

DELEGATED ITEM FILE REPORT - REFUSAL

Ref: AD/EL

Application No:	3/2014/0122/P
Development Proposed:	Replacement of three existing windows with two second-hand stone mullion windows at Wilkinson's Farmhouse, Simonstone

CONSULTATIONS: Parish/Town Council

Parish Council - No comments received.

CONSULTATIONS: Highway/Water Authority/Other Bodies

Historic amenity societies – Consulted, no representations received.

CONSULTATIONS: Additional Representations

No representations have been received.

RELEVANT POLICIES:

Planning (Listed Buildings and Conservation Areas) Act 1990.

NPPF

NPPG

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

Policy ENV19 - Listed Buildings (Setting).

Policy G1 - Development Control.

Core Strategy Regulation 22 Submission Draft – Proposed Submission Draft Version (including proposed main changes):

Policy DME4 – Protecting Heritage Assets

Policy DMG1 – General Considerations.

POLICY REASONS FOR REFUSAL:

Harmful to character and significance of the listed building and the setting and significance of nearby listed buildings (loss of agricultural identity to bay 3 and the introduction of overtly domestic windows of historical design). NPPF Paragraph 17, 131 and 132; Local Plan Policies ENV20 and ENV19 and Core Strategy Policy DME4.

COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

Wilkinson's Farmhouse is a Grade II listed "Farmhouse, probably earlier C18, altered, now house" (list description; 12 February 1985) prominently sited on Simonstone Lane (within the village boundary but forms part of a salient into the Green Belt and Open Countryside). It is adjoined by the C18 Grade II listed "Pigsties with poultry loft, circa 15 metres North West of Wilkinson's Farmhouse" and faced by the Grade II listed "Starkie Farmhouse".

The list description states "*chimney at left gable. Rectangular 3-bay plan. Two storeys; at junction of 1st and 2nd bays a doorway with large jambstones and rectangular lintel, windows of 4 lights to the left, 3 lights to the right, and 2, 2 and 3 lights above, all with flush mullions and plain surrounds. 3rd bay has 3 square windows at ground floor. End and rear walls*

altered”.

Relevant planning history

No pre-application advice has been sought in respect of the proposals.

3/2013/0360 – Proposed demolition of the existing sun room and replacement with a garden room to the rear; restore stone surrounds to rear and side windows; new timber frames to the rear and side elevations. Internal alterations comprising:- formation of new W.C. in corridor adjacent to the garage; wall broken out between kitchen and dining room and window opening restored to a door opening. LBC granted 3 June 2013.

Site inspection 14 February 2014 identifies that development has been constructed which is not in accordance with the approved plans.

3/1995/0570 – REPLACEMENT OF FLAT ROOF WITH PITCHED ROOF. LBC granted 2 November 1995.

3/1995/0569 - REPLACEMENT OF FLAT ROOF WITH PITCHED ROOF. PP granted 2 November 1995.

7/7/5147 – Details of alterations to provide a dwelling and garage. PP granted 9 March 1967.

7/7/4646 – Convert farmhouse and barn for residential purposes. PP granted 11 May 1966.

Legislation, policy, guidance, advice and information

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for listed building consent, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - the courts have said that these statutory requirements operate as ‘a *paramount consideration*’; ‘*the first consideration for a decision maker*’ (Mike Harlow, Governance and Legal Director, English Heritage in ‘Legal Developments’ Conservation Bulletin Issue 71: Winter 2013)

Mrs Justice Lang’s recent judgement in **East Northamptonshire** has confirmed that ‘desirability’ means ‘*sought-after objective*’ and that ‘*in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to ‘the desirability of preserving ... the setting’ of listed buildings when weighing this factor in the balance with other ‘material considerations’ which have not been given this special statutory status*’.

Robin Purchas’ QC recent judgement in **North Norfolk** is also noted “*inspector’s approach seems to me at this level to have balanced the relative harm and benefit as a matter of straightforward planning judgement without that special regard required under the statute*” (paragraph 73).

The Ribble Valley Districtwide Local Plan (June 1998) is particularly relevant at Policies ENV20, ENV19 and G1.

Paragraph 5.13.18 states:

"Most farm buildings have ... a limited number of windows ... It is possible to convert farm buildings without changing their character by recognizing these principal features ... It should be remembered that these are not new buildings, they are conversions of special buildings. This should be reflected in the final scheme. Too many doors and windows ... will devalue the character of traditional farm buildings and that of the surrounding environment".

Paragraph 5.13.17 states:

"Conversion of listed farm buildings to residential use can seldom be carried out without significant damage to the fabric of the building. Such development will only be allowed as a last resort in securing their conservation. Policy EMP9 refers to alternative uses which may be more sympathetic".

The NPPF is particularly relevant at paragraph 6, 7, 8, 14, 17, 56-58, 60 - 61, 64, 126, 128 - 129, 131-134, 137, 186- 190, 192, 196-197, 215- 216 and Annex 2.

The NPPG (6 March 2014) is particularly relevant in stating:

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals (Why is 'significance' important in decision-taking?)

Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage.

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 from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.

Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:

*building forms;
details and materials;
style and vernacular*

The Ribble Valley Core Strategy Regulation 22 Submission Draft is particularly relevant at Policy DME4 and DMG1.

'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.

Paragraph 91 states:

"authenticity lies in whatever most truthfully reflects and embodies the values attached to the place (Principle 4.3). It can therefore relate to, for example, design or function, as well as fabric. Design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical decay, or through ill-considered alteration or accretion".

Paragraph 95 states:

"Every place is unique in its combination of heritage values, so, while it is technically possible to relocate some structures, their significance tends to be diminished by separation from their historic location".

'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".

English Heritage's 'Conversion of Traditional Farm buildings: A Guide to Good Practice' (October 2006) suggests:

"Retaining distinctive features – openings 'farm buildings are characterized by few external openings. But those that do exist form a fundamental element of a farm building's character and give legibility to the original form and function of the building" (pg 15).

"Windows and doors – standard 'domestic style' windows can have a very adverse impact on the majority of farm buildings, and unless the building already has such windows they should be avoided" (pg 18).

"Setting and surroundings – with any type of conversion the impact on the setting is a vital aspect of a successful project. A sensitive conversion respects the ties the building has with its landscape setting and avoids imposing alien features ... attention to detail is a key aspect and a consideration of public views of the farmstead is particularly important in areas of high landscape value" (pg 29).

'The Setting of Heritage Assets' (EH, October 2011) is relevant:

Change over Time (page 10) states *'where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting ... consideration still needs to be given to whether additional change will further detract from, or can enhance,*

the significance of the asset ... positive change could include the restoration of a building's original designed landscape or the removal of structures impairing views of a building".

"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).

"The numbers and proximity of heritage assets in urban areas means that setting is intimately linked to considerations of townscape and urban design. Extensive heritage assets, such as landscapes and townscapes, can include many heritage assets and their nested and overlapping settings, as well as having a setting of their own" (page 6).

The 'Building in Context Toolkit: New Development in Historic Areas' (CABE, EH, the architecture centre) identifies 8 building in context principles.

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

"The Importance of Windows in Older Buildings: 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".

In 'The Thermal Performance of Historic Windows', The Building Conservation Directory 2008, Chris Wood (Head of Building Conservation and Research Team at EH) suggests:

"There is little dispute as to how important windows are to historic buildings. After all, the front windows of a building are often the first feature to draw the eye".

The Planning Inspector's comments are noted from APP/T2350/E/12/2185264/NWF (28 Church Street, Ribchester; 2 July 2013) in respect to the importance of plan form retention as a record of historic building use (even when associated historic fabric does not survive):

"I also agree with the appellant that the staircase is modern in its styling and the bottom dog-leg landing arrangement may not be the original one – but I have seen little evidence to convince me that this is not the original staircase position, or that the historic significance of the plan and structure of the building have been properly analysed, as required by development plan and national policy, so as to justify this fundamental alteration and provide sufficient information on which to base a decision".

Submitted information

No information has been submitted in respect to the significance of the listed building (NPPF paragraph 128).

Little information as to the form of the proposed new window surrounds or glazing has been submitted [section 10(2) Planning (Listed Buildings and Conservation Areas) Act 1990].

Conclusions

In my opinion, the proposals are very harmful to the character of the listed building and the setting of the adjoining listed pigsty/poultry loft.

The third bay of the front elevation retains its historic agricultural character that is distinct from the prestigious mullioned windows of the housebody. Application 7/7/5147 suggests that work was proposed to this section of the front wall. However, the list description suggests this alteration was not undertaken. In any case, I note Paragraph 91 of English Heritage's 'Conservation Principles' that *"authenticity lies in whatever most truthfully reflects and*

embodies the values attached to the place (Principle 4.3). It can therefore relate to, for example, design or function, as well as fabric". This is reflected in the Planning Inspector's considerations at APP/T2350/E/12/2185264/NWF.

HEPPG paragraph 185 is no longer endorsed by Government. However, in this case it is my opinion that "the insertion of new elements such as doors and windows is quite likely to adversely affect the building's significance". The agricultural character of the third bay would be lost and the new windows would confuse the understanding of building history, use and evolution (how the building is 'read'). This compromises the historical and aesthetic value of the building ('Conservation Principles').

In my opinion, the proposals are not sympathetic to the character and appearance of the listed building (Policy ENV20 of the Local Plan) and do not sustain and enhance the significance of the heritage asset or positively contribute to local character and distinctiveness (NPPF paragraph 131).

No clear and convincing justification has been provided for the works (NPPF paragraph 132). The public benefit of contractor employment does not outweigh the harm to the character of the listed building and the setting of other listed buildings (NPPF paragraph 134).

RECOMMENDATION: That listed building consent be refused.