

Application No: 2007/604 and
2007/605LB

Application Type: Variation of Condition

Proposal: Variation of Condition 2 of
Planning Permission 2004/012
and Listed Building Consent
2004/013LB to allow retention of
UPVC windows (Retrospective)

Location: Former Chapel Off York
Street, Crawshawbooth

Report of: Executive Director of
Regulatory Services

Status: For Publication

Report to: Development Control
Committee

Date: 15 January 2008

Applicant: Barnett Construction

Determination Expiry Date:
16 January 2008

Agent: Alan Kinder Associates

REASON FOR REPORTING

Tick Box

**Outside Officer Scheme of Delegation
Member Call-In**

Name of Member:
Reason for Call-In:

Cllr Farrington
"So the committee has the chance to
assess the appearance of the building
with the new windows as opposed to
the original proposal".

More than 3 objections received

Other (please state)

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

APPLICATION DETAILS

1. The Site

1.1 This application relates to the former Wesleyan Methodist Chapel with frontages to Burnley Road and York Street, Rakefoot. The Chapel and the adjacent School building, with which it is physically linked, are both Grade II Listed Buildings. Built in the 1870's, of the same late Victorian classical design and appearance, they are individually important and together contribute significantly to the character of the local area. They are taller and more substantial than the surrounding buildings and stand out from a number of angles.

1.2 The Chapel is of symmetrical design. It has a dominant classical porticoed entrance gable visible (over the graveyard) from Burnley Road. Each of the sides contains a row of 8 tall segmental-headed windows at ground-floor level, with a row of 8 tall round-headed windows at first-floor level. The northern side of the Chapel is very visible when travelling south along Burnley Road. This side of the building can be viewed at close-quarters from York Street, as too can the School building and the first-floor linking-building (both of which contain similarly shaped/proportioned window-openings).

1.3 The site is located within the Urban Boundary as designated in the Rossendale District Local Plan.

2. Relevant Planning History

2.1 In 2004 Planning Permission and Listed Building Consent were sought to convert the Chapel into 12 apartments, with parking to be provided within the basement of the building (2004/12 & 2004/13LB). At that time the building was of dilapidated appearance, latterly used as a joiners workshop, with services of the Rakefoot Methodist Chapel taking place in the adjacent School building. The scheme of conversion proposed the installation of an additional floor which would have cut across the tall round-headed first-floor windows.

2.2 As a result of discussion with the applicant's Agent amended drawings and a letter were received detailing (amongst other things) : a) how a stone transom would be inserted into the first-floor window-openings at the level of the new floor-slab; & b) proposing the installation in the round-headed and segmental-headed window-openings throughout the building of new double-glazed frames which were to be of timber-construction and painted a cream colour.

2.3 Members will recall that this application formed part of the Rossendale historic applications . These were referred back to the Development Control Committee due to the time taken to complete S.106 agreements and the material change in planning housing policy since they were first considered.

2.4 The conclusion to the report taken back to Committee stated that "*The audit of housing figures confirms that Rossendale is in a position of oversupply as the number of extant permissions and number of dwellings built in the Borough exceed the provision set in the adopted Joint Lancashire Structure Plan . However, the Structure Plan provides guidance and criteria for considering applications for residential development in situations of oversupplythe proposal would represent a conservation benefit of maintaining an existing building worthy of retention which at present is in decline*". It was considered that the proposal should be considered

as an appropriate exception to policy 12 as it would conserve and maintain an existing building worthy of retention.

2.5 The Planning Permission and Listed Building Consent granted for the conversion of the Chapel to 12 apartments were subject to a number of conditions. Condition 2 of each (amongst other things) required that the scheme of conversion be implemented in accordance with the window details of the amended drawings/letter.

3. The Current Proposal

3.1 Implementation of the scheme of conversion has been carried out without regard to window details approved. In short, UPVC frames, with a woodgrain finish and a brown colour, have been used. Broad UPVC panels have also been used horizontally in the round-headed window-openings to hide the inserted floor-slab (instead of stone transoms) and vertically in the central window on the front elevation.

