

## Appeal Decisions

Site visit made on 21 September 2015

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 September 2015

### **Appeal A - Ref: APP/T2350/Y/15/3035895**

**35 King Street, Whalley, Clitheroe, Lancashire BB7 9SP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mrs K Hughes against the decision of Ribble Valley Borough Council.
- The application Ref 3/2015/0108 dated 11 February 2015 was refused by notice dated 8 April 2015.
- The works proposed are: a car park to the rear and removal of part of boundary wall.

### **Appeal B - Ref: APP/T2350/W/15/3035898**

**35 King Street, Whalley, Clitheroe, Lancashire BB7 9SP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs K Hughes against the decision of Ribble Valley Borough Council.
- The application Ref 3/2014/1122, dated 12 December 2014, was refused by notice dated 6 February 2015.
- The development proposed is: the formation of a car park at the rear of 35 King Street to include new opening on to back street.

### **Decisions**

1. Both Appeal A and Appeal B are dismissed (see formal decisions below).

### **Background information**

2. The proposed works/development are the same for both appeals, although the planning application was submitted and determined prior to that for listed building consent. It is proposed to remove the rear lawn and landscaping as well as a 4.5m section of stone garden boundary wall. The intention is then to provide a 9-space car park with shale gravel surfacing and open access during shop (currently a hairdressing salon) opening hours. These were set out in permission 3/2011/0096 and are: Monday to Friday 09.00hrs to 21.00hrs; Saturday 09.00hrs to 18.00hrs and Sundays and Bank Holidays 11.00hrs to 17.00hrs.

3. The properties at Nos 33 and 35 King Street were listed in Grade II on 13 March 1986 as a single joint entry and are located within the Whalley Conservation Area (WCA). They form a pair of townhouses (now partly in commercial use) dating back to the mid-18<sup>th</sup> Century. They were formerly known as 'The Friars' and were built for the early industrialists, Solomon Longworth and Roger Green. The Council indicates that No 35 has retained its garden from at least the 1840s but that

comparisons of 1912 and 1932 OS maps indicate that some sections of the boundary wall have been rebuilt.

4. The houses are still distinctly recognisable from the list description with their brick and sandstone dressed walls; windows with keystones; slate roofs and chimneys on gables. There are some references to the interior of No 35 but no references to the rear of the properties. The curving, stone wall is a distinctive feature to the rear.

### **The main issues**

5. The main issues in both Appeals are the effects that the proposals would have firstly on the listed buildings; their setting and their special features of architectural and historic interest and, secondly, the effect on the character or appearance of the Whalley Conservation Area.

### **Reasons**

6. In reaching my decisions I have had special regard to the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) and have also paid special attention to section 72 of the same Act. The relevant development plan policies are DMG1 (General Considerations) and DME4 (Protecting Heritage Assets) of the Ribble Valley Borough Council Core Strategy 2008 – 2028 (RVBCCS).

7. The National Planning Policy Framework (NPPF) is relevant and specifically where it refers to achieving sustainable development (introduction); its core principles (introduction); requiring good design (section 7); conserving and enhancing the historic environment (section 12); plan-making and decision-taking and the historic environment. I have also taken into account Planning Practice Guidance (PPG) where it refers to the historic environment.

8. The Whalley Conservation Area Appraisal (WCAA) refers to Nos 33 and 35 King Street and indicates that they were prestigious buildings of their time. Although the rear parts of the buildings are not specifically referred to it is evident that No 35 has retained its garden area from at least the 1840s as well as the line of its boundary wall although parts of the wall have been rebuilt over the years.

9. There are many other references to this part of King Street in the WCA and it is clear that the immediate area around the appeal building contributes most positively towards the character and appearance of the WCA. The stone wall around the property is a dominant and impressive feature of the rear streetscape and having seen the garden area to No 35 it is clear that this area also is a prominent and almost unique feature in this part of Whalley. Unlike other nearby properties No 35 has retained its garden and wall for many years.

10. Having walked around this part of WCA and having noted the wall and the rear area to No 35, I share the Council's concerns about this particular proposal to open up the wall and to use the area for car parking. I acknowledge and appreciate the commercial need for parking but this economic factor needs to be balanced against the impact that it would have on the setting of the listed building(s) and the effect on the character and appearance of the WCA. The NPPF is quite clear that in assessing 'sustainable development', the three strands of economic, social and environmental must be taken into account together.

11. During my visit I noted that properties immediately to the north of No 35 had had stone walls partly removed to provide parking. The remaining walls were untidy and had clearly affected the historic layout of this part of the town. In my

view the loss of a significant section of wall to the garden of No 35, coupled with the loss of landscaping and greenery would neither preserve the integrity of Nos 33 and 35 nor their current setting. The loss of such a large section of walling would also detrimentally affect the remaining section of wall which is a most important architectural and historic feature. It follows, in my view, that the loss of the section of wall along with the loss of the garden would neither preserve nor enhance this part of the WCA.

12. During business hours the large gate would be likely to be left open rendering the car park open to view. This would exacerbate the detrimental visual impact which already exists due to half demolished walls and the various alterations carried out to nearby properties in the WCA. I do not consider, therefore, that planning permission or listed building consent should be granted for the works/development proposed in this part of the conservation area.

13. Because the works would be harmful to the listed buildings; their settings; the special architectural and historical feature (the wall and the garden) and to the character and appearance of the WCA they are contrary to policies DMG1 (General Considerations) and DME4 (Protecting Heritage Assets) of the RVBCCS. They are also contrary to design, sustainability and conservation principles set out in the NPPF. Although the harm would be less than substantial (see paragraph 134 of the NPPF) there are no public benefits which would outweigh the harm caused. Both appeals, therefore, fail.

#### **Other Matters**

14. In reaching my decisions I have taken into account all of the other matters raised by and on behalf of the appellant. These include the full statement of case; the issues around car parking in Whalley; the fact that the wall was built later than the buildings; the fact that there are no highways objections; the details set out in the Design and Access statement and the references to trees and landscaping. However, none of these factors outweigh my concerns set out above.

15. I acknowledge that there is a need for both the appellant's customers and staff to park in close proximity to the premises. However, in this case any commercial or other benefits cannot outweigh the harm that would be caused to the historic asset and the environment if the works/development were allowed to proceed.

#### **Formal Decisions**

16. Appeal A is dismissed and Listed Building Consent is refused for a car park to the rear and removal of part of boundary wall at 35 King Street, Whalley, Clitheroe, Lancashire BB7 9SP.

17. Appeal B is dismissed.

*Anthony J Wharton*

Inspector

