



Appeal Decision

Site visit made on 2 November 2022

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/T2350/W/22/3296075

21 Church Street, Ribchester, PR3 3XP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Porter against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2021/0768, dated 21 July 2021, was refused by notice dated 21 October 2021.
 - The development proposed is described as 'Demolition of an external rear garden stone outbuilding. Building to be replaced with new to provide a hot tub / jacuzzi facility. All materials to match existing'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the proposal is in a conservation area and relates 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).
3. The appellant's appeal statement indicates that it is to support the Council's refusal of a planning application and an application for listed building consent. However, the appeal before me relates only to the Council's refusal of planning permission under reference 3/2021/0768. The Council's officer's report and statement indicate that a listed building consent application under reference 3/2021/0417 was withdrawn.

Main Issues

4. The main issues are:
 - whether the proposal would preserve the grade II listed building 16-22 Church Street (Ref: 1147455) and any of the features of special architectural or historic interest that it possesses; and
 - whether the proposal would preserve or enhance the character or appearance of the Ribchester Conservation Area; and whether the proposal would preserve the settings of nearby listed buildings.
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Reasons

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

5. The appeal property is a terraced cottage which forms part of the row at Nos 16-22 Church Street (consecutive). The terrace is made up of late 18th century handloom weavers' cottages which are constructed of squared sandstone with brick stacks over two storeys with attics. The terrace fronts Church Street hard up to the back edge of the pavement. Adjoining Nos 8-15, 23-24 and 25-26 Church Street form part of the wider row and are also grade II listed. The properties in Church Street have linear rear gardens which adjoin the Queen Elizabeth Playing Fields to the west. A number of them have outbuildings at the far end of their gardens adjacent to, and in some cases forming part of, the stone boundary wall with the playing fields.
6. No 21's single storey outbuilding is one of those shown on the 1847 and 1893 OS maps where the outbuildings are seen in pairs at the boundaries of the houses. It could well have been used historically for the keeping of animals, as an outside toilet or for storage. The listing includes any object or structure fixed to the building and any free-standing object or structure erected before 1 July 1948 within the curtilage of the listed building under section 1(5) of the Act. This applies irrespective of whether or not it has been explicitly identified in the list description. In this instance this includes No 21's outbuilding because this structure is within the historic curtilage of the listed building and was erected prior to 1948.
7. Built in stone with a stone slate mono-pitch roof which falls back towards the playing fields, the rear wall of the outbuilding forms part of the boundary wall to the playing fields. The boundary wall is around 1100mm high but has been increased in height to 1376mm to accommodate the outbuilding. The outbuilding has two door openings facing back towards the house each with stone lintels. It is sub-divided internally into two separate areas by a brick and stone wall and is currently used as a garden and children's toy store.
8. The outbuilding has been altered over time. It has seen the addition of an access door and glazed window, and its stonework and roof verge have been repaired and re-pointed in cement based mortar. Additionally its stone flagged roof does not match the cottage at No 21 which has a Welsh slate roof.
9. Nevertheless, despite these changes the outbuilding retains its functional understated appearance and the modest proportions of its historic form which both attest to its long established and subservient relationship with the cottage. It also maintains its traditional architectural features, materials and historic fabric. Thus, even given its utilitarian appearance and lack of architectural detailing, it is a feature of special architectural and historic interest in terms of the listed building.
10. Although the listing description does not refer to the outbuildings associated with the cottages, I am mindful that the entry in the statutory list contains a description to aid identification only and is not a comprehensive or exclusive record of the special interest or significance of the building. I therefore find that the significance of the listed building, insofar as relating to this appeal, is primarily derived from the architectural and historic interest of No 21's outbuilding connected to its role and association with the cottage, to which its form, proportions and historic fabric all contribute.

