



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: 12 December 2023

Appeal Ref: APP/T2350/Y/23/3322183

15 York Street, Lancashire, Clitheroe, BB7 2DH

- 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 Mr Paul Wood against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2023/0046, dated 10 January 2023, was refused by notice dated 17 March 2023.
 - The works proposed are described as 'to reintroduce wrought-iron gates to the coach entrance between nos 15 and 17 York Street'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the proposed works are in a conservation area and relate to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the proposed works would preserve a grade II listed building, 11-23 York Street (Ref: 1072325) and any of the features of special architectural or historic interest that it possesses; and
 - whether the proposed works would preserve or enhance the character or appearance of the Clitheroe Conservation Area, and whether they would preserve the settings of nearby listed buildings.

Reasons

The listed building, the conservation area, and the settings of the listed buildings

4. The appeal property forms part of the listed building at 11-23 York Street. A Late Georgian terrace dating to the 18th Century and early 19th Century it is built in rendered rubblestone over three storeys. Architectural features include moulded cornices, plain pilaster strips, rusticated quoins and neat surrounds to sashed windows. Despite incorporating a number of buildings, with differing roof lines and window heights, overall the terrace has some cohesiveness and a uniform appearance. There is an arched cartway or carriage entry between the front doorways of Nos 15 and 17 which leads to a rear shared yard area.
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5. The building has undergone some alterations including the replacement of window and doors. Despite these, it retains its neo-classical design and imposing form at the back edge of the pavement. Its pleasing proportions, characteristic openings, understated architectural features, clean lines and use of traditional materials all attest to its role as a higher status residential building towards the edge of the town centre. As a consequence, its historic form is clearly legible and the building maintains its traditional character and charm as a residential building of some standing.
6. Thus, from the listing description and the other evidence before me, insofar as it relates to this appeal, I find that the special interest of the listed building is drawn from its age, distinctive uncomplicated architectural design and proportions, as well as the alignment of its existing openings and its historic fabric. All these elements are important overall to the special interest of the building in terms of this appeal.
7. The appeal building is within the Clitheroe Conservation Area which covers much of the central area of the town. The Conservation Area Appraisal (CAA) recognises that the conservation area is most notable for buildings from the late 18th century and 19th century many of which replaced earlier structures, and that marked a movement away from traditional vernacular buildings to a more consciously designed 'polite' form of architecture. Buildings of this time are influenced by a sense of proportion and incorporate elements of classical detailing. Thus I consider that the significance of the conservation area, in so far as it relates to this appeal, is mainly derived from the quality and architecture of the historic buildings, the use of traditional materials, and the long established historic townscape.
8. York Street descends in an open sweeping curve from Market Place to Clitheroe Royal Grammar School for Boys and gives way to residential buildings moving northwards. The appeal building has an imposing presence towards the northern end of York Street and in this part of the conservation area where its position hard up to the pavement edge, elegant form and understated classical architectural detailing are a strong feature in the street scene. Thus the appeal building contributes positively to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.
9. Turning to the nearby listed buildings, the listing description states that the appeal building forms a group with Stanworth House and Clitheroe Royal Grammar School for Boys (1782) which stand back from the road further to the north and are key historic buildings in the area. Nos 2-18 York Street forms a mid 19th century three storey terrace on the other side of York Street, and the Grand Cinema opposite the appeal building was built in 1873-4 as the Clitheroe Public Hall but converted to a cinema in 1921. 34-38 York Street, 22 and Rock House Church Street, and 2-4 Church Brow are also referred to by the Council,
10. I have not been provided with the listings for all of these but find that despite their different ages, and accepting that they all have their own particular features of interest and significance, there is a cohesiveness to this concentration of traditional town centre buildings. The significance of these buildings, insofar as relating to this appeal, is derived from their historic interest, traditional appearance and relationship with each other in the townscape which collectively provide evidence of the role of Clitheroe and its

historic development. The settings of these buildings, and the contribution they make to the significance of those assets, insofar as they relate to this appeal, is derived from the traditional historic townscape of this part of Clitheroe.

