



Appeal Decision

Site visit made on 24 May 2022

by **Helen Hockenhull BA (Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/T2350/Y/21/3278336

35A King Street, Whalley, Lancashire, BB7 9SP

- 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 Holly Brunt against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2021/0239, dated 28 April 2021, was refused by notice dated 10 June 2021.
 - The works proposed are the conversion and re-use of the building for an ice cream parlour. The unstable wall is to be partially demolished due to poor condition and rebuilt with a new entrance and copings.
-

Decision

1. The appeal is dismissed, and listed building consent is refused

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 Issue

3. The main issue is whether the proposal would preserve a Grade II listed building, 35 King Street (Ref: 1317638) 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 Whalley Conservation Area.

Reasons

4. The appeal building is located in the rear garden of No. 35 King Street and fronts onto Back King Street. The northern wall of the building comprises part of the historic rear garden wall to the property. It is proposed to convert and reuse the building as an ice cream parlour with the northern wall partially demolished and rebuilt to provide a new entrance and copings.
5. No's 33 and 35 King Street form a pair of 3 storey townhouses dating from the mid-18th century, now partly in commercial use. They are constructed in brick with sandstone dressings, a slate roof and 10 bays. Sash windows have a plain stone surround and keystone.
6. No. 35 has retained its garden wall from at least the 1840's, though parts of the wall have been rebuilt over the years. This forms a curtilage listed structure. The wall is constructed in random sandstone rubble and is

approximately 2.4 metres in height. The section forming part of the appeal building has concrete copings whilst the western section of the wall, which appears to have been recently rebuilt and renovated, has stone copings. The wall curves to its far eastern end leading to a door opening. The Heritage Statement submitted by the appellant suggests this part of the wall may have been realigned between 1910 and 1929. There is evidence in the wall of previous openings which have since been infilled. The significance of the wall as far as it relates to this appeal is primarily derived from its historic and architectural interest in denoting and enclosing the rear garden area to No. 35.

7. The appeal site lies within the Whalley Conservation Area (CA). The CA includes the ruins of the fourteenth century Whalley Abbey, St Mary's and All Saints' Church and the historic development along King Street now forming the retail and commercial core of Whalley. It is predominantly made up of small units within two and three storey rendered brick buildings with slate roofs, and older plain dressed stone buildings. The Conservation Area Appraisal notes that most of the boundaries in the CA are defined by sandstone rubble walls topped by a variety of copings. These aspects of the CA add to its historic and architectural significance.
8. The proposed conversion of the appeal building to an ice cream parlour would involve the rebuilding of the curved eastern end of the wall and the infilling of the current door opening. A structural survey has been submitted which demonstrates that this section of the wall has an outward lean and there is a large crack to the near face of the reveal to the door. I observed this on my visit. The loss of the existing opening of the wall and the rebuilding of this section to overcome the structural issue, would not diminish the significance of the wall and would be acceptable.
9. The scheme also proposes a new entrance created by the removal of around 4 metres of wall in the position where the wall has previously been infilled. The entrance would be recessed, and a glazed (reflective) double width door provided. The curved nature of the recessed door opening would reflect the existing curve at the eastern end of the wall. However, it would serve to significantly increase the prominence of the proposed entrance, resulting in a discordant alteration. The wall contributes to the special interest of the listed townhouse, a prestigious Georgian residence. The works proposed would serve to diminish its relationship to the property and its importance as part of its setting.
10. The use of the existing opening and its remodelling would also remove the visible record of historic alterations in the fabric of the wall. I acknowledge that these alterations have been undertaken unsympathetically with the use of concrete copings. However, they remain important to the significance of the heritage asset. Overall, I consider the appeal proposal would fail to preserve the special interest of the listed building.
11. The wall forms a key feature in Back King Street, visible from King Street. I have already noted the importance of sandstone rubble boundary walls to the architectural and historic significance of the CA. Given the above, I conclude that the development would have a negative impact on its character and appearance.
12. It is proposed that the existing building be reroofed incorporating a low central rooflight and shallow clerestory and zinc facias. The Council have raised no

concerns with this element of the scheme. I concur with this view as the works proposed would improve this unsightly building, having a beneficial impact on the visual amenity of the CA.

13. Notwithstanding this positive aspect of the scheme, I find that overall, the proposal would form an incongruous development, failing to preserve the special interest of the listed building and failing to preserve the character and appearance of Whalley CA.
14. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Having regard to the extent and nature of the proposal, I consider the scheme results in less than substantial harm.
15. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I acknowledge that the works to address the structural defects of the wall and undertake repointing are a public benefit. So too is the reuse of the building to provide a retail and tourist facility. However, I agree with the Council that the extent of the works proposed are not necessary to achieve the above public benefits.
16. Bringing all the above together, I conclude that the harm I have identified is not outweighed by the public benefits. The proposal would fail to preserve the special interest of the Grade II listed building. It would also fail to preserve the character and appearance of the Whalley CA. The proposal would therefore fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with Key Statement EN5 and Policies DME4, DMG1, DMR2, DMB1 and DMB3 of the Ribble Valley Core Strategy 2008-2028. These policies seek to protect heritage assets whilst also supporting the local economy. As a result, the proposal would not be in accordance with the development plan.

Conclusion

17. For the above reasons and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR