

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 8 NOVEMBER 2012
title: NON-DETERMINATION APPEALS IN RELATION TO LISTED BUILDING CONSENT AND PLANNING. RE-BUILDING OF EXTENSION – VARIATION IN FOOTPRINT, RIDGE LINE AND ROOF PITCHES. REINSTATE TRADITIONAL DOORS, WINDOWS AND RAINWATER GOODS. INTRODUCE ROOFLIGHTS TO UPPER AND LOWER PITCHES. ALTERATIONS TO INTERNAL LAYOUT INCLUDING BRINGING VACANT ROOF SPACE BACK INTO USE AS HABITABLE ROOMS AT 28 CHURCH STREET RIBCHESTER, LANCASHIRE
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: ADRIAN DOWD

1 PURPOSE

- 1.1 To advise Committee in relation to the recently received Non-determination Appeals, and request support for the reasons for refusal to be presented to the Planning Inspectorate.

2 BACKGROUND

- 2.1 This application was submitted and made valid on the 28 May 2012, with the eight-week target period ending on the 23 July 2012. After this time period, applicants do have the opportunity to appeal for non-determination; however, it is rare that this happens. It is standard practice to assess and aim to make recommendations on applications within 8 and 13-week periods; however, in this case there is good reason why this was not achieved.
- 2.2 No formal decision has yet been made in relation to this application, with the delay due to on-going discussions with the agent in respect of information requirements and possible amendments to the scheme. There were difficulties in arranging a mutually convenient site meeting time with the agent. Despite on-going discussions, the applicant has sought to appeal against non-determination of the applications, therefore the purpose of this report is to gain Council and Planning and Development Committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.
- 2.3 The appeals for non-determination were received on the 8 October 2012, and upon receipt no further work has been carried out in relation to dealing with the listed building and planning applications. Once the appeals have been formally recognised by the Planning Inspectorate, all those persons who were notified or consulted about the applications, and any other interested persons who made representations regarding the applications will be written to and advised that the appeals have been made.
- 2.4 The appellant has requested that the appeals be considered under the Written Representations procedure. In my opinion and having regard to the nature of these applications, this would be an appropriate method of dealing with the appeals. It should

be noted that an appeal under Written Representations would not only involve less officer time due to the additional work required in preparing for a Hearing but also a speedier decision. In addition, the reasons for refusal are not considered to require expert deliberation through a Hearing procedure.

2.5 It is important to emphasise that objectors/commentators are still allowed sufficient time to respond formally to the Inspectorate, and as such any comments received will form part of the appointed Inspectors deliberations. All existing objections/comments will be sent to the Inspectorate.

2.6 The Planning Inspectorate would make the ultimate decision on how the appeals are to be dealt with, but it is my opinion that a Written Representation method is appropriate.

3 ISSUES

3.1 In cases on Non-determination Appeals, it is important to gauge the views of the Planning and Development Committee in order that Committee Members are satisfied with the Officer's Report. The Report will partially form the basis of the Council's Statement of Case in regards to the Appeal.

3.2 To advise Committee a report under Appendix A is included for Members' information.

3.3 On the basis of the merits of the case, it is considered that should a formal recommendation have been made to Planning and Development Committee, it would have been one of refusal for the following reasons:

Planning Application 3/2012/0478/P

(1) The proposal has an unduly harmful impact upon the character (including fabric and setting) and significance of the listed building and the character, appearance and significance of Ribchester Conservation Area because: the proposed extension is incongruous and dominating as a result of its asymmetric form and visually intrusive detailing (roof lights; French doors); the proposed roof lights to the original build are conspicuous, incongruous and visually intrusive in the prominent roof slope; the disruption to important plan form and/or fabric from the blocking and obscuring of the rear first floor window, removal of the staircase, modifications to re-use the attic including new staircase, and knock-through of ground floor walling, and lack of compelling evidence to suggest the appropriateness of 8/8 pane sash window installation. This is contrary to Policies ENV20, ENV19 and ENV16 of the Ribble Valley Districtwide Local Plan.

