The Planning Inspectorate

# Appeal Decision

Site visit made on 5 May 2022

**by F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 14th July 2022**

**Appeal Ref: APP/E2734/Y/22/3294058**
**Nos 30 and 30A Market Place, Ripon HG4 1BN**

- 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 Michael Furse, Pepperrell Pension Scheme, against the decision of Harrogate Borough Council.
- The application Ref: 21/03979/LB, dated 9 September 2021, was refused by notice dated 16 December 2021.
- The works proposed are form a new opening in the existing wall between the first floor offices of 30 and 30A Market Place West, Ripon.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The numbering of the properties to which the appeal relates has changed over time. The submitted evidence states that while the properties are currently numbered 30 and 30A Market Place, historically, they appear to have been numbered 30 and 31 Market Place[1]. This is relevant to the statutory address of the listed building[2]. I have determined the appeal on this basis.

3. The Council's delegated report includes reference to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). However, this section of the Act concerns whether to grant planning permission for development which affects a listed building or its setting. As the appeal before me concerns whether to grant listed building consent for the proposed works, s66(1) of the Act is not a relevant consideration.

4. There are contradictory statements in the Council's delegated report concerning the acceptability of the proposed works, which are highlighted by the appellant. Nonetheless, the Council's decision notice is clear in stating that the application is recommended for refusal and why. I have determined the appeal on this basis.

## Main Issue

5. The main issue is whether the proposed works would preserve the Grade II listed building known as Nos 30 and 31 Market Place, or any features of special architectural or historic interest which it possesses.

[1] Heritage, Design and Access Statement. Dated August 2021. simmonsherriff architects.
[2] Statutory Address: 30 and 31 Market Place.

## Reasons

*Special interest and significance*

6. The appeal relates to the Grade II listed building, Nos 30 and 31 Market Place[3]. Dating from the mid-19th century, it is a three storey, four bay, mid-terrace building, which is constructed of red brick with a slate roof. The submitted evidence confirms that the properties which form the listed building have been altered over time, particularly at ground floor level.

7. In so far as it pertains to the appeal, the listed building's special interest and significance are largely derived from its historic and architectural interests. Its surviving historic fabric, the legibility of its extant historic plan-form, and its polite architectural composition all make positive contributions in these regards.

8. The appeal site is also located within 'Character Area B: Medieval City around Market Place with High St Agnesgate' of the Ripon Conservation Area (the RCA)[4]. The character and appearance and thus the special interest and significance of the RCA stem, in part, from its surviving historic street pattern, along with the architectural quality and variety of its historic buildings of different ages, sizes, styles, materials and uses, which are a result of its multi-faceted history.

9. As an important built component of the RCA's townscape, Nos 30 and 30A Market Place (Nos 30 and 30A) support and sustain the positive qualities which contribute to the character and appearance of the RCA as a whole and thus to its significance as a designated heritage asset.

*The proposed works and effects*

10. The proposed works are stated to comprise the removal of a section of late 20th century hardboard dado panelling in No 30A; modification of sections of skirting and dado rail in No 30; dismantling existing brickwork to form new opening between the first-floor offices of approximately 2000mm in width and 2150mm in height; installation of prestressed concrete lintel supports; and making good of existing plaster finish on both sides of the wall and forming the new reveal with plaster to match the existing.

11. In conjunction with development and works to No 30 that have previously been granted planning permission and listed building consent[5], the proposed works are intended to provide high quality office accommodation for a single (owner) occupant, permitting the whole building to be in use.

12. Nos 30 and 30A have evidently been the subject of considerable alteration, which has compromised the building's heritage merit to a degree. However, of itself, the building's historic modification does not justify further change. Indeed, it could be argued that the historic fabric and plan-form that survive hold greater value.

[3] List Entry Number: 1150161.
[4] Ripon Conservation Area Character Appraisal, 2009.
[5] Planning Permission Ref: 19/02985/FUL; and Listed Building Consent Ref: 19/02986/LB; granted 15 November 2019.

13. The proposed opening would generally respect the proportions of the two rooms, be distinct from the existing openings in size and form and potentially assist fire safety within Nos 30 and 30A.

14. Nevertheless, the removal of a sizeable section of this internal wall at first floor level would result in the irrevocable loss of historic fabric. Furthermore, the resultant provision of a more open-plan space and access between two principal rooms of Nos 30 and 30A would alter the circulation within and between the two properties, weakening the legibility of their historic plan-form.

15. Even though the proposed works may in theory be 'entirely reversible', if they are granted consent and implemented, in all probability I consider it unlikely that this process would happen. In any event, reversibility does not justify changes that would affect the integrity of a designated heritage asset. Consequently, this carries little weight in favour of the appeal.

16. I note the Council's comments and concerns in respect of the detail of the proposal, particularly the use of prestressed concrete lintel supports and a plain plaster finish to the new opening. However, on this matter and in this instance, I concur with the appellant. An honest but respectful approach to the proposed new intervention would mean that it would not detract from or diminish the value of the historic openings, and would allow the development and narrative of the building to be interpreted and understood. However, a lack of harm in relation to this aspect of the proposed works weighs neither for nor against the appeal.

17. The appellant highlights that the Council has indicated that the principle of knocking through between the rooms is acceptable, depending on the treatment of the opening. However, the Council's comments only state that a proposal comprising a single width opening with a door and a timber lintel above would be 'less harmful' to the significance of the designated heritage asset. They do not confirm that an opening of a revised size and finish to that proposed would result in no harm to the building's heritage interests.

18. Drawing the above together, the proposed works would fail to preserve the Grade II listed building known as Nos 30 and 31 Market Place, or any features of special architectural or historic interest which it possesses. Consequently, they would not sustain or enhance, but rather cause harm to, the significance of this designated heritage asset.

*Public benefits and heritage balance*

19. Paragraph 199 of the National Planning Policy Framework (the Framework) states 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. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

20. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the limited extent and localised nature of the proposed works, I find that the harm in this instance would be modest and certainly 'less than substantial'. Nonetheless, it is of considerable importance

and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.

21. The appellant submits that linking the first floor rooms between Nos 30 and 30A would provide an increased area of more usable and flexible office space within the building, which is crucial for the office space within No 30A to be of viable use. They contend that the proposed works would ensure the long-term active use of both properties, maintain the mixed use of the building and contribute to the social and economic growth of Ripon.

22. Some of these outcomes would be of direct private benefit to the appellant. However, they would also generate some wider social and economic benefits that would flow to the public at large[6]. These public benefits would be in line with the objectives of the Framework and, whilst they would be greatly moderated by the very modest nature of the proposal, carry weight in favour of the appeal.

23. However, although I acknowledge the shift in the approach and expectations for office working as well as what is stated to be the 'sporadic use' of No 30A in recent years, no substantive and compelling evidence has been submitted which verifies that the proposed works are fundamentally necessary to ensure a stable, long-term use of these office spaces at first floor level and secure the building's optimum viable use. Consequently, I am not persuaded that the resultant harm to the significance of the listed building has been clearly and convincingly justified.

24. Overall, the weight that I ascribe to the public benefits which would accrue from the proposed works, including securing the asset's optimum viable use, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.

25. Accordingly, the proposed works would not preserve the Grade II listed building known as Nos 30 and 31 Market Place, or any features of special architectural or historic interest which it possesses. As such, they would not satisfy the requirements of section 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. They would also conflict with Policy HP2 of the Harrogate District Local Plan 2014-2035, adopted 2020. Amongst other things, this policy seeks to ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest; and states that harm to elements which contribute to the significance of a designated heritage asset will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal.

## Other Matters

26. The appeal site is located within the RCA. As such, I have had regard to section 72(1) of the Act, which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. Given the position and extent of the proposed works, the character and appearance of the RCA as a whole would be preserved. I note that the Council raised no objection on this basis either. However, an absence

[6] What is meant by the term public benefits? Paragraph: 020 Reference ID: 18a-020-20190723, Planning Practice Guidance.

of harm in this regard weighs neutrally and does not alter my overall conclusion on the main issue.

27. Reference is made in the evidence to two uPVC windows in No 30A. However, these are not before me as part of the proposed works and I have not considered them in my determination of the appeal.

28. I note the appellant's comments regarding the Council's conduct in determining the application. Nonetheless, this is not a matter for my consideration in the context of an appeal under s20 of the Act.

**Conclusion**

29. For the reasons given above, I conclude that the appeal should be dismissed.

*F Cullen*

INSPECTOR