

Notes to assist in negotiating the impasse on the submitted planning application. Prepared by a Conservation and Development Control Principal Officer with over 14 years experience within an East Lancashire Local Authority.

### **1. Appeal Decision: Inspector's Report**

The Inspector concludes that the **design and detailing** of the garden room/office and the shed **harms the setting** of the listed building - See observations below, harm to setting is not the determining factor in accordance with Policy DME4 the NPPF and relevant statutory duty. The key factor is harm to the significance of the listed building not to the setting. Harm will only arise if the setting contributes to the significance of the listed building. In this case it can be demonstrated that the extended garden makes no meaningful contribution to the significance (special interest) of the listed building.

The Inspector considers the **roof detailing and corner detailing** to the shed and garden room to be cumbersome; drawing the eye and making the building appear unnecessarily dominant. Siting does not factor into the assessment and my professional view is that this is not a determining factor.

The garden room/office is readily visible from the public domain and causes **visual harm to the Conservation Area** - See observations below

Having carefully considered the Inspectors Report and the facts of the case I am firmly of the opinion that the Inspector's view is that the principal harm is caused by the eaves and corner details rather than the main body of the structures or their siting. Accordingly, if the eaves and corner details could be appropriately remodelled to reduce visual bulk then a refusal would not be justified and could leave the Council open to costs at appeal. However for the avoidance of doubt, and in the interests of achieving high quality design, I would draw your attention to my recommendations of further revisions that would enhance the design and detailing and lessen the visual impact of the garden structures.

### **2. Curtilage**

The site falls within a garden setting on land forming the domestic curtilage of the dwelling, as defined in planning law. In this case, planning permission is required because the development is situated within the domestic curtilage of the listed building and does not therefore benefit from permitted development rights under Class E.

The site is not considered to form part of the curtilage in terms of assessing the extent of listing protection (this is distinct from planning law and a highly complex area of listed building law).

### **3. Significance (special interest) of the listed building**

The significance of the listed building, insofar as it relates to the development, is set out in the submitted heritage statement and I have no reason to disagree with its findings.

The nature of its significance lies chiefly in its architectural and historic interest and group value. On the first count, the building is significant as a notable example of late Georgian domestic architecture which retains its external appearance largely unaltered and has an aesthetic (historic fabric, materials and architectural features) that is representative of local building traditions at the time of construction most notably the two storey bow window feature and multi-pane sash windows with the gable and rear elevations possessing little in terms of aesthetic value. The building maintains an attractive, vernacular historic appearance which remains clearly evident and appreciable. It is noted that to the side and

rear, whilst not unpleasant to the eye, the layout of the elevations is more adhoc and of a subordinate nature, but not untypical, for a building of this era.

#### 4. Contribution of setting to the significance of the listed building

Historic England's (HE's) guidance 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3', gives guidance on how to understand setting and how it may contribute to an asset significance. This document is quoted in the Delegated Report to the previously refused application.

Every heritage asset has a setting and, as defined in the NPPF "*elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*". The HE guidance is clear that setting is not in itself a heritage asset, nor a heritage designation. Its importance, and therefore its degree of protection it is offered in planning decisions, depends entirely on the contribution it makes to significance of the heritage asset or to the ability to appreciate that significance. Accordingly, when harm is identified to the setting of a listed building that does not contribute to its significance as a heritage asset or its appreciation, such an impact is more likely to be on amenity values rather than the heritage values.

The submitted heritage statement assesses impact on setting using the recommended steps in the HE Guidance. It finds that the historic setting of the building is relatively intact in the wider sense though the intimate, immediate historic setting of the building has changed. To the west, residential development has encroached, whilst land that was previously associated with the public house was incorporated within the current garden in the early 1990s. The setting of No 1 Park Road is not solely confined to its domestic side garden and this is only a small part of how the building is experienced and is an area that is largely experienced by occupiers of and visitors to the building only. The building is widely experienced from within the public realm, primarily from Park Road, in which it is prominent within the streetscene. The ability to clearly view the principal elevation of the building from the public realm along with glimpsed views north from Park Mews and Main Street (A59), means it can be clearly appreciated as an historic dwelling of modest vernacular scale and picturesque appearance.

Historically, the domestic curtilage of the listed building comprised a small yard with an outbuilding as shown on the map regression. The curtilage has since been extended into the adjoining land to provide a larger garden setting. This extended garden area is neutral in terms of how the building is appreciated and read as a heritage asset. Moreover, it makes no meaningful contribution to the heritage significance of the listed building given that it has no former functional, ownership, historical, social or economic connections; and though there is intervisibility it does not provide key views.

To conclude, it is not disputed that the development is within the setting of the listed building however it is to be acknowledged that not all aspects of setting will contribute to the significance of a heritage asset. This is reflected in the text of the NPPF Glossary: *Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*.

For the reasons set out above it is considered that **the extended garden area makes a neutral contribution to the significance of the listed building as a heritage asset including its appreciation**. Accordingly, any harm found to this element of the setting would not equate to harm to the significance of the heritage asset. In such cases harm to setting is a factor in the assessment of the impact on visual amenity.

## 5. Reason for Refusal of 3/2021/0462

*The reason for refusal states that the development has a harmful impact upon the setting of listed buildings and the character and appearance of Gisburn Conservation Area because it is unduly prominent, incongruous and conspicuous as a result of **siting, roof form and materials**. This is contrary to Key Statement EN5 and **Policies DME4** and **DMG1** of the Ribble Valley Core Strategy*

In relation to listed buildings Policy DME4 states that *development proposals on sites within their setting **which cause harm to the significance of the heritage asset** will not be supported*. It is my view that the assessment in the Delegated Report and Reason for Refusal fails to properly apply Policy DME4 in that harm is found to setting but there is no reference to the impact of that harm on the significance of the heritage asset (1 Park Road).