11. The appeal building is within the Ribchester Conservation Area which takes in the village core. The Conservation Area Appraisal (CAA) finds that the village is dominated by rows of stone built handloom weavers' cottages, many of which were built in the late eighteenth century. It explains that Ribchester's greatest period of expansion and prosperity was from the late eighteenth century, when rows of handloom weavers' cottages were built in Church Street and Water Street, transforming a small rural settlement into an industrial village.
12. The summary of special interest in the CAA identifies the importance of this building type and the prevalent use of local stone to the conservation area. Thus I find that the conservation area's historic and architectural significance is associated with Ribchester's rural history and development as an industrial settlement.
13. Although it is not highlighted in the CAA, as a long standing and traditional outbuilding associated with the former weaver's cottage at No 21, in my view the outbuilding adds to the architectural richness of the conservation area. This is so particularly given its prominent and open location backing on to the playing fields which are identified in the CAA as the settlement's main open space.
14. As such, I consider, insofar as relating to this appeal, that the importance of the conservation area is mainly derived from the historic status and appearance of the handloom weavers' cottages and the prevalent use of local building stone. Thus, the appeal property and its outbuilding (and the other buildings which make up that listed building) contribute positively to the sense of identity and place as well as the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.
15. Turning to the nearby listed buildings, adjoining Nos 8-15, 23-24 and 25-26 Church Street are also grade II listed late 18th century stone weavers' cottages. Together with the listed building that includes the appeal property, they form a consolidated group of historic buildings fronting Church Street which back on to the open land at the playing fields.
16. Accepting that they all have their own particular detailed features of interest and significance, there is a cohesiveness to this concentration of buildings. Their significance, insofar as relating to this appeal, is derived from their historic interest as weavers' cottages, traditional appearance and relationship with each other in the townscape and in relation to the playing fields. These matters collectively provide evidence of the role of the settlement and its historic development. The settings of these buildings, and the contribution they make to the significance of those assets, in so far as they relate to this appeal, is thus derived from the traditional village townscape and character in this part of Ribchester.
17. The National Planning Policy Framework (The Framework) defines setting as the surroundings in which a heritage asset is experienced. The collection of listed buildings described adjoin the appeal building in the same immediate row. The appeal building has a presence in Church Street but it is also seen from the playing fields to the rear where the outbuildings associated with the dwellings are prominent features on the boundary wall. It is seen from the rear alongside the wider row of properties and their rear gardens.

18. This being so, there is inter-visibility to varying extents between the nearby listed buildings and No 21's outbuilding. Furthermore some contextual views of the nearby listed buildings include the outbuilding. I find that the settings of these buildings, in so far as they relate to this appeal, to be primarily associated with the importance of 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 proposal

19. The appeal proposal seeks the demolition of the rear outbuilding at No 21 and its replacement with a new covered structure to house a hot tub/jacuzzi. The appellant indicates that the design of the new building is intended to replicate closely the existing building and would re-use the stonework and the existing stone roof tiles, with any shortfalls sourced from local suppliers. It would also use traditional lime based mortar rather than cement as has been used in previous repairs.
20. Nevertheless, in completely demolishing the outbuilding the proposal would lead to the loss of a good deal of important historic fabric. This would be so notwithstanding that the materials would be re-used. The appellant has provided a structural report which raises concerns relating to the structural integrity of the outbuilding's internal partition wall and to the external wall with neighbouring No 22. As set out above, the outbuilding was formerly adjoined to another outbuilding at No 22 which was subsequently removed. The report indicates that the formerly shared flank wall has not been constructed correctly, shows signs of movement and could potentially collapse.
21. That said, notwithstanding the appellant's aspirations for the building which are considered below, no repair, restoration or alteration works appear to have been considered in the first instance to remedy the failings identified within the report. This being so, I cannot be satisfied that the building's complete demolition and replacement, and the loss of historic fabric that would result, is justified on these grounds alone.
22. The replacement building would be wider, deeper and taller than the existing outbuilding. It would increase the relatively modest structure's footprint from around 9.36 square metres to some 14.7 square metres. The elevation facing the playing fields (which forms part of the boundary wall) would be rebuilt and the height of the building on the boundary wall increased from some 1376mm to around 1742mm. The highest point of the building facing back towards No 21 would be increased by 450mm.
23. As a result, although the angle of the pitch of the existing building's roof would be replicated, the resultant building would appear as a larger and more substantial structure. This would be directly at odds with the existing building's diminutive proportions and modest form. As a result of its increased dominance and elevated visual status the replacement building would be less recognisable as a domestic outbuilding and the sense of its historic role and ancillary relationship with the cottage would be undermined.

