



Appeal Decision

Site visit made on 13 August 2024

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 1ST October 2024

Appeal Ref: APP/A2335/Y/24/3342431

The Old Post House 28-30 Yealand Road, Yealand Conyers, Carnforth, Lancashire LA5 9SH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr David Keeton against the decision of Lancaster City Council.
 - The application Ref is 24/00167/LB.
 - The works proposed are described as "Removal of concrete plain tiles from the east elevation of the roof, replace with Burlington slate which is already on the west elevation; replace both rain water gutters and waste water pipes with cast iron effect black pipework".
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Decision

1. The appeal is dismissed and listed building consent is refused for removal of concrete plain tiles from the east elevation of the roof, replace with Burlington slate which is already on the west elevation; replace both rain water gutters and waste water pipes with cast iron effect black pipework.

Preliminary Matters

2. As 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).

Main Issues

3. The main issues are whether the proposal would preserve a Grade II listed building, "Old Post House" (Ref 1308671) (the LB), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Yealand Conyers and Redmayne Conservation Area (the CA).

Reasons

4. The LB was listed in 1968 and dates from the late 17th century. Although once divided into 2 cottages, it is now a single dwelling house. It is a 2-storey building finished in limestone rubble with a slate roof and with windows rebated and chamfered with mullions. It was likely originally used by Quakers, who populated Yealand in the 17th and 18th century, before its extension and alteration for use as a post house. Insofar as it relates to the appeal, I find that the traditional materials and vernacular form contribute to the special interest of the listed building as an early dwelling house and subsequently post house.
5. The Old Post House lies within the southern half of the CA, this being a linear area that includes the land and buildings to either side of Flat Lane and Yealand

Road. Medieval in origin, the settlement comprises a scattering of predominantly 17th to 19th century buildings, linearly but sporadically arranged around the road. Buildings vary in terms of their ages, styles, sizes and materials. Nevertheless, the significance of the CA, insofar as it relates to the appeal, is associated with the unifying traditional materials, including stone and slate, and the local rural vernacular building forms. The historic fabric, vernacular form and history of use of the LB contribute positively to the character and appearance, and thereby the significance, of the CA.

6. The roof to the front of the appeal property comprises traditional slate. In contrast, much of the rear roof comprises concrete tiles, the historic slate roof having been unsympathetically replaced at some point in the past. The non-traditional and inauthentic concrete tiles would be replaced with Burlington slate, which would be a traditional material in keeping with the historic LB. No detailed elevation or proposed plans appear to have been provided, but the proposed roof materials would preserve the special interest of the LB.
7. The existing guttering and waste water drainage system comprises a mix of 1970s-style, grey and black plastic pipework. This is not original or traditional and the inauthentic and unsympathetic modern materials detract from the historic and architectural interest of the LB. Notwithstanding that the gutters, downpipes and waste water pipes appear to post-date the listing of the building, there is little evidence that the works were consented.
8. The existing pipework, although not specified in detail, is proposed to be replaced by a 'cast iron effect rainwater and soil system' comprised of black plastic pipework and fittings designed to replicate authentic cast iron but at a more affordable cost. The submitted Cascade brochure includes a variety of styles and sizes of gutters, downpipes and hoppers. However, irrespective of the details, the contemporary material is not traditional and its use would be inherently inauthentic and unsympathetic to the historic building. The plastic pipework would have a uniformly smooth finish, lacking the surface imperfections and textural variations that characterise traditional cast iron. Moreover, the contemporary materials would not weather and age in the same way as cast iron. The appellant acknowledges that the proposal would be distinguishable from cast iron at close range.
9. Brochure photographs suggest that the proposed heritage-style pipework would be likely to be visually more sympathetic to the LB than the poor quality existing pipework. However, on the basis that the existing plastic pipework was installed without consent, its replacement with a system that would itself be harmful in the context of the historic building would nevertheless fail to preserve the special interest of the LB.
10. The LB is in a prominent location at the junction of Yealand Road and Dykes Lane. The concrete tile roof to the rear of the property, parts of the rear elevation, and the side elevation are visible in views along Dykes Lane. The front elevation is visible looking along Yealand Road. Consequently, the proposal, with relatively close views of the pipework, would be readily visible from the public domain. The reinstatement of a traditional slate roof to the rear would be a visible enhancement, in keeping with the historic buildings and local vernacular. However, while the proposed heritage-style pipework would be more attractive than the existing poor quality goods, the use of plastic would nevertheless continue to detract from local distinctiveness and the historic sense of place.

Consequently, on the basis that the existing roof and pipework do not appear to have been consented, the proposal as a whole would not preserve or enhance the character or appearance of the CA.

11. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be less than substantial in this instance but, while it may be at the lower end of the spectrum, nevertheless of considerable importance and weight in the planning balance of the appeal.
12. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. The appellant considers that the proposed slate roof would be a visual enhancement, although the existing concrete tile roof is in good order and expected to last for 50 years. Reference is also made to perished plastic pipe and guttering. He also indicates that the financial savings, in terms of using plastic rather than metal gutters and pipes, would significantly address the affordability of the replacement roof.
13. The slate roof would be a visual enhancement compared to the apparently unconsented concrete tile roof, but there is little evidence it would be an enhancement compared to the slate roof that existed at the time of listing. The financial considerations would be a private benefit. There is little substantive evidence before me in relation to the condition of the existing water pipes. Moreover, while functional rainwater and soil pipes are clearly important in terms of conserving historic fabric, maintenance of the building is not strictly a public benefit. The limited public benefits are not sufficient to outweigh the harm that I have identified. Furthermore, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
14. Given the above, I conclude that on balance the proposal would fail to preserve the special historic interest of the Grade II listed building and the character and appearance of the Yealand Conyers and Redmayne Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework, and would conflict with policies DM37 and DM38 of A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adopted July 2020 and Policy AS07 of the Arncliffe and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document Adopted March 2019 insofar as relevant.

Other Matters

15. My attention has been drawn to case law relating to drains and guttering (ref VCONST09200). This includes reference to the replacement of existing guttering as not an 'approved alteration' unless there is a significant change in how it is configured; and that, in a particular case, a Tribunal held that the replacement of cast iron gutter with plastic gutter was repair or maintenance. However, I am not aware that this is planning case law and it does not establish either that the existing plastic pipework in this case did not require listed

building consent or that the proposed replacement pipework would be an acceptable alteration to the listed building. In any case, the appeal is against a refusal to grant listed building consent and I have determined it accordingly.

16. I have taken into account the support for the scheme from the local Ward Councillor, who is also a local resident. However, this does not alter my findings on the issues.
17. The Council's conservation officer previously recommended aluminium rainwater goods, with an appropriate profile, as an alternative to uPVC. I understand the appellant considers that the cast iron effect product would have a more sympathetic appearance than aluminium. However, there is little substantive evidence before me in this regard or in relation to the relative costs of the different materials. As such, I cannot be certain that there are no economically viable alternatives that would result in less or no harm to the heritage asset.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR