

Appeal Decision

Site visit made on 17 October 2023

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2023

Appeal Ref: APP/G0908/Y/23/3320855

All Saints Church, Kirkgate, Cockermouth CA13 9PJ

- 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 Hoddinott against the decision of Allerdale Borough Council.
 - The application Ref LBC/2022/0043, dated 15 September 2022, was refused by notice dated 2 December 2022.
 - The works proposed are removal of damaged Victorian pavers to central section of The Went and replacement with granite setts.
-

Decision

1. The appeal is allowed and listed building consent is granted for removal of Victorian pavers to central section of The Went and replacement with granite setts at All Saints Church, Kirkgate, Cockermouth CA13 9PJ in accordance with the terms of the application Ref: LBC/2022/0043 dated 15 September 2022 and the plans submitted with it subject to the following conditions:
 - 1) The works authorised by this consent shall begin no later than 3 years from the date of this decision.
 - 2) No works shall take place unless a sample of the granite setts and details of construction methodology (including works of making good) shall have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved sample and details.

Preliminary matters

2. As the appeal relates to a listed building, I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, as required by section 16(2) of the Act. Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) establishes that any object or structure within the curtilage of the building, although not fixed to the building, that forms part of the land and has done so since before 1 July 1948 shall be treated as part of the building.
3. The description of development relates to the removal of damaged pavers, however the application and appeal documentation make clear that the proposal is to replace all of the pavers, not just the 30% or so that are damaged. I have determined the appeal on this basis and amended the wording in the above decision accordingly.

Main Issue

4. The main issue is whether the proposal would preserve the Grade II* listed building known as All Saints Church (listed as Church of All Saints, list entry number 1144744), its setting and any features of special architectural or historic interest which it possesses.

Reasons

The listed building

5. The statutory listed description identifies All Saints Church as dating from 1852-54. A public right of way, known as The Went, runs through the enclosed church grounds, connecting Market Street with Kirkgate, and is the main approach and entrance to the church. From the route of this path, the design and detailing of the church can be seen and experienced in close quarters. The surfacing of The Went within the appeal site has maintained some limited integrity, despite changes over time, with retention of early granite edging flags, and the Victorian diamond pavers, albeit alongside modern tarmacadam.
6. The significance and special interest of the listed building are derived from the quality of its design and detailing and from its prominence as an important spiritual and communal facility located at the heart of the rural settlement. The route of The Went, from which the heritage asset can be closely appreciated, contributes positively to the significance of the listed building. The Victorian pavers are likely to be contemporaneous with the construction of the church, which also contributes to significance. However, the surfacing of The Went within the site, with its mixture of materials and ad-hoc appearance, along with the poor condition of many of the diamond pavers, is a detracting factor.
7. From my own observations, I take the surfacing of The Went comprising the flags and pavers to have formed part of the land before 1 July 1948, therefore within the curtilage of the listed building and covered by the same statutory protection.
8. The proposal is for the replacement of the Victorian diamond pavers, many of which are cracked or damaged, with granite setts. The diamond pavers currently comprise a relatively small part of the overall surfacing of The Went. Only the entrance to the church and the middle section of The Went contains the diamond pavers, of which there are two distinct types, probably of different dates. Along the path itself, the diamond pavers only occupy a central line, being flanked either side by the granite flags and beyond by tarmacadam and resin surfacing. This mixture of surfacing treatments appears to have developed in an ad-hoc manner over many years and, consequently, it has an incohesive appearance.
9. This contrasts with the surfacing of The Went just outside of the appeal site. From Kirkgate/Cocker Lane to Nos 36/38 and 40 Kirkgate, the path comprises granite setts laid within granite edging flags, set in a wider open area of stone cobbles. Here, The Went is a cohesive and attractive path.
10. The proposal to introduce granite setts would, subject to specifications being agreed by condition, match or compliment the surfacing of the path at the Kirkgate end. In doing so, the proposal would go a considerable way to consolidating the materials palette of The Went. In this respect, the proposed

granite setts would make a positive contribution to the heritage asset in terms of character and appearance, as well as better withstanding vehicle damage.

11. Inevitably, this substitution would result in the loss of Victorian fabric and, whilst such pavers are not commonplace within the surrounding area, the loss at The Went would be limited and localised. Nonetheless, the proposal would be moderately harmful. The degree of harm would be less than substantial.
12. Accordingly, this harm should be weighed against the public benefits of the proposal. The proposal would consolidate the materials palette and make a positive contribution to the surfacing of The Went, being the public right of way and main approach to the church from which the design and detailing of the heritage asset is seen and experienced. Public benefit would also derive from provision of a new level walking surface, although this could equally be achieved by repairing or replacing the diamond pavers. Overall, I am persuaded that there would be wider public benefits of sufficient magnitude to outweigh the less than substantial harm to the significance of the heritage asset, and the considerable importance that this carries.
13. Given that wider public benefits would outweigh the less than substantial harm to the designated heritage asset, the proposal would preserve the Grade II* listed building known as All Saints Church, its setting and any features of special architectural or historic interest which it possesses. The proposal would accord with the historic environment policies in the National Planning Policy Framework and the expectations of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The conservation area

14. All Saints Church is located within the Cockermouth Conservation Area. The effect of the development on the conservation area is not evidenced as a matter of concern to the Council. Based on my above findings on the effect of the proposal on the listed building, and with regard to s72(1) of the Act, it follows that I conclude that the proposal would preserve the character and appearance of the conservation area, in accordance with Policy S27 (Heritage Assets) of the Allerdale Local Plan (2014).

Conditions

15. Paragraph 55 of the Framework sets out that conditions should only be imposed where they are necessary, relevant to planning and to the development (or works) to be permitted, enforceable, precise and reasonable in all other respects. I have modified the wording of the conditions suggested by the Council to comply with the Framework tests. A condition requiring samples and construction methodology is necessary for clarity and in the interest of preserving the listed building. The Council's suggested condition requiring compliance with plans is not necessary as progressing the works in accordance with the submitted plans is part of the formal decision above.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Patrick Hanna

INSPECTOR