

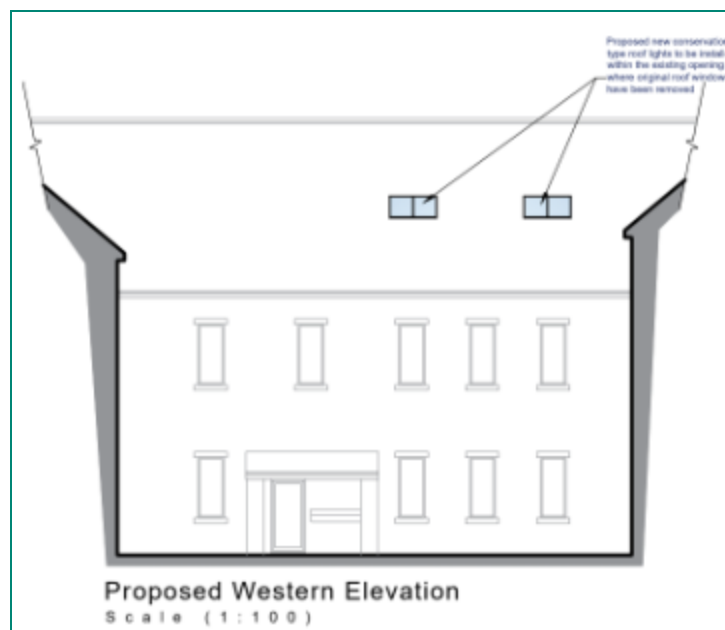


## APPEAL STATEMENT

### Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990

September 2023

Appeal by Ms J. Booth against the refusal of Ribble Valley Council in relation to LBC reference 3/2022/1176



### At Flat 3, Hodder Court, Knowles Brow, Hurst Green, BB7 9PP

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## CONTENTS

1.	Introduction and Background Information	Page 3
2.	Reason for Refusal No.1	Page 3
3.	Reason for Refusal No.2	Page 5
4.	Conclusion	Page 6

## 1. INTRODUCTION AND BACKGROUND INFORMATION

- 1.1. This Appeal has been prepared and submitted on behalf of Ms J Booth ("the Appellant") against the refusal notice issued by Ribble Valley Council on the 14th March 2023 under listed building consent reference 3/2022/1176. As stated on the decision notice, the proposal is "Alterations to internal layout to create room and storage within the existing roof space and insertion of new roof lights."
- 1.2. This statement will respond to each of the reasons for refusal and, where considered necessary, the delegated case officer report on which the Council's decision was based.

## 2. REASON FOR REFUSAL 1

- 2.1. It is only the external impact of the proposed rooflights that the Council has issue with. The Council has made it clear within its delegated report, and by virtue of the fact that no other matter has been raised in its reason for refusal, that; *"..historic planning records suggest that most if not all of the property's roof membrane, slates and battens were subject to replacement as part of the original conversion of the building to residential apartments therefore it is not anticipated that the installation of the roof lights would result in the removal of any historic fabric."* All other elements of the proposed scheme have been considered acceptable.
- 2.2. The delegated report also, quite rightly, makes reference to the fact that there are a number of existing rooflights on the property, and that the proposed flush fitting conservation style design "would be an improvement on the existing standard design roof lights installed within the complex."
- 2.3. The heritage assessment submitted as part of the LBC application describes the heritage asset, its significance, and the impact of the proposal on its significance, as required, and forms part of the appeal documentation. There is no need to repeat the assessment in full here, however, it is important to stress the statement of heritage significance and the impact of the proposals on the significance of the heritage asset.
- 2.4. Within paragraph 6.2 it is stated;

*"Flat 3 is on the first floor and the presently occupied rooms are entirely modern. However it has a large roof space, currently without natural light, and accessible only via a loft ladder. Inspection of the roof space shows that its lower part, below the collars of the trusses, was at one time ceiled over by lath and plaster, and probably formed the upper part of a formerly much taller upper storey within the building (photo 3). **In the west side of the roof, above collar height, and central to the bays, there are two very obvious former openings for rooflights, below which would have been lath and plastered sides, to form lightwells down to the space beneath (photo 4).**"*