3.2 The applicant seeks consent to vary condition 2 of Planning Permission 2004/012 and Listed Building Consent 2004/013 LB to enable the retention of UPVC window frames and associated panels.

3.3 In support of the applications the applicant's Agent says :

- It is acknowledged that the insertion of the upvc windows was an oversight on their part.
- The installation of these windows has cost £115,000.
- Looked at as a whole the external works undertaken (including stone-cleaning and replacement of an industrial door in the south elevation with window-openings closely matching original ones) have result in a dramatic improvement in the appearance of the building and for the area
- Their installation has many benefits for occupiers eg no maintenance, etc
- Changing the window design would cause massive problems with regards to sound transmission and Acoustic Regulations.
- All the windows have been manufactured the same and will not change colour or degrade the building.
- The windows are the most expensive and realistic wood grain finish foil available on the market.
- All windows have individually hand crafted curved heads, to suit their appropriate opening.
- The building, although not fully completed, looks fresh and brings an asset to the village.

4. Policy Context

National Planning Guidance

PPS1 - Sustainable Development

PPG15 – Planning and the Historic Environment

4.2 **Development Plan Policies**
RPG13 - Regional Spatial Strategy for the North West

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 21 - Lancashire's Natural & Man-Made Heritage

Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary

HP2 - Listed Buildings

DC1 - Development Control

DC4 - Materials

5. CONSULTATIONS

RBC Conservation Officer

The UPVC window frames, and associated panels, that have been installed cause significant harm to the character and appearance of this Listed Building. The current applications should be refused and action taken to secure the replacement of the UPVC window frames, and associated panels. The Conservation Officer's advice is set out more fully in the Assessment below.

6. REPRESENTATIONS

6.1 A press advertisement was placed in the 30/11/2007 edition of the Rossendale Free Press; site notices were posted on 27/11/2007 and 38 letters were sent to neighbours.

6.2 To date a petition signed by 18 Crawshawbooth traders located opposite the former chapel has been received in support of the application, along with the property steward of Rakefoot Methodist Church and a letter of support from the ward Councillor. Points raised included:

- The development has been constructed to a very high standard and will improve the local street scene.
- The upvc windows are totally acceptable and are in keeping with the new use of the building.
- The complete development would be an asset to Crawshawbooth.
- The replacement of the windows would increase the cost unnecessarily.
- The Government's and Council's view of global warming should be taken into account.

One letter of objection has been received raising the following points.:

- The building is a listed building and should have been refurbished with materials appropriate to a building of this stature.

7. REPORT

7.1 Central government is responsible for deciding which buildings and structures should be afforded the protection of inclusion on the List of Buildings of Special Architectural or Historic Interest. The Council is under a statutory duty to have special regard to the desirability of preserving any listed building or its setting, or any features of special architectural or historic interest which it possesses. As a result of the Chapel's inclusion on the List, and that of the attached School, the Council has to have regard to this duty.

7.2 In Planning Policy Guidance 15: 'Planning and the Historic Environment' central government provides very clear guidance on development affecting listed buildings. PPG15 has a specific section relating to applications for the discharge or variation of conditions. Paragraph B11 states :

"Conditions should not be varied or discharged lightly. Frequently consent would not be given at all without conditions to safeguard the treatment of the building or to require works to be carried out in a certain way."

7.3 Recognising the importance which windows play in the character and appearance of Listed Buildings PPG15 has specific things to say about them. Paragraph C40 states that *"As a rule, windows in historic buildings should be repaired, or if beyond repair should be replaced 'like for like'...."*. With respect to replacement windows Paragraph 49 states that *"The insertion of factory made standard windows of all kinds, whether in timber, aluminium, galvanised steel or plastic is almost always damaging to the character and appearance of historic buildings. In particular, for reasons of strength the thickness of frame members tends to be greater in plastic and