

# HIGH PEAK BOROUGH COUNCIL

## RESPONSE TO DEVELOPMENT CONTROL CONSULTATION

### DEVELOPMENT/ALTERATION AFFECTING A LISTED BUILDING

Application Ref: 2017/0495	Listing Grade: II Additional Heritage Designations: Old Glossop Conservation Area
Site: Ryecroft, 25 Manor Park Road, Glossop	
Proposal: Removal of internal wall	
Application's Supporting Information. Is any adverse impact on a Listed Building/Setting raised (Section 66 Duty)? Small level of harm is suggested by the agent in the Design, Access and Heritage Statement (Para.9.3)	
<p>Comments:</p> <p>This application follows applications earlier in the year (HPK/2017/0334 &amp; 361) for internal alterations and construction of a rear orangery. An element which was contentious during consideration of this application was the removal of an internal wall and this was removed from the scheme in order to gain Planning Permission and Listed Building Consent. This application now seeks Consent for the removal of the wall.</p> <p><b>Significance</b></p> <p>A particularly fine Georgian villa built in the early 19<sup>th</sup> century for the Duke of Norfolk's agent, a key local figure and dignitary. It is finely detailed both externally and internally. It is a building of high status and has a commanding presence in the streetscene. The List description (Listed in 2000) notes that the building has an open well staircase rising from the rear entrance hall. Further inspection reveals that the historic floorplan to the main rooms is intact and photographic records shown that the building has retained period details which contribute to the special interest of this Listed Building. The details include panelled doors, door furniture and moulded architraves, original windows (some with shutters and panelling), elegant curving staircase, fireplaces, decorative ceiling plasterwork, and over-sized skirting boards to the several ground floor rooms and staircase. These features are particularly fine on the ground floor and to the main reception rooms. All are features that contribute to the special interest.</p> <p>The applicant's agent argues that internally the architectural and historic value of the building is low and that some of the interior has been remodelled. I would argue that the interior of the building has survived largely intact and the main reception rooms retain historic detailing. It has high evidential, historic and aesthetic value and its connection with the Duke of Norfolk's agent demonstrates that the building was of high status and consciously designed and detailed.</p> <p><b>Policy and Guidance</b></p> <p>Historic England guidance 'Managing Change to Heritage Assets'</p> <p>Para.43: 'new openings need to be considered in the context of the architectural and historic significance of that part of the asset and of the asset as a whole'</p> <p>Para. 45 'The plan form of a building is frequently one of its most important characteristics and internal partitions.. and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings.... will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations.'</p> <p>The listing Guidance on Suburban and Country Houses (HE 2011) mentions that the loss of major elements such as the room plan of the principal floors or the stripping out of internal features can undermine the case for Listing.</p> <p><b>Evaluation of the Proposal</b></p> <p>The scheme which has recently been approved has allowed some alteration to historic fabric and character in order to bring about the renovation of the building and allow it to adapt to meet the requirements of modern residential use. These alterations have allowed the construction of a large orangery to the rear of the building, the replacement of a rear window with a large folding door to access the orangery, the removal of two toilet cubicles (possibly a former pantry) to enlarge the former kitchen and the creation of a doorway into the former reception room 3. These changes have allowed the applicant to improve the room-size and circulation within the less sensitive parts of building but still respected the historic layout and internal character of the rooms and resulted in no loss of decorative features.</p> <p>The removal of the wall between Reception Rooms 2 and 3 was resisted because it was felt that this was a step too far in making the building too open-plan and harming the historic floor plan and separate identities of each room. The intimate character and symmetry of Reception Room 2 with its centrally placed fireplace, elaborate plaster ceiling cornice and intact decorative joinery (skirting boards, panelled door and architrave, sash windows and shutters) would be detrimentally affected and the special interest of the building would be harmed. In Reception Room 3 the architectural treatment is more understated as this is to the rear of the house and possibly functioned as a kitchen or dining room but the room proportions are correct for the age and character of the building.</p>	

I cannot agree that the presence of the arch between Reception Room 1 and the kitchen creates any precedent for supporting this application. The arch is likely to have been an architectural feature within the room and unlikely to have been an opening given the long linear proportions of both rooms and the historic room sizes of the period.

I maintain that the removal of the wall between Reception Room 2 and 3 would be harmful to the special interest of the Listed Building and should be refused. The applicant needs to work with the floorplan and character of the spaces rather than impose the more open-plan living that is currently desirable but has no historic precedent.

Recommendation: Harmful to the special interest of the Listed Building.

Conditions: (prior to commencement)

Signed:  
Mrs G. Bayliss  
Senior Conservation Officer

Date: 21.11.17

## Relevant Act, Legislation, Policies & Guidance

Any decisions relating to Listed Buildings and their settings must address the statutory considerations of the 1990 Act (esp. Sections 16 & 66) as well as satisfying relevant policies in the NPPF and the Local Plan.

