

Planning appeal against the refusal by Ribble Valley council for the proposed demolition of an external toilet block and the construction of a single storey extension at the rear of 1 and 2 Abbeycroft, the Sands , Whalley,

Lancashire, BB7 9TN

Application number: 3/2016/0022

Appeal Statement

The above application was refused on the 25th of February, 2016 for the following reasons:-

The proposed development is harmful to the special architectural and historic interest of the listed building (1,2 and 3 Abbeycroft), the setting of listed buildings in the street scene and the character and appearance of Whalley Conservation Area because of its location, size, design, materials, obscuring of important historic fabric and impact on plan form. This is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy and the National Planning Policy Framework Paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 60 (reinforce local distinctiveness), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation).

The proposed development

The Planning statement submitted with the application describes the development thus:-

Abbeycroft is a mid C17 row of three houses, perpendicular to The Sands and bordering the boundary of the Church of English Martyrs. The site is within the conservation area of Whalley and the properties are Grade Two Listed (Refer to the Heritage Statement). The properties both have long gardens with views of the Whalley Viaduct. The boundary of the garden to number 1 abuts the historic Whalley

Abbey Gatehouse. Abbeycroft is two storeys with attic space, sandstone rubble construction with a roof of slate and stone slate.

The submission is a joint application by the owners of both 1 & 2 Abbeycroft as the extension is a continuous structure at the rear of the properties which straddles the boundary.

The current footprint of the properties is small and both are lacking adequate accommodation for the applicant's needs. The proposal is to construct a sympathetic and subtle single-storey, unobtrusive structure across the rear elevation of both number 1 and 2 Abbeycroft in order to create a link between the existing house and the rear gardens to provide a flexible space. Great care has been taken to ensure the structure has a positive effect on the historic terrace, as well as the impressive surroundings within the setting of the Cistercian Abbey and associated structures. The plot is entirely within the curtilage of the owner's properties. The garden of no.2 Abbeycroft currently houses an incongruous and unsightly Blockwork toilet block and other related domestic paraphernalia, which is proposed to be removed.

The extension to both properties has been carefully considered to compliment and enhance the significance of the existing heritage building. The form of the extension is concise and a departure from the traditional, indicating that the extension is of the 21st century.

The profile of the extension will be kept low with a subtle flat roof, faced in lead to ensure the materials of the new structure are in keeping with the local vernacular. Guttering will be hidden in parapet details to ensure a clean and crisp profile to the roofline.

The random rubble stone facings to the external walls will consist of carefully chosen local stone, whilst floor-to-ceiling glazing provides a strong connection to the context, as well as allowing the existing historic structure to remain the key focus of the site. Glazing will be framed in powder coated aluminium - in keeping with the lead facings. The aluminium frames are carefully proportioned to complement the existing, historic fenestration pattern.

The junction between the new and the old structures will be given the utmost care - with the solid mass of the extension pulled away from the historic stone facade, with

the exception of the internal party wall only.

Drawing PHD/AC/200 shows technical detail demonstrating the connection between proposed extension and heritage building.

The following photograph and drawing of the proposed elevation illustrates the application



The Listing and the heritage assessment of the terrace

The application was submitted with a Heritage Assessment relating to no 2 Abbeycroft (Submitted with the appeal) and which can be summarised here as follows:-