Photo 4: One of two former rooflights in west side, with remnants of lath and plaster lightwell to sides

2.5. Within paragraph 7.1 it is stated;

*“..the range between the towers, containing Flat 3, is a largely modern reconstruction, particularly on its west side, where none of the openings are historic, nor traditional in proportion or form, and where there is a modern canopy to the ground floor entrance. The other elevations of the adjoining wings which face into the courtyard form an incoherent arrangement, many parts of which have coloured or painted render, or rebuilt stonework with modern appearance, and so similarly contribute almost nothing to the heritage significance of the site.”*

2.6. Within Section 8, it is stated:

*“Reinstatement of the two former rooflights which served it would be a very minor change, and given the entirely modern construction and appearance of the west elevation, whose courtyard setting has a distinctly 1980s character, **there would be no impact on significance from this aspect of the application.***

*In conclusion, **the proposed scheme would have no impact on the significance of the listed building,** and so is entirely acceptable in terms of impact on the historic environment.”*

2.7. In their assessment the LPA attaches little weight to the findings of the appellant’s Historic Buildings Consultant, who specialises in the investigation, recording and analysis of historic buildings. Not only has the consultant provided a robust and comprehensive statement, their findings in respect of historic rooflights that once existed on the property, is backed up by clear photographic evidence (Figure 4). A photograph of the other former rooflight is included below for completeness:



- 2.8. Notwithstanding the above, it is clearly set out that the rooflights would only result in a minor change, and given the entirely modern construction and appearance of the west elevation, whose courtyard setting has a distinctly 1980s character, there would be no impact on significance from this aspect of the application.

### **3. REASON FOR REFUSAL 2**

- 3.1 The LPA has considered that a bat roost would be disturbed as a result of the development, meaning that a license from Natural England would be required. They have then gone on to apply the three tests and has considered that there is not a reasonable prospect of a license being granted. This is ultimately a matter to be determined by Natural England on receipt of the licence application.
- 3.2 However, in their application of the three tests, the LPA has considered that tests (b) and (c) could be met, and their concern lies in respect of test (a) - Preserving public health or public safety or other imperative reasons of overriding public interest.
- 3.3 In respect of test (a), the case for the appellant is as set out below.
- 3.4 The appellant only recently, on 13th August 2021, moved into the property. The appellant moved in with her youngest son, who is now 28. The reality is that in the current economic climate, and with only a limited income, her son cannot afford to move into a property of their own, either to rent, or to buy. House prices in the area are very high. Her son is trying to save for a deposit for a mortgage, however, there is no realistic prospect of this being possible for many years.

- 3.5 The appellant's middle son, who is 32, moved back into the property 12 months ago, following a separation from his partner. He too simply cannot afford a property of their own for the same reasons. Again there is no realistic prospect of this occurring for many years.
- 3.6 The existing layout and bedroom size make the accommodation unsuitable for three adults. The flat is open plan leaving only the small bedrooms as private space.
- 3.7 One of the reasons the appellant chose this property is because of its wonderful countryside location / setting, making it an ideal place to relax, enjoy nature and to enhance physical and mental wellbeing. It was also chosen with the appellant's grandchildren (of her eldest child) in mind, affording them an ideal place to visit and make the most of the environment. The lack of space within the flat currently means that it has not been possible for them to stay, depriving them of all the social, mental, and physical benefits gained by reason of the area and spending time with family. The creation of the additional accommodation within the loft would free up space within the property so that they could stay in the future.
- 3.8 The only other option would be for the appellant to sell her property and buy a larger property. The appellant is approaching retirement age, and it is not a realistic proposition for her to purchase a larger property, that would be considerably more expensive and require another mortgage. Since the property was purchased property prices have fell slightly but not enough to offset the increase in mortgage rates. In addition, even if it was an option, a neighbouring property has been on the market now since November, which demonstrates the difficulty in achieving a sale.

#### **4. CONCLUSION**

- 4.1. Having regard to the submitted plans and supporting information, it is respectfully requested that the appeal is allowed.

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