

DELEGATED ITEM FILE REPORT - REFUSAL

Ref: AD/EL

Application No:	3/2012/1096 (PA) & 1097 (LBC)
Development Proposed:	Improvements to toilet facilities including a single storey rear extension, providing a pitched roof to an existing single storey flat roof, internal alteration to create a disabled persons toilet and alterations to car park to improve outdoor seating area at Assheton Arms Hotel, Downham

CONSULTATIONS: Parish/Town Council

Parish Council - No representations received.

CONSULTATIONS: Highway/Water Authority/Other Bodies

Lancashire County Council Highways – No comments. No insistence on the normal bold white lines to mark out the parking with the pub forecourt as suggested in the application. If appropriate, some other form of demarcation, such as setts in the bitmac, or short lengths of white lining marking the ends of the car park, could be used. The recessed seat would be off the highway and although people sitting on the recessed seat may partially obstruct the narrow footway, do not think this is a cause for concern.

Historic amenity societies – Consulted, no representations received.

CONSULTATIONS: Additional Representations

No representations have been received.

RELEVANT POLICIES:

Planning (Listed Buildings and Conservation Areas) Act 1990.

NPPF

HEPPG

Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.

Policy ENV19 - Listed Buildings (Setting).

Policy ENV16 - Development Within Conservation Areas.

Policy G1 - Development Control.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy ENV13 - Landscape Protection.

Policy G6 - Essential Open Space.

Policy RT1 - General Recreation and Tourism Policy.

Policy T1 – Transport and Mobility

Policy G6 – Essential Open Space

Downham Conservation Area Appraisal.

SPG – Retention of Public Houses in Rural Areas.

Core Strategy Regulation 22 Submission Draft:

DMG1 – General Considerations.

DME4 – Protecting Heritage Assets

DME2 – Landscape and Townscape Protection

DMG2 – Strategic Considerations

DMG3 – Transport and Mobility

POLICY REASONS FOR REFUSAL:

Harmful to character of the listed building, setting of nearby listed buildings and the character and appearance of Downham Conservation Area (loss of stone steps; extension's incongruity, dominance and obscuring of features and views; demarcation/enclosure of open space).

COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

The Assheton Arms is a Grade II listed (13 February 1967) public house of 1765 prominently sited within Downham Conservation Area. All of the buildings surrounding the site are either listed (including Church of St Leonard II*) or identified as Buildings of Townscape Merit in the Downham Conservation Area Appraisal (The Conservation Studio consultants, 2006). Downham is within the Forest of Bowland Area of Outstanding Natural Beauty. A public right of way (FP41) traverses the north of the site providing views through the village and towards Pendle Hill.

The list description identifies two historic adjoining ranges (the public house and former stables and a perpendicular range of former cottages).

The existing openness of the Assheton Arms forecourt (i.e. without enclosure) is also shown on the 1848 and 1892 Ordnance Survey maps.

The Downham Conservation Area Appraisal identifies:

- (i) the forecourt of Assheton Arms to be *Significant Open Space*; Assheton Arms, Church of St Leonard and Top Row to be *Focal Buildings*; the view down Main Street from Assheton Arms to be an *Important View* and curtilage buildings associated with the Assheton Arms to be at least *Buildings of Townscape Merit* (**Townscape Appraisal Map**);
- (ii) *Hillside location with stunning views of the village and Pendle Hill; Architectural and historic interest of the conservation area's buildings, including 32 listed buildings; Remarkable surviving historic appearance with almost complete lack of 20th century alterations and accretions; Spacious layout devoid of 20th century infill; Rural setting of the village; Local details ... stone boundary walls* (**Summary of Special Interest**);
- (iii) *The village is scattered beside a minor road descending a south facing slope. Current form reflects the settlement's agricultural origins and a single landowner's control of development. The landowner, in successive generations, carried out limited building programmes in the 19th and early 20th centuries and, by sensitive management, has preserved and enhanced the village's historic character and appearance into the 21st century* (**General character and plan form**);
- (iv) *William Assheton, born in 1758, and a second William Assheton, born in 1788, were both involved in much rebuilding ... at about this time the road that runs past the post office was constructed ... The Assheton Arms was originally a farmhouse brewing beer for their workers. The interior has a stone fireplace inscribed 'IBS 1765'. In 1872 it was known as the George and Dragon but in the 1950s was renamed the Assheton Arms in honour of Ralph Assheton's elevation to the peerage in recognition of his contribution to government during the Second World War ... At the start of the 20th century there was a large amount of rebuilding, notably St Leonard's Church (1910), the Post Office ... since that time there has been very little new development in the village and careful management of estate properties, resisting the ubiquitous advance of UPVC joinery, has resulted in a village, and conservation area, of exceptional historic character and appearance* (**Origins and historic development**);