### Planning (Listed Buildings and Conservation Areas Act) 1990:

- Section 66: In assessing planning applications the **LPA has a duty to have special regard to the desirability of preserving the building or its setting** or any features of special architectural or historic interest which it possesses.
- Section 16: In assessing LBC applications the **LPA shall have special regard to the desirability of preserving the building or its setting** or any features of special architectural or historic interest which it possesses.

### NPPF (2012)

#### Sustainable Development

Protecting and enhancing the historic environment is one of the 3 dimensions of achieving sustainable development. These dimensions are mutually dependent. There is an overriding presumption in favour of achieving sustainable development. Failure to conserve the historic environment is therefore a failure to achieve a sustainable development.

**Footnote 9: of Para.14 Policies related to designated heritage assets – harm to Listed Buildings, or their setting triggers the statutory presumption in favour of sustainable development.**

#### Section 12: Conserving and Enhancing the Historic Environment

Outlines the planning policy context for assessing proposals that affect listed buildings and other heritage assets.

- Para. 126: LPAs are required to develop a positive strategy for conservation of the historic environment that includes taking account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation. **Heritage assets should be conserved in a manner appropriate to their significance.**
- Para.128: In determining applications LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. **The level of detail should be proportionate to the asset's significance.**
- Para.129: LPAs should use the assessment to consider the impact of a proposal and seek to minimise conflict. Case law has confirmed that **where there is an impact this must be assessed and given appropriate weight.** The Council has to demonstrate that the Section 66 Duty has been applied and discharged. **Section 66(1) creates a strong presumption in favour of the preservation of Listed Buildings and their setting and requires that considerable weight be given to the**

**desirability of preservation** (Barnwell Manor Wind Energy Ltd v East Northants DC (2014).

Furthermore:

- The strong presumption must be applied where there would be any harm, not just substantial harm (Barnwell Manor) and this also applies in cases where the harm is slight (Ecotricity Ltd v DCLG)
- A LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal.
- Para.130: Evidence of deliberate neglect or damage should not be taken into account.
- Para.131: Sets out factors to be taken into account by an LPA in determining an application. These reflect the considerations outlined in paragraph 126 and underline the positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality.
- Para.132: In considering the impact of proposed development on the significance of a heritage asset **great weight should be given to its conservation** with a greater weight being placed where the asset has greater importance. Significance can be harmed by alteration, destruction or development within its setting. **Harm requires clear and convincing justification.** Substantial harm of a Grade II LB or park and garden should be exceptional. Substantial harm of Grade II\* & I LB, SMs & Grade I Registered Parks and Gardens is wholly exceptional.
- Para.133 & 134: Relate to assessing harm to an asset's significance and set out the circumstances in which harm, substantial or less than substantial, could be considered acceptable. These include situations where public benefits outweigh such harm.
- Para 133: Substantial harm - LPAs should refuse Consent unless public benefits outweigh the harm (or all of the following apply – it has no reasonable use, no viable use will enable its conservation, grant aid not available, harm is outweighed by bringing site back into use).
- Para 134: Less than substantial harm - The harm should be weighed against the public benefits of the proposal.

### **Other Guidance**

- Planning Practice Guidance: Conserving and Enhancing the Historic Environment (DCLG)
- Landscape Character SPD (2006)
- HPBC Design Guide for Shopfronts
- HPBC Design Guide for Signs
- Buxton Design and Place Making Strategy
- Glossop Design and Place Making Strategy

### **Key Historic England Guidance**

- Conservation Principles: policies and guidance (2008) – Framework for understanding and assessing significance of heritage assets
- Historic England Good Practice Advice in Planning No.2: Managing significance in decision taking in the historic environment (assessing significance, HERs, recording, neglect and unauthorised works, marketing, design and distinctiveness) (2015)
- Historic England Good Practice Advice in Planning No.3: Setting of Heritage Assets (2015)
- Enabling Development and the Conservation of Significant Places (2001)
- Traditional Windows (2015)
- Farmstead Assessment Framework – Informing sustainable development and conservation of traditional farmsteads (2015)

### **Adopted High Peak Local Plan**

SO2: To maintain, enhance and conserve the areas distinct landscape characteristics, biodiversity, and cultural and historic environment  
SO3: To ensure that design is well designed, promotes local distinctiveness and integrates effectively with its setting  
SO4: To protect and enhance the character, appearance and setting of the towns and villages

## Policy EQ 6

### Design and Place Making

All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.

## Policy EQ 7

### Built and Historic Environment

The Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment in accordance with sub area strategies S5, S6 and S7.

NOTE: The above references to The Act, policies and guidance are a summary and do not attempt to be a comprehensive assessment.