(2) The proposal has an unduly detrimental impact upon the residential amenities of Old Croft and 27 Church Street because of undue overlooking from the two-storey extension bedroom window and the gable wall second storey window. This is contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.

(3) Insufficient information has been submitted to establish the impact of development upon the fabric, character and significance of the listed building, important buried archaeology, species protection and flood risk. This is contrary to Policies ENV20, ENV14, ENV7 and G1 of the Ribble Valley Districtwide Local Plan.

Listed Building Consent Application 3/2012/0479/P

- (1) The proposal has an unduly harmful impact upon the character (including fabric and setting) and significance of the listed building and the character, appearance and significance of Ribchester Conservation Area because: the proposed extension is incongruous and dominating as a result of its asymmetric form and visually intrusive detailing (roof lights; French doors); the proposed roof lights to the original build are conspicuous, incongruous and visually intrusive in the prominent roof slope; the disruption to important plan form and/or fabric from the blocking and obscuring of the rear first floor window, removal of the staircase, modifications to re-use the attic including new staircase, and knock-through of ground floor walling, and lack of compelling evidence to suggest the appropriateness of 8/8 pane sash window installation. This is contrary to Policies ENV20, ENV19 and ENV16 of the Ribble Valley Districtwide Local Plan.
- (2) Insufficient information has been submitted to establish the impact of development upon the fabric, character and significance of the listed building. This is contrary to Policy ENV20 of the Ribble Valley Districtwide Local Plan.

4 RECOMMEND THAT COMMITTEE

- 4.1 Advise that they would have been minded to refuse the applications for the above reasons.
- 4.2 Advise the Inspectorate that the Council have no objections to the Written Representations procedure in connection within these appeals.

ADRIAN DOWD
PRINCIPAL PLANNING OFFICER (DESIGN AND CONSERVATION)

JOHN HEAP
DIRECTORY OF COMMUNITY SERVICES

BACKGROUND PAPERS

Application Reference Numbers 3/2012/0479/P (LBC) and 3/2012/0478 (PA).

For further information please ask for Adrian Dowd, extension 4513.

REF: 081112-P&D/AD/EL

APPENDIX

APPLICATION NO: 3/2012/0479/P (LBC) & 3/2012/0478/P (PA)
(GRID REF: SD 364979 435279)

PROPOSED REBUILDING OF EXTENSION – VARIATION IN FOOTPRINT, RIDGE LINE AND ROOF PITCHES. REINSTATE TRADITIONAL DOORS, WINDOWS AND RAINWATER GOODS. INTRODUCE ROOFLIGHTS TO UPPER AND LOWER PITCHES. ALTERATIONS TO INTERNAL LAYOUT INCLUDING BRINGING VACANT ROOF SPACE BACK INTO USE AS HABITABLE ROOMS AT 28 CHURCH STREET, RIBCHESTER

PARISH COUNCIL: No objection. The Council supports the applicants' efforts in bringing this property back into use.

LCC (ARCHAEOLOGY): Initial informal comments 29 June 2012:
There are 2 issues with the current application:

1. Mention is made of a new footprint to the rear; will this require excavation and if so have details been supplied as to what they will entail?
2. The assessment of the significance of 28 Church Street amounts to a statement that the interior is not of interest, it is not supported by any written description or photographic evidence. I would therefore suggest that the information falls short of what would be needed in a Heritage Statement, and further information is needed.

As for the statement (Statement of Significance – Preambles(a)) that as PPS5 has been replaced by NPPF 'new guidance is pending on recording and assessing significance', this is incorrect as the PPS5 Practice Guide was not cancelled, and still remains in place.

Formal Comments 25 July 2012:

28 Church Street is a designated heritage asset, a grade II listed building, recorded on the County Historic Environment Record, PRN 18053. The site also lies within the limits of the Roman *vicus*, or civilian settlement at Ribchester known as *Bremetenacum*.

