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## Appeal Decision

Site visit made on 1 November 2023

**by E Worthington BA (Hons) MTP MUED MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 December 2023**

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**Appeal Ref: APP/T2350/Y/23/3317331**

**32 Parson Lane, Lancashire, Clitheroe, BB7 2JP**

- 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 Analisa Smith against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2022/0778, dated 11 August 2022, was refused by notice dated 17 October 2022.
  - The works proposed are described as 'proposed creation of ground floor WC with associated drainage and ventilation.'
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. As the works relate to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### Main Issue

3. The main issue is whether the works would preserve the Grade II listed building, 32-36 Parson Lane (Ref: 1164199) and any of the features of special architectural or historic interest that it possesses.

### Reasons

#### *The listed building*

4. The appeal property is part of the listed building which incorporates Nos 32-36 Parson Lane. A row of late 18<sup>th</sup> century cottages built over three storeys in coursed stone, the appeal building is located in the historic core of Clitheroe and within the Clitheroe Conservation Area.
  5. The appeal property maintains its simple rectangular double pile plan form and is two rooms deep. The two traditional ground floor rooms are focussed around centrally located fireplaces. A single storey rear outshut is a later addition to the appeal property which has provided a kitchen, and the appellant refers to past internal renovations which have eroded the integrity and authenticity of the appeal property's interior.
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6. Despite these alterations, for the most part the building maintains its historic character, scale and proportions as well as some remaining elements of its historic fabric and traditional internal architectural features. These include the location of its window openings and fireplaces, as well as the long established sizes and compartmentalised nature of the rooms at the appeal property.
7. As a result, the building retains its attractive character and charm, with a traditional vernacular design, architectural features and domestic layout typical of its location and commensurate with its historic and longstanding residential use. Thus, its historic character is still legible.
8. From the evidence before me, insofar as it relates to this appeal, I therefore find that the special interest of the listed building is drawn from its surviving historic fabric and layout, including its modest internal scale and proportions along with its distinctive functional floorplan, remaining internal architectural features and historic openings.

*The proposed works*

9. The works concern the creation of a space saving WC and hand basin in the corner of the ground floor rear dining room. This would be installed in the recess adjoining the fireplace and an integral cupboard which is located in the dividing wall between the dining room and the front living room. The room's flank window immediately adjacent to the fireplace would be incorporated into the new WC to allow light and ventilation. A full height curved enclosure would be provided. This would be built using stud timber construction and a sliding track. The works would be reversible in that the partitions and the toilet/sink could be removed.
10. I appreciate that the appellant considered a number of designs and found the appeal scheme to be the least intrusive option in terms of taking up space in the dining room. The enclosure would not be large and is the minimum required by the appellant. The partition would be scribed around the skirting boards to set the WC as modern development and a readable latest phase of change. The use of a sliding door would also denote the WC as an enclosure/internal fixture as opposed to a formal room.
11. Nevertheless, despite these factors, it remains that in practical terms the proposed works would subdivide the space and alter the size and arrangement of the dining room. They would compromise the distinctive proportions of the rectangular room which are mirrored in the front room, and are intrinsic to the building's character. In doing so the works would undermine the historic form and layout of the property and erode its characteristic simple two cell floorplan.
12. Whilst no historic ceiling cornices would be affected, the property's flank window would be concealed from view from within the dining room. The recesses in the walls surrounding the window and the chimney breast, as well as arising from the cupboard feature, would also be lost. These pleasing details would be obscured and the internal rhythm and relief of the walls in the dining room eroded. Whilst the existing fireplace is a more modern gas range, the WC would nevertheless occupy a close and distracting juxtaposition in relation to the historic feature of the chimney breast.

13. Additionally, the proposed works includes a 100mm wall aperture for a waste pipe and another for an extractor fan duct. These are required by the building regulations and would result in a very small loss of historic fabric. Additionally a limited extent of stud walling would be fixed to the existing wall.
14. Taking all these factors into account, I find that the proposed works would unacceptably alter the proportions and character of the internal arrangement of the building and obscure and distract from its distinctive existing internal historic architectural features. Furthermore, in providing drainage and ventilation, the proposed works would lead to the loss of some historic fabric, albeit minimal. This being so, I consider overall that the proposed works would impair the building's historic legibility, reduce its authenticity and fail to preserve its special interest.
15. The works would be internal and not visible from outside. However, this does not affect my conclusions. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be gained. The appellant refers to the use of conditions to control details such as the materials and specifications of the works, as well as the use of photographic recording. However, these matters would not mitigate the harm I have identified.
16. I therefore conclude on the main issue that the proposed works would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the balance of this appeal.

#### *The heritage balance*

17. The National Planning Policy Framework (the Framework) advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 advises that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I consider that the harm to the listed building in this case would be less than substantial, but nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
18. Reference is made to the appellant's age and I understand that they have a long term and progressive health condition. The proposed works would reduce the need to use the steep staircase to get to the first floor bathroom thereby reducing the risk of a fall. The proposed works would also help the appellant manage their health condition and improve their standard of living, as well as that of future occupants. Furthermore they would allow the appellant's elderly friends and relatives to visit. However, the benefits that would arise in these regards are substantially private.
19. The proposed works would lead to consultant and contractor employment. Whilst this would be a public benefit, it would be short term only and limited by the modest scale of the works concerned.

20. Reference is made to the benefit of the proposed works in comparison to the construction of a new addition. However, I have seen no information as to the likelihood or possibility of this fallback position being carried out. This is particularly so given the appellant's view that there is very limited capacity to accommodate any new structure due to the restrictive and compact nature of the site. In any event, any such new addition would be likely to require consent from the Council and I have seen nothing to demonstrate that it would necessarily have a similar or worse effect than the appeal scheme. Accordingly, this matter does not justify the proposed works, or constitute a public benefit.
21. Additionally the appellant refers to the preservation of the external appearance of the building as a heritage benefit. However, the absence of harm in this regard is not a benefit of the proposed works per se, rather it is a neutral factor in the balance.
22. I therefore find that the public benefits in this case are insufficient to outweigh the harm to the designated heritage asset that I have identified. For these reasons the works fail to satisfy the requirements of the Act and paragraph 197 of the Framework. Whilst the decision notice refers to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy, I am mindful that listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan.

### **Other Matters**

23. The reason for refusal for the application refers to the impact of the works on the setting of the listed building, and the officer's report refers to harm to the Clitheroe Conservation Area in which the appeal property is located. No further details are given. Given the internal nature of the works I am content that no harm would arise in these regards. However, this does not alter my findings in relation to the main issue in this case.
24. As set out above, reference is made to the appellant's age and long term and progressive health condition. I have had regard to the Equality Act 2010 and the Public Sector Equality Duty (PSED) to which I am subject. Section 149 (7) of the Act sets out the relevant protected characteristics which include age and disability. Since there is the potential for my decision to affect a person(s) with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the above Act.
25. The negative impacts of dismissing the appeal arise since the house would not be provided with a WC as sought. However, these impacts are mitigated by the possibility of an alternative scheme to meet the stated accessibility needs of the appellant that arise from the steep staircase, and to minimise the risks of a fall. As such, in my view the adverse impacts of dismissing the scheme on those with protected characteristics would be proportional having regard to the legitimate and well-established planning policy aims to protect heritage assets. Even when taken alongside the other considerations forwarded by the appellant, the PSED considerations would not outweigh the harm I have identified in this case.

**Conclusion**

26. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

*E Worthington*

INSPECTOR