



RIBBLE VALLEY BOROUGH COUNCIL

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my ref: 3/2011/0991/P
your ref: APP/T2350/A/12/2188270/NWF
date: 15 JANUARY 2013

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Dear Mr N. Patch,

RE – Appeal by Sunderland Peacock & Associates against the refusal to grant planning permission for the erection of three dwellings with associated vehicular access and landscaping on land to the rear of Hazelmere, Pimlico Road, Clitheroe, Lancashire, BB7 2AG.

This letter and attached documentation comprises the Council's Statement of Case in respect of this Planning Appeal.

The Committee Report (dated 24 May 2012) sent with the Appeal Questionnaire on the 11 December 2011 is considered to provide a sufficient level of detail relating to the reasons why this application was refused, however due to the ongoing changes relating to housing numbers in the Ribble Valley and the submission of the Core Strategy 2008-2028 Regulation 22 Draft to the Planning Inspectorate, this letter will provide an update on the Council's position. This letter will also provide some additional backing, where necessary, to the Committee Report.

The Council will comment on the Appellant's Statement of Case by the 6th of February 2013.

Council's Statement of Case/Update on Position

1. Policy Update

- 1.1. The Council submitted the Core Strategy 2008-2028 Regulation 22 Draft to the Inspectorate on the 28th of September 2012 (this can be found by following the link on the e-mail). From this date the policies and key statements within this document have been used as material considerations when making decisions on planning applications. The Council therefore request that the Inspector consider the following policies and key statements when assessing this appeal,
 - Policy DMG1
 - Policy DME4, and
 - Key Statement EN5.
- 1.2. At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:

Where the development plan is absent, silent or relevant policies are out of date, granting permission unless

- 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; or*
- specific policies in this framework indicate development should be restricted.*

- 1.3. The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites. At the time of the decision made by the Local Planning Authority (May 2012), as at 1 April 2012 Ribble Valley could demonstrate a 5.2 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability. This was calculated using methodology that did not include an assessment of deliverable sites.
- 1.4. Following recent Appeal decisions this methodology has been tested and was found by the Inspectorate to be inaccurate and that the Council could not demonstrate a 5 year supply of housing. A report is being presented to the Planning and Development Committee on the evening of the 17th of January outlining this in more detail, and a copy of this report is sent with this letter (Appendix I).
- 1.5. The report also includes a re-calculation of the current Five-Year Supply based on this new methodology (which includes a detailed adjustment for deliverability of the sites identified when measures against the previously adopted Regional Strategy figure), and as at 1 October 2012, Ribble Valley can demonstrate a 4.69 year supply of housing, including a 10% allowance for slippage and 20% buffer for previous years under delivery based on the emerging Core Strategy requirement.
- 1.6. The Council are mindful of the statement within the NPPF that advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, however it must be stressed that the NPPF only considers that the relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites, and NOT that ALL policies are out of date (paragraph 49 of NPPF). The Council consider that all other policies within the Local Plan, including Policy ENV16 which is a close reflection of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, are still consider up to date.
- 1.7. The circumstances that are prevalent now with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site must meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental. In terms of an economic role NPPF comments that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time and also identify and co-ordinate development requirements including the provision of infrastructure. A social role is ensured by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment; and an environmental role by contributing to protecting and enhancing the natural, built and historic

environment. An example of a development being considered contrary to the environmental dimension of sustainability is attached at Appendix II, and I draw the Inspectors attention to paragraph 16.

- 1.8. Contained within the settlement boundary as it is, and being of a scale that is not considered inappropriate to the locality (Clitheroe being the key service centre in the borough) subject to supporting infrastructure, the principle of developing this site for residential development is considered to be acceptable in land use terms, however it was considered contrary to the relevant Local Plan policies due to the visual impact on the character and appearance of the Conservation Area and the setting of Hazelmere. The design of the proposed new dwelling was also considered unsuitable in relation to the Conservation Area and the proposal was refused on the basis of the proposal being at variance with these considerations and the relevant policies. This included guidance within the NPPF that notes 'Local Planning Authorities should ensure that the proposed development does not undermine wider policy objectives when considering whether or not to approve a proposal.' The following section suggests the important considerations to be had when assessing this scheme.