Details available on the Council planning web pages, supplied with the application are limited, failing to adequately show the nature and extent of the internal alterations proposed, and how they might affect the original plan-form and circulation patterns through the building. A statement that the interior contains no surviving historic features is not adequately supported by any written or photographic documentation. It must however be said that the reinstatement of features such as doors, windows and rainwater goods is to be welcomed. There is no indication of the nature and extent of the works required for the rebuilding of the extension bar that it will see a variation in the footprint. In which case there is a potential that such works might be of such a nature as to encounter archaeological remains associated with Roman, medieval or post medieval Ribchester.

Consequently, should the Local Planning Authority be minded to grant planning permission to this or any other scheme, Lancashire County Archaeology Service would recommend that a detailed archaeological record of the building be made prior to conversion, and that a programme of archaeological work be needed for any groundworks required for the proposed rebuilding of the extension.

Please can you confirm that you have received this response.

LCC (HIGHWAYS):

No objection to this proposal.

ENVIRONMENT AGENCY:

Use the information behind Box E2 of the Flood Risk Standing Advice Consultation Matrix to make your decision. This states:

We recommend that:

Planning Authorities:

- 1) Refer the applicant to the standing advice pages on the Environment Agency website or provide them with a copy of this page for them to include as part of the planning application submission.
- 2) Check the planning application to ensure that one or other of the mitigation measures from the table below has been incorporated.

Applicants:

Complete the table below and include it with the planning application submission. The table, together with the supporting evidence, will form the Flood Risk Assessment (FRA) and will act as an assurance to the Local Planning Authority (LPA) that flood risk issues have been adequately addressed.

| Applicant to choose one or other of the flood mitigation measures below | Applicant to provide the LPA with the supporting information detailed below as part of their FRA | Applicant to indicate their choice in the box below. Enter 'yes' or 'no' |
|--|---|--|
| Either; Floor levels within the proposed development will be set no lower than existing levels AND, flood proofing of the proposed development has been incorporated where appropriate. | Details of any flood proofing / resilience and resistance techniques, to be included in accordance with ' <i>Improving the flood performance of new buildings</i> ' CLG (2007) | |
| Or; Floor levels within the extension will be set 300mm above the known or modelled 1 in 100 annual probability river flood (1%) or 1 in 200 annual probability sea flood (0.5%) in any year. This flood level is the extent of the Flood Zones | This must be demonstrated by a plan that shows finished floor levels relative to the known or modelled flood level. All levels should be stated in relation to Ordnance Datum ¹ | |

RVBC COUNTRYSIDE OFFICER:

Protected species mitigation plan required before determination to:

- i Ensure that there are no adverse effects on the conservation status of a bat population; and
- ii Protect the bat population from damaging activities and reduce or remove the impact of development.

ADDITIONAL REPRESENTATIONS:

None received.

Proposal

The drawing 'Proposed Floor Plans' was not submitted to the Borough Council until 6 September 2012 (the agent was advised of the omission of this essential information at the site meeting). The receipt of the Non-Determination Appeal has curtailed the necessary consultation and site re-assessment in respect to this information.

Discussions on site (in respect to the apparent loss of historic features from the interior and the provenance of the apparently modern window opening pattern to the south-east gable) and in a letter from the agent of 6 September 2012, suggest that the applications are intended, in part, to act in lieu of a certificate of lawfulness and to 'give the LPA opportunity to clarify the planning history'.

The submitted information (including the plan of 6 September 2012) proposes the demolition of a rear two-storey extension (traditional cat-slide roof; described only as 'modern' in the

submission) and a single storey flat-roofed extension, and the construction of a replacement two-storey extension. The proposed extension shares maximum depth (5.3m) and maximum width (5.33m) with the existing and is shown to be 1.7m² larger in area. The proposal has a distinctly asymmetric profile, is of double-pitch form and protrudes 0.3m above the eaves of the original building. It is shown to be constructed of masonry with roughcast render finish and Welsh slate roof. The extension is proposed to have parallel rooflights to elevation facing the car park road and French doors to its gable. A first floor bedroom window is proposed in a similar location to the obscure-glazed bathroom window in the existing extension.

