or any future uses of the site. For these reasons the Highway Officers recommended refusal of the application and the development is considered to be contrary to Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

#### Other Considerations

- 6.9. The proposal would result in the loss of employment generating floor space and Core Strategy Policy DMB1 requires evidence that attempts have been made to secure an alternative employment generating use for the site before supporting conversion to alternative uses. The previous enterprise employed on average six staff and these jobs would be lost as a result of the building's conversion to residential use. The appellant provided a brief summary of the marketing exercise that has been undertaken and additional marketing material was submitted at pre-application stage including sales particulars and precise details of the marketing campaign such to satisfy Policy DMB1.
- 6.10. Consideration must be given the residential amenity of future occupants and occupiers of neighbouring properties. The proposed dwellings would provide an acceptable standard of accommodation with all habitable rooms receiving sufficient light and outlook. However, the ground floor kitchen window on the north side of the single storey rear section of plot 2 would provide clear views into the private garden of plot 1 resulting in an unacceptable level of privacy. It is not considered that this could be overcome through conditioning the use of obscure glass and it is recommended that this window be removed completely.
- 6.11. It terms of any impact on the amenities of existing residents, the properties on the opposite side of Knowsley Road would be separated from the development by a sufficient distance to avoid any harm through overlooking, loss of light or loss of privacy. The properties on the far side of Showley Brook to the rear of the application building are located at a distance of around 26m. It is recognised that the application building is three storeys in height however taking into account the intervening vegetation and distance it

is not considered that there would be any detrimental harm to the amenity of these neighbours. In addition, it is noted that the building was previously occupied as a single dwelling and that its most recent use as a residential care home would have afforded the same views from first and second floor windows.

6.12. The proposals would result in the removal of trees of moderate quality and which contribute to the areas quality. The proposals would encroach within the RPAs of trees T1 and G4 and as such it is proposed that they be removed and replacement trees planted. Policy DME1 of the Core Strategy states that the visual, botanical and historical value of trees are important factors. Loss of trees is a material planning consideration and the removal of the trees in question weigh against the development. A scheme of replacement tree planting comprising 4no. trees is proposed which the Council's Countryside Officer has advised would provide adequate compensation.

6.13. A survey has been undertaken to determine the presence of protected species at the site. The proposals would not require any works to the roof of the building and, as such, this has not be surveyed. An assessment of the trees to be removed has been undertaken and no evidence of bats using the trees for roosting has been found. It is acknowledged in the survey report that the area has high foraging potential along corridors running north to south along the railway line. In order to secure enhancement of biodiversity in accordance with Core Strategy Policy DME3, should the appeal be allowed there would be a conditional requirement to provide roosting features at the site.

## **7. Conclusion**

7.1. Having regard to the above, it is considered that the proposals would result in an unsympathetic and incongruous scheme of development that would be harmful to the visual appearance and significance of the existing building, a non-designated heritage asset, and the character of the wider built environment. The proposed development would also result in the loss of the public footway along the site frontage on the eastern side of Knowsley Road which is considered essential to the safety and amenity of pedestrians and would fail to provide safe visibility for vehicles emerging from the site, the

loading and unloading of vehicles would place pedestrians within the live carriageway and visibility for vehicles exiting Clifton Grove would be compromised.

7.2. Taking into account all of the above it is therefore respectfully requested that the appeal be dismissed.