2. Considerations

- 2.1. In considering this application and subsequent appeal, the Council have been/are mindful of advice contained within the book by Charles Mynors, entitled *Listed Buildings, Conservation Areas and Monuments* (2006). Within Chapter 14, Works affecting Historic Buildings and Monuments: Matters to be Considered, paragraph 14.2 suggests the basic requirements and duty laid upon those determining planning applications. He notes that they must do so "having regard to the development plan, so far as material to the application, and to any other material considerations". He also advises/highlights that any planning application should be considered in the light of the effect of the proposed on any building directly involved and on the surrounding area – regardless of whether or not it forms part of the setting of a Listed Building or is designated as a Conservation Area. However, he then advises that where a proposal directly or indirectly affects a Listed Building or a Conservation Area, formal duties are laid upon the planning authority and the Secretary of State by the Listed Buildings Acts. In relation to Conservation Areas, Section 72(1) of that Act states that 'In the exercise, with respect to any buildings or other land in a Conservation Area, of any functions under or by virtue of any of the provisions mentioned in the subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 2.2. Paragraphs 14.2.1 and 14.2.2 of this book consider 'Applications for Planning Permission' and 'Overlapping Statutory Duties', and highlights the problems that arise when making decisions where there are several statutory tests applicable. He considers that it is important for decision makers not merely to select the one they prefer, and considers that the order of preference must be,
 - i. the development plan, so far as material;
 - ii. the effect of the proposed development on any listed buildings or their setting or on any conservation area;
 - iii. the responses to publicity and consultation; and then
 - iv. any other material considerations.Indeed Mynors states that 'It follows that the duties under the Listed Buildings Act are subordinate to the duty to have regard to the plan, **but that they are still more important than the duty to have regard to any other material consideration**'.

- 2.3. In short, the Council wish to highlight the Appellants strong regard for aspects of the NPPF in promoting this application/appeal and to state that we believe this view to be flawed. The scheme should be considered first against the saved local plan policies, then against the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) before the considerations of the NPPF. Furthermore, paragraph 6 of the NPPF confirms that paragraphs 18 – 219, as a whole, constitute the government's view of sustainable development. This includes the Core Principles in paragraph 17, and includes the encouragement of conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The Council has taken this view first and foremost when making its decision and this is explained again in summary below.

3. Summary of Council's Case

- 3.1. Whilst the Committee Report is considered to cover the Council's views in details, the following will highlight the important points.
- 3.2. Local Plan Policy ENV16 notes that 'Within Conservation Area, development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees, important open spaces and natural features will also be protected as appropriate, and the desirability of preserving or enhancing the character or appearance of a conservation area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area.' The sub text of this policy is also an important consideration as it notes in paragraph 4.7.8. that 'The main elements of Council policy are retention and enhancement'.
- 3.3. The Council's Principal Planning Officer (Design and Conservation) provided comments in relation to this application, and he concurred with the Design & Access Statement submitted with the application that noted, amongst other things, 'Hazelmere is an important building in an important setting' (3.1). He also highlighted important findings within the heritage statement submitted with the application that highlighted the important features of this site and highlighted that 'Hazelmere is a positive feature of the approach to the conservation area from the north' (5.2.4).
- 3.4. With regards to the developments wider impact on the Conservation Area, the Clitheroe Conservation Area Appraisal refers to specific elements that are considered particularly important in relation to this site, and these were highlighted within the Committee Report. It is considered important to again note that the site was designated as part of the original Clitheroe Conservation Area on 16 October 1973, and was extended (including Well Terrace) and given Outstanding Conservation Area status in December 1979. The independent 2007 Conservation Area Review included the consideration of amending conservation area boundaries but no change was proposed in respect of the application site. It is considered that the reunification of elements of the burgrave plot in the 1980s (as suggested in the heritage statement) would appear to have enhanced this significance. Furthermore, the current extent of garden area to Hazelmere would appear a fitting setting to this Edwardian Villa, with the considerations of HEPPG paragraphs 116 and 115 being entirely relevant namely, 'The setting of a heritage asset can enhance its significance whether or not it was designed to do so' and that the 'Setting will, therefore,

generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves’.