It is proposed to replace existing front elevation windows in the original build with 'traditionally styled' 8/8 multi-pane sash windows (no details or discussion of restoration philosophy submitted). Four symmetrically arranged rooflights are proposed in the rear roofslope of the original build (one adjoining the eaves is to replace an existing traditional glass slate; the elevation plans omit the recently installed rooflights and roof vents at 29 Church Street). A rear elevation first floor window (historic splayed reveal) to the original build is shown to be blocked without memory. In the original build gable, three openings are shown to be blocked and a new window created (second floor/attic). Alterations to the interior of the historic build include removal of the ground-first floor staircase (not historic fabric but historic location?) and insertion of a new staircase through first – second/attic floor (shown on 6 September plan but no other details of proposal or impact on significance submitted).

Site Location

28 and 29 Church Street is a Grade II listed pair of houses (one entry in the list; 11 November 1966) from 1745. The brick walling, pleasing Georgian details (although the list description notes that the windows to the front of No. 28 are modern) and roadside location ensure prominence and interest within Ribchester Conservation Area. The Ribchester Conservation Area Appraisal (The Conservation Studio, December 2006; adopted by the Borough Council following public consultation April 2007) suggests "*the houses are fairly large and impressive, and brick would have been used to make a statement about the status and quality of the buildings*".

The adjoining 30 and 31 Church Street, a stone outbuilding to the rear of 29 Church Street, 27 Church Street, The Old Barn and Old Croft are identified as Buildings of Townscape Merit making a positive contribution to Ribchester Conservation Area in the Ribchester Conservation Area Appraisal.

The facing or nearby 8-26 (consecutive) and 50-58 (consecutive) Church Street are rows of late C18 Grade II listed houses.

Below ground archaeological investigation of land at 32-33 Church Street (Lancashire Historic Environment Record PRN 25462) in 2001 encountered evidence of both Roman and mediaeval occupation in the form of pottery finds, whilst further evidence of the Roman occupation of Ribchester has come from work at the Black Bull (PRN 4216), Church Street, Garage (PRN 1847), Pope Croft (PRN 23740) and Fort Avenue (PRN 15101), where medieval finds were also again recovered.

Relevant History

28 Church Street

No pre-application advice was sought in respect to the proposals
There is no history for this site in the planning record.

29 Church Street

3/2011/0425/P (PA) & 3/2011/0426/P (LBC) - Demolition of existing timber garage and stone outbuilding to provide improved vehicular access, parking spaces and new double garage for no 29 and two new single garages and private amenity/garden space for no's 30 and 31. Listed Building Consent and planning permission refused 22 September 2011. *The submitted historic building assessment suggests: there is a local tradition that 29 Church Street was once a public house known as The Kings Arms; no's 30 and 31 appear to be late 18th century or early 19th century additions to the 1745 (no 29) building, which probably combined domestic and industrial or warehouse functions, and until very recently remained part of the parent property.*

3/2010/0090/P (LBC) & 0091 (PA) - Demolition of existing rear outbuildings and construction of new extension. Internal alterations and general repairs to update house to modern living requirements/standards. Listed Building Consent and planning permission granted 21 July 2010 and 22 July 2010. *Includes a historic building assessment by Stephen Haigh, Buildings Archaeologist.*

3/2006/0909 – five replacement windows. LBC granted 25 June 2007.

3/1997/0573 – rebuild of chimney owing to dangerous condition. LBC granted 29 September 1997.

Relevant Policies

Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.

Policy ENV19 - Listed Buildings (Setting).

Policy ENV16 - Development Within Conservation Areas.

Policy ENV14 - Ancient Monuments and Other Important Archaeological Remains.

Policy G1 - Development Control.

Policy ENV7 - Species Protection.

Ribchester Conservation Area Appraisal.

Policy SPG – “Extensions and Alterations to Dwellings”.

NPPF.

HEPPG.

Environmental, AONB, Human Rights and Other Issues

The main consideration in the determination of the listed building consent application is the duty at Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the (listed) building, its setting and any features of special architectural or historic interest which it possesses. There is no statutory requirement to have regard to the provisions of the development plan for decisions on applications for listed building consent.

The main considerations in the determination of the planning application relate to: the impact upon the listed building and its setting (including Section 66[1] of the above Act which requires that special regard be given to the desirability of preserving the listed building, its setting and

any features of special architectural or historic interest and Ribble Valley Districtwide Local Plan Policies ENV20 [alteration/demolition] and ENV19 [setting]); the impact upon Ribchester Conservation Area (including Section 72[1] of the above Act which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area and Ribble Valley Districtwide Local Plan Policy ENV16); the impact upon residential amenity; the impact upon buried archaeology (including Policy ENV14 of the Ribble Valley Districtwide Local Plan); the impact on protected species (including Policy ENV7 of the Ribble Valley Districtwide Local Plan) and flood risk (including Policy G1[a] of the Ribble Valley Districtwide Local Plan).

Mindful of the status of the emerging LDF, note is made of the opinions in Mynors C., 'Listed Buildings, Conservation Areas and Monuments' (2006) and the discussion of 'Applications for planning permission' and 'Overlapping statutory duties' at 14.2 ff. He concludes that *'the order of preference must be:*

- (1) the development plan, so far as material;*
- (2) the effect of the proposed development on any listed buildings or their setting or on any conservation area;*
- (3) the responses to publicity and consultation; and then*
- (4) any other material considerations'.*

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'*. Other material considerations would appear to include the NPPF.

Policy ENV20 of the Local Plan states that *"Proposals involving the demolition or partial demolition of listed buildings will be refused unless the demolition is unavoidable ... Proposals for the alteration or repair of listed buildings should be sympathetic to their character and appearance. The most important features of any listed building will be preserved"*.

Policy ENV19 of the Local Plan states that *"development proposals on sites within the setting of buildings listed as being of special architectural or historic interest, which cause visual harm to the setting of the building, will be resisted"*.

Policy ENV16 of the Local Plan states:

"Within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials". The accompanying text at 4.7.8 states that *'the main elements of Council policy are retention and enhancement'*.

Policy G1 of the Local Plan states *"In determining planning applications the following criteria will be applied:*

- (a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature;*
- (h) Materials used should be sympathetic to the character of the area"*.

Policy ENV7 of the Local Plan states *"Development proposals which would have an adverse effect on wildlife species protected by law will not be granted planning permission, unless arrangements can be made through planning conditions or agreements to secure the protection of the species"*.

Policy ENV14 of the Local Plan states “In considering development proposals, the Borough Council will apply a presumption in favour of the preservation of ancient monuments and other nationally important archaeological remains and their settings. The case for preservation of archaeological remains will be assessed having regard to the intrinsic importance of the remains which will be weighed against the need for the proposed development”.

The National Planning Policy Framework (27 March 2012) is particularly relevant at:

Paragraph 17 “*within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

... conserve 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”

Paragraph 56 “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”;*

Paragraph 60 “*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce **local distinctiveness**”;*

Paragraph 64 “*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”;*

Paragraph 126 that local planning authorities should recognise that ‘*heritage assets are an irreplaceable resource*’ which should be conserved in a ‘*manner appropriate to their significance*’. Local planning authorities should also take into account ‘*the desirability of sustaining and enhancing the significance of heritage assets ... the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring ... (and) ... the opportunities to draw on the contribution made by the historic environment to the character of a place*’;

Paragraph 128 “*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”.*

Paragraph 131 “*In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

- *the desirability of new development making a positive contribution to local character and distinctiveness*".

Paragraph 130 *"Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision"*.

Paragraph 132 *"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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification"*;

Paragraph 134 *"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, including securing its optimum viable use"*.

Paragraph 153 *"Even the most minor repairs can sometimes have an impact on the archaeological interest of a heritage asset and may reveal new information relating to the significance of that asset"*.

