



## Appeal Decision

Site visit made on 28 June 2022

**by E Worthington BA (Hons) MTP MUED MRTPI**

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

**Decision date: 13 July 2022**

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**Appeal Ref: APP/T2350/Y/21/3289487**

**14 Church Lane, Whalley, BB7 9SY**

- 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 Peter Hitchen against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/0369, dated 2 May 2021, was refused by notice dated 6 September 2021.
  - The works proposed are described as 'refurbishment of the existing roof finish'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the proposed works are in a conservation area and relate 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 proposed works would preserve a grade II listed building, 14 and 15 Church Lane (Ref: 1362367) and any of the features of special architectural or historic interest that it possesses; and
  - whether the proposed works would preserve or enhance the character or appearance the Whalley Conservation Area, and whether they would preserve the settings of nearby listed buildings.

### Reasons

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

4. The appeal property is a mid terrace two storey cottage and forms one half of a single listed building entry which includes both 14 and 15 Church Lane. These are a mirrored pair of houses built in sandstone rubble which form part of a wider row that includes other similar listed buildings (see below). The terrace faces directly on to Church Lane immediately opposite the Church of St Mary All Saints. The listing description indicates that the appeal building is likely to be an early to mid 19<sup>th</sup> century alteration of an earlier building.
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5. No 14 is a small cottage one bay wide and two rooms deep with a single storey rear extension. To the rear is a yard enclosed by stone walls which adjoins a public car park accessed off George Street. Whilst it has a traditional grey stone slate roof, the other roofs in the row have been replaced with blue slate (including at No 15).
6. Despite these alterations, the appeal property and its neighbour at No 15 retain a modest functional built form, incorporating uncomplicated detailing and traditional materials. The building's historic openings, proportions and features have for the most part been retained. As a consequence, its historic form is clearly legible and the building maintains an attractive unembellished appearance and simple traditional character and charm.
7. From the listing description and the evidence before me, insofar as it relates to this appeal, I find that the special interest of the listed building is drawn from its historic age, simple functional form, historic fabric and architectural features along with its relationship to the other buildings in the row and nearby. It also derives from its siting in the historic core of the settlement close to the church. All these elements are important overall to the special interest of the building in terms of this appeal.
8. The appeal building is within the Whalley Conservation Area which covers much of the central historic core of the town. The Conservation Area Appraisal recognises that the town is noted for its variety of historic buildings, river setting, topography and traditional rural character. I consider that the significance of the conservation area, in so far as it relates to this appeal, is mainly derived from the quality of historic buildings, the use of traditional materials, and the long established historic townscape.
9. Whilst the run of cottages in which the appeal property sits has altered over time, they are a pleasing component of the street scene in Church Lane. They are surviving examples of the small scale vernacular stone cottages typical of the historic town where such modest functional housing was provided to meet increased population. Along with the other buildings in Church Lane, including the church itself, the appeal property contributes positively to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.
10. Turning to the nearby listed buildings, Nos 10-13 Church Lane (Ref: 1317673) adjoin the appeal property to the east and are part of the same row. As is No 16 Church Lane (Ref: 1164698) to the west which is at the end of the terrace. These Grade II listed buildings are also early 19<sup>th</sup> century two storey cottages built in sandstone rubble with slate roofs. Together with the appeal property they form a consolidated group of historic buildings which face onto the Church of St Mary All Saints in the historic core of the village. This impressive Grade I listed church (Ref 1164684) dates to the 13<sup>th</sup> century and is built of sandstone rubble and dominated by a perpendicular tower at its western end.
11. There are a number of other Grade II listed buildings to the west. Nos 2,3 and 4 The Square (Ref 1362370) are a row of mid 19<sup>th</sup> century two storey houses. These adjoin 1 the Square (Poole House) (Ref 1164730) which are the same age. Together those buildings face the three mid 17<sup>th</sup> century houses at Nos 1, 2 and 3 Poole End (Ref 1362369) at right angles. Consistent with the other traditional buildings nearby, this grouping of listed buildings are also built of sandstone rubble and slate.