- 3.5. Another consideration of the setting and character of the Conservation Area and Hazelmere was the loss of trees and the formation of the vehicular access required as part of the development. Referring back to initial comments from the Design and Conservation Officer, he noted that the garden’s trees, traditional boundary walling and through views from Pimlico Road towards Well Terrace and Pendle Hill are also of significance. The Council’s Countryside Officer was asked for his views and clarified that although the trees are included in the Clitheroe Conservation area, and with the exception of one or two, the majority are of average form. However collectively they are of some visual amenity value to the local street scene making a visual contribution to the wider treescape, being visible from Pimlico road and from the end of Church Brow. His view was that the loss of the six trees would to a certain extent initially diminish the visual amenity value of the tree cover which would, in material terms, eventually be compensated for through the planting and establishment of five new trees, however the street scene would have undoubtedly been altered since then. Considering this advice, the views along Pimlico Road (from either direction) will be significantly altered due to the loss of trees from the site and the introduction of the large, dominant building proposed, therefore detrimentally affecting the views into and out of the Conservation Area.
- 3.6. With specific reference to the design, style, scale and massing of the new building proposed, given the siting of the building within a Conservation Area, there is a desirability of the Council to preserve or enhance the character or appearance of the Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places the duty on a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when considering development proposals. As highlighted above and within the Committee Report, the scheme is considered to neither preserve nor enhance the character or appearance of this section of the Clitheroe Conservation Area.
- 3.7. The Council are mindful of paragraph 44 of the HEPPG that states ‘local planning authorities are encouraged to seek well-conceived and inspirational design that is founded on a full understanding of local context.’ The Agent notes that the scheme is part influenced by local context but also the sustainability objective, and that chose the materials for their sustainability and sensitivity to the locality rather than attempting to copy local vernacular. However, the Council remain unconvinced that the mixture of blue brick and weathered, grey, vertical and horizontal timber cladding would represent a harmonious development that sympathetically and satisfactorily impacts on the setting of the historic building (Hazelmere) and the character and appearance of the Conservation Area.
- 3.8. Therefore, whilst the location of the site in relation to the settlement boundary and its services and amenities is considered to be acceptable, and is stated as such within the Committee Report, the Council consider the proposal to be unduly harmful to the character and appearance of the Clitheroe Conservation Area and the setting of Hazelmere by virtue of,
 - A. The destruction of the garden setting of Hazelmere (a Building of Townscape Merit) which is an important and pleasing introduction to Clitheroe Conservation Area,

- B. The subdivision of the medieval burgage plot,
- C. The disruption of through views from Pimlico Road towards Well Terrace and Pendle Hill,
- D. The incongruous and unreflective nature of the design of the dwellings in relation to the character and appearance of the conservation area (for example, window arrangement, use of blue bricks and failure to address the street frontage),
- E. The loss of important trees considered to be of amenity value within the site by virtue of the proposed development, and
- F. The loss of existing screening on the frontage to Pimlico Road, considered to be of amenity value to this location within the Conservation Area.

3.9. In considering the above, the Council remain unsupportive towards the principal of developing this site for housing due to the irreplaceable damage the loss of the garden area would have on the setting and character of this portion of the Conservation Area, the significant detrimental visual impact the development of the site would have on the character and setting of Hazelmere, a Building of Townscape Merit, and that overall design, materials and scale of the dwellings would not represent a harmonious development that sympathetically and satisfactorily impacts on the setting and character of the Conservation Area. As such, the Council respectfully request that the Inspector dismisses the appeal.

