This report needs to be read in conjunction with the Decision Notice.

DATE INSPECTED:

TELEPHONE CLLRS: YES / NO
DATE:

Ribble Valley Borough Council

DELEGATED ITEM FILE REPORT - REFUSAL

Ref: AD/CMS

Application No:	3/2014/0552/P (LBC)
Development Proposed:	Internal works at 58 Church Street, Ribchester

CONSULTATIONS: Parish/Town Council

Parish Council – No comments received.

CONSULTATIONS: Highway/Water Authority/Other Bodies

English Heritage – (Summary) The grade II listed 58 Church Street is of significance for its Georgian design within a row of contemporary buildings in the Ribchester Conservation Area. There have been unauthorised works of alteration to the building. This is a potentially serious matter punishable by law. The current listed building consent application requests retrospective authorisation for the works. EH support the local authority in any further action they deem necessary to resolve this problem. It is impossible to understand the impact that the changes have had on the significance of the building as the significance assessment appears to have been made after the works were implemented. EH would not require the owner to restore the staircases; however, there are opportunities to improve the character of the listed building in mitigation of the harm caused to the significance of the building.

(Advice) – Key elements that add to the significance of the building includes the Georgian design embodied in the proportions and details of the design; the craftsmanship and materials used; and the relationship between number 58, the rest of the row on Church Street and the Ribchester Conservation Area.

It is hard to judge the impact of many of the alterations and removals on the significance of the building as many of them have already been implemented and it does not appear an assessment of the significance of these elements of the building was appraised before the works began. Although, a thorough heritage statement accompanies the application it appears the evaluation of the significance of elements is based on anecdotal evidence rather than expert appraisal of in situ fabric. It is unclear whether the staircases were historic or whether they were in their original location. During the works one of the first-floor joists were cut. EH recommend that this damage should be made good and any structural work required should be implemented by the applicant.

It is for the local authority to decide whether to investigate any offence committed at 58 Church Street under section 9 of the 1990 Planning (Listed Buildings and Conservation Areas) Act. It is an offence to execute any works for alteration which would affect its character as a building of special architectural or historic interest without listed building consent under section 9 of the 1990 Planning (Listed Buildings and Conservation Areas) Act.

(Recommendation) EH support the local authority in action it might wish to take against the applicant. It is impossible to understand the impact that the changes have had on the significance of the building as the significance assessment appears to have been made after the works were implemented. EH would not require the owner to restore the staircases; however, there are opportunities to improve the character of the listed building in mitigation of the harm caused to the significance of the building and the damage caused to the first-floor joist should be made good.

If, notwithstanding EH advice, RVBC propose to approve the scheme in its present form,

please advice EH of the date of the committee and send EH a copy of the report at the earliest opportunity.

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.
HEPPG.

Ribble Valley Districtwide Local Plan:
Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.
Policy ENV19 - Listed Buildings (Setting).
Policy G1 - Development Control.
Policy ENV16 - Development Within Conservation Areas.

The Core Strategy Submission version as proposed to be modified
Policy DME4 – Protecting Heritage Assets.
Policy DMG1 – General Considerations.

Ribchester Conservation Area Appraisal.

POLICY REASONS FOR REFUSAL:

Harm to the special architectural and historic interest and significance of the listed building - loss of important historic fabric and plan form - staircase installation in front rooms and opposite/adjacent fireplaces; damage to original spine beam. NPPF paragraph 17, 131 and 132, Local Plan ENV20 and Core Strategy Policy DME4.

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

50-58 Church Street Ribchester is a Grade II listed (one entry in list; 22 November 1983), late C18 row of houses prominently sited within Ribchester Conservation Area. The list description identifies "*squared sandstone ... each house of one bay above is a plaque of '1795'* (No. 56)". Typically, the list description does not refer to building interiors. Whilst the row has obvious group value there is no evidence to suggest that this was the only reason for their designation (see submitted Heritage Statement paragraph 2.1).

The immediate street scene includes the Grade II listed Nos. 8-15, Nos. 16-22, Nos. 23 and 24, Nos. 25 and 26 and Nos. 28 and 29 Church Street and a number of Buildings of Townscape Merit (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007) having a positive contribution to the conservation area. No. 58 Church Street is within the setting of these buildings and other properties within the row 50-58 Church Street.