- (v) After the brow of the hill, one enters the village and, from outside Top Row, there is a good southward, downhill view of the village ... The layout of the village on a hillside alongside a single main thoroughfare and lesser side lanes provides the opportunity for many diverse and attractive views. Because of the conservation area's picturesque setting, the village is much photographed (**Key views and vistas**);
- (vi) Unlike many similar English villages, Downham has not suffered from loss of open space due to 20th century infill or construction of garages or off-road parking ... One of the characteristics of the conservation area are the small grassy paddocks which sometimes contain a few sheep and, together with wide grass verges, act as 'breathing spaces' for the whole village, contributing to its loose-knit layout. Grassed areas north and east of the former School and a triangle of land north of St Leonard's Church are examples. In particular, the setting of Top Row is enhanced by a grassy bank, and the Post Office, too, has an open space to the south which provides a fine setting ... Top Row, the Assheton Arms and St Leonard's Church surround an informal open sloping tarmac 'square' which at first appears to be the public focus of the settlement but the actual village green is the area of land north of West Lane House. In the early 18th century there was a large cross in the road halfway between the church gates and the inn (**The character of spaces within the area**);
- (vii) Apart from high status buildings such as Downham Hall, St Leonard's Church and Lidgett House, buildings are modest in scale and architectural pretension, as might be expected of a rural village. Buildings are all stone-built in the local vernacular tradition ... The conservation area has an overall 18th and 19th century character and appearance. There are only a few 20th century buildings in the conservation area and even these conform broadly to local building style (e.g. the Post Office and Hillcrest). Buildings from the mid to late 20th century are notable by their absence ... This absence of post-1914 building is one of the main contributing factors to the Downham Conservation Area's special historic character and appearance (**Architectural and historic character**);
- (viii) The conservation area also contains several 'buildings of townscape merit' (see below) which add to the area's range and variety of historic buildings. The presence of so many high quality historic buildings in such a small village is remarkable (**Listed buildings**);
- (ix) The buildings are considered to be good, relatively unaltered examples, of their type where original materials and details, and the basic, historic form of the building, has survived (**Key unlisted buildings - Buildings of Townscape Merit**);
- (x) The village is entirely stone-built ... The Assheton Arms is built with squared coursed limestone. The Post Office and former School, not uncommonly, are built with a combination of both, i.e. limestone walls with sandstone dressings. Stone roofing slabs are common, normally laid in courses diminishing in size from eaves to ridge ... the Assheton Arms and Greengates are examples of stone roofs ... The prevalence of stone as a building material, not only in habitable buildings but also for walls, gate piers, bridges, farm buildings and paving, unifies the conservation area, giving it a distinctive local identity and harmonising the many elements of the built environment (**Building methods, materials and local details**);
- (xi) There are no yellow line road markings in the conservation area and no traffic signs. Occasionally road surfaces are demarcated by a row of stone setts, as at the Assheton Arms ... The quality of the public realm is high. The public car park, information centre and toilets have been created to be respectful of existing buildings and immediate surroundings ... The only signs are small and discreet (a fascia sign at the Post Office and coat of arms at the Assheton Arms). There is no advertising, except for parasols with brewer's corporate logo at the tables outside the Assheton Arms (summer 2005) (**Floorscape and public realm**);
- (xii) There are a number of local features which add to the area's distinct identity and form part of the special interest of the area. It is highly desirable that these features are retained ... The conservation is notable for its stone boundary walls. Those in the south of the area enclosing small fields are drystone, capped with a haphazard coping of

stones of varying size laid vertically on end. Property boundary walls are generally constructed more neatly, pointed, with either half-round or triangular coping stone. The wall around Lidgett House has triangular stone coping, the wall in front Fir Tree House has a half-round coping. A fourth method of coping with flat slabs laid horizontally can be found around the walled garden south of St Leonard's Church (**Local details and features**);