11. The National Planning Policy Framework (The Framework) defines setting as the surroundings in which a heritage asset is experienced. A number of the listed buildings identified are close to the appeal building and there is inter-visibility to varying extents between them and the appeal building. Furthermore some contextual views of some of the nearby listed buildings include the appeal building. I find that the settings of these buildings, in so far as they relate to this appeal, to be primarily associated with the historic importance of the historic townscape and the traditional buildings that it consists of. This contributes positively to their understanding and the special interest and significance of those buildings along with the ability to appreciate them. I have also had special regard to this matter in considering the appeal.

The effect of the proposed works

12. The proposed works seek the installation of two iron gates to the existing cartway opening between Nos 15 and 17 fronting York Street. They would be made of ornate metalwork and fixed to the inward side of the jambs on the front stone surround that frames the cartway opening. They would provide a pair of gates to allow vehicular access, but would also incorporate a smaller pedestrian gate to allow neighbouring occupiers to access the rear of the properties.
13. The cartway has a painted stone surround where evidence of the fixings for a former gate remain (pintles and hinge hooks). The appellant argues that gates would have been usual when the building was built, and considers it likely that a pair of full height gates (possibly of timber) that closed into the internal rebates were originally in place. However, the surviving pintles relate to a pair of tall gates that would have replaced these and been hung from jamb to jamb (rather than closing into the rebates). It is argued that these would have been made of wrought or cast iron which had become relatively cheap by the end of the 18th century. It is suggested that these would have been erected in the early to mid 19th century and later removed, possibly as part of the salvage scheme in the second world war.
14. The Council does not dispute these detailed matters specifically, but objects to the introduction of overtly domestically characterised ironwork and refers to timber boarded enclosures in the area which harmonise with the buildings and townscape. I understand that a previous application for wrought iron gates was refused in 2021. Following that refusal the appellant has taken specialist conservation advice, simplified the design of the gates, and provided a Heritage Impact Assessment to support the scheme.
15. However, there are anomalies in the submitted drawings. The design of the gates on the proposed context elevational drawing 12-09-21 does not correspond with the details provided in relation to the detailed gate design shown on the North Valley Forge drawing number 17135 (which omits the embellishment features to the middle of the spindles). The appellant has provided no clarification regarding this matter, and so it is not clear to me which design is intended.

16. Notwithstanding this inconsistency, it is evident from the submitted information that the gates would be hand crafted in wrought iron (rather than mass produced mild steel). They would also be finished in a dark colour and incorporate generally traditional design features, including the spacing of the two tiers of spindles and the spear tip finials.
17. However, despite these factors, even as shown on drawing number 17135, the proposed gates would be of a noticeably decorative and embellished design. The use of the unduly fussy and ornate ironwork, including the incorporation of numerous railheads and decorative brushes/shoes on the spindles would appear overtly elaborate and domestic in nature. Moreover, they would be directly at odds with the understated appearance and relatively refined simple grandeur of the listed building.
18. This being so, I find that the gates would be appreciated as incongruous and conspicuous features that would draw the eye away from the front elevation of the building and detract from its uncomplicated architectural composition. They would distract visually from the building's distinctive balanced window alignment and erode its overall hierarchy and proportions. In doing so they would diminish the simple clean lines of the building's pleasing frontage and erode the importance and interest of its surviving traditional elements and its historic integrity.
19. The Clitheroe Conservation Area Management Guidance (MG) deals with boundary treatments and whilst no mention is made of gates, in terms of fencing it states that this should be simply detailed without any decoration such as a curved top or trellis. Additionally the MG requires development to reflect the proportion of solid to void found in the elevations of traditional buildings and employ robust detailing, avoiding fussy or gimmicky use of applied features or detailing.
20. The appellant regards the existing archway to be an empty and bland void, which is at odds with the historic gated nature of the cartway. It is argued that the proposed works would restore a missing element of the historic appearance of the building. This would accord with other works which have been undertaken to the building including the reinstatement of the sash windows and the internal alterations to revert from flats to a single dwelling which have already taken place.
21. Nevertheless, whilst appreciating the information provided by the appellant, I have seen no substantiated evidence to demonstrate that any previous enclosure to the cartway took the form of ornate iron gates. Thus I am not convinced that the proposed works would re-create the historic enclosure of the opening. Additionally, given my findings above in relation to the design of the gates, I am not persuaded that the proposed works employ robust detailing that would not be fussy as required by the MG.
22. I acknowledge that iron is an important material in the palette of the conservation area. I also note the appellant's view that only a few wooden gates exist on older properties, and the historical photos that have been provided. Additionally, I have had regard to the local examples of iron gates, railings and street furniture close to the appeal site (including those permitted at a new development on the site of St Mary's annexe in York Street). That said, I am not aware of the full circumstances that led to those existing development/permissions. As such, I cannot be sure that they are the same as

