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# Appeal Decision

Site visit made on 22 November 2021

**by David Fitzsimon MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 DECEMBER 2021**

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## **Appeal Ref: APP/T2350/D/21/3282794**

### **1 Park Road, Gisburn BB7 4HT**

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Hargreaves against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/0462, dated 5 April 2021, was refused by notice dated 24 June 2021.
  - The development undertaken is a rear boundary fence, garden shed and garden room/office.
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### **Decision**

1. The appeal, in so far as it relates to the garden shed and garden room/office, is dismissed.
2. The appeal, in so far as it relates to the rear boundary fence at 1 Park Road Gisburn BB7 4HT, is allowed and planning permission is granted in accordance with the terms of application ref. 3/2021/0462, dated 5 April 2021.

### **Procedural Matter**

3. The rear boundary fence, garden shed and garden room/office were present at the time of my visit. This has no bearing on my decision which is based on the merits of the case.

### **Main Issue**

4. The main issue in this case is the effect of the development undertaken on the setting of the listed building and the character and appearance of the Gisburn Conservation Area within which it sits.

### **Reasons**

5. The appeal relates to a rear boundary fence, a garden shed and a garden room/office which have been erected within the rear garden of No. 1 Park Road. This is an attractive early 19<sup>th</sup> Century property finished in stone with sandstone dressings under a slate roof. The architectural and historic significance of the dwelling is recognised by a Grade II statutory listing. The property sits close to the entrance to Gisburne Park which is a historic park and
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garden and it lies within the Gisburn Conservation Area (CA) as defined by the Local Plan for Ribbles Valley Core Strategy 2008-2028 (CS).

6. I understand that the fence which has been erected along the rear boundary has replaced a dilapidated fence. The replacement fence is of an unfussy 'hit and miss' style and to my mind, it sits unobtrusively at the bottom of the garden. I consider the fence to be visually acceptable and planning permission can be granted for this element of the scheme unconditionally.
7. The garden room/office is located along the southern boundary of the rear garden of the host dwelling. It is a modern, contemporary single storey structure with a mono-pitch roof. As the Appellant explains, it does not try to mimic the host dwelling in terms of its style or finishing materials.
8. To my mind, contemporary buildings can sit comfortably against historic buildings provided their design, including their detailing and finishing materials, is well executed. In the case of this particular garden room/office, I consider the roof detailing and corner detailing to be cumbersome; drawing the eye and making the building appear unnecessarily dominant. It does not sit comfortably alongside the period form and detailing of the host dwelling.
9. Whilst I note the garden room/office is single storey, it is elevated within the garden and elevated from Park Road. As a result, although it is set behind the established building line, the garden room/office is readily visible from the public domain and the visual harm I have described causes visual harm to the CA. This harm is not irreversible, but it is harm nonetheless. Whilst landscaping could screen the structure from the public domain in time, it would not alter the harm to the setting of the listed building itself. Furthermore, screening is no substitute for good design and it should not be used to justify visually harmful development.
10. I understand that the garden room/office is sited in the position of a former toilet block which served the former New Inn public house, but I have no details of the appearance of this building. In any event, my assessment is based on the merits of the structure which is there now.
11. The shed is located beyond the garden room/office and sits at the south-west corner of the garden. A garden shed is not an uncommon feature, even within the curtilage of a listed dwelling. Nevertheless, this shed is a sizeable structure and it shares the same roof and corner detailing as the garden room/office, which as I have explained, is visually harmful. Although the shed is not visible from Park Road, it compounds the harm to the setting of the listed building.
12. The harm to the heritage asset is 'less than substantial' as directed by the Planning Practice Guidance, but I attach considerable importance and weight to the statutory duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special regard should be paid to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses, along with section 72 of the same Act that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
13. The National Planning Policy Framework explains that 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. It goes on to say that 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. The Appellant has not suggested that the scheme offers any public benefits.

*Other considerations*

14. I appreciate that the garden room/office provides a space for home working; with such spaces being particularly important during the pandemic. Nevertheless, nothing I have seen or read suggests that it would not be possible to provide such a space within a more appropriately designed structure.
15. I note that Gisburn Parish Council raised no objection to the development, but this is a neutral factor in the overall planning balance.
16. Finally, I am aware that the Appellant has expressed frustration in his dealings with the Council, but this is not a matter for me to consider.

**Overall Conclusions**

17. In light of the above factors, I conclude that the fence is acceptable in all respects and therefore planning permission can be granted for this element of the scheme unconditionally.
18. However, the design and detailing of the garden room/office and the shed harms the setting of the host dwelling, which is a Grade II listed building and it fails to preserve the character and appearance of the CA within which it sits. In such terms, these elements conflict with policies EN5, DME4 and DMG1 of the CS.
19. The arguments advanced by the Appellant do not outweigh this harm and policy conflict therefore the appeal fails in so far as it relates to the garden room/office and garden shed.

*David Fitzsimon*

INSPECTOR