

## **STATEMENT OF CASE**

IN CONNECTION WITH PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990  
APPEAL REF APP/T2350/Y/23/3317331 FOLLOWING REFUSAL OF LISTED BUILDING CONSENT REF  
3/2022/0778

SITE ADDRESS: 32 PARSON LANE, CLITHEROE, LANCASHIRE, BB7 2JP

APPELLANT: MISS ANALISA SMITH, 32 PARSON LANE, CLITHEROE, LANCASHIRE, BB7 2JP



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## **1.0 INTRODUCTION**

- 1.1 This appeal statement has been prepared by Sunderland Peacock and Associates Ltd in support of an appeal by Miss Analisa Smith against the decision of Ribble Valley Borough Council to refuse listed building consent for the 'proposed creation of a ground floor WC with associated drainage and ventilation' at 32 Parson lane, Clitheroe, Lancashire, BB7 2JP.
- 1.2 The author of this document, Matthew Fish *B.Sc. (Hons) M.Sc. (BldgCons) MCIAT IHBC*, of Sunderland Peacock and Associates Ltd, is a Chartered Architectural Technologist (MCIAT) and is a full chartered member of the Chartered Institute of Architectural Technologists (CIAT). Matthew holds a Master Degree in Building Conservation and Regeneration and is a fully accredited member of the Institute of Historic Building Conservation (IHBC).
- 1.2 The application for listed building consent (LPA Ref: 3/2022/0778) was determined under delegated powers and was refused on the 17<sup>th</sup> October 2022 for the following reason:
- (1) *The proposed loss and alteration of important historic fabric and plan form has a harmful impact upon the special architectural and historic interest and setting of the listed building, contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.*
- 1.3 This statement provides a review of the application and outlines the grounds of appeal and demonstrates why the Local Planning Authority were unjustified in their decision. As such, the appeal should be allowed and listed building consent granted for the proposals.

## **2.0 APPEAL SITE AND SURROUNDINGS**

- 2.1 32 Parson Lane stands at NGR: SD 74189 41803 and is located within the historic core of Clitheroe town centre. The building is situated on the north side of Parson Lane, where the lane changes direction and meanders westwards, near to the intersection with Station Road, immediately to the north of the grounds of Clitheroe Castle.
- 2.2 The building occupies a relatively compact site dictated by the road and the layout of nearby buildings. To the front (south) of the building is a paved and gravelled driveway, formerly a garden, with a low-level boundary wall, of natural stone with triangular copings. Modern metal railings define the east extent of the driveway. A gravel path leads to a bin storage area and a timber gate which adjoins the south east corner of the house and provides access to the side and rear.

- 2.3 The local area forms part of the commercial core of Clitheroe and is characterised by its mixture of late 18<sup>th</sup> and 19<sup>th</sup> century dwellings and commercial buildings. The castle grounds, a grade II listed park and garden, which is elevated at the north end and rises steeply at its north side towards the castle and dominates the local streetscape. The typologies of local buildings consist of two storey terraced dwellings on the south side of Parson Lane, with commercial buildings dispersed amongst them, all of stone construction, with a mixture of bare stone and render finishes. Two public houses are located nearby, with the New Inn located to the east and the Castle Inn located to the north west. A modern housing development lies to the north.

### **3.0 HERITAGE ASSETS**

- 3.1 32 Parson Lane is a grade II listed building and is designated as such on the 30<sup>th</sup> September 1976 for its special architectural and historical interest. Please refer to Appendix A of the submitted Heritage Statement, produced by Sunderland Peacock and Associates Ltd, for the statutory list entry for the building. A description of the building and a summary of its historical development is provided within the Heritage Statement.
- 3.2 The application site is within the defined boundary of the Clitheroe Conservation Area which is a Designated Heritage Asset and was first designated as a Conservation Area in October 1973 and extended in 1979. Please refer to Appendix B of the submitted Heritage Statement for a summary of the special interest of the conservation area as taken from the Clitheroe Town Centre Conservation Area Appraisal.