The Council look forward to receiving the Appellant's further comments, if they have any, in due course. The Council have also attached a set of suggested conditions to this letter should the Inspector be minded to approve this proposal.

Yours sincerely,

GRAEME THORPE
SENIOR PLANNING OFFICER

Mr N. Patch,
The Planning Inspectorate,
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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at 6.30pm on **THURSDAY, 17 JANUARY 2013** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

Marshal Scott

CHIEF EXECUTIVE

To: Committee Members (copy for information to all other members of the Council)
Directors
Press
Parish Councils (copy for information)

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the last meeting held on 6 December 2012 – copy enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.

INFORMATION

**RIBBLE VALLEY BOROUGH COUNCIL
REPORT TO PLANNING & DEVELOPMENT COMMITTEE**

Agenda Item No. 11

meeting date: 17 JANUARY 2013
title: HOUSING LAND AVAILABILITY
submitted by: CHIEF EXECUTIVE – MARSHAL SCOTT
principal author: JOANNE MACHOLC - PROJECT OFFICER – POLICY

1 PURPOSE

- 1.1 To advise the Committee of the need to amend elements of the method by which the 5 year housing land supply is calculated in view of guidance in the National Planning Policy Framework (NPPF) and the recent appeal decision in relation to Site 2 at Barrow Business Village.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – The information in this report relates to a number of community objectives but is particularly relevant to the broad objective of conserving our countryside and enhancing the local environment.
 - Corporate Priorities - This information is relevant to the Local Development Framework which is the spatial expression of the Community Strategy.
 - Other Considerations – None.

2 INFORMATION

- 2.1 Successive national planning policy guidance, most recently encompassed in the NPPF, has required local authorities to maintain a five year supply of housing land, calculated from the overall housing requirement set out in the development plan. Members will be aware of successive reports to this committee which set out the latest position (the most recent being 6 December 2012). Specifically, NPPF requires authorities to, "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement" (paragraph 47).
- 2.2 The Council's agreed approach to calculating the housing land supply against the 5-year requirement has not involved assessment of the deliverability of individual sites. However it has included a 10% allowance for slippage i.e. in recognition that not all sites may come forward or deliver the number of dwellings stated. Although long established, this approach is now at variance with the NPPF which requires the 5-year supply to be made up from "specific deliverable sites".
- 2.3 As members will recall the Council has only recently moved to a position where housing land supply under the agreed methodology has attained a five-year supply. A recent appeal in relation to Site 2 at Barrow Business Park was the first that tested the Council's methodology. The following points were highlighted in the appeal decision where the Inspector considered:
- 1) whether all sites could be considered "deliverable". The Inspector concluded that two sites had deliverability issues and should not be included in the 5 year supply; and
 - 2) even if the 10% allowance for slippage could take the place of specific analysis of the deliverability of sites, in relation to these two sites, the number of dwellings equates

to more than 10%. Therefore a 10% allowance for slippage cannot be used to compensate for the shortfall in the 5 year housing land supply.

Accordingly, the Inspector concluded that the Council cannot demonstrate that it had a 5-year supply of land.

- 2.4 Subsequent housing land reports will need to include an individual assessment of deliverability of the specific sites which have planning permission rather than including the 10% allowance for slippage. In relation to deliverable sites, NPPF states,

"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans." (NPPF para 47, footnote 11)

Assessing deliverability will involve dialogue with owners and developers as well as an appraisal of viability and is unlikely to be completed fully to inform the next report. Until such assessments are complete it is considered prudent to retain the 10% allowance for slippage on sites which are not yet assessed and to make the specific site adjustments identified by the Inspector. Once assessments of deliverability are complete, it should no longer be necessary to apply a 10% allowance for slippage.