The Ribchester Conservation Area Appraisal identifies:

(i) An Important View to pass along Church Street and in front of 58 Church Street;

(ii) *Ribchester village is dominated by rows of handloom weavers' cottages, many of which*

were built in the late eighteenth century (Overview);

(iii) *The architectural and historic interest of the area's buildings, 21 of which are listed; Narrow, closely developed streets of former handloom weavers' settlement; Handloom weaver's cottages, including two with cellar loomshops, particularly in Church Street and Water Street; The prevalent use of local building stone* (Summary of Special Interest);

(iv) *Ribchester's greatest period of expansion and prosperity was from the late eighteenth century, when rows of handloom weavers' cottages were built in Church Street and Water Street, transforming a small rural settlement into an industrial village* (General Character and Plan Form);

(v) *The conservation area is primarily residential* (Definition of the Special Interest of the Conservation Area: Activities/Uses);

(vi) Ribchester has a high number of buildings surviving from the late eighteenth century, and some are probably rebuildings or alterations of earlier structures. It seems highly likely that Ribchester was substantially rebuilt from the later eighteenth century into the early nineteenth century corresponding with its growth as an industrial village and centre of handloom weaving. The survival of these buildings in Ribchester has retained a character that would have been shared by many of east Lancashire's textile towns around 1800. In these other settlements later expansion led to the replacement of earlier buildings which as a consequence of overcrowding were often regarded as slums. In Ribchester it is clear that these handloom weavers' cottages were well built for their period and a cause of pride as indicated by the numerous examples with initialled datestones.

In keeping with many small provincial towns, the impact of Georgian building techniques was notable but also mixed with local building techniques and building customs continued to be used. Some of the cottages whilst being broadly vernacular in style have high quality classically inspired detailing on their sandstone door surrounds. As with many other towns where nineteenth century development was limited, the physical environment retains a distinctive local individuality. Typically of such settlements, the status of the buildings and the occupants was mixed throughout and there was no development of specific class related areas. Overall, however, there is a high proportion of handloom weavers' cottages, built as two-up, two-down properties. Some had either first floor or ground floor weaving windows, but others had separate loomshops added to the rear of the buildings, or in the rear yards. Although the highest concentration of weavers ' cottages is in Church Street and Water Street (Architectural and Historic Character);

(vii) *The buildings of Ribchester were constructed mainly in Millstone Grit, with some fine grained sandstone used for decorative features, such as door and window surrounds. Stone flags and slate were used for roofing. In the late eighteenth and earlier nineteenth century most buildings were constructed using water-shot stone building techniques. Older buildings were rubble-faced, and later nineteenth century structures were built using pitch-faced stone blocks* (Building Materials and Local Details);

(viii) *Insensitive alteration of historic buildings spoiling the conservation area's historic character and appearance* (Weaknesses: the principle negative features of the Ribchester Conservation Area);

(ix) *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* (Threats to the Ribchester Conservation Area).

Relevant Planning History

A public complaint alleging unauthorised works to the listed building is being investigated by the Borough Council. Uninvited retrospective applications have also been received in respect to 'Cleaning of external stonework' (3/2014/0553) and 'Replacement of existing windows and insertion of two conservation style velux windows' (3/2014/0569).

3/1988/0863 – Replacement windows. LBC granted 13 February 1989.

3/1977/0975 – Alterations and extensions. RVBC letter 9 November 1977 confirming works to be permitted development. Existing and proposed plan drawings do not suggest any existing or proposed access to the attic at this time.

Relevant Legislation, policy and guidance

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 i.e. "*the general duty as respects listed buildings in exercise of planning functions*".

