

**Report to be read in conjunction with the Decision Notice.**

<b>Signed:</b>	<b>Officer:</b>		<b>Date:</b>		<b>Manager:</b>		<b>Date:</b>	
<b>Site Notice displayed</b>		<b>Photos uploaded</b>						

<b>Application Ref:</b>	3/2021/0462	 <div>Ribble Valley Borough Council</div> <div><a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a></div>	
<b>Date Inspected:</b>	13/5/2021		
<b>Officer:</b>	AD		
<b>DELEGATED ITEM FILE REPORT:</b>		<b>Decision</b>	<b>Refusal</b>

<b>Development Description:</b>	Retention of rear boundary fence, garden shed and garden room/office.
<b>Site Address/Location:</b>	1 Park Road Gisburn BB7 4HT

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
No objections.	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	
No objection.	
<b>LCC Archaeology:</b>	Consulted, no comments received.
<b>Historic England:</b>	Do not need to notify or consult.
<b>The Gardens Trust:</b>	Do not wish to comment. This does not signify either the approval or disapproval of proposals.
<b>Historic amenity societies (non-statutory consultation):</b>	Consulted, no comments received.
<b>RVBC Countryside:</b>	Because the development had gone ahead no existing trees can be materially affected.

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
One letter of support received which makes the following points:	
Modern structures should be seen as the village developing over time.	
Letters of objection have been received from residents of Park Mews (2 individual letters and 2 joint letters) which make the following points:	
Visibility of structures because of scale, design, materials (non-sympathetic to conservation area) – eye catching and incongruous. No other examples of flat roofs covered in plastic in Gisburn (Ribble Valley – apex roof in stone, tiles or slates).	

Impact privacy of No1 Park Mews.

Unauthorised works.

Fence sits and has gate onto private land. Higher than previous fence.

Close to neighbour's oil tank.

Is having a friend in the planning office commensurate with obtaining planning permission?

Workplace in garden.

Boundary wall damaged in construction. Repaired with cement.

#### **RELEVANT POLICIES :**

Ribble Valley Core Strategy:

Key Statement EN5 – Heritage Assets

Policy DMG1 – General Considerations

Policy DME4 – Protecting Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act 1990. 'Preservation' in the duties at sections 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

NPPF

NPPG

#### **Relevant Planning History:**

The application relates to enforcement consideration by the Borough Council. The case officer met the applicant on site whilst development was under construction on 27/2/2020.

On 20/3/2020 the case officer wrote to the applicant:

*"I refer to our site meeting of 27 February 2020, telephone discussion earlier today and the Borough Council's consideration to alleged unauthorised works at 1 Park Road Gisburn.*

*I understand that colleagues are considering my initial view that planning permission is required for the works because of Schedule 2 Part 1 (Development within the curtilage of a dwellinghouse) Class E (1) (g) (summerhouse and shed) and Part 1 (Minor Operations) Class A (1) (d) (fence).*

*In my opinion, the summerhouse has the most significant adverse impact and is prominent, conspicuous and incongruous because of its elevation, materials (stone is the vernacular for buildings and boundary structures) and form (pitched roofs characterise the listed building and nearby historic buildings). This is harmful to the setting of listed buildings, the character and appearance of Gisburn Conservation Area and the setting of Gisburn Park Historic Park and Garden (Park Road is an important historic access to the Park).*

*Section 66 and 72 of the Act are relevant. Historic England advice 'The setting of heritage assets' is also relevant.*

*I would confirm, that I cannot envisage alterations to the summerhouse or listed building setting which would remove all harm (see NPPF 193 and 194) and will not be inviting the submission of a planning application (although it is your right to do so) to further consider this element of works.*

*I would be grateful for the confirmation of your intentions in respect to all elements of the alleged unauthorised works by Friday 27 March 2020.*

*However, these are my opinions as an officer of the Borough Council which will not prejudice any decision of the Borough Council".*

3/1986/0118 – C/u from office to house.

3/1986/0296 – Residential development – refused.

3/1986/0494 – Boundary wall

#### **ASSESSMENT OF PROPOSED DEVELOPMENT:**

##### **Site Description and Surrounding Area:**

‘1 Park Road’ is a Grade II listed (27/4/1984) house of the early C19 prominently sited on the approach road to Gisburne Park and within Gisburn Conservation Area. The list description identifies materials and neo-classical features *“Rubble with sandstone dressings and stone slate roof ... sashed window with glazing bars”*.

The site is within the setting of buildings associated with Gisburne Park including ‘The Dower House’ (Grade II; *“House, late C18th. Sandstone ashlar with slate roof... sashed with glazing bars”*); ‘Pair of lodges at southern entrance to Gisburne Park with six stone piers and linking railings and gates’ (Grade II\*; *“c.1800. Sandstone ashlar with slate roofs. A mirrored pair”*); ‘Gisburne Park’ (Grade I; *“Country house, 1727-36 with later additions. Pebbledashed with sandstone dressings and hipped slate roof”*). The site is also within the setting of ‘Pimlico House’ (Grade II), ‘Barn adjoining to east of Pimlico House’ (Grade II) and ‘The former Ribblesdale Arms Hotel’ (Grade II).