- 2.5 The Barrow Brook appeal utilised information from the April 2012 Housing Land availability situation (based on an annualised requirement of 161 dwellings per year). If the two sites were discounted from the calculation and a 10% allowance for slippage were applied to the latest survey (at 1st October 2012) as reported on 6th December 2012 which uses an annualised requirement of 200 dwellings per year, the position would be that there is planning permission for 1294 dwellings in comparison with a requirement of 1380 dwellings equating to a 4.69 year supply (see Appendix 1). The requirement of 1380 dwellings includes the 20% buffer to allow for undersupply in previous years as required by the NPPF (para. 47). Members will be aware however that since 1st October, further planning permissions for housing have been granted (including the appeal site). These will be captured within the next report.
- 2.6 Surveys will continue to be undertaken on a quarterly basis to monitor the situation. Further appeal decisions may also inform the process.
- 2.7 Although not related to housing land availability, in determining the appeal, the Inspector also concludes that the loss of the appeal site from the employment land supply would not lead to significant harm in this instant as it could be compensated for by identifying alternative sites.


JOANNE MACHOLC
PROJECT OFFICER - POLICY


MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

1. National Planning Policy Framework, 2012, Communities and Local Government.
2. Appeal Decision, ref APP/T2350/A/12/2176977 Site 2 Barrow Brook Business Village, Clitheroe.

For further information please ask for Joanne Macholc, extension 3200.

APPENDIX 1

Five year supply (2008-2028) based on proposed Core Strategy requirement including permissions, completions and commitments up until 1 October 2012

a) Housing provision 2008/2028	4000	200/yr
b) Net dwellings completed 2008/2012 (4.5 yrs)	439	98 (439/4.5)
c) Net dwellings required 2012-2021 (15.5 years) (adjusted to a revised annual rate)	3561/15.5	230/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	1150	230 x 5 (annual equivalent smoothed over plan period)
e) Add Buffer of 20%	1380	20% NPPF guideline (230 + 20% = 276) x 5

- a) Strategic housing provision based on previously proposed Core Strategy requirement.
 - b) Actual completions in monitoring period divided by number of years.
 - c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
 - d) Five year requirement based on the revised/adjusted annualised rate.
 - e) Buffer to allow for previous years under delivery 20% para. 47- NPPF.
- Identified Supply**

Supply of deliverable sites over 5 years (Housing Land Availability Survey October 2012)

Sites subject to Section 106 agreements		232 dwellings
Affordable units		240
Sites with Planning permission		<u>893</u>
	Sub total	1365
Less 2 sites ¹ not deliverable in 5 years	minus	<u>133</u>
	Sub total	1232
Less 10% buffer	minus	123
	Sub total	1109
Plus sites under construction		<u>185</u>
	TOTAL	1294

$1294 \div 276 = 4.69$ year supply at 01/10/12

¹ Site at Dale View Billington (23 units) and part of site at Henthorn Road which will be built beyond the 5 year period (110 units)



Appeal Decision

Site visit made on 28 November 2012

by **Stephen Roscoe BEng MSc CEng MICE**

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

Decision date: 20 December 2012

Appeal Ref: APP/T2350/D/12/2186531

The Granary at Bulcocks Farm, Pendleton, Clitheroe, Lancashire BB7 1PT

- 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 Ms J Farthing against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2012/0499, dated 6 December 2011, was refused by notice dated 9 August 2012.
 - The development proposed is a single storey side extension to a dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i) whether the proposal would preserve or enhance the character and appearance of the Pendleton Conservation Area; and
 - ii) the effect of the proposal on the living conditions of the occupiers of Bulcocks Farm in relation to whether there would be any visual intrusion.

Reasons

Conservation Area

3. The appeal property is situated within the Pendleton Conservation Area (CA). The appeal dwelling lies in close proximity to the Grade II listed Bulcocks House. It is also very close to a dwelling known as Bulcocks Farm which is a former outbuilding that served Bulcocks House and is identified as a building of townscape merit in the Council's appraisal of the CA.
4. The appeal dwelling was also an outbuilding that served Bulcocks House and is visually closely related, but subservient to, Bulcocks House and Bulcocks Farm. It makes a positive contribution to the character and appearance of the CA, and its previous conversion to a dwelling secures its continued presence.
5. The front elevation of the proposed extension would be significant in area compared to that of the existing appeal dwelling, and particularly so in respect of the solid areas of the elevations, in other words excluding the openings. Furthermore, the timber cladding of the extension would accentuate the prominence of the front elevation of the extension. The proposed elevation would therefore visually compete with that of the existing appeal dwelling,

and indeed the front elevation of the nearby Bulcocks Farm, in an unacceptable manner.

6. The grouping of appeal dwelling, Bulcocks Farm and Bulcocks House is important in relation to the significance of the CA as together they retain a sense of their former shared purpose. The height and form of the mono-pitched roof of the proposed extension would approach the eaves level of the appeal dwelling, and the pitch of the roof would be steeper than that of the roof on the existing dwelling. These attributes would alter the form of the dwelling, which would then be generally out of keeping with the traditional first floor forms of Bulcocks Farm and Bulcocks House.
7. The volume and height of the extension would also result in the loss of the visual gap between the appeal dwelling and Bulcocks Farm in some three quarter views. This would be the case notwithstanding the use of matching stonework on parts of the extension, the use of conservation type rooflights and limited openings and the retention of a cart opening in and external steps on the original building.
8. The proposal therefore would not be inkeeping with the local and traditional geometric form as required by Local Plan¹ (LP) Saved Policy H17. It also would not exhibit a sufficiently high building design standard or preserve or enhance the CA in accordance with LP Saved Policies G1 and ENV16.
9. Whilst the proposal would change the character of this group of buildings, each case should be considered on its own merits. This change to the background character and appearance of the CA would however make it more difficult for the Council to resist other proposals that could cumulatively result in a greater loss of the character and appearance of the CA. This factor adds weight to the unacceptability of the proposal.
10. The proposed extension would be located in an area which was previously occupied by a two storey barn structure. This has however previously been demolished, and there is no evidence that it made any positive contribution to the character and appearance of the CA or its significance as a heritage asset. Its former presence therefore carries little weight in this appeal. The proposed extension would only be visible from private properties and from a farm access lane. This limited visibility would not however be sufficient to outweigh the harm that has been identified.
11. I therefore conclude that the proposal would not preserve or enhance the character and appearance of the Pendleton Conservation Area. I further conclude that it would, in this regard, thus conflict with Local Plan Saved Policies H17, G1 and ENV16.

Living Conditions

12. The gable wall of Bulcocks Farm would face, and lie in close proximity to, the proposed extension. The wall includes two windows and a glazed area in the upper part of an external door that serve a lounge. The lounge is however a dual aspect room with a further window on the front elevation of the barn. It also benefits from a clear glazed double leaf internal door which provides a further outdoor aspect through an adjoining hallway. As a

¹ Ribble Valley Districtwide Local Plan: June 1998

consequence of all of these factors, the extension would not be visually intrusive to the occupiers of the lounge.

13. The proposal therefore would not have an adverse effect on the amenity of the surrounding area or conflict with LP Saved Policy G1 in this regard. Furthermore, the mass of the extension would be acceptable and would not dominate in relation to the living conditions of nearby occupiers in accordance with LP Saved Policy H10 and the Council's SPG².
14. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of Bulcocks Farm in relation to visual intrusion. I further conclude that it thus would not conflict with Local Plan Saved Policies G1 and H10 in this regard together with the Council's SPG.

Other Matters

15. The accommodation provided within the existing appeal dwelling is small, particularly in relation to a ground floor shower room, which effectively has to operate with a wet room arrangement. The dwelling appears however to be occupied and its accommodation is not unacceptable. In this regard, the dwelling already contributes to the housing stock in the area, and the restricted accommodation would be no reason to allow the appeal.
16. The additional residential accommodation would be provided within a sustainable settlement location and would enhance the letting potential of the appeal dwelling. The protection of the historic environment in terms of the preservation of the character and appearance of the CA as a heritage asset however accords with the environmental dimension of sustainable development set out in the National Planning Policy Framework. In this case, the protection of the heritage asset would outweigh these economic and social factors.