in the case before me. Accordingly, since it has not been demonstrated that they are comparable to the appeal proposal, which I have in any event considered on its individual merits, they do not justify the appeal before me.

23. The appellant refers to a lack of dialogue, and I understand that they would be willing to discuss the design of the gates to satisfy the Council's concerns. No further details have been provided, however, that is a matter between the appellant and the Council. The Procedural Guide: Planning Appeals – England Updated 5 October 2023, advises that if an appeal is made the appeal process should not be used to evolve a scheme. It is important that I consider the appeal on the basis of the scheme and the plans which were before the Council when it made its decision.
24. Taking all these factors into account, I find that the proposed works would detract from the traditional form and character of the building and erode its authenticity. I therefore consider that they would undermine the building's historic legibility and fail to preserve its special interest.
25. For the reasons given above, I have found that the proposed works would undermine the historic integrity of the listed building. As previously described, the listed building is a prominent feature in York Street and in the conservation area, and I have found that it contributes to the character and appearance of the conservation area and the settings of the nearby listed buildings.
26. The settings of the nearby listed buildings are associated with the historic townscape in this part of Clitheroe including the traditional buildings there. In unacceptably eroding these elements which contribute positively to the special interest and significance of those buildings, the proposed works would detract from the settings of the nearby listed buildings.
27. In undermining the settings, which also contribute to the historic significance of the conservation area, and in detracting from the quality of the historic buildings and the long established historic townscape, the proposed works would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposed works would cause harm to the significance of the conservation area and would fail to preserve its character and appearance.

Heritage balance

28. I therefore conclude on the main issues that the proposed works would fail to preserve the special interest of the listed building and the significance of the conservation area and would not preserve the settings of the nearby listed buildings. I give this harm considerable importance and weight in the balance of this appeal.
29. 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 goes on to advise 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.
30. I find the harm to the heritage assets as identified to be less than substantial in this instance, 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.

31. The gates are needed for security for the appellant and their neighbours. Reference is made to damage and anti-social behaviour in the archway and at the rear of the property and I appreciate that this is upsetting. I also acknowledge that the archway is narrow, and whilst the proposed gates would open back flush to the walls to allow cars to enter, alternative bulkier gates may not allow access.
32. That said, I have seen nothing to suggest that any of these public benefits are necessarily dependent on the installation of the gates as designed. The use of an alternative design would also allow the benefits considered above to be realised, and would better respect the traditional design and appearance of the historic building. This tempers the weight that I afford to any public benefits that would arise in this regard.
33. I therefore find that the public benefits arising from the proposed works would not outweigh the harm to the significance of the designated heritage assets I have identified. For these reasons the proposed works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework.
34. 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

35. The appellant refers to staffing changes at the Council and in particular the lack of expert advice from a conservation officer. It is also argued that the Council failed to consider the submitted heritage impact assessment and refused the appeal scheme on the basis of the previous refusal without assessing the new evidence. I confirm however that I have had regard to all the submitted evidence, including the heritage impact assessment and considered the appeal scheme on its own merits and made my own assessment as to its impacts. Accordingly this matter has no bearing on my decision.

Conclusion

36. 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