Paragraph 188 'Pre-application engagement and front loading' states *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'*.

Paragraph 192 *"The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible"*.

English Heritage (web-site 23 April 2012) advises *"Following the publication of the National Planning Policy Framework, PPS5 was deleted. However the Practice Guide remains a valid and Government endorsed document pending Government's review of guidance supporting national planning policy as set out in its response to the select committee. The references in the document to PPS5 policies are obviously now redundant, but the policies in the NPPF are very similar and the intent is the same, so the Practice Guide remains almost entirely relevant and useful in the application of the NPPF"*.

The Historic Environment Planning Practice Guide is most pertinent at:

179 *The fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new.*

182 *The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (where decorated or plain, principle or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new*

openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations.

185 the insertion of new elements such as doors and windows, (including dormers and roof lights to bring roof spaces into more intensive use) is quite likely to adversely affect the building's significance ...new elements may be more acceptable if account is taken of the character of the building, the roofline and significant fabric.... In some circumstances the unbroken line of a roof may be an important contributor to its significance'

152 Doors and windows are frequently key to the significance of a building.

178 it would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.

64 understanding the significance of affected heritage assets is vital to a successful scheme – one that proposes the optimum viable use to a design that takes advantage of the asset's significance while also conserving it. Early engagement can lead to an agreed understanding of the nature, extent and the importance of the significance of the asset or assets affected by a proposal, and identify the likely impacts before the details of the scheme are firmed up.

180 The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting... New openings need to be considered in the context of the architectural and historic significance of that part of the asset. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place'.

187 Small-scale features, inside and out, such as historic painting schemes, ornamental plasterwork, carpenters' and mason's marks, chimney breasts and stacks, inscriptions and signs, will frequently contribute strongly to a building's significance and removing or obscuring them is likely to affect the asset's significance.

188 Extant flooring materials will often be of interest in themselves.

114 'the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places.

117 'the contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting... Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance.

Paragraph 161, Restoration, states Restoration works are those that are intended to reveal or recover something of significance that has been eroded, obscured or previously removed. In some cases, restoration can thus be said to enhance significance. However, additions and changes in response to the changing needs of owners and occupants over time may themselves be a key part of the asset's significance.

Paragraph 160, Restoration, states *Restoration is likely to be acceptable if:*

- (1) *The significance of the elements that would be restored decisively outweigh the significance of those that would be lost.*
- (2) *The work proposed is justified by compelling evidence of the evolution of the heritage asset, and is executed in accordance with that evidence.*
- (3) *The form in which the heritage asset currently exists is not the result of a historically-significant event.*
- (4) *The work proposed respects previous forms of the heritage asset.*
- (5) *No archaeological interest is lost if the restoration work could later be confused with the original fabric.*
- (6) *The maintenance implications of the proposed restoration are considered to be sustainable.*

'Extensions and Alterations to Dwellings: Ribble Valley Borough Council supplementary planning guidance' (adopted September 2000) states:

'As a general rule any extension should not dominate the original house. This is particularly important in relation to buildings of historic or architectural importance' (5.2);

'In Conservation Areas and open countryside size controls will be more strictly applied. Extensions which lead to properties becoming significantly more prominent will not be allowed .. it should be noted that even small extensions can be prominent if they are not carefully sited and designed' (5.2);

'Windows and doors - The type of windows and doors used, and their positioning are an important part of any development' (5.2).

The Ribchester Conservation Area Appraisal 'SWOT' analysis states:

Weaknesses: The principal *negative* features of the Ribchester Conservation Area are:

- Loss of architectural detail (original windows, doors etc);
- Insensitive alteration of historic buildings spoiling the conservation area's historic character and appearance

Threats to the Ribchester Conservation Area

- Continuing loss of original architectural details and use of inappropriate modern materials or details.

Many of the unlisted, and some of the listed, buildings in the conservation have been Adversely affected by the use of inappropriate modern materials or details.

The 'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011) states:

'the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development' (4.5).