24. In addition to its increased size, the proposed replacement building would include a significant amount of glazing to its east elevation. I appreciate that this would be recessed and set back from the ridge line and would allow the internal stonework to be visible. I also note that No 21 has a ground floor rear extension with glazing to the gable elevation. Even so, the expanse of glazing to the outbuilding would have an obvious and modern appearance that would bear no resemblance to the traditional openings usually found on historic domestic outbuildings. As such it would appear as a conspicuous and uncharacteristic feature that would fail to respect or retain any sense of the modest vernacular architectural form, materials or character of a simple outbuilding.
25. Whilst the outbuilding's east elevation would face back towards the host property and would not be visible from the playing fields, it would nevertheless be seen from the rear windows and garden areas of the adjacent properties. In any case, I am mindful that listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of them can be gained.
26. Although the appellant indicates that the glazing is required for safety reasons, and appreciating that he has a young family, no further explanation on this point or justification for the amount of glazing proposed has been provided. As such I am not persuaded that this particular feature of the proposal is justified on these grounds.
27. There are a number of outbuildings to the rear of the properties in Church Street both within the terrace of cottages that make up the listed building that is the subject of this appeal, and in the wider row which takes in the other listed buildings described above. The outbuildings and associated boundary wall are prominent when seen from the adjacent playing fields. I accept that some of the historic outbuildings have been demolished and others have been replaced and/or altered (including some that appear to have been increased in height and/or rendered). There are also examples of timber sheds and timber fence panels there. Thus, whilst a number of the traditional outbuildings remain, there is some variety in the scale, appearance, age and use of materials in the remaining structures as well as in the boundary wall there.
28. However, even in this context, by removing the existing traditional structure which is one of the remaining well established and relatively unaltered stone outbuildings, the proposal would further erode the extent of the historic outbuildings there. Furthermore, whilst appreciating the variety of outbuildings nearby, in introducing a larger and more dominant modern replacement the proposal would appear somewhat incongruous and out of place.
29. Whilst the appellant considers that the taller outbuildings to the adjacent properties suggest that the appeal outbuilding may have been reduced in height in the past, no further evidence to substantiate this claim has been provided, and I have seen nothing to demonstrate that the appeal outbuilding would have previously been taller. I have also had regard to the argument that since the outbuilding was previously attached to a similar one at No 22, it would have appeared as a much larger structure in the past. However, given that the proposed replacement building would be sited in No 21's garden only, and in the context of No 22's existing adjacent shed, I am not convinced that the appeal proposal would read as a joint outbuilding with No 22, or that it

would reflect the historic situation in this regard. Accordingly neither of these arguments lend any weight to the appeal proposal.