Conclusion

17. Although no harm has been found in relation to living conditions, this would not outweigh the adverse impact on the CA. Having also taken into account all other matters raised, none carry sufficient weight to alter the decision. I therefore conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR

² Ribble Valley Borough Council: Supplementary Planning Guidance: Extensions and Alterations to Dwellings: Version 1: September 2000

Appeal Reference Number – APP/T2350/A/12/2188270/NWF

Suggested Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The permission shall relate to the development as shown on Plan Drawing Reference No's ...
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.
3. Precise specifications and samples of walling and roofing materials, details of any window and door surrounds and samples of door and windows to be used (including materials to be used) shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.
Reason: In order that the Local Planning Authority shall retain effective control over the development and to protect the character and appearance of the building, in accordance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME4 and Key Statement EN2 of the Core Strategy (Regulation 22 Submission Draft) and guidance within the NPPF.
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2008 (or any order revoking or re-enacting that Order) any future extensions or external alterations to the dwelling, including any development within the curtilage, hard standing or fences, as defined in Schedule 2 Part 1 Classes A to H, and Part II Class A, shall not be carried out without the formal consent of the Local Planning Authority.
Reason: In order that the Local Planning Authority shall retain effective control over the development to ensure compliance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME4 and Key Statement EN2 of the Core Strategy (Regulation 22 Submission Draft) and guidance within the NPPF.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) the building(s) shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.
Reason: In order to safeguard nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, the adopted Supplementary Planning Guidance - "Extensions and Alterations to Dwellings" and Policy DMG1 of the Core Strategy (Regulation 22 Submission Draft).

6. The proposed car parking spaces and driveway shall not be used for any purpose, which would preclude its use for the parking of a private motor vehicle.

Reason: In order to facilitate adequate vehicle parking and/or turning areas to serve the dwellings in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, the adopted Supplementary Planning Guidance "Extensions and Alterations to Dwellings" and Policy DMG1 of the Core Strategy (Regulation 22 Submission Draft).

7. Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services, all trees identified in the arboricultural/tree survey [8th of June 2011] and highlighted on the Tree Protection Site Plan [3804-15] submitted with the application, shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be agreed in writing and implemented in full.

In addition a tree protection-monitoring schedule shall be agreed in writing and tree protection measures inspected by the local planning authority before any site works are begun.

The root protection zone shall be 12 x the DBH and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented with out prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

Reason: In order to ensure that any trees affected by development and included in a Tree Preservation Order are afforded maximum physical protection from the adverse affects of development. In order to comply with Policies G1 and ENV13 of the District Wide Local Plan, Policy DMG1 and Key Statement EN2 of the Core Strategy (Regulation 22 Submission Draft). To ensure that trees of visual amenity value are protected against adverse affects of the development.

8. The development hereby permitted shall not be commenced until details of replacement tree planting/site landscaping scheme has been submitted to and agreed in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

The approved landscaping scheme shall be implemented in the first planting season following completion of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub, which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

Reason: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy (Regulation 22 Submission Draft).

The County Highways Officer also advised that in order to maintain visibility at the access for passing traffic, emerging traffic and pedestrians, it would be beneficial to introduce a length of prohibition of waiting along the frontage. He proposed a prohibition of waiting at any time that runs along the east side of Pimlico Road from a point 8m south of the centreline of the access for a distance of 26m in a northerly direction. This will link with an existing length of prohibition at Causeway Croft to provide improved visibility for motorists emerging from both junctions. He requested that the applicant should agree to fund in full the pursuit of the proposed Traffic Regulation Order, to include all legal and advertising costs, however his recommendation that there are no highway objections to the proposed development was not dependent on the implementation of this prohibition and should it not be possible to introduce such a measure, his original recommendation would not be affected.