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

The recent *Barnwell Manor* Court of Appeal ruling has provided further clarity on consideration and weighting of these statutory requirements within the 'planning balance'. In the original judgment, Mrs Justice Lang 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'*. In respect to the Court of Appeal decision, Gordon Nardell QC and Justine Thornton ('Turbines, heritage assets and merits', Local Government Lawyer, 24 April 2014) state "*the key point is that once*

a decision-maker finds harm to setting, there must be some express acknowledgement of the 'considerable' weight to be given, in the balance, to the desirability of avoiding that harm. It is not enough to ask in a general sense whether benefits outweigh harm, but whether they do so sufficiently to rebut the strong presumption against permission". Furthermore and in respect to considerations of 'less than substantial harm', the Secretary of State's decision on Lane Head Farm, Cumbria (recovered appeal; decision 16 April 2014; paragraph 11) is noted "*having regard to the judgment in the Barnwell Manor case, the Secretary of State takes the view that it does not follow that if the harm to heritage assets is found to be less than substantial, then the subsequent balancing exercise undertaken by the decision taker should ignore the overarching statutory duty imposed by section 66(1). He therefore sees a need to give considerable weight to the desirability of preserving the setting of all listed buildings*".

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 Policy ENV20.

The NPPF is particularly relevant at paragraph 6, 7, 8, 14, 17, 56-57, 60-61,126, 128 - 134,186- 191, 196-197, 215- 216 and Annex 2.

NPPF paragraph 132 states "*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*".

The NPPG is particularly relevant in stating:

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

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.

Pre application discussions are an opportunity to discuss the design policies, requirements and parameters that will be applied to a site.

The HEPPG is particularly relevant at paragraph 142 -143, 149-151, 153, 179-180, 182-189 and 187.

HEPPG paragraph 179 states "*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*".

HEPPG paragraph 180 states "***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. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration. If alteration is justified on other grounds then reversible alteration is preferable to non-reversible. 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***".

HEPPG paragraph 182 states "***The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal 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***".

HEPPG paragraph 184 states "***The introduction of new floors into a building or removal of historic floors and ceilings may have a considerable impact on an asset's significance***".

HEPPG paragraph 187 states "*Small-scale features, inside and out, such as historic painting schemes, ornamental plasterwork, carpenters' and masons' 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*".

HEPPG paragraph 189 states "**new services, both internal and external can have a considerable, and often cumulative, effect on the appearance of a building and can affect significance**. The impact of necessary services can be minimised by avoiding damage to decorative features by carefully routeing and finishing and **by use of materials appropriate to the relevant period, such as cast iron for gutters and down-pipes for many Georgian and Victorian buildings**".

Core Strategy Submission version as proposed to be modified is particularly relevant at Policy DME4.

'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:

"*Evidential value, historical values and some aesthetic values, especially artistic ones, are dependent upon a place retaining (to varying degrees) the* ***actual fabric that has been handed down from the past;*** *but* ***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*".

'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".

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

'The Need for Old Buildings to Breathe' (Philip Hughes, SPAB, 1993) states:

"modern buildings will be damp without a barrier to moisture because the economy of design does not provide a massive and absorbent structure, but old buildings will become damp if an impervious layer is applied to them because this prevents water within the structure from evaporating ... as the moisture content of the wall increases, the likelihood of decay also increases. Timbers quickly succumb to wet or dry rot attack because their moisture content is too high. Timbers often occur in solid masonry walls in the form of lintels, spreaders for beam or joist ends, as bonding timbers or as fixing blocks

... Remedial action should ideally involve the removal of any impervious materials and their replacement with porous ones. This is not always possible without doing further damage to the fabric of the building

... Where walls have been mistreated in any of the ways mentioned, it is essential they are kept as dry and as well ventilated as possible. Water must not be allowed to enter the top of the wall or behind the impervious material".

'Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to Historic and Traditionally Constructed Buildings' (EH, March 2011) states:

"For historic buildings and those of traditional construction an appropriate balance needs to be achieved between building conservation and energy efficiency if lasting damage is to be avoided both to the building's character and significance and its fabric ... reducing carbon emissions from buildings is not just about heating and insulating the building. Much can be achieved by changing behaviour, avoiding waste, using energy efficient controls and managing the building to its optimum performance, all of which is as relevant to older buildings as new ones ... An informed approach can achieve significant energy efficiency improvements in most cases although not always to the standards recommended in the regulations" (Summary, page 4).