- (xiii) Picturesque rural village popular with tourists; Dedicated tourist parking; Exceptionally unspoilt historic character and appearance; Absence of road markings (**Strengths: The most important positive features of the Downham Conservation Area**);
- (xiv) The prevalence of stone walls means that timber fences such as the one bounding the overflow car park of the Assheton Arms appear out of character; Parasols outside the Assheton Arms display advertising logo (**Weaknesses: The principal negative features of the Downham Conservation Area**);
- (xv) The current main threat to the character and appearance of the conservation area is traffic and the pressure of tourism (**Threats to the Downham Conservation Area**);

Relevant site history

3/2005/0389 - Replacement of existing flat and glazed roof areas to provide adequate weather protection to building fabric. LBC granted 1 June 2005. The officer's report notes "consists of two ranges originally in separate use. The proposed works are to replace the relatively modern roof link between these ranges to provide adequate weather protection to the building fabric. The site inspection suggests that the existing roof link is not of historic interest".

3/1974/0877 - Double-sided projection sign (illuminated). AC refused 14 November 1974.

6/10/0857 - Conversion of stable and loft into staff bedrooms and bathroom. PP granted 29 August 1960. This relates to the left hand bay.

6/10/0349 - Proposed alterations (existing bar service; better toilet facilities; conversion of cottage to restaurant). PP granted 29 March 1954. The scheme included construction of the existing Gents toilet extension, the two storey stair tower and further infill of the space between ranges to provide the existing internal toilet arrangements ('existing' plans show toilets within the outbuildings).

Legislation, policy and guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for listed building consent, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Mindful of the status of the emerging LDF, note is made of the opinions in Mynors C., 'Listed Buildings, Conservation Areas and Monuments' (2006) and the discussion of 'Applications for planning permission' and 'Overlapping statutory duties' at 14.2 ff. He concludes that 'the order of preference must be:

- (1) the development plan, so far as material;
- (2) the effect of the proposed development on any listed buildings or their setting or on any conservation area;
- (3) the responses to publicity and consultation; and then

(4) any other material considerations'.

Mynors states that *'It follows that the duties under the Listed Buildings Act are subordinate to the duty to have regard to the plan, but that they are still more important than the duty to have regard to any other material consideration'*. Other material considerations would appear to include the NPPF.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority 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 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The Ribble Valley Districtwide Local Plan (June 1998) is particularly relevant at Policies ENV20, ENV19, ENV16, ENV1, ENV13, G1, RT1, T1 and G6.

The Ribble Valley Regulation 22 Submission Draft Core Strategy is particularly relevant at Policies DMG1, DME4, DMH3, DMH4, DME2, DMG2, DMG3, DMB1 and DMB3.

The NPPF is particularly relevant at paragraph 6, 7, 8, 9, 14, 17, 19, 28, 56-58, 60-61, 64, 67, 109, 115, 126, 128, 129, 131, 132, 134, 137, 138 and 187-192.

The HEPPG is particularly relevant at paragraph 80, 114-120, 142-144, 178-180, 182, 185-187, 189 and 192.

SPG 'The Retention of Public Houses in Rural Areas' states *"Not only does the village pub provide an important social function to the village, it also has a significant impact upon the economic vitality of the village and the rural areas beyond ...also plays an important role in the visual appearance of the village. This is particularly true where the pub is located within a conservation area. The pub provides a vitality and attractiveness to the village and also affords a visible social focus which marks the centre of the village"*.

The Downham Conservation Area Management Guidance (The Conservation Studio consultants, 2006) states:

- (i) *Traditionally, most boundaries in the Downham Conservation Area are defined by stone walls, of varying heights ... For new development in Downham, it is important that local materials and detailing are used (**Boundary treatments**);*
- (ii) *There are few development opportunities within the Downham Conservation Area, although some improvement or enlargement of the existing buildings may be possible subject to very rigorous controls ... the Council will insist on good quality schemes which respond positively to their historic setting ... All development, but particularly in the Downham Conservation Area, must respond to its immediate environment, its "context", in terms of scale, density, form, materials and detailing ... The following are general principles which should be adopted for all development in all parts of the conservation area: **Urban grain** - the pattern of the arrangement and size of buildings and their plots. It is an important part of the character of the conservation area and should be protected. Proposals for new development must include a detailed analysis of the locality and demonstrate that there is a full appreciation of the local townscape and how it has developed, including prevailing building forms, materials and plot ratios **Scale and density** - a building's height and bulk when related to its surroundings. The scale of any development should respect surrounding development. The applicant*