1. Abbeycroft is 2 star listed
2. The Listing states as follows:-

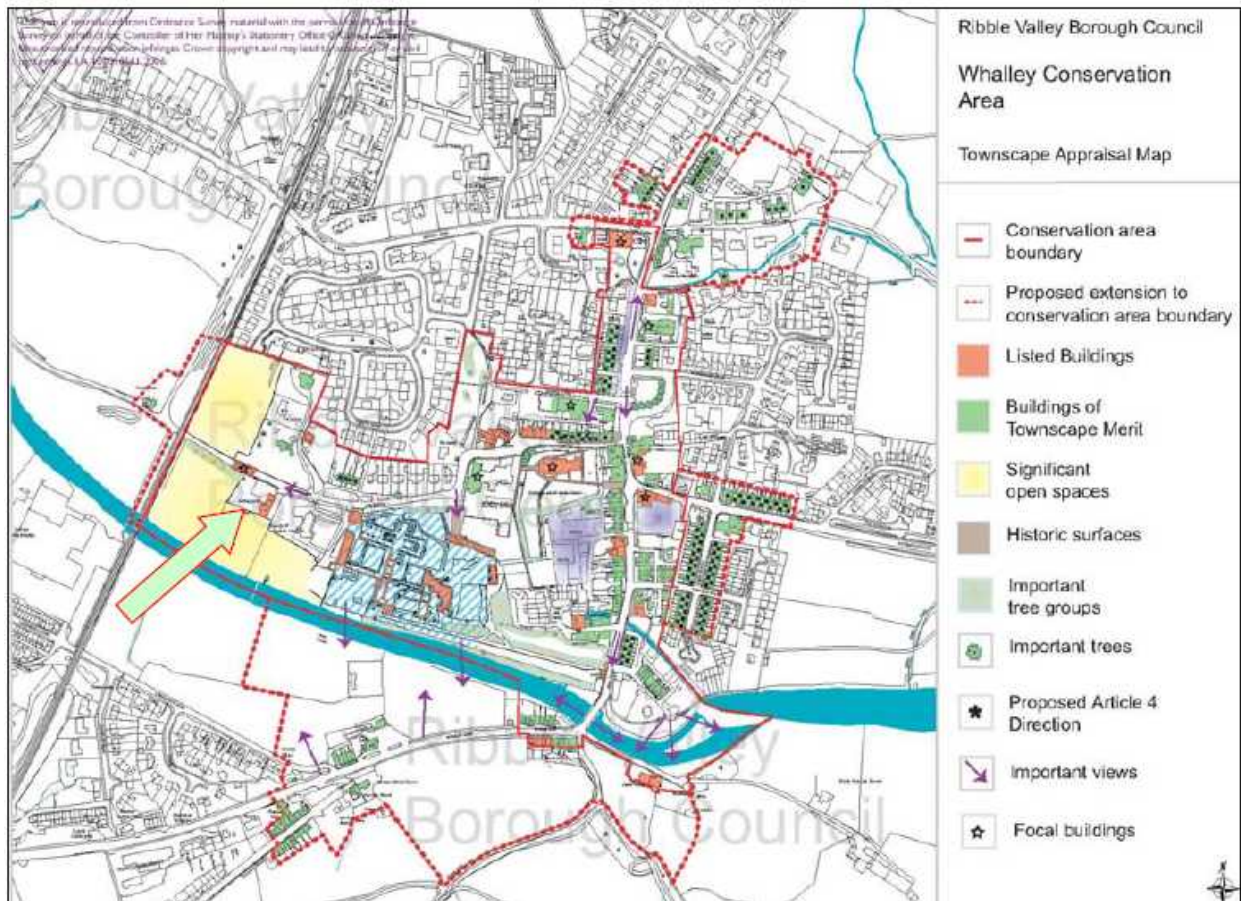
Row of 3 houses, probably originally one, mid C17, altered late C19. Sandstone rubble with roof of slate and stone slate. 2 storeys, with attic and with drip course. Windows C19, chamfered with central mullion. Doors have chamfered stone surrounds. No.3, at the left, is of 5 bays and has stone attic gabled dormers over the 3rd and 5th bays, with one-light

chamfered windows. Doors in 3rd and 4th bays. No.2 is of one bay and has a door at the left and has 2 attic dormers. No.1 has a window to the left of and one above the door, and an attic dormer. Chimneys on left-hand gable and between houses. Inside, the door of No.2 opens against a firehood baffle. The heck post and bressumer are moulded and stopped. Above the bressumer is a ceiling beam, 2 studs remaining of the plastered infill which must have joined them. No.3 not accessible at time of survey, but said to have bressumer for a firehood which backed onto that in No.2, and an outshut which contains a dog-leg stair with turned balusters and moulded handrail. Nos.2 and 3 have ceiling beams with quarter-round mouldings. Interior of No.1 said to contain no C17 features.

3. Now four dwellings, Abbeycroft appears to have been built as a single property probably in the early 17th century but thereafter experienced a complex rebuilding prior to an extensive makeover in the late 19th century which accompanied its subdivision.

The Conservation Area

The proposed development is within the Whalley conservation Area



The Conservation Area Appraisal report notes the following as one of the threats to the Conservation area:-

- poor quality windows on a listed building (e.g. the Swan inn, King Street; nos. 33 and 35 King Street; **Abbeycroft, nos. 1-3** The Sands; nos. 2 and 3 The Square, Church Lane (My highlighting))

Appellant comments on the reason for refusal

The principal of a single storey single extension

While the LPA expresses no discernible opinion as to the principle of a rear extension to the two properties the Victorian Society, while objecting to the particular design solution does state that *“a modest and carefully detailed single storey extension may be acceptable here”*

Appellant comments on the reason for refusal 1.

A. The proposed development is harmful to the special architectural and historic interest of the listed building (1,2 and 3 Abbeycroft), the setting of listed buildings in the street scene and the character and appearance of Whalley Conservation Area because of its location, size, design, materials, obscuring of important historic fabric and impact on plan form.