"*English Heritage supports the Government's aims to improve energy efficiency, provided that the application of the new Part L is exercised in a way that does not harm the special interest of historic buildings.. The new Part L makes it clear that the special characteristics of a historic building must be recognised. The aim of this revised part of the Building Regulations is to improve energy efficiency where practically possible, provided that this does not harm the character of the building or increase the risk of long-term deterioration to fabric or fittings ... The special interest of a historic building would be compromised if its overall appearance were to be changed or significant features or qualities were to be lost as a result of compliance with the Requirements of the new Part L."* (Introduction to document on EH website).

"*Breathability may sound simple, but the actual behaviour of liquid water and water vapour, and their effects on other aspects of the performance of both the building envelope and the internal environment, can in reality be very complex*" (page 29).

"*The permeability of internal surfaces has a less marked effect on the physical health of traditional buildings, but can still be important because of the way they can also absorb quite large quantities of moisture from the internal environment, and to store it for release later*" (page 31).

"*The installation of vapour barriers into existing buildings of traditional construction is therefore rarely effective, and can actually cause increased damage by concentrating the moisture rather than dispersing it. Vapour barriers also restrict the advantages which might otherwise be gained from moisture buffering in the inner face of permeable construction ... Internal tanking for waterproofing, or to control rising damp, has also often been applied to traditional buildings which are perceived to have problems. Very often, however, this will simply direct the moisture in unpredictable ways to alternative places where it can then evaporate away. This might be at a higher level within the building, even an upper storey, or to a connected internal wall. Whenever possible, instances of damp like this are far better dealt with by removing the moisture at source, and reinstating the original external evaporation surfaces to full health, before considering any kind of impervious intervention*" (page 33).

"*To use modern substitutes and to introduce impermeable materials or membranes into permeable traditional construction is usually not good practice and can lead to trouble ... Preserving breathability is another key to ensuring the optimum performance and durability of all traditional buildings. It is therefore important that the permeability of new materials is compatible with the existing breathable construction to which they are being added*" (page 35).

"Where walls need to transpire, new materials intended to form barriers to unwanted moisture or water vapour can impede the very processes which help a historic wall to survive in good condition.

Commonplace examples include:

• *other impervious materials applied internally that cause moisture to accumulate, in turn leading to decay of embedded materials (such as timber) which are hidden from sight until deterioration has become severe. The impervious layers can lead to a build-up of salts in the underlying substrate. The salts then crystallise and rupture the original construction" (page 52).*

"If insulation is installed internally there will be a reduction in temperature towards the outside, reaching a dew point at which internal moisture vapour will condense. If this happens near to the insulation it can render it ineffective and cause rot and decay within both old and new construction. This is theoretically controllable with vapour barriers, but these are not always effective ... Vapour barriers are easily punctured and in existing buildings, particularly those of vapour-permeable construction, can rarely be adequately sealed at their perimeters. As a result they tend to lose their effectiveness over time ... All breaks in insulation layers, including studwork construction to hold internal finishes, are potential cold bridges which can lead to condensation and rot ... If a solid wall is insulated internally its thermal mass will no longer be available to moderate the internal temperature of the rooms inside ... Internal insulation means the temperature of the external fabric will be maintained at a consistently reduced level. This can lead it to becoming wetter for longer ... Because of these potential problems it is vitally important to calculate the risk of condensation before installing internal insulation" (page 54).

'Research into the Thermal Performance of Traditional Brick Walls' (EH, June 2013) states:

"*Traditional buildings account for about 21% of the UK's housing stock. The majority are constructed with solid walls and there is a common perception that their thermal performance is poor. However, English Heritage research into the thermal performance of traditional brick walls questions key industry assumptions and provides evidence to support calls for a re-evaluation of current assessment practices …*

Key findings include:

- *the thermal performance of traditional walls is underestimated. Standard default values for brick walls underestimated their thermal performance by a third.*
- *calculation methods using software applications were unreliable where accurate thermal conductivity data is lacking.*
- *comparison of the measured thermal conductivity with industry design values showed significant variations.*
- *the physical properties of the brick had a strong influence. Results indicate softer, porous hand-made bricks provide higher levels of insulation than denser, more engineered bricks;*
- *there was a clear relationship between moisture content and poor thermal insulation, highlighting the importance of good repair and maintenance*" (website introduction).