## 6. Recommendations for lessening the visual impact (ie minimising harm) of the shed and garden room structures to an acceptable level such that refusal would be unjustified:

In the delegated report for the previous application, the officer considers the materials and roof form to be unacceptable as the prevailing buildings are characterised by stone elevations and [dual] pitched roofs. Set out below are the reasons why a stone finish and dual pitched roof form are considered inappropriate in this case.

- **Amend proposed elevations to remove render.** Ancillary garden structures are typically timber. The existing timber cladding ensures that the building has a subservient appearance within the garden. The introduction of render, as proposed, would increase its visual dominance and permanence, and the stark flat elevations would lack the warmth of surrounding natural materials.
- **Maintain timber cladding to all elevations and accelerate weathering** through the application of a product such as SiOO:X Wood Protection. Once weathered the external elevations would fade to a shade of silver- grey which would blend more comfortably with the garden setting.
- **Introduction of sedum roofs.** Consideration has been given to adding a pitched roof however this would add unacceptably to the height and mass of the building thus increasing its visual impact. The roof form should be maintained as mono-pitch in order to ensure the building is suitably low profile. However it is considered that, in combination with accelerating the weathering of the timber cladding, the **introduction of sedum roofs** would better assimilate the structures into their garden surroundings whilst enhancing biodiversity.



*Above images show the difference in appearance following the accelerated weathering using SiOO:X Wood Protection.*

- In addition to the remove of the black aluminium trim to eaves and corners as proposed, **consideration could be given to planting a moulded timber cornice to the eaves** to create depth and shadowing further reducing the visual bulk. Consideration could also be

given to reducing the degree of overhang or (if feasible) removing to create a much slimmer profile.

- **Maintain planting as proposed.** Whilst it is acknowledged that screening is not a substitute for good design, in this case it would serve to soften the visual impact of the structures and within a garden setting is an entirely appropriate mitigation measure.

## **7. Assessment of Impact on Setting**

With the recommended design revisions in place, the structures would have the greatest impact on setting when viewed from within the garden which is private amenity space associated with the habitation of the house, a relationship which has no historic connection in terms of ownership, functional association or layout, the majority of which would retain its soft landscaping and garden appearance.

Though there is a degree of intervisibility between the house and structures, their offset position and distance from the house allows for a clear visual separation and ensures that the structures do not dominate or disrupt views of the principle building from within the garden or from the main public vantage point on Park Road. Moreover its visual impact will be softened by planting which has yet to reach full maturity in terms of height and the site will remain a distinct area of domestic garden in the otherwise continuous built frontage to Park Road.

It is considered that the structures will have a very localised impact on the surroundings in which the building is experienced (ie setting), predominantly from the garden, and do not detract from the ability to appreciate the significance of the listed building. Neither do they detract from the ability to clearly appreciate the building's wider setting or historic context as a good example of late Georgian domestic architecture in a village location with medieval origins owing its growth largely to its position on a historically significant thoroughfare. They are clearly subservient to the listed building and their form very much reflects their function as a modern garden structures.

With the recommended design revisions in place, which can be secured through condition, it can be demonstrated that the impact on the setting of the listed building that results, will be so minimal and localised as to be at the negligible. Moreover, the structures would be entirely reversible without any legacy of harm.

The development would not alter the stated heritage values of the listed building or the ability to appreciate them. With the proposed amendments to the design and detailing, the structures would not compete with or detract from the listed building.

Given the garden setting makes no meaningful contribution to the significance of No 1 Park Road, the negligible degree of harm identified to the setting of No 1 Park Road in terms of the appearance of the structure when experienced from within the garden, does not translate as harm to the significance of the listed building. It is considered that no harm to the significance of the listed building would result.

## **8. Assessment of Impact on Character and Appearance of the Conservation Area**

The structures sit within the extended garden on land adjoining the historic curtilage of No 1 Park Road, formerly associated with the adjacent former New Inn PH. It is noted that no reference is made in the Conservation Area Appraisal to the contribution of gardens (or structures within them) to the character or appearance of the conservation area.

No 1 Park Road is one of a series of vernacular dwellings that positively contribute to the character and appearance of the Conservation Area. As noted above it is visually prominent in localised views from Park Road, noted for its tranquillity and polite architecture, and to a lesser extent in glimpsed views north from Main Street (A59). Whilst a glimpsed view of the proposed development can be obtained from Park Mews, the distance at which the structures are set back from the road results in the development being largely obscured from view. The view from Park Road is however the area where development would be most readily appreciable from, and have the greatest impact on, the character and appearance of the conservation area. It is considered that with the recommended design revisions in place the negligible visual impact of proposals would meet the statutory test of preserving the character and appearance of the conservation area.

Moreover, the siting of the structures is such that they would make no meaningful difference to the general character and plan form of Park Road, maintaining its character as a distinct area of domestic garden in the otherwise continuous built frontage to Park Road.

Overall, with the recommended design revisions in place the development would make no positive contribution nor enhancement to the conservation area but nonetheless would not harm its character or appearance when considered as a whole. Accordingly, the development would have a neutral effect and would therefore preserve the character and appearance of the Conservation Area therefore satisfying the requirements of DM4 the NPPF and the relevant statutory duty.

22 September 2022