



Appeal Decision

Site visit made on 24 September 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/T2350/W/19/3229136

Susie Cottage, Rimmington Lane, Rimmington BB7 4DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approve details required by a condition of a planning permission.
 - The appeal is made by Mr Ian Procter against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0117, dated 8 February 2019, sought approval of details pursuant to condition No 3 of a planning permission Ref 3/2018/0745, granted on 9 November 2018.
 - The application was refused by notice dated 27 March 2019.
 - The development proposed is the demolition and erection of a replacement two-storey dwelling.
 - The details for which approval is sought are: 'Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved'.
- Reason: To ensure that the materials used are visually appropriate to the locality.
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Decision

1. The appeal is allowed, and the details submitted pursuant to condition No. 3 attached to planning permission Ref 3/2018/0745 granted on 9 November 2018 in accordance with application 3/2019/0117 dated 8 February 2019 are approved.

Procedural Matters

2. The application form lists Condition No 3 of application 3/2018/1125 with a decision date of 5 February 2019. However, the appeal statement confirms that this was an earlier application to discharge numerous conditions that was itself discharged by the Council. The correct details are confirmed by the appellant as those listed in the banner, which correspond with the original decision notice submitted with this appeal. I have dealt with the appeal on this basis.
3. With regard to the Council's decision notice, I note that no Development Plan Policies have been cited. I have therefore had regard to those listed in the Officer Report and the general provisions of the National Planning Policy Framework (the Framework) on this matter, as appropriate.

Application for costs

4. An application for costs was made by Mr Ian Procter against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Background and Main Issue

5. This appeal follows the refusal by the Council to approve details required by condition attached to a planning permission.
6. Consequently, I consider that the main issue in this case is whether the details submitted in respect of the roof material of the development meets the requirements of condition No 3 with regard to the character and appearance of the appeal site and surrounding area.

Reasons

7. This appeal relates to a replacement dwelling on Rimmington Lane that was granted permission¹ in 2018 (the original application), which has already been implemented as details to discharge conditions on the original application² was approved earlier this year. The appeal site now comprises a modern vernacular dwelling with contemporary design cues, not the subject of any statutory designations.
8. The details submitted pursuant to this condition comprise various documents³ from Aggregate Industries surrounding 'Bradstone Old Quarried Slates'. I note the assertion from the appellant that they have always desired the material subject of this appeal for their new dwelling, and only supplied a different roof material on the previous submission in order to allow them to commence construction works. A sample panel was displayed at the site with the proposed roof material attached to it. The slates were embossed with 'Bradstone Old Quarried' on the top edge, which left no doubt that they were the material subject of this appeal.
9. On my site visit, I noted that Rimmington is an attractive settlement with a variety of dwelling types, mainly in the form of ribbon development along Rimmington Lane, which includes a number of more recent developments. On these properties, it was evident that a range of roofing materials was present in the locality, which included artificial tiles, as well as natural roof coverings, such as slate. It was also noticeable that the more recent developments used modern materials in their construction. This makes for a distinctive feature of the street scene, as the modern materials are in a location and of sufficient number to have a material effect on the character of the road on which the appeal property is located.
10. Therefore, I attach significant weight to the properties that already have artificial materials covering their roof slopes, as they are prominent in the street scene, forming part of its prevailing character. Additionally, I find that due to the topography of the road and the proximity of the dwelling to the road, its roof would not be clearly visible to passers-by. Furthermore, I viewed the site from a nearby Public Right of Way between Stoops Lane/Newby Lane and Rimmington Lane. However, due to the overall distance from the site, the views were somewhat limited.
11. The appellant has referenced various properties⁴ with similar roof materials in support of their submission. However, in all instances, relatively little detail has

¹ 3/2018/0745

² 3/2018/1125

³ Bradstone Roofing – technical data; Bradstone – Reconstituted stone roofing portfolio and a fact sheet

⁴ Higher Gazegill Farm; Howgill Barn; Manor House and the former De Tabley Arms

been provided regarding the particular planning backgrounds to these schemes. Consequently, I cannot be sure that these are entirely representative of the circumstances in the appeal before me. In any event all appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.

12. For the reasons above, I conclude that the submitted details would not have a significantly detrimental impact on the character and appearance of the appeal site or surrounding area and hence that it would accord with the design, character and appearance aims of Policies DMG1, DME2, DMH5 of the Ribble Valley Borough Council Core Strategy 2008-2028, a Local Plan for Ribble Valley 2014 (LP), and the Framework.
13. LP Key Statement EN5 and LP Policies DME4 and DMG3 have been referenced by the Council in the Officer Report. However, these policies and key statement appear to relate to heritage assets and transport and mobility and therefore I find they are not directly applicable to the case before me.

Conclusion

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

W Johnson

INSPECTOR



Costs Decision

Site visit made on 24 September 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Costs application in relation to Appeal Ref: APP/T2350/W/19/3229136 Susie Cottage, Rimmington Lane, Rimmington BB7 4DT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ian Procter for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal to approve details required by a condition of a planning permission for the demolition and erection of a replacement two-storey dwelling.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failures to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant considers that the proposed material presented to discharge Condition No.3 is in keeping with the surrounding area and is not dissimilar to the approved scheme or the existing tiles. Furthermore, it is asserted by the applicant that no evidence has been provided to substantiate the Council's position, and the reasons to refuse to discharge the condition are vague, providing generalised assertions over the proposal's impact and the surrounding context.
5. However, on balance, I find the decision is one of a matter of judgement. The Council's reason for refusal set out in the decision notice is complete, specific and relevant to the application. Additionally, I consider that the wording of the reason for refusal not to represent unreasonable behaviour. The Council further supported their reason for refusal with an Officer Report and a Statement of Case. These documents expanded on the reason for refusal, identified the

issues and described the reasons why the Council considered the proposed material would be unsuitable.

