

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Mr Patch

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY JO HARDING AND CATHERINE BRITCLIFFE
SITE AT CLITHEROE BOOKS, 29 MOOR LANE, CLITHEROE BB7 1BE
PROPOSED INSTALLATION OF 2.5M X 1M BALCONY TO SECOND FLOOR
WINDOW ON LOWERGATE ASPECT OF 29 MOOR LANE

This letter and attached documentation comprises the Council's Statement of Case in respect of the planning appeal. It is intended to expound and expand upon the considerations and opinions within the delegated item file report sent with the appeal questionnaire. It will also discuss the implications of the Ribble Valley Regulation 22 Core Strategy 2008-2028 submission.

1. The delegated report refers to the Clitheroe Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007) in its deliberations. The following extracts are particularly relevant:

- (i) *The relatively intact medieval layout of the original settlement; the architectural and historic interest of the area's buildings; a pleasing historic townscape enhanced by the town's changes of level and curves in the old streets; stone paved pedestrian alleys off Moor Lane and Church Street (**Summary of Special Interest**);*
- (ii) *The Clitheroe Conservation Area contains the historic core of the medieval town including its principal medieval streets: Castle Street, Market Place, Church Street, Wellgate, Lowergate and Duck Street (**Location and Context**);*
- (iii) *The core of the conservation area which is centred on Castle Street, Church Street, Wellgate and Lowergate is also the core of the town's original 12th century settlement; many original burgrave boundaries have been obscured by subdivision, by 19th century roads (e.g. Moor Lane); three storey development is common in the commercial centre of the town declining in height to two storeys in peripheral areas like Moor Lane (**General Character and Plan Form**);*
- (iv) *The construction of the first textile mills and the opening of new turnpike roads led to the first major expansion of the town and the construction of new streets, Moor Lane (**Origins and Historic Development**);*
- (v) *The main axis of the borough was Castle Street, which led into the Market Place, which itself continued north as Church Street and Church Brow. Lowergate*

formed a second axis, more or less parallel to the main thoroughfare, on its east side ... This medieval pattern of streets remained relatively unaltered until the end of the 18th century and is illustrated in Lang's map of 1766 ... The opening of the new Whalley Road in 1809 brought about the construction of a new southern approach to the town centre, today's Moor Lane, which necessitated the demolition of buildings in burgage plots at the base of the Castle gates **(Activities/uses)**;

- (vi) The conservation area is most notable for buildings from the late 18th century and 19th century ... In Clitheroe, as in other market towns, the 18th century marked a movement away from traditional vernacular building to a more consciously designed 'polite' form of architecture. Buildings from this period are influenced by a sense of proportion and incorporate sliding sash windows and elements of classical detailing such as pediments and friezes ... The conservation area is notable for the number of religious buildings including an Anglican and Catholic church and several non-conformist chapels, some of which, like The Emporium, are no longer in religious use. Earlier religious buildings such as the Independent Chapel (1815) on Shaw Bridge Street or the former Roman Catholic Church (1899) on Lowergate have a simple plan form and round arched windows **(Architectural and Historic Character)**;
- (vii) Many buildings are covered in stucco, a form of render that was popular in the early 19th century. Similarly a large number of buildings have either by design or at a later date been rendered with a smooth or roughcast coat of plaster which conceals the walling material ... Historic windows are generally timber sliding sashes deeply recessed in the stone- or brickwork. Window openings in stone buildings often have stone surrounds, commonly painted in a contrasting colour to the main colour of the walls **(Building materials and local details)**;
- (viii) In addition to the conservation area's listed buildings, there are a large number of unlisted buildings which have been judged as making a positive contribution to the character and appearance of the conservation area and these are marked on the Townscape Appraisal Map ... Buildings of Townscape Merit in Clitheroe vary, but generally date to the 18th and 19th century. They may be modest terraces ... The survival of original materials and details, and the basic, historic form of the building, is important. Where a building has been adversely affected by modern changes and restoration is either impractical or indeed, not possible, they are excluded but there are few of these within Clitheroe Conservation Area **(Buildings of Townscape Merit)**;
- (ix) A particularly distinctive feature of the conservation area is the narrow lanes and alleys, paved with stone setts. There are three in Moor Lane, the largest of which, at the upper end, is the remnant of an old route between Lowergate and Castle Street, shown on Lang's map of 1776 **(Historic Floorscape)**;
- (x) Lowergate is an ancient route which meanders, with varying width, from Wellgate to the lower end of Moor Lane. It contains some important historic buildings but west of Stanley House its townscape is marred by the blank aspect of the car park and the 'backstreet' atmosphere of its southern end ... Moor Lane is a 19th century street lined with shops ... The street lacks the architectural quality of the town's main shopping street but collectively the row of buildings make a valuable contribution to the conservation area's architectural diversity **(Character Area 1: Clitheroe's Historic Core)**;
- (xi) Loss of architectural detail (original windows, doors etc); Insensitive alteration of historic buildings, including some modern shopfronts; Twentieth century development that fails to preserve the historic character and appearance of the conservation area; Poor state of repair and neglect of the rear of Moor Lane (facing Lowergate) **(Character Area 1: Clitheroe's Historic Core: Principal Negative Features)**;

- (xii) *Historic character and appearance* **(SWOT analysis: Strengths);**
- (xiii) *Loss of architectural detail (original windows, doors etc); Insensitive alteration of historic buildings, including some modern shopfronts, spoiling the conservation area's strong historic character and appearance; Twentieth century development that fails to preserve the historic character and appearance of the conservation area* **(SWOT analysis: Weaknesses);**
- (xiv) *Poor state of repair and neglect of the rear of Moor Lane (facing Lowergate)* **(SWOT analysis: Opportunities: Sites for Enhancement);**
- (xv) *Many of the unlisted, and some of the listed, buildings in the conservation area have been adversely affected by the use of inappropriate modern materials or details. Common faults include: the replacement of original timber sash windows with uPVC or stained hardwood; the loss of original panelled front doors and their replacement with stained hardwood, uPVC or aluminium doors; Some of the detrimental changes are beyond the control of the Planning Acts* **(SWOT analysis: Threats: Loss of Original Architectural Details);**
- (xvi) *Despite the presence of a number of attractive historic shopfronts, many of the commercial properties have modern shopfronts of no special merit* **(SWOT analysis: Threats: Poor Quality Shopfronts).**

The Townscape Appraisal Map is appended.

2. The delegated report refers to Ribble Valley Supplementary Planning Guidance (SPG) 'Extensions and Alterations to Dwellings'. The following extracts are relevant:

'Any extension should reflect the character of the original house and the wider locality' (5.2). An accompanying illustration suggests that this policy applies to window details;

'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. It is often best to follow the style of the original house' (5.2).

3. Policies DMG1 (General Considerations) and DME4 (Protecting Heritage Assets) of the Ribble Valley Regulation 22 Core Strategy (appended) have been given weight in the Borough Council's consideration of the reasons for appeal. In respect to Policy DMG1, the Council believes that the proposed balcony conflicts with Principles 1-5 of the Building in Context Principles (appended).

In respect to Policy DME4, the proposed balcony does not respect or safeguard the architectural and historic character of Clitheroe Conservation Area as set out in its Appraisal and is of visual harm to the setting of Buildings of Townscape Merit.

4. The delegated report refers to the most pertinent paragraphs within the National Planning Policy Framework (NPPF). The Council, mindful of paragraph 6, 7, 8 and 14 of the NPPF, would also confirm that it does not consider the proposed development to be sustainable development. This is because it harms the environmental (protecting and enhancing our natural, built and historic environment) social (creation of a high quality

built environment) and economic (supporting growth by maintaining the viability and vitality of town centres) roles of sustainable development.

In respect to paragraph 138 of the NPPF, the Council considers the proposed development to represent a loss to positively contributing elements of the Conservation Area and to be 'less than substantial harm' (NPPF paragraph 134).

5. The NPPF not only requires consideration to the conservation of significant heritage but also suggests that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. It also requires that attention be given to the enhancement of significance, the promotion of local significance, improvement to the character and quality of areas and that new development makes a positive contribution to local character and distinctiveness (paragraph 7, 9, 60, 64, 126 and 131). This positive approach has been considered by the Council in relation to the impact of proposed development, Clitheroe Conservation Area Appraisal's Principle Negative Features, Weaknesses, Opportunities and Threats and the recent removal of rendering and replacement of fenestration at the appeal property.

The harmful impact of incremental small-scale changes to heritage assets is also discussed at paragraph 4.5 of "The Setting of Heritage Assets: English Heritage Guidance" (EH, October 2011).

6. English Heritage (web-site 23 April 2012) advice *"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"*.

In addition to the references in the delegated report, the Council also confirms its belief that the proposed development does not meet the expectations of the Historic Environment Planning Practice Guide at paragraph 80 or 186.

Paragraph 80 of the Practice Guide, New development: Design in Context, states:

"A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate:

- (i) The significance of nearby assets and the contribution of their setting.*
- (ii) The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.*
- (iii) Landmarks and other features that are key to a sense of place.*
- (iv) The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces.*
- (v) The topography.*
- (vi) Views into and from the site and its surroundings.*
- (vii) Green landscaping*
- (viii) The current and historic uses in the area and the urban grain".*

Paragraph 186 of the Practice Guide states “*new features added to a building are less likely to have an impact on the significance if they follow the character of the building*”.

7. In view of the limited information submitted with the application, the Council's delegated report included an analysis of the significance of the appeal site. This was based upon English Heritage principles.

'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”.

8. The latest edition of the 'Buildings of England: Lancashire: North' (Clare Hartwell and Nikolaus Pevsner, 2009) identifies the Lowergate streetscape to be interesting but inconspicuous:

'Now back to the junction with Wellgate, where LOWERGATE curves s. Enjoyable streetscape, but not a great deal which calls for comment' (page 246).

9. 'Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to Historic and Traditionally Constructed Buildings' (English Heritage, 2010) states:

'Window openings and frames give a building's elevation its character. They should not be altered in their proportions or details, as they are conspicuous elements of the design'.

The Georgian Group Guide 'Windows' (undated) states:

'Georgian buildings in particular rely for their aesthetic affect largely on their proportions, and especially on the appropriate detailing of windows and doors' (page 1).

10. 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. Mynors 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'.*

In the opinion of the Council, this 'order of preference' does not raise issues in the present case because there is no conflict between development plan policy, statutory duty, Government policy and guidance or other guidance.

Conclusion

The Council has reassessed the proposals in relation to statute, national and local policy and guidance, and remains of the opinion that the proposed balcony is harmful to the character and appearance of Clitheroe Conservation Area and its Lowergate streetscene.

Recommended conditions

The Borough Council would respectfully request that the following conditions are attached should the Inspector be minded to approve this proposal:

1. Precise specifications of proposed balcony materials and details of surface treatment including its colour and texture shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

Reason: In order to safeguard the character, appearance and significance of Clitheroe Conservation Area.

2. Precise specifications of balcony attachment and the impact of installation on historic fabric shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

Reason: In order to safeguard the character, appearance and significance of Clitheroe Conservation Area. Paragraph 180 of the Historic Environment Planning Practice Guide advises that "where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric".

The second condition is suggested because the Council is concerned that insufficient information has been submitted concerning the impact on historic fabric of balcony attachment and provision of the necessary loading capability.

Yours sincerely

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