
Appeal Decision

Site visit made on 8 December 2021

by S Ashworth BA (Hons) BPI MRTPI

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

Decision date: 13 December 2021

Appeal Ref: APP/B2355/Y/21/3273532

3, The Greens, Todmorden Road, Bacup, Lancashire OL13 9HY

- 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 Mrs Louise Dixon against the decision of Rossendale Borough Council.
 - The application Ref 2020/0543, dated 16 November 2020, was refused by notice dated 14 January 2021.
 - The works proposed are removal of window to create external door.
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Decision

1. The appeal is dismissed

Main Issue

2. The dwelling is part of a larger Grade II listed building, which dates from the C18. The main issue in this case is therefore the effect of the proposal on the special architectural and historic interest (or significance) of the listed building (a designated heritage asset).

Reasons

3. The listed building comprises 2 dwellings one of which, No 3, is the appeal property. The building is set back from Todmorden Road behind front gardens, mature vegetation and a boundary wall. No 3 is currently accessed from Moorside Crescent at the side. The building, which has been altered over time, is constructed in sandstone with a slate roof and contains a number of architectural features as set out in the list description. The front elevation of the building as a whole has a formal appearance typical of the architecture of the period with a porch occupying a central position and a regular pattern of windows, whereas the side elevation of No 3 is vernacular in style with an irregular fenestration pattern and mullioned windows. The significance of the building, as a designated heritage asset, lies primarily in its age and architectural detailing.
4. Listed Building Consent is sought to remove a ground floor window and the walling below it and to replace it with a glazed door.
5. The starting point for consideration of the proposal is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Put simply, section 16(2) requires the decision maker, in deciding whether to grant consent for works affecting a listed building to have special regard to the

desirability of preserving the building, its setting, or any features of special architectural or historic interest it possesses. This is a weighty statutory requirement.

6. The existing window, which is a 1 over 1 sash window, does not appear to be original. Nevertheless, the proportions of the opening and its position on the building reflect that of other openings on the front elevation considered as a whole. It thereby contributes positively to the formal appearance and architectural style of that part of the building.
7. The proposal would result in the loss of some historic fabric. Moreover, the introduction of a full height opening on this important elevation would not reflect the rhythm or proportions of the historic fenestration pattern. It would therefore be an incongruous, jarring feature and would thereby harm the building's historic character and interest. Whilst views of the door would be limited, listed buildings are protected for their inherent qualities, irrespective of whether or not they are visible to the public.
8. I acknowledge that the design of the door was altered during the application process to reflect officer comments. However, whilst I note that the door would be the same width as the existing window and would have a simple design, this matter does not justify or overcome the harm I have identified.
9. In terms of the approach set out in the National Planning Policy Framework, the harm caused to the significance of the listed building would be less than substantial. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case no public benefits have been identified.
10. The use of a listed building may evolve over time and, in terms of modern living, I acknowledge that the appellant is seeking to gain direct access from the living room onto the front garden. However, this matter, a private benefit of the proposal, carries limited weight in my consideration. The benefits of the scheme before me are therefore not sufficient to outweigh the harm it would cause; harm that must attract considerable importance and weight on the negative side of the balance.
11. The Council has drawn my attention to Policy 16 of the Council's adopted Core Strategy Development Plan Document which seeks to protect, conserve, preserve and enhance the Borough's historic built environment including Listed Buildings. For the above reasons the proposal would be contrary to that Policy.
12. I have considered the appeal scheme on its merits, in the light of current policy and guidance. For the reasons set out above, and having regard to all matters raised, I conclude that the proposed works would fail to preserve the special architectural interest of the listed building and for this reason the appeal does not succeed.

S Ashworth

INSPECTOR