must provide accurate elevations of the surrounding buildings, showing how the new development will relate to them **Appearance, materials and detailing** - The emphasis in any new development or proposed alteration must always be on the need to provide a high quality of design. Consideration of scale, density, height and massing may be used to set out the basic form of the new building(s), including roof shape, roof pitch, height, depth of plan and, most importantly, the relationship of the new buildings to existing surrounding buildings and to the street. Once this basic framework has been established and the general form and siting of the building agreed, the actual appearance of any new building may be either traditional or modern **Key design principles** - Maintain the historic pattern of development by respecting the historic grain associated with historic plots and the historic morphology of development in the immediate area (**New development**);

'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (English Heritage, 2008) identifies four groups of heritage values: Evidential, Historical, Aesthetic and Communal.

'Constructive Conservation in Practice' (English Heritage, 2008) states "Constructive Conservation is the broad term adopted by English Heritage for a positive and collaborative approach to conservation that focuses on actively managing change. The aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment ... The Principles also underline the importance of a systematic and consistent approach to conservation. In order to provide this consistency, we are guided by a values-based approach to assessing heritage significance".

The 'Building in Context Toolkit: New Development in Historic Areas' (CABE, EH, the architecture centre) identifies 8 building in context principles.

The 'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011) states:

'the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development. The gradual loss of trees, verges or traditional surfacing materials in a historic area may have a significant effect on the setting of heritage assets' (4.5).

'The numbers and proximity of heritage assets in urban areas means that setting is intimately linked to considerations of townscape and urban design' (2.2)

'where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting ... consideration still needs to be given to whether additional change will further detract from ... the significance of the asset' (2.4).

'The setting of some heritage assets may have remained relatively unaltered over a long period and closely resemble the setting in which the asset was constructed or first used. The likelihood of this original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset's significance ... the recognition of, and response to, the setting of heritage assets as an aspect of townscape character is an important aspect of the design process for new development, and will, at least in part, determine the quality of the final result' (2.5).

'many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. Views and vistas, or their deliberate screening, are key features of these designed settings, providing design axes and establishing their scale, structure, layout and character. These designed settings may also be regarded as heritage assets in their own rights, which, themselves, have a wider setting: a

park may form the immediate setting for a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary' (2.5).

'Seeing the History in the View' (English Heritage, 2011) is relevant. However, Andy Brown (Planning Director, English Heritage) has recently advised (Exploring Constructive Conservation: Heritage Values, Blackpool, 3 October 2012) that the methodologies in this document are to be subject of early review.

English Heritage guidance 'Easy Access to Historic Buildings' (2004) states that *'The aim should always be to reconcile the interests of conservation and access in the light of the reasonable adjustment provisions in Parts I, III and IV of the DDA, the inclusion of existing buildings within Approved Document Part M (2004) of the Building Regulations (2000), and the provisions of the new British Standard on Access: BS 8300 (2001) Design of Buildings and Their Approaches to Meet the Needs of Disabled People: Code of Practice' (page 5). The recommended approach to determining reasonableness is to produce an access plan from an access audit and conservation assessment 'preparing an access plan, and working through the issues it raises, is fundamental to the process of determining the need for changes to a historic building ... the process should consider the options available ... should not be restricted to the needs of wheelchair users' (page 18).*

English Heritage guidance 'Streets for All: North West' (2005) is relevant.

In 'Dry Stone Walls' (2003) Garner suggests: 1.37m is the standard height for a dry stone wall (page 7); whilst there are regional variations, dry stone walls consist of two sides tapering towards the top, with the cavity between the sides filled with small stones and with *throughstones* at regular intervals to tie the sides together; by 1850 virtually all of the country's agricultural walls had been built.

Note is made of the Planning Inspector's comments on appeal APP/T2350/E/08/2072213, Rodhill Lodge, Bolton By Bowland (8 August 2008; converted barn attached to Grade II listed farmhouse) *"I accept that views of the proposed conservatory from the public realm would be very limited but listed buildings are protected for their intrinsic value. The fact that the conservatory would be barely visible to anyone but the appellants is not a matter to which any great weight can be attached, therefore"* (paragraph 6).