### **4.0 RELEVANT PLANNING POLICY**

- 4.1 Section 38 (6) of the Town and Compulsory Purchase Act 2004 and the National Planning Policy Framework (NPPF) require planning applications to be determined in accordance with the Development Plan, unless other material planning considerations indicate otherwise. The development plan relevant to this appeal is the Ribble Valley Borough Council Adopted Core Strategy 2008-2028 which was adopted in 2014.
- 4.2 The relevant policies consist of; Key Statement EN5 (Heritage Assets), Policy DME4 (Protecting Heritage Assets) both of which seek to ensure that new development conserves and enhances the significance of heritage assets. Both the Delegated Report and the submitted Heritage Statement note these policies. The Delegated Report indicates that Policy DMG1 (General Considerations) is also of particular relevance which seeks to ensure that a high standard of design is adopted.

- 4.3 The relevant national planning policies are contained within the National Planning Policy Framework (NPPF) 2021, which sets out the Government's economic, environmental, and social planning policies for England and how these policies should be applied. The overarching principle of the NPPF is that of achieving 'sustainable development.'
- 4.4 It is chapter 16 of the NPPF which addresses the national planning considerations in relation to the historic environment and how sustainable development within the historic environment can be achieved. The general principle suggested by these policies is that development which does not give due regard to the conservation of heritage assets will not be considered as 'sustainable development' and will therefore be considered as unacceptable and will not be supported by decision making bodies. The policies within the NPPF highlight the need to assess the significance of Heritage Assets and their setting which are to be affected by design proposals for change in order to inform this change and requires that the impact of any such change is assessed.
- 4.5 32 Parson Lane is a Listed Building located within the Clitheroe Conservation Area, both of which are designated Heritage Assets and benefit from statutory protection in the form of national legislation, namely the Planning (Listed Buildings and Conservation Areas) Act 1990 due to their special architectural and historic interest. The Act is the legislative foundation in terms of decision making in relation to both listed buildings and conservation areas.
- 4.6 Section 66 of the Act states that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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. The duty at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".*

## 5.0 APPLICATION APPRAISAL AND GROUNDS FOR APPEAL

- 5.1 The application proposes the installation of a combined space saving WC and wash hand basin to the east corner of the ground floor dining room. The proposed WC is required as Miss Smith [REDACTED]  
[REDACTED]  
[REDACTED] The existing staircase is steep and the proposed ground floor WC would reduce the need to use the existing staircase to get to the first-floor bathroom therefore reducing the potential risk [REDACTED] If such an instance was to happen [REDACTED]  
[REDACTED] At present elderly friends and relatives of Miss Smith are also unable to visit due to the steepness of the staircase and the risk that it poses in its use.



- 5.2 A number of designs were produced by Sunderland Peacock and Associates Ltd for the proposed enclosed WC with the final chosen design representing the most favorable and least intrusive option in terms of taking up existing space within the dining room. The introduction of the WC within the existing plan was considered more favorable against a new addition, in which case was unlikely given the very limited capability to accommodate any new structure due to the restrictive and compact nature of the site. The location also allows for the use of an existing window for providing both natural lighting and ventilation, whilst the dining room would still have the double doors to the rear. The WC enclosure would be built using timber stud construction and would have a sliding track. A combined WC and WHB unit would be installed and would require a wall aperture to suit a 100mm diameter WC waste pipe and a further aperture to suit a 100mm diameter extract fan duct. The extract fan is required as this will aid in the prevention of condensation build up and potential mould growth within the WC.
- 5.3 The reason for the refusal of the application, as provided by Local Planning Authority in their determination of the application, is based upon two elements, namely (1) harmful impact on important historic fabric and (2) harmful impact on important plan form. Both of these elements are considered by the Local Planning Authority to have a harmful impact upon the special architectural and historic interest of the building and its setting.
- 5.4 The impact on historic fabric would be minimal and here the conservation philosophy of 'minimal intervention' has been adopted. The creation of the WC would require the erection of a small extent of timber stud walling which will be fixed back to existing walling, which in itself would cause negligible harm to historic fabric. The forming of the two small wall apertures would also result in negligible harm due to the size of the openings required and the small amount of wall fabric which will be removed. The delegated report refers to these as 'openings' however we believe this choice of wording to be inaccurate and is misrepresentative of the scale of the apertures required and suggests a much larger opening and a larger area of historic fabric being removed. No other areas of historic fabric are proposed to be removed or impacted upon. There are no historic ceiling cornices that will be affected by the proposed partition and this will be scribed around the skirting boards indicating that the WC is modern development and will provide readable evidence of this latest phase of change. Given the negligible impact on historic fabric, it is our opinion that the harm caused is not to the degree suggested by the delegated report and the decision notice issued by the Local Planning Authority.
- 5.5 The creation of the proposed WC would also be reversible given that the partitions and sanitaryware can easily be removed and the original proportions of the dining room and the plan form of the ground floor reinstated without significant discernable harm having been caused. Whilst the apertures required for drainage and ventilation would not be reversible in terms of the reinstatement of historic fabric, their appearance and presence can be reversed through the honest and sensitive

