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## Appeal Decision

Site visit made on 14 September 2022

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

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

**Decision date: 11 October 2022**

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### **Appeal Ref: APP/T2350/Y/22/3293390**

### **11 Railway View Road, Clitheroe, BB7 2HE**

- 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 A McKeivitt against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/1028, dated 7 October 2021, was refused by notice dated 20 December 2021.
  - The works proposed are described as 'Replacement Windows with new single glazed sliding sash, External Re-Decoration including removal of modern paints from render & stonework, reinstatement of timber canopy and Internal alterations associated with thermal upgrades, new bathroom and kitchen re-configuration'.
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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, 11 and 13 Railway View Road, Clitheroe, BB7 2HE (Ref: 1164238) and any of the features of special architectural or historic interest that it possesses; and whether they would preserve or enhance the character or appearance the Clitheroe Conservation Area.

### **Reasons**

#### *The listed building and the conservation area*

4. The appeal property is a pair of early-mid 19<sup>th</sup> century two storey rendered cottages with slate roofs. No 11 is at the end of the terrace and is one bay wide and two rooms deep. No 13 wraps around the rear of No 11 and appears to take in part of what would historically have been part of No 11. Thus the depth of No 11 extends to three quarters of the width of the northern gable end, with the final quarter being occupied by No 13.
  5. No 11 has altered over time both in relation to its floorplan as described above, and in terms of other works that have been undertaken including the insertion of top hung casement windows to the front elevation and a bow window to the
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- flank elevation as well as the loss of its timber door canopy. It has been unoccupied for some 20 years and is in a state of disrepair.
6. Despite these factors, the appeal property and its neighbour at No 13 retain a modest functional built form and layout, incorporating uncomplicated detailing and traditional materials. The building's historic proportions, layout, form and fabric have for the most part been retained. As a consequence, its historic form is clearly legible and the building maintains its simple traditional character and understated charm.
  7. Whilst the listing description is limited to the building's external features, I am mindful that architectural interest can include the quality, nature and significance of design as well as other aspects such as plan form, layout and the use of traditional materials.
  8. From the listing description and the evidence before me, insofar as it relates to this appeal, I therefore find that the special interest of the listed building is drawn from its historic age, simple functional form, modest proportions and layout, as well as its historic fabric. All these elements attest to its historic function as dwelling house and are important overall to the special interest of the building in terms of this appeal.
  9. The appeal building is within the Clitheroe Conservation Area which covers much of the central historic core of the town. The Conservation Area Appraisal recognises that the settlement is a small rural market town with a notable 12<sup>th</sup> century castle and an attractive collection of 18<sup>th</sup> and 19<sup>th</sup> century buildings. The appeal building is in Character Area 2 west of the town's central spine which comprises a compact area of 19<sup>th</sup> century two storey artisan terraced houses. These are surviving examples of the small scale vernacular terraced housing typical of the historic town where such modest functional homes were provided to meet increased population in the 19<sup>th</sup> century.
  10. 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 its historic buildings, the long established historic townscape and the use of traditional materials.
  11. The appeal building is located on the end of a short row of residential buildings, and is prominently sited at the back edge of the pavement on a busy road. It is close to the railway station and there is a bus stop/layby opposite as well as a garage/depot to the south. Whilst I note that the appellant's view that the general condition of the property means that the building has a harmful effect on the conservation area, it is not identified as making either a positive or a negative contribution in the Clitheroe Conservation Area Townscape Appraisal Map.
  12. Notwithstanding its surroundings, and even given its condition and the alterations that have taken place, as a long established traditional vernacular component of the street scene in Railway View Road, in my view the appeal building contributes in a generally benign way to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.

*The effect of the proposed works*

13. The proposed works include a number of elements to which the Council raises no objections. These include: the replacement of the failing top hung

casement windows to the front elevation with single glazed painted timber sliding sash windows; the replacement of the ground floor flank bow window with two single glazed painted timber sliding sash windows and central mullion; an internal partition in the kitchen to house a boiler and form a store; the reinstatement of the timber door canopy with a replica; the renovation of the original front door; the cleaning and re-painting of the render and stone quoins; and a new cast iron down pipe and hopper. I see no reason to come to a different view to the Council on these elements of the proposed works.

