



Appeal Decisions

Site visit made on 14 October 2013

by Mrs A L Fairclough MA BSc(Hons) LLB(Hons) PGDipLP(Bar) IHBC MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 January 2014

Appeal Ref: APP/T2350/E/13/2194332

8 Church Brow, Clitheroe, Lancashire BB7 2AA

- 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 Don Rowbottom against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2012/1088, dated 3 December 2012, was refused by notice dated 29 January 2013.
 - The works proposed are (i) to modernise the basement kitchen by repositioning a doorway/opening into the utility room from one end of an internal wall to the other to allow for a continuous run of kitchen units and appropriate plumbing; (ii) to move the current basement toilet to a new position in the existing small room in the basement hallway - partly under the stairs, again with appropriate plumbing; and (iii) to use part of an attic hallway to install a small wash-room (shower, basin and toilet).
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Decision

1. I dismiss the appeal insofar as it relates to (iii) to use of part of an attic hallway to install a small wash-room (shower, basin and toilet).
2. I allow the appeal insofar as it relates to (i) to modernise the basement kitchen by repositioning a doorway/opening into the utility room from one end of an internal wall to the other to allow for a continuous run of kitchen units and appropriate plumbing; (ii) to move the current basement toilet to a new position in the existing small room in the basement hallway - partly under the stairs, again with appropriate plumbing and grant listed building consent for those works in accordance with the terms of the application, Ref. 3/2012/1088, dated 3 December 2012, so far as relevant to that part of the works to be permitted, and subject to the following conditions:
 - 1) The works hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Before the commencement of works hereby approved, a written programme of recording and analysis of the basement level of No 8 shall be submitted to and approved in writing by the local planning authority. The recording and analysis of the building shall be undertaken in full accordance with the agreed scheme of investigation.
 - 3) Before the commencement of works hereby approved full details of the services to be installed shall be submitted to and approved in writing by the local planning authority. This shall include all servicing (including water and waste pipes) to and from the listed building. The works shall be carried out in accordance with the approved details.

Main Issue

3. No 8 Church Brow is a mid C19th end terraced, stone property, which is located within the Clitheroe Conservation Area. No 8 and the attached properties Nos 4 and 6 Church Brow make up a Grade II listed building. In that light the main issue is the effect of the works on the special architectural and historic interest (significance) of the listed building.

Reasons

4. The appeal building, No 8, is located close to Clitheroe town centre and is situated on a steep incline. It is constructed in stone with a slate roof. No 8 is split level so that the basement level opens directly, via a doorway from a workroom, onto the rear garden and the ground floor level opens, via the main entrance, onto Church Street, which is at a higher level. The internal layout includes a simple original floor plan with a central staircase, which extends from basement level to first floor level. There is a separate staircase from first floor to the second floor. The plan form is generally consistent from basement to first floor. The similarity in plan form is an important part of the historic building and contributes to the special architectural and historic interest of the listed building and its significance.
5. There are three elements of the proposed works. The first part of the works would be to remove part of an original wall in the basement. Currently this wall separates a utility room/a small WC from the basement workroom. The fittings and fixtures which form the utility room and the WC would not have been part of the original building and would have been added in the C20th. However, the wall appears to be original. There is already a break in this wall to create a doorway¹ from the workroom into the utility room. The appellant wishes to install a kitchen in the workroom. To maximise the storage potential of the proposed kitchen, he wishes to block off the existing access doorway. The appellant would then create a new access and remove the existing WC to gain a new access into the utility room. This would allow for the installation of a continuous run of fitted kitchen units within the existing workroom. A new WC would be created elsewhere. This is dealt with in paragraph 7.
6. Although the position of the new opening would remove part of an original wall at basement level, the existing doorway from the workroom to the kitchen would be blocked off to continue the wall. As such a great proportion of the wall would be retained or replaced and the legibility of plan form would be retained. Although the Council seeks to retain the door frame and incorporate this into the new wall element, the fitted kitchen units would obscure most of the original door architrave and, on that basis I consider that to be unnecessary. Taking all this into consideration, the first part of the works would not harm the special architectural or historic interest of No 8.
7. The second element of the works relates to the relocation of a toilet from the utility room to an enclosed space below the staircase at basement level. This space, which is accessed via a doorway, is not utilised. The proposed toilet would be positioned within this enclosed space and would not harm the historical layout of the basement. Although services to provide ventilation, water, electricity and pipe work for sewage and water would be required, these are all available nearby in the adjacent utility room. The outlets would have

¹ Probably original

minimal visual or physical impact on the building as they could exit discretely at or near ground floor level at the rear of the building. Thus I am satisfied that the details required to deal with the installation could be controlled by a suitably worded condition. Taking this into consideration, the second part of the works would not harm the special architectural or historic character of No 8.

8. The third element of the works relates to the installation of a shower room on the landing at second floor level. This large open landing provides access to 2 attic rooms and is currently used as a storage/study area. The proposed shower room would include a wash basin, a WC and a shower. All of those items require servicing, including ventilation and related water/sewage pipe work. However, unlike the basement these would need to exit the building either internally or externally to ground floor level. The appellant has not supplied any information to show how these services would exit the building. I am unconvinced that a condition could adequately control these works so as to prevent harm to the listed building; especially in relation to the required water and soil pipes. As such I conclude that there would be harm to the special architectural and historic interest of No 8.
9. The proposed 2nd floor shower room would cause less than substantial harm to the special architectural and historic interest of the listed building, and thereby, its significance on the basis that the historic qualities would be left largely intact. Paragraph 134 of the *National Planning Policy Framework* (The Framework) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
10. The appellant states that the works would secure the optimum viable use for the building and this would amount to a public benefit. However, the building is currently utilised as a family home and this use would not change as a result of the proposed works. Also the appellant states that the key public benefit to future generations lies in the preservation of the house in its setting in the town. Whilst upkeep of this listed building is in the public interest, and can be considered a public benefit, I do not consider that upkeep of No 8 is so significantly related to the provision of a second floor bathroom that this should attract material weight. Thus this matter represents essentially a private benefit.
11. I note that the proposal would provide some benefit to the appellant, notably improved facilities at second floor level by way of the better use of a space currently used for storage. However, this private benefit at most would be viewed as a very small benefit to the housing stock. That modest public benefit would not outweigh the harm I have identified to the listed building in terms of the second floor shower room.
12. I conclude that the benefits provided by the proposed works are insufficient to outweigh the harm it would cause to the listed building. This aspect of the proposed scheme would conflict with the Framework. I intend, therefore, to dismiss this part of the appeal.
13. However, in respect of the proposed blocking off of an original doorway and the opening up of another part of the wall and the installation of a WC at basement level, I consider that these would cause no harm to the special architectural or historic interest of the listed building (or its significance). As this element of

the works proposed is severable from the proposed works at second floor level dealt with above, I intend to allow this part of the appeal.

Other Matters

14. The appellant has raised concerns regarding the Council's approach to the submitted plans. I acknowledge that the plans as submitted were accepted when the listed building consent application was validated. It is on this basis that I have determined the appeal. The appellant has referred to *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* (HEPPG) in his grounds of appeal. HEPPG states at paragraph 68 that all applicants should provide a level of information that is proportionate to the significance of the asset and the potential impact of the proposals. Listed buildings are designated by the Secretary of State for their special architectural or historic interest and as such are very important heritage assets. Usually applications for such heritage assets are submitted with existing and proposed scaled plans for both all external elevations and all floor levels and, in most cases, are annotated to explain any differences in dimensions and details (such as alterations both internally and externally). For example it would be reasonable to expect details relating to the position of any external services (including soil pipes) on the external elevations and any alterations to the existing kitchen on the basis that a new kitchen is proposed elsewhere in the building. On this basis I agree with the Council, the plans are basic.
15. The appellant states that he didn't seek pre-application advice on the basis that the works did not require planning permission and none had the potential to affect the setting of a listed building. The appellant is correct that planning permission is not required and that the proposed works did not have the potential to affect the setting of a listed building. However, listed building consent is required for alterations to a listed building that would affect its character (significance) as a building of special architectural or historic interest.
16. With reference to the submitted information relating to the significance of No 8, the appellant indicates that the listing does not go beyond the description which relates to the front elevation only. However, just because features are not specified in the list description, it does not mean that they are not an important part of a listed building's significance. Paragraph 14 of HEPPG refers to the principles for listing as published by the Department of Culture Media and Sport (DCMS). Guidance published by the DCMS indicates that it is the entire building, any object or structure fixed to the building and any object or structure or object within its curtilage² is treated as being part of the listed building. The guidance also indicates that the important aspects (significance) of a listed building can be its architectural design, decoration and craftsmanship including particular building types, techniques and plan forms.

Conditions

17. The Council has suggested a condition relating to the full recording of the building. Although the details of the proposed works on the plans are limited, I consider that a condition to record No 8 is reasonable and necessary but only in relation to the proposed works at basement level on the basis of the historic interest of the property. In addition I suggest that a condition relating to the installation of the services, including ventilation and pipe work for water and

² If it has formed part of that building since before 1 July 1948

sewage, for the proposed works at basement level (kitchen and WC) is reasonable and necessary and should be imposed to ensure that the special architectural and historic interest of the building is retained.

Conclusion

18. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed in part and dismissed in part.

Mrs A Fairclough

INSPECTOR