1. The setting of listed buildings in the street scene and the character and appearance of Whalley Conservation Area

- i. The single storey extension would be to the rear of the building
- ii. It would replace an unattractive blockwork toilet block and other related domestic paraphernalia
- iii. It would hardly be seen in the street scene as it is obscured from the road by the stone boundary wall to the properties

2. Its location and size

- i. The proposed extension is to the rear of the building where it is hardly visible because of its single storey nature and because of the stone boundary wall to the properties
- ii. Its size cannot be said to be excessive. The Statement accompanying the application notes that *“The overall eaves height of Abbeycroft is 5.9 metres, compared to the proposed 3 metres of the extension. The height of the extension, 3 metres is roughly $\frac{1}{3}$ that of the existing ridge height, 9 metres. The profile of the flat roof has been kept low to ensure the extension is both inconspicuous and has very subtle visual impact to the existing, historic elevation. The footprint is small, consisting of 1 room per dwelling, therefore further reducing the area of the north elevation, taking up only $\frac{1}{5}$ of the existing Abbeycroft North Elevation. The proposed extension has been kept to a very modest scale in order to reduce the prominence in the given context and is subservient in mass and scale to the historic terrace.*

iii. Further, the proposed single storey extension when compared to the two storey “extension” with its cat slide roof further along the terrace is minor in its scale.

3. *Its design and materials, obscuring of important historic fabric and impact on plan form.*

i. The proposed extension is carefully designed so that the existing rear elevation is neither obscured nor adversely affected. The use of glass enables the rear wall to be seen and this medium is a well-used one with regard to extensions to historic and other buildings. The application submission shows how the proposed extension will not adversely affect the existing rear elevation of the property when connected to it.

ii. The proposed extension has been deliberately designed so that it is not a pastiche of the original dwelling. The Statement accompanying the application notes that *“The proposed extension is intentionally different to the existing terrace, this approach contrasts and distinguishes the historic property. To prevent incongruity between the two structures random rubble stone facings have been used to the East and West Elevations to visually reference Abbeycroft. The flat roof will be faced in lead and window frames anthracite powder coated aluminium to complement the existing leadwork and roof slates”*

And

“Glazing will be framed in powder coated aluminium - in keeping with the lead facings. The aluminium frames are carefully proportioned to complement the existing, historic fenestration pattern”.

iii. The officer report raises concerns that the use of glass will be reflective to the extent that it will be visually intrusive. But the proposed extension faces North - West and as such will only be in the direct line of sunlight very late in the day if at all – and of course it will hardly be seen at all because of the high boundary wall on the periphery of the garden.

Appellant comments on the reason for refusal 2.

The proposed development *“is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy and the National Planning Policy*

Framework Paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 60 (reinforce local distinctiveness), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation)”

1. The quoted policy statements can just as well support the proposed development
2. While the LPA quotes Paragraphs 131 and 132 of the NPPF (“the Framework”) it does not quote paragraphs 133 and 134 which state:-

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

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.

There is no substantial harm to or loss of significance of the heritage asset. The proposed development:-

- a) *Is minor in terms of scale and extent.*

- b) *Is carefully designed such that its construction will not adversely affect the existing building at its junction and such that the proposed development could be reversed without any damage.*
- c) *The only demolition is with regard to the blockwork constructed toilet block and where such demolition would be an asset to the heritage asset.*

It is our view that the proposed development will, at worst “lead to less than substantial harm to the significance of a designated heritage asset,(and) this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use

- a) The single storey extension will not harm the listed buildings and will hardly be seen from public vantage points, being largely hidden by the garden boundary wall.
- b) It will enhance the heritage asset by the removal of the blockwork toilet block and domestic paraphernalia.
- c) It is very small scale and designed so as not to detract from the heritage asset or of the view of the existing rear elevation of the dwellings to which it will be (carefully) attached
- d) The existing dwellings are extremely small in size and constrict their use as dwellings. The proposed extension will make them more suitable and will thus ensure their ongoing occupation and maintenance which will be for the general public benefit
- e) During the December, 2015 floods of Whalley the ground floor of the appeal buildings were flooded with water affecting the internal features which contribute to the listing. The proposed extension will alleviate any such future damage by keeping any flooding away from them.

d) **Appendix**

Policy statements relied upon by the LPA in justification for the refusal of the proposal

Core Strategy

KEY STATEMENT EN5: HERITAGE ASSETS

There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.

This will be achieved through:

- *Recognising that the best way of ensuring the long term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.*
- *Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.*
- *Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.*
- *Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.*
- *The consideration of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.*

POLICY DME4: PROTECTING HERITAGE ASSETS

10.15 *in considering development proposals the council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings.*

1. CONSERVATION AREAS

Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance.

This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. Development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.

In the conservation areas there will be a presumption in favour of the conservation and enhancement of elements that make a positive contribution to the character or appearance of the conservation area.

2. LISTED BUILDINGS AND OTHER BUILDINGS OF SIGNIFICANT HERITAGE INTEREST

Alterations or extensions to listed buildings or buildings of local heritage interest, or development proposals on sites within their setting which cause harm to the significance

Of the heritage asset will not be supported.

Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances Exist.

3. REGISTERED HISTORIC PARKS AND GARDENS OF SPECIAL HISTORIC INTEREST AND OTHER GARDENS OF SIGNIFICANT HERITAGE INTEREST

Proposals which cause harm to or loss of significance to registered parks, gardens or landscapes of special historic interest or other gardens of significant local heritage interest, including their setting, will not be supported.

4. SCHEDULED MONUMENTS AND OTHER ARCHAEOLOGICAL REMAINS

Applications for development that would result in harm to the significance of a scheduled monument or nationally important archaeological sites will not be supported.

Developers will be expected to investigate the significance of non designated archaeology prior to determination of an application. Where this demonstrates that the Significance is equivalent to that of designated assets, proposals which cause harm to the significance of non designated assets will not be supported.

Where it can be demonstrated that that the substantial public benefits of any proposals outweigh the harm to or loss of the above, the council will seek to ensure mitigation of damage through preservation of remains in situ as the preferred solution. Where this is not justified developers will be required to make adequate provision for excavation and recording of the asset before or during excavation.

Proposals should also give adequate consideration of how the public understanding and appreciation of such sites could be improved.

In line with NPPF, Ribble Valley aims to seek positive improvements in the quality of the historic environment through the following:

A) Monitoring heritage assets at risk and;

- I) supporting development/re-use proposals consistent with their conservation;*
- II) considering use of legal powers (building preservation notices, urgent works notices) to ensure the proper preservation of listed buildings and buildings within The conservation areas.*

B) supporting redevelopment proposals which better reveal the significance of heritage assets or their settings.

C) production of design guidance.

D) keeping conservation area management guidance under review.

E) use of legal enforcement powers to address unauthorised works where it is expedient to do so.

F) assess the significance and opportunities for enhancement of non designated heritage assets through the development management process.

The protection of heritage assets is recognised in national policy and makes a significant contribution to the character and inherent qualities of the borough. It is important to provide clear guidance on the treatment of these assets through the development management process.

POLICY DMG1: GENERAL CONSIDERATIONS

10.4 *in determining planning applications, all development must:*

Design

- 1. Be of a high standard of building design which considers the building in context Principles (from the CABE/english heritage building in context toolkit.*
- 2. Be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.*
- 3. Consider the density, layout and relationship between buildings, which is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.*
- 4. Use sustainable construction techniques where possible and provide evidence that energy efficiency, as described within policy DMG5, has been incorporated into schemes where possible.*
- 5. The code for sustainable homes and lifetime homes, or any subsequent nationally recognised equivalent standards, should be incorporated into schemes.*

Access

- 1. Consider the potential traffic and car parking implications.*
- 2. Ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.*
- 3. Consider the protection and enhancement of public rights of way and access.*

Amenity

- 1. Not adversely affect the amenities of the surrounding area.*
- 2. Provide adequate day lighting and privacy distances.*
- 3. Have regard to public safety and secured by design principles.*
- 4. Consider air quality and mitigate adverse impacts where possible.*

Environment

- 1. Consider the environmental implications such as SSSIs, County heritage sites, local nature reserves, biodiversity action plan (BAP) habitats and species, special*

areas of conservation and special protected areas, protected species, green corridors and other sites of nature conservation.

2. With regards to possible effects upon the natural environment, the Council propose that the principles of the mitigation hierarchy be followed. This gives sequential preference to the following: 1) enhance the environment 2) avoid the impact 3) minimise the impact 4) restore the damage 5) compensate for the damage 6) offset the damage.

3. All development must protect and enhance heritage assets and their settings.

4. All new development proposals will be required to take into account the risks arising from former coal mining and, where necessary, incorporate suitable mitigation measures to address them.

5. Achieve efficient land use and the reuse and remediation of previously developed sites where possible. Previously developed sites should always be used instead of Greenfield sites where possible

Infrastructure

1. Not result in the net loss of important open space, including public and private playing fields without a robust assessment that the sites are surplus to need. In assessing this, regard must be had to the level of provision and standard of public open space in the area, the importance of playing fields and the need to protect school playing fields to meet future needs. Regard will also be had to the landscape or townscape of an area and the importance the open space has on this.

2. Have regard to the availability to key infrastructure with capacity. Where key infrastructure with capacity is not available it may be necessary to phase development to allow infrastructure enhancements to take place.

3. Consider the potential impact on social infrastructure provision.

Other

1. Not prejudice future development which would provide significant environmental and amenity improvements.

This policy helps deliver the vision for the area and gives an overarching series of considerations that the council will have regard to in achieving quality development.

NPPF

Core planning principles

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:

- *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*
- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*
- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*

- *contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*
- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*
- *promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*
- *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;*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*
- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*

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.

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.*

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. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*