14. However, the Council is concerned about a number of other aspects of the proposed works. These include the insertion of a partition to the first floor bathroom to form a study and smaller bathroom. This would be made of timber boarding with an integral pocket sliding door. Its simple design and use of materials is intended to deliberately contrast with the historic nature of the building, and to ensure it is read as a later addition.
15. As described above, the unusual relationship between No 11 and No 13 suggests that No 11's floorplan has altered over time and that No 11 may historically have been larger. Alterations to the upper floorboards indicates that the staircase may have been repositioned at some point. The appellant submits that an internal bathroom would not have been part of the building's original construction and suggests that it was installed when part of No 11 was absorbed by No 13. Reference is also made to the installation of an entrance lobby to the ground floor in the late 20<sup>th</sup> century. Notwithstanding these factors, and the adaptation of the building over time, I have seen nothing to demonstrate that even prior to being partially given over to No 13, No 11 would ever have been more than two rooms deep or one room wide.
16. The building's internal arrangement and two cell layout is intrinsic to its character as a simple two up, two down home. Whilst the existing bathroom has a timber beam at ceiling level, there is no substantiated evidence to suggest that it has been previously subdivided. Although the room is already partially divided by an existing cylinder cupboard, this does not fully bisect the space or partition the room to any great extent and does not serve to disrupt the existing two cell layout.
17. Whilst by their nature the works would be reversible, the proposed partition would nevertheless alter the building's historic plan form by subdividing the bathroom into two clearly separate and smaller rooms. As a result the building's noteworthy and basic two cell room arrangement would be lost at first floor level and its uncomplicated characteristic historic layout would be undermined.
18. The appellant refers to the proposed subdivision of the kitchen space at ground floor level to which the Council raises no objections. However, those works relate to the creation of storage space rather than a separate room, and that part of the room affected would be more modest. As such, I do not regard this matter to justify the proposed upper floor partition.
19. Thus I find that the insertion of the partition as proposed would erode the character of the building and diminish its historic interest thereby impairing its historic legibility. That the existing bathroom is disproportionately large and the new bathroom would be commensurate with the size and scale of the property does not alter my view.

20. The Council also objects to the proposed replacement of the existing timber sliding sash first floor flank bathroom window with a single clear glazed timber sliding sash window. This would have a weather sealed frame and toughened glass. The appellant's heritage statement indicates that the existing window appears to be original, whilst the Council considers it to be an early to mid 20<sup>th</sup> century addition. In any event, the window is of some age and forms part of the historic fabric of the building.
21. In terms of the rationale for this element of the proposed works, the appellant argues that the existing window has a low sill and that the single glazed obscure plate glass is a hazard to the occupiers. The replacement unit would be in compliance with the Building Regulations and be an improvement in terms of safety and energy efficiency. Notwithstanding my findings above in relation to the proposed partition, I also appreciate that under the wider package of proposed works, the window would serve a newly created study where clear glass would be more appropriate.
22. That said, there is nothing before me to explain why the existing window, which is a traditional and longstanding feature of the building and forms part of its historic fabric, cannot be retained in the first instance. No evidence has been submitted that investigates the condition of the fabric of the existing window, and I have seen nothing to suggest that it is failing or deteriorating. Nor have any repair, restoration or alteration works to the window been considered in the first instance.
23. This being so, even appreciating that the replacement window would be on the building's side elevation in an elevated position and would be of matching proportions and details to the existing window, I cannot be satisfied that its complete replacement is justified. Accordingly I find that this element of the proposed works would result in the unnecessary loss of historic fabric, which would have an adverse effect on the character and significance of the building.
24. Additionally the Council has concerns about the removal of the building's internal plaster and its replacement with insulated lime plaster. I appreciate that the existing plaster is in poor condition. The house has been unoccupied for a long time and suffered from damp and moisture ingress which has resulted in areas of deteriorating plaster particularly to the front elevation.
25. The appellant indicates that all the internal plaster is rotten and will be hacked back to the stone base and replaced with insulated lime plaster. This is described as a lightweight insulating render formulated with insulated cork aggregates, sands and natural hydraulic lime.
26. Whilst much of the plaster in the building is modern, there is no dispute between the parties that some areas of historic lime plaster remain. However, the magnitude of this is unknown. Although some historic lime plaster is evident, for example around the first floor front window, an assessment of the full extent of the survival of historic lime plaster in the building has not been provided. In the absence of any such survey or investigation, I cannot be content that the proposed works to replace all the plaster in the building would result in only a small loss of historic plaster. Since it has not been demonstrated what historic fabric would be lost, it is not possible to determine how the proposed works would alter the historic legibility of the building.

27. I am aware of the appellant's view that the replacement of the front windows and ground floor flank window (to which the Council raises no objections) would in any case require the removal of the plaster to the window reveals. However, in the circumstances described above, this does not justify the specific works to the plaster that are proposed.
28. The Council is also concerned about the insulated nature of the proposed replacement lime plaster. The appellant accepts that a more traditional uninsulated lime plaster could be used, but wants to take the opportunity to thermally improve the dwelling. I understand that the insulated lime plaster proposed uses traditional materials (lime and cork) to maintain a breathable structure ensuring the moisture balance of the building is maintained.
29. However, no further information as to the vapour resistance/permeability/breathability of the proposed plaster has been provided. Nor are there any details regarding its possible impact in conjunction with the retention of the building's less permeable external cement render as proposed. Thus it has not been demonstrated that the material proposed is technically compatible with the building and its particular historic fabric and external finish.
30. In this context, whilst I appreciate that the repair of the plaster is intended to reduce the long term deterioration of the building's historic fabric, I have insufficient information to understand whether the insulated nature of the lime plaster proposed could lead in this instance to the presence of unwanted moisture in the building to the detriment of its historic fabric.
31. For these reasons, I cannot be satisfied overall that the replacement plaster as proposed is justified. Accordingly I find that this element of the proposed works could result in the unnecessary loss of historic fabric, and has not been demonstrated to be an appropriate material/method of repair. As such, this element of the proposed works would have an adverse effect on the character and significance of the building and its interest as a heritage asset.