SPAB Energy Efficiency Research (website, 2013) states:

"*Energy efficiency is becoming the key issue for people working with historic buildings. SPAB believes that if approaches aren't based on the right figures to begin with, then we could, unintentionally, be doing untold, invasive damage … Results from the first stage of SPAB's research on the energy efficiency performance of old buildings suggest that standard U-value calculations used across the construction industry underestimate the thermal performance of traditional walls. In some instances, it now appears that heat loss through vernacular materials can be up to three times lower than expected … The initial study suggests that conventional industry practices are struggling to accurately represent the thermal performance of traditionally built walls. Ultimately, this could have negative consequences for historic buildings as calculated theoretical U-values (suggesting a poorer performance) may lead owners and professionals to adopt disproportionate energy saving interventions that may not only be unnecessary, but also invasive and potentially harmful to the fabric of a building*".

Morton B, "Structure of Georgian Houses", Context (IHBC) 80, July 2003 states:

"*Floors are constructed of timber above basement level. The structural support for these floors is provided by the external walls, and generally* ***a timber-stud partition clad with lath and plaster as a central load-bearing wall running up through the building.*** *At ground floor level this major cross partition is generally constructed of solid brickwork. In many cases the cross partition at first floor level is in a different line to the cross partition in the ground floor level.*

Timber-stud partitions clad with lath and plaster are used throughout to support floors. It is unusual to find any masonry internally above ground-floor level, except in the case of large Georgian houses where the staircase is of stone construction. *In this case, brick walls are usually carried up alongside the staircase to the underside of the staircase to first-floor level, and occasionally to second-floor level.*

The floor joists are built into the front and rear walls, restraining them. In larger houses there are generally main beams which divide up the floors, spanning the width of the building. Sometimes they run from front to back, restraining the front and rear walls either by secondary joists bearing on to the walls or the principal beams bearing on to those walls. The party walls are a minimum of one brick thick, strengthened by the

chimneybreast to provide lateral restraint to the walls. The face of the chimneybreast is generally only half a brick thick".

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):

"***Part of the importance of a listed building lies in the legibility of its original pattern of use – through its plan layout***

*... **However, whilst the statement notes that the interior has been fully modernised and contains very few historically or architecturally significant elements, the plan form and its origins have not been analysed.** Although the Framework requires that applicants provide sufficient information regarding the effect of the proposal on the significance of the heritage asset to enable the potential impact to be understood, little evidence has been provided as to the evolution of the current plan form*

... Internally the plan layout would be further substantially re-configured by the proposal

... Whilst these interventions have been carefully designed and would make good use of the available space to maximise the provision of modern accommodation, they would further distort the original plan form and obscure an appreciation of the historic pattern of use

*... 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* ".

Note is made of the Planning Inspector's comments at appeal APP/T2350/E/07/2041941, 58 Moor Lane, Clitheroe (12 October 2007; Grade II listed building):

*"Internally, the **proposed provision of an en-suite bathroom within the front first floor bedroom would be uncomfortably close to the existing fireplace and would distort the original shape of the room. Insufficient measured detail has been submitted** to reassure me that this could be satisfactorily achieved without a physical conflict with this attractive original fitting. The provision of drainage for the proposed first floor WCs between the floor joists is indicated, but no installation details have been provided to demonstrate that this is feasible, with sufficient falls, within the existing depth of joists. Furthermore, no reference has been made to the provision of a heating system, which would be necessary for modern living but the installation of which should be carefully planned"* (paragraph 9).

The Planning Inspector's comments are noted from APP/T2350/E/13/2194332 (8 Church Brow, Clitheroe; 13 January 2014):

*"The third element of the works relates to the installation of a shower room on the landing at second floor level. This large open landing provides access to 2 attic rooms and is currently used as a storage/study area. The proposed shower room would include a wash basin, a WC and a shower. All of those items require servicing, including ventilation and related water/sewage pipe work. However, unlike the basement these would need to exit the building either internally or externally to ground floor level. **The appellant has not supplied any information to show how these services would exit the building.** I am unconvinced that a condition could adequately control these works so as to prevent harm to the listed building; especially in relation to the required water and soil pipes. As such I conclude that there would*

be harm to the special architectural and historic interest of No 8".