30. Taking all these factors into account, I consider that the proposal would lead to the unjustified demolition of an important curtilage structure and the loss of a significant amount of historic fabric. Additionally, for the reasons given, I find that both the form and proportions of the proposed replacement building would be unacceptable. This would be to the extent that it would appear dominant and incongruous and incorporate uncharacteristic and alien modern architectural features.
31. Thus the proposal would undermine the architectural and historic interest of the outbuilding, impede the appreciation of its historic role and function as an ancillary domestic building, thereby detracting from its role and association with the cottage at No 21 and eroding its authenticity. As a result, overall, the proposal would impair the listed building's historic legibility and fail to preserve its special interest.
32. For the reasons given above, I have found that the proposal would undermine the historic integrity of the listed building (of which the appeal building is a part). It would also be appreciated in the context of the other listed buildings on the row as a whole. Despite the variety of structures at the ends of the gardens, the proposed building would be plainly visible there and would detract from views along the rear of the row as a whole from the playing fields, and those looking back towards the cottages.
33. The settings of the nearby listed buildings are associated with the historic townscape in this part of Ribchester including the traditional buildings there. In unacceptably eroding these elements which contribute positively to the special interest and significance of those buildings, the proposal would detract from the settings of the nearby listed buildings.
34. 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 proposal would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposal would cause harm to the significance of the conservation area and would fail to preserve its character and appearance.

Heritage balance

35. I therefore conclude on the main issues that the proposal would fail to preserve the special interest of the listed building, or the significance of the conservation area, or the settings of the nearby listed buildings. I give this harm considerable importance and weight in the balance of this appeal.
36. 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.
37. 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.

38. The appellant's structural report finds that the building is no longer of any practical use. Although it is currently used as a store, it has a restricted head height which makes access impractical since it does not allow a person to stand up. The door heights are low and the internal space is further restricted by a timber support beam.
39. That said, it has not been put to me that the appeal property's continued viable use as a dwelling is dependent upon the appeal proposal, and I am aware that the cottage has an ongoing residential use that would not cease in its absence. I am conscious that the building has been used in association with the appeal building for many years. Whilst I appreciate that its restrictions in head height and footprint are considered by the appellant to preclude the introduction of a hot tub/jacuzzi facility as sought, there is nothing before me to demonstrate that the existing or an alternative ancillary residential use of the outbuilding could not continue if the appeal were to be unsuccessful.
40. Whilst the appellant wants to make full use of the rear garden area and to install a hot tub/jacuzzi for family use, this is a private benefit only. Although the proposal would result in some construction employment, given its limited scale the benefits that would arise in this regard would not be great.
41. Thus I find that the public benefits arising from the proposal would not outweigh the harm to the significance of the designated heritage assets I have identified. For these reasons the proposal would fail to satisfy the requirements of the Act and paragraph 197 of the Framework.
42. The proposal would also be contrary to Key Statement EN5 of the Ribble Valley Core Strategy (Core Strategy) which seeks to conserve and enhance the significance of heritage assets and to Core Strategy Policy DME4 which aims to protect heritage assets. It would also fail to support Core Strategy Policy DMG1 which requires development to be of a high standard of building design and be sympathetic to existing and proposed land uses in terms of (amongst other things) its scale, massing, style, features and building materials.

Other Matters

43. Although no detailed information or plans have been provided, the appellant refers to two alternative proposals to alter the outbuilding to increase its height without the need for it to be demolished. However, any such schemes are not before me for consideration and would need to be the subject of further submissions to the Council.
44. The appellant considers the existing building to fall below the volume threshold automatically required to protect a building from demolition within a conservation area. Be that as it may, I am mindful that the appeal arises from the appellant's application to demolish and replace the outbuilding and that the proposal concerns a listed building. As such, this matter adds no weight in favour of the appeal scheme.
45. The appellant is concerned about the Council's handling of the planning application. Reference is made to a lack of correspondence, the nature of the site visit, and an unwillingness to discuss the proposal/reasons for refusal. I note that these are disputed by the Council. Be that as it may, these are

matters between the appellant and the Council. I confirm that I have considered the appeal proposal on its own merits and made my own assessment as to its potential impacts.

46. There are no objections to the proposal from Historic England or Lancashire County Council and the appellant accepts conditions relating to archaeology to take account of the status of the adjacent playing fields which is a Scheduled Ancient Monument. The absence of harm in these regards counts neither for, nor against the proposal.

Conclusion

47. 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