*Conclusion in relation to the effect of the proposed works*

32. Bringing matters together, for the reasons given above, I find that the proposed works in relation to the bathroom partition, first floor flank window, and replacement plaster would undermine the historic integrity of the appeal building.
33. That said, I accept that there are some elements of the proposed works overall that would improve the heritage asset and contribute to its significance. These include the replacement of the failing and unsympathetic top hung casement windows to the front elevation, the replacement of the ground floor flank bow window with more in-keeping sliding sash windows, the reinstatement of the timber door canopy with a replica, the renovation of the original front door, the cleaning and re-painting of the render and stone quoins, the provision of a new cast iron down pipe and hopper and the retention and refurbishment of the 20<sup>th</sup> century fireplace. These works would improve the architectural and historic significance of the listed building and provide a more harmonious appearance between No 11 with adjoining No 13.
34. However, I confirm that even when taken together these matters are insufficient to outweigh the harm to the significance of the listed building that I have identified in relation to the partition, first floor flank window and plaster.

35. As set out above, I have found that the building also contributes to the historic significance of the conservation area. However, given that the proposed partition and works to the plaster are internal, and that the replacement first floor flank window would be of similar proportions, materials and detailing to the existing window, I am satisfied that the proposed works would not detrimentally affect how the conservation area is experienced. However, the absence of harm in this regard does not alter my findings in relation to the impact of the proposed works on the listed building itself.
36. I therefore conclude on the main issues that whilst the proposed works would preserve or enhance the character or appearance the Clitheroe Conservation Area, they would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the balance of this appeal.

*The heritage balance*

37. The National Planning Policy Framework (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 indicate 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.
38. I find the harm to the heritage asset 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.
39. The appeal building has been empty for some 20 years and is in a poor state or repair. The appellant advises that the renovation works are needed to secure the building and maintain and protect its historic fabric for the future. It is also argued that the works would allow the building to adapt to the needs of occupiers, and to meet modern living standards and the Building Regulations.
40. That said, I have seen nothing to suggest that the reinstatement of the residential use of the building would not be possible in the absence of the bathroom partition, replacement first floor flank window and removal and replacement of the plaster under the specific terms proposed (rather than under an alternative approach).
41. The improvements to the heritage asset itself are also public benefits of the proposed works. These are set out above and include the replacement of the windows, the reinstatement of the timber door canopy, the renovation of the front door, render and stone quoins, as well as the provision of a cast iron rainwater goods and the refurbishment of the fireplace. These would also provide visual unity with adjoining No 13 and lead to improvements to the character and appearance of the conservation area.
42. Additionally the replacement windows would also give rise to safety, thermal and acoustic enhancements. They would prevent any further water damage and additional deterioration of the condition of the building, secure its future protection and maintenance and provide longevity to the heritage asset.

43. That said, whilst they are public benefits, I am mindful that the beneficial works to the defective windows and other aspects of the building as described above, could be undertaken in the absence of those elements of the works that I have found to be unacceptable (or in the case of the plaster, via an alternative scheme of works).
44. The replacement plaster would provide thermal improvements. Whilst the Council disputes the quantum of this, the appellant's heritage statement refers to a 55% increase in thermal performance (compared to uninsulated lime plaster). This would be a benefit to the future occupier of the building, particularly in the context of an energy crisis and fuel poverty. However, the public benefits that would arise in terms of tackling climate change and carbon reduction would not be great given that the works concern a single modest dwelling.
45. Therefore, even taking all these factors into account and notwithstanding the Clitheroe Civic Society's support for the works, I find that the public benefits arising from the proposed works would not outweigh the harm to the significance of the designated heritage asset I have identified. For these reasons the proposed works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. The proposed works 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.
46. The appellant argues that the proposed works are in line with the environmental objective of sustainable development as set out at paragraph 8c of the Framework, and also refers to the presumption in favour of sustainable development. However, since the proposed works concern a designated heritage asset and conflict with the development plan, and with footnote 7 of the Framework in mind, I am not persuaded that the presumption in favour of sustainable development applies in this case.

### **Other Matters**

47. I appreciate that the proposed works are a re-submission of a previously refused scheme and were intended to address the concerns raised under that proposal. Nevertheless, the merits of those previously proposed works are not before me. I confirm that I have considered the appeal scheme on its own merits.

### **Overall Conclusion**

48. 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