12. Despite their different ages, and accepting that they all have their own particular features of interest and significance, there is a cohesiveness to this concentration of centrally located buildings. The significance of these buildings, insofar as relating to this appeal, is derived from their historic interest, traditional appearance and relationship with each other in the townscape which 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 derived from the traditional historic townscape of this part of Whalley.
13. 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 are close to the appeal building, some adjoin it in the same immediate row, others form a separate cluster immediately to the west, and the church is directly opposite. The appeal building has a presence in Church Lane but it also seen from the public car park and George Street to the north where its rear elevation and roof plane, along with those of the other buildings in the terrace, are highly visible. The tower of the church is seen between the trees above the terrace's roofs, and the rear of some of the buildings in Poole End and The Square are evident immediately to the west.
14. This being so, there is inter-visibility to varying extents between the nearby listed buildings and the appeal building. Furthermore some contextual views of the nearby listed buildings include the appeal building. I find that the settings of these buildings, in so far as they relate to this appeal, to be primarily associated with the historic 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 proposed works*

15. The proposed works include repairs to the roof of the main roof and the extension at No 14 to remove and re-lay the existing grey stone slate. The Council raises no objections to those works but is concerned about the proposed insertion of two rooflights to the rear roof.
16. These would be 55cm by 78cm and of a conservation style design. Whilst they would not be large, they would be prominently located high up the rear roof slope and equally spaced out in a line. They would be inserted into parts of the traditional roof and would inevitably lead to the loss of some of the historic fabric there. By their nature they would be of a modern design with a glazed reflective surface. This would be in direct contrast to the traditional nature and natural finish and texture of the slate roof.
17. Thus they would have an obvious and strident appearance and would appear as modern additions to the building that would stand out as discordant and conspicuous features. To my mind they would seriously detract from the functional vernacular form of the historic cottage and erode its simplicity. I therefore consider that the proposed works would undermine the building's historic legibility and fail to preserve its special interest.

18. The rooflights would be seen in the context of the wider row and the other listed buildings there. Despite the roofs of most of the properties in the terrace having been replaced, the rear roof planes remain unchanged and there are no examples of other rooflights or other additions there. Thus the row displays a long and continuous expanse of clear and uncluttered rear roofscapes. This is appreciated from the adjacent car park and in views across that open area from George Street.
19. The proposed rooflights would be plainly visible in those views, and would appear as intrusive features that would disrupt the clear unadorned rear roofscape of the row. Thus they would undermine the cohesiveness of the terrace and erode its integrity. In doing so they would also detract from views towards the church tower and the other listed buildings in Poole End and The Square.
20. For the reasons given above, I have found that the proposed works would undermine the historic integrity of the appeal building. The settings of the nearby listed buildings are associated with the historic townscape in this part of Whalley including the traditional buildings there surrounding the church. In unacceptably eroding these elements which contribute positively to the special interest and significance of those buildings, the proposed works would detract from the settings of the nearby listed buildings.
21. 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 proposed works would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposed works would cause harm to the significance of the conservation area and would fail to preserve its character and appearance.
22. In coming to this view I have had regard to the appellant's argument that there are other examples of conservation style roof windows within the conservation area. However, no further details of these have been provided and am I unaware of the circumstances that led to any such existing development. As such I cannot be sure that they are the same as in this case. I confirm in any event that I have considered the proposed works on their own merits and made my own assessment as to their impacts. As such, this is not a reason to allow works that I have found to be harmful.

*Heritage balance*

23. I therefore conclude on the main issues that the proposed works would fail to preserve the special interest of the listed building and the significance of the conservation area and would not preserve the settings of the nearby listed buildings. I give this harm considerable importance and weight in the balance of this appeal.
24. 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.

25. 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.
26. The appellant does not put forward any particular public benefits of the proposed works. I am mindful that the proposed repair of the roof would prevent further water damage and any further deterioration of the condition of the building and so would help to secure its future protection and maintenance and provide longevity to the heritage asset. This element of the proposed works would be beneficial to the listed building and is therefore a public benefit. That said, I have seen nothing to suggest that the repair of the roof would not be possible in the absence of the rooflights.
27. Thus I find that the public benefits arising from the proposed works would not outweigh the harm to the significance of the designated heritage assets I have identified. For these reasons the proposed works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework.
28. Although not cited on the decision notice, as referred to in the officer's report, the proposed works would 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. Although reference is made to Core Strategy Policy DMG1 in the officer's report, since this only concerns planning applications it has no bearing in this case.

### **Conclusion**

29. 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