Note is made of the Planning Inspector's comments at appeal APP/T2350/E/10/2135049, 35 King Street, Whalley (16 December 2010; Grade II listed building of double-pile plan) *"the new stud partition in the rear ground floor room would be especially harmful because it would subdivide an original room, would create an incongruous dog-leg corridor, and would result in the creation of a narrow room without natural lighting"* (paragraph 5).

APP/T2350/A/06/2028551 (February 2007) – 45 Church Street, Ribchester

"*Ribchester is an attractive small town with Roman and pre-Roman antecedents. Church Street, at the heart of the town, leads down to the bank of the River Ribble and is characterized by terraces of modest houses. Typically they are built of stone under slate roofs and although some have been marred by the incorporation of unsuitable modern features, they form an harmonious and attractive whole, whose character has not been seriously eroded*"

APP/T2350/F/09/2094978 – 20 Church Street, Ribchester (Grade II listed) is prescient:

"The appeal is allowed ... whereas the front elevation of the row of houses, and those of other houses to both sides, is well preserved, the rear elevation has been seriously eroded".

The now defunct 'Best Practice Guidance on Listed Building Prosecutions' (CLG, 2006) stated:

"*The options open to a local authority – enforcement enables an authority to require remediation of unauthorised works to a listed building to either bring a building either back to its former state or, where that is not practical or desirable, to alleviate the unauthorised works. The focus of enforcement action is clearly the building itself. Prosecutions, meanwhile, cannot remediate the building but will, where appropriate, both punish a perpetrator of unauthorised works and act as a deterrent, both to others and to the commission of repeat offences*".

Mike Harlow, Governance and Legal Director, English Heritage (in 'Legal Developments' Conservation Bulletin Issue 71: Winter 2013) states: *"Planning decisions are all about balanced judgment, but in that exercise there must be a sense of the weight society, through parliament, wishes to place on an objective like heritage conservation. The protection of listed buildings and conservation areas is clearly regarded as highly important, and that obviously should not be forgotten, out of respect for the democratic will as well as the law".*

Submitted information

Whilst retrospective, the submission is schematic and omits information concerning the nature and impact of the building works implemented - see section 10 (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Listed Building Consent Support Statement identifies that "by its very nature, this is not a building which would have fine or notable internal features" (6.2).

The Heritage Assessment and Impact Statement quotes LCC (2006) "the terrace of 50-58 Church Street is a of a single main phase of construction, which can tentatively be dated to 1795 by the date stone on no. 56, and all nine cottages are generally considered to have been built for handloom weavers".

The Heritage Assessment and Impact Statement identifies:

"original spine beams over the front rooms carry the upper floors" (5.3).

"until the present alterations the staircase was situated within the rear room and its position and gradient can still be seen within the adjacent plastered wall; this is also its position on the 1977 existing survey drawing and possibly was its original position" (5.4).

"the attic comprises a single, unheated room whose floor joists and boards have been replaced in the present alterations. Aspects of the historic roof structure are visible within this space (purlins and some original rafters in the rear roof pitch), along with a small blocked opening to the gable" (5.6).

Conclusions

I would concur with English Heritage that "*it is impossible to understand the impact that the changes have had on the significance of the building as the significance assessment appears to have been made after the works were implemented*" and "*the evaluation of the significance of elements is based on anecdotal evidence rather than expert appraisal of in situ fabric*".

In considering NPPF paragraph 132, I note that no justification or explanation is made for the harmful works other than a suggestion that "the applicants did not appreciate the need for listed building consent to be obtained".

I would agree with English Heritage that "*key elements that add to the significance of the building includes the Georgian design embodied in the proportions and details of the design; the craftsmanship and materials used*". In my opinion, the introduction of a staircase into the front room, opposite the fireplace and with the loss of an "original spine beam" (Heritage Statement paragraph 5.3) is harmful to these key elements of significance. The introduction of two staircases into the first floor front room opposite/adjacent historic fireplace location and with apparent loss of historic fabric to floors and the attic (Heritage Statement paragraph 5.6) is also harmful.

In my opinion, any public benefit (contractor employment; NPPF paragraph 134 and consideration of less than substantial harm) resulting from the works does not outweigh the harm to the listed building.

In attaching considerable importance and weight to the statutory duty at section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I would therefore recommend that listed building consent be refused.

RECOMMENDATION: That listed building consent be refused.