.. arguments about the sensitivity of a setting to change should not be based on the numbers of people visiting it. (2.4).

'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (English Heritage, 2008) identifies four groups of heritage values: Evidential, Historical, Aesthetic and Communal.

'Constructive Conservation in Practice' (English Heritage, 2008) states "*Constructive Conservation is the broad term adopted by English Heritage for a positive and collaborative approach to conservation that focuses on actively managing change.*

The aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment ...

... The Principles also underline the importance of a systematic and consistent approach to conservation. In order to provide this consistency, we are guided by a values-based approach to assessing heritage significance".

Guidance on new development within Conservation Areas has also been considered within the Ribchester Conservation Area Management Guidance and the 'Building in Context Toolkit: New Development in Historic Areas' (CABE, EH, the architecture centre).

Note is made of the Planning Inspector's comments on appeal APP/T2350/E/08/2072213, Rodhill Lodge, Bolton By Bowland (8 August 2008; Grade II listed building) "*I accept that views of the proposed conservatory from the public realm would be very limited but listed buildings are protected for their intrinsic value. The fact that the conservatory would be barely visible to anyone but the appellants is not a matter to which any great weight can be attached, therefore"* (paragraph 6).

Note is made of the Planning Inspector's comments on appeal APP/T2350/E/03/1123798, 2 The Square, Whalley (26 November 2003; Grade II listed building; attic conversion) "*The Council raises no issue in relation to the internal works proposed to provide access and I have considered whether it would be possible to make a split decision, permitting these works, without the roof lights. However, I do not believe that to be a reasonable approach because there is insufficient detail on the scheme drawings to demonstrate how the existing ceiling joists would be adapted to provide a floor loading capacity or how what appears to be a new staircase would be supported. In this context it is not possible, in my view, to reach a conclusion that the works would not harm the special architectural or historic interest of the listed building"* (paragraph 8).

Conclusions

I note from site inspection that the existing two-storey extension and the 'original build' south-east gable wall appears to be constructed, at least in part, in C20 brickwork. It is therefore possible that some of the demolition/alteration works could be undertaken without harm to the historic fabric and significance of the listed building. However, as commented upon by LCC

(Archaeology), the paucity of information submitted in respect to the significance of the surviving historic fabric (and explanation for the extensive modernisation of the property; see NPPF paragraph 130) makes it difficult to assess the proposals with confidence and undertake the duty at sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The limitations of the submission extends to the very late production of proposed floor plans, no recognition of the impact of development upon the Roman *vicus* and below ground archaeology, no provision of mitigation strategies for the presence of bats (a risk, albeit low, has been identified) and no submission of a Flood Risk Assessment. These issues would normally be identified and discussed at pre-application stage.

I am also concerned at:

- (i) the proposed demolition of /alteration to historic fabric at the existing two-storey extension (although unlikely), the rear first floor window, installation of the new stairs, ground floor wall knock-through and new attic floor loadings/modifications;
- (ii) the proposed loss of plan form from removal of stairs (modern fabric) and obscuring of the rear first floor window;
- (iii) the replacement of a traditional 'cat-slide' roofed extension with an incongruous and dominating extension of asymmetric form and visually intrusive detailing (rooflights; French doors) visible from the car park road;
- (iv) the justification for 8/8 pane sash windows – see HEPPG paragraph 160 and 161;
- (v) the number, regularity of arrangement and relationship to works at the roof slope of 29 Church Street (although it is noted that this differs to that shown on the approved plans for 3/2010/0090 & 0091) of original build rooflights visible from the car park road;

It would be beneficial to re-visit the site in possession of the proposed floor plans to confirm initial concerns that:

- (i) the proposed first floor bedroom window (presumably not obscure-glazed) would be harmful to the residential amenities of Old Croft;
- (ii) the proposed attic gable wall window would be harmful to the residential amenities of 27 Church Street (it would appear to look directly down upon a rooflight).

Mindful of NPPF paragraph 134 I do not believe the proposed works will result in any public benefits to outweigh the harm to the designated heritage assets.