repair / infilling of the apertures following the removal of drainage and ducts etc. Given the small sizes of the proposed apertures, such a repair would be small and minor in nature.

5.6 We also dispute the reason for refusal and comments in the delegated report that the proposal would result in harm to the setting of the listed building and harm to the Clitheroe Conservation Area. The proposed works are internal and therefore would not result in harm to the setting of the listed building or harm to the conservation area as no new external structures are proposed. The only external works required would be excavations for the installation of the necessary drainage which will not be visible on completion of the works as the site is restored to its former appearance. External waste pipes will be visible at low level (the building has a number of external drainage pipes at present to the rear) as well as an external extract vent cover / grille which will be approximately 150mm x 150mm in size and can be buff coloured to reduce visual impact against the external walling. Alternatively, an extract grille can be formed within the walling using natural slate and will leave a flush finish externally. These visible elements will not be visible from the public realm due to their very minor nature and will have no harm on the setting of the listed building or the character and appearance of the Clitheroe Conservation Area as a result of their lack of visibility and them being very small-scale interventions.

5.7 The NPPF requires that any harm requires clear and convincing justification which has been demonstrated within this document, and that harm be considered as either 'substantial' or 'less than substantial'. In this instance the proposals will amount to less than substantial harm and the NPPF requires that this harm is weighed against the public benefits of the proposals which are;

- Improvements to the building which will aid Miss Smith [REDACTED] [REDACTED] improving her standard of living and that of any future occupants (social benefit).
- The minimal scale of the intervention and the alteration of an existing building as opposed to the construction of a new addition (environmental benefit).
- The employment of consultants and contractors to facilitate and undertake the work (economic benefit).
- The preservation of the external appearance of the building and its contribution to the Clitheroe Conservation Area (heritage benefit).

5.8 It is considered that these benefits will considerably outweigh the harm caused, which is considered to be 'less than substantial' and accordingly the proposals satisfy the test that is laid down by the NPPF.

5.9 Mitigation against harm was also previously suggested as part of the application which can be secured through the use of suitably worded planning conditions. Any required details and specifications can be secured for approval by the Local Planning Authority as a means of control as well as the

undertaking of photographic recording of the affected areas prior to alteration with subsequent deposition with the Lancashire Historic Environment Record.

## **6.0 SUMMARY AND CONCLUSION**

- 6.1 This Statement of Case has justified the acceptability of the proposals in connection with listed Building Consent Application ref: 3/2022/0778, which sought consent for the creation of a ground floor WC which is required to help Miss Smith [REDACTED]
- 6.2 It has been demonstrated that the proposals will not cause harm to the significance of the listed building and that of the Clitheroe Conservation Area. It has also demonstrated that the proposals will not harm the setting of the listed building.
- 6.4 The proposals fully accord with the requirements of the National Planning Policy Framework and the relevant policies of the Ribble Valley Borough Council Core Strategy and we respectfully request that the Planning Inspector allows this appeal.