6. Whilst I do not agree with the conclusion that the Council reached in refusing the application to discharge the proposed roof material, I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

7. On the basis of the evidence before me, I conclude that it has not been demonstrated that the Council's behaviour caused unnecessary or wasted expense in so far as an award of costs could be justified. I therefore determine that the costs application should fail and no award is made.

W Johnson

INSPECTOR



Appeal Decisions

Site visit made on 29 October 2019

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 November 2019

Appeal Ref: **APP/T2350/W/19/3229833**

23 Church Street, Clitheroe BB7 2DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Starkie against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0241, dated 13 March 2019, was refused by notice dated 3 May 2019
 - The development proposed is a domestic first floor extension above an existing garage to provide bedroom accommodation.
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Appeal Ref: **APP/T2350/Y/19/3229831**

23 Church Street, Clitheroe BB7 2DD

- 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 N Starkie against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0242, dated 13 March 2019, was refused by notice dated 3 May 2019.
 - The works proposed are a domestic first floor extension above an existing garage to provide bedroom accommodation.
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Decisions

1. The appeals are dismissed.

Reasons

2. 23 Church Street is a two storey dwelling and is a Grade II listed building. It is attached to 21 Church Street, also a Grade II listed building with an east elevation onto Church Street, which is in commercial use. In front of the listed buildings, with access off Church Street through an ungated opening in a high stone boundary wall, is a parking area through which there is access to a garage at no. 23. To the north of the parking area, beyond a high stone boundary wall, is the churchyard of the Parish Church of St Mary Magdalene, a Grade I listed building. The listed buildings are located within the Clitheroe Conservation Area.

The main issues

3. The main issues are the effect of the proposed domestic first floor extension on; first, the architectural and historic interest of 23 Church Street; and second, the setting of the Parish Church of St Mary Magdalene and the character and appearance of the Clitheroe Conservation Area.

The first issue – the architectural and historic interest of 23 Church Street

4. 23 Church Street was first listed in 1950 and was, at that time, a two storey rear wing of 21 Church Street. Documentary evidence indicates that the listed building was extended some time after 1977 by the addition of a two storey wing and an attached garage. The wing is sympathetic in design and materials to the building as listed though it is slightly lower in height and lesser in scale. The garage also has a hipped slate roof.

5. The proposed extension would be above the garage, which would itself be slightly extended, and would extend first floor accommodation in the wing. The extension would match the wing in design, form and materials and, despite discrepancies between the east elevation and the roof plan as proposed on the application drawing, would have an appropriate roof form. The proposed extension is minor in scale and would extend a late 20th extension of the building as it was originally listed. The proposed development would not thus have any adverse effect on the architectural and historic interest of the listed building.

The second issue – the Church and the Conservation Area

6. There are glimpses of the wing and garage of 23 Church Street through the entrance off the street into the parking area. In these views the proposed extension, which would be set well back from the street, would not be prominent and, given its sympathetic design, would not be incongruous.

7. The Church is a prominent and distinctive feature of the Clitheroe Conservation Area. It makes a positive contribution to the character and appearance of the area, as does its surrounding churchyard, which is its immediate setting. The main entrance off Church Street into the churchyard is at the north-east corner of the parking area associated with nos. 21 and 23. A path leads from this entrance to a door into the church, in its south elevation, and then extends alongside this elevation. From this path there are views over the stone boundary wall of the churchyard of the north frontages of nos. 21 and 23.

8. The original elements of the listed buildings are set well back from the boundary wall and are not imposing. The later wing of no. 23 is closer to the boundary wall but it is only about 4.7 metres wide and lower than the original elements, so it is also not imposing. The garage does not rise above the boundary wall and cannot be seen from the churchyard. The proposed extension above the garage would be about 6.9 metres wide and would rise above the boundary wall by, up to eaves level, about two metres. Its north elevation would be blank and, given its length and proximity to the boundary wall, it would be a prominent and visually intrusive feature in views southwards from the path alongside the Church. The proposed extension would be a visually intrusive feature in, and would have an adverse effect on, the setting of the Church. The development would also harm, for this reason, the character and appearance of the Conservation Area.

Conclusion

9. The proposed development would not have any adverse effect on the architectural and historic interest 23 Church Street. However, the proposed extension would have an adverse effect on the setting of the Parish Church of St Mary Magdalene and would also harm the character and appearance of the Clitheroe Conservation Area. The harm caused would be less than significant but, with regard to paragraph 196 of the National Planning Policy Framework, there are no public benefits to weigh against the harm that would be caused. The proposed

extension conflicts with Key Statement EN5 and policies DME4 and DMG1 of the Ribble Valley Core Strategy. Planning permission must therefore be withheld for a domestic first floor extension above an existing garage to provide bedroom accommodation at 23 Church Street, Clitheroe.

John Braithwaite

Inspector