A Planning Inspector's recent consideration (APP/T2350/A/12/2174422, Cherry Hall, Grindleton) of the Forest of Bowland AONB as an acknowledged heritage asset (paragraph 12) is noted (see also NPPF paragraph 115).

Submitted information

A planning statement identifies:

- (i) *'alterations to existing external steps are proposed necessitated by the single storey extension';*
- (ii) *'alterations ... essential to up date the facilities particularly for the disabled and to sustain viability within a very competitive market';*
- (iii) *'landscaping ... will formalize the existing outdoor seating area';*
- (iv) *'widening of the footway adjacent to road and the provision of a sheltered seating area near to the bus stop';*
- (v) *'constructed out of render and stone'*
- (vi) *'new boundary walls are to be constructed in stone with flat topped copings'*
- (vii) *'car parking spaces are not formally marked out and to do so would detract from the character of the building and the conservation area' (existing);*

A heritage statement identifies:

- (i) *'the significance of the Assheton Arms as a heritage asset is high. It has survived*

- with very little alteration. Its setting within the village also has changed very little even in the twentieth century';*
- (ii) *'gents toilets this route is particularly unsuitable for wheelchair users or people with mobility difficulties as there are steps up in the doorway into this room';*
 - (iii) *'the proposed stone wall parallel to the front of the building helps to demarcate the parking area from the seating area';*
 - (iv) English Heritage 'values' are examined at paragraph 6.16;

Conclusions

The heritage statement is limited in its assessment of the significance of the site, its context and the elements of the building to be directly affected (e.g. no reference to the Downham Conservation Area Appraisal which identifies important views, spaces and building assemblages; no assessment of the importance of informality to the historically open and prominent space in front of the building). In my opinion, the 'values' assessment should also include: Aesthetic Value – emotion/beauty of public through views at the rear of the building (emerging and distant views of Pendle Hill and harmonic historic building ensembles), the marred but relatively uncomplicated and dominant juxtaposition of the two listed building range roofs and the uncluttered forecourt/apron); Communal Value - the forecourt *'appears to be the public focus of the settlement'*.

The planning statement does not include an access audit. Consideration of the reasonableness of the harmful changes proposed to the historic site cannot be properly assessed (e.g. could the Gents and/or Ladies be provided at first floor? Is the forecourt parking reserved for disabled customers?)

In my opinion, the proposed development is unduly harmful to the character (including setting) and significance of the listed building, the setting of nearby listed buildings and the character, appearance and significance of Downham Conservation Area because:

- (i) **the extension is incongruous and dominant** – the existing two storey modern stair tower is an unfortunate aberration but is to be retained. Unlike the existing 'flat roofed' modern extension, the proposal dominates and obscures the sensitive and interesting juncture of the two ranges. The proposal's height and footprint is offset from both ranges (the wing does not appear to belong to either range) and the use of render is conspicuous in a village of unifying, distinctive and harmonising stonework. The extension appears as an alien feature rather than a respectful addition (see HEPPG 178 and 180, Downham Conservation Area Appraisal and Management Guidance and the 8 principles within 'Building in Context Toolkit: New Development in Historic Areas' etc.). In respect to render use and stair tower retention, the positive approach advocated in the NPPF is noted - the NPPF not only requires consideration to the conservation of significant heritage but also suggests that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. It requires that attention be given to the enhancement of significance, the promotion of local significance, improvement to the character and quality of areas and that new development makes a positive contribution to local character and distinctiveness (paragraph 7, 9, 60, 64, 126 and 131).
- (ii) **the extension results in the loss of important public through views and historic stone steps** (see HEPPG 179, 187 and 113ff, 'Setting of Heritage Assets: English Heritage Guidance' etc. ;
- (iii) **the forecourt proposals demarcate and enclose an historically open (and ostensibly public) space.** The information submitted does not suggest an intention to construct a vernacular dry-stone wall at this prominent location i.e. 'random stone wall', 2.4m height, recessed seat, flat coping stones *cf* coping stones in vicinity (see 'Streets for All: North West' etc.).

RECOMMENDATION: That listed building consent be refused.