The site is within the setting of Gisburne Park historic park and garden (Grade II). The list description identifies *“Reasons for designation ... Group value: it has strong group value with a number of listed buildings including the Grade II\* gate lodges and the Grade I Gisburne Hall ... ENTRANCES AND APPROACHES The principal entrance is at the south and comprises a pair of C18 gate lodges”*.

The southern boundary of the historic park and garden and northern boundary of the conservation area are almost co-terminus. The Gisburn Conservation Area Appraisal identifies:

Nos. 1-4 Park Mews to be a Building of Townscape Merit having a positive contribution to the conservation area and a Focal Building; Nos. 2-3 Park Road are wrongly identified as listed (but appear to merit B of TM status); the land between The Dower House and the Gisburne Park entrance lodges to be ‘Significant Open Space’; notable Historic Surfaces along Park Road between the A59 and The Dower House (Townscape Appraisal Map);

*“The tranquil Park Lane, with its ‘polite’ architecture, gatehouses and park boundary walls” and “The absence of 20th-century development along the Main Street, with its attractive mix of 17th, 18th and 19th-century houses, and its high proportion of listed and visually striking buildings”* (Summary of special interest).

Photographs of ‘Park Road’s listed houses’ (page 6), Gisburne Park entrance lodges (front cover), the former Ribblesdale Arms Hotel (page 5) and ‘Nos 1 to 4 Park Road (right), formerly the New Inn, and No.

9 Park View (1851 Post Office)', The Dower House (page 11) and 'Gisburne Park, estate boundary walls' (page 13).

*"Park Road is another haven of gentility, dating from the creation of Gisburne Park in the early 18th century"* (General character and plan form).

*"Gisburn is primarily a residential village, with several former inns and stable complexes now converted to residential use (the Ribblesdale Arms, for example, and the former New Inn, on the corner of Park Road and Main Street)"* (Activities/uses).

*"houses of more individual design at the extremities of the village ... the bay-fronted houses of Park Road to the west"* (Plan form and building types).

*"The historic buildings of Gisburn are relatively modest and conservative, but are attractive because of the homogeneity of the stone walls and roofs all built from local stone with boundary walls, front steps and cobbles"* (Architectural qualities).

*"No. 1 Park Road: Grade II, early 19th, rubble with sandstone dressings and sandstone roof, two-story bay window with gutter of lead-lined stone, sashes and gutter gutter on brackets. Only No. 1 is listed, but the house is now divided into two dwellings"* (Listed buildings; do these comments suggest that historically No2. and No.3 were part of a single dwelling with No 1?).

*"Historic paving ... Boundary walls ... Both sides of Park Road and the walls surrounding the gatehouses at the entrance to Gisburn Park are lined with a handsome 1.5m-high sandstone ashlar walls, with copings stones that are moulded on the side facing out from the Park, and left rough on the side facing into the Park"* (Local details).

*"well kept ... gardens"* (Strengths).

*"front gardens sacrificed to hard standing and car parking"* (Weaknesses).

*"Continuing loss of original architectural details and use of inappropriate modern materials or details"* (Threats)

*"the erection of sheds and other outbuildings ... the erection or alteration of gates, fences or walls"* (Article 4 Direction: The kinds of work that it is proposed to control).

Gisburne: Historic Landscape Management Plan (Parklands Consortium Limited, October 2010) includes a detailed analysis of Gisburne Park's historic and architectural interest.

**Proposed Development for which consent is sought:**

Planning permission is sought for the retention of a fence (west boundary) and two low mono-pitched outbuildings (shed and garden room/office adjoining the south boundary) in the raised garden area to the south of 1 Park Road. The fence and building walls are timber; roofs and window/glazed door frames in aluminium (although materials not identified in the submitted information).

**Impact upon the setting of listed buildings and the character and appearance of Gisburn Conservation Area:**

The development is unduly prominent, incongruous and conspicuous because of its siting in the raised garden, low mono-pitched roof form and timber and aluminium materials and has a harmful impact upon the setting of listed buildings (particularly 1 Park Road) and the character and appearance of Gisburn Conservation Area.

Site inspection and consideration to the Gisburn Conservation Area Appraisal identifies that the consistency of building form and materials is intrinsic to the special architectural and historic interest of the listed buildings and the conservation area. In general, Gisburn's buildings are *"modest and conservative, but are attractive because of the homogeneity of the stone walls and roofs all built from local stone with boundary walls, front steps and cobbles"*. Park Road is specifically described as *"tranquil", "polite" and a "haven of gentility"*. The consistency of materials (stone and render) and design (including roof form, alignment of front elevations in a row and neo-classical style) along Park Road and the *"handsome 1.5m-high sandstone ashlar walls"* create a conduit and sense of approach to Gisburne Park. The unauthorised outbuildings are an unfortunate detracting eye-catcher in this respect.

The submitted Heritage Impact Assessment suggests that a hedgerow screen planted immediately behind the front wall and railings fronting onto Park Road (height of 2m in 5 years) is sufficient mitigation for this harm ('harm' is identified by the applicant within the first paragraph of the Heritage Impact Assessment: Conclusions). However, the open and raised garden is an important, befitting and fortuitous element of 1 Park Road's setting and Park Road townscape which screening will harm. This part of the garden may not be historically associated with 1 Park Road. However, the NPPF Glossary: Setting of a heritage asset definition is *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve"*. 'The Setting of Heritage Assets' (Historic England, 2017) identifies *"As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate"* (paragraph 40). Furthermore, note is made of the recent appeal at 2 Moorend Cottages, Langho (APP/T2350/W/20/3251911; 25/8/2020) in which the Planning Inspector concluded *"in any case, while planting can help assimilate development into its surroundings, it should not be used to screen inappropriate development from view"*.

The development is also incongruous and conspicuous and predominates in views of the historic Park Road building row from the south because of its siting, form and materials.

'Making changes to Heritage Assets' (Historic England, Alterations and Additions, paragraph 41) identifies *"It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting"*.

The Gisburn Conservation Area Management Guidance identifies "Boundary treatments: Traditionally, most boundaries in the Gisburn Conservation Area are defined by stone walls, of varying heights. Sometimes, soft hedging is located behind the wall to provide greater privacy or vertical iron railings may be set on a low stone wall. For new development in Gisburn, it is important that local materials and detailing are used and new boundaries following the historic precedent of stone will help development to fit in to its context. Modern alternatives, such as concrete blocks, ranch-style timber fencing, or post-and-rail type fencing are not acceptable. Simple, close-boarded fencing, with timber posts, may be an alternative to stone in certain locations away from the public viewpoint but such fencing should be simply detailed, without any decoration such as a curved top or trellis".

The fencing replaces an earlier fence in the same location (case officer's enforcement site inspection) and runs parallel to Park Road – it only impacts on views when viewed from immediately to the west in the Park Mews parking area (i.e. away from the main public viewpoints). A split decision has been considered in this respect but there is a cumulative detrimental impact to listed building setting and conservation area character and appearance from the quantum of timberwork currently on the site. NPPG Historic Environment paragraph 13 identifies *"When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change"*.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission or permission in principle 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

NPPF paragraph 193 requires that 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

NPPF paragraph 194 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Ribble Valley Core Strategy Policy DME4 states that in considering development proposals the council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings. 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. 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.

Ribble Valley Core Strategy Policy DMG1 states that in determining planning applications, all development must: Design: 1. be of a high standard of building design which considers the 8 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. Environment ... 3. all development must protect and enhance heritage assets and their settings.

The development conflicts with the following Building in Context Principles:

Principle 1 - A successful project will start with an assessment of the value of retaining what is there

Principle 2 - A successful project will relate to the geography and history of the place and lie of the land

Principle 3 - A successful project will be informed by its own significance so that its character and identity will be appropriate to its use and context.

Principle 4 - A successful project will sit happily in the pattern of existing development and the routes through and around it

Principle 5 - A successful project will respect important views

Principle 7 - A successful project will use materials and building methods which are as high quality as those used in existing buildings

Principle 8 - A successful project will create new views and juxtapositions which add to the variety and texture of the setting.

The National Design Guide (2021) is particularly relevant at C1 and C2:

*“Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape character and how places or developments sit within the landscape ... patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale ... the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development”* (paragraph 43).

*“Well-designed places and buildings are influenced positively by the history and heritage of the site, its surroundings and the wider area, including cultural influences”* (paragraph 48).

NPPG states that “substantial harm is a high test, so it may not arise in many cases”. The development is potentially reversible (no details of any alterations made to the historic fabric of boundary walls submitted) and harm to the setting of listed buildings and the character and appearance of Gisburn Conservation Area is ‘less than substantial’.

NPPF paragraph 196 requires that ‘less than substantial’ harm be weighed against any public benefits of proposals. The development has been implemented and there will be no benefit from construction employment. The submitted information does not suggest any public benefit from the development. There are no public benefits which outweigh the harm to the setting of listed buildings and the character and appearance of Gisburn Conservation Area.

**Residential Amenity:**

The impact of works on residential amenity would not appear significant. The safe location of an oil tank on neighbouring land would appear to be the responsibility of the neighbour. Access onto private land is not a material consideration in the determination of this application.

**Highways:**

The comments of LCC Highways have been considered.

**Observations/Consideration of Matters Raised/Conclusion:**

Therefore, in giving considerable importance and weight to the duties at section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in consideration to NPPF and Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy it is recommended that planning permission be refused.

**RECOMMENDATION:**

That planning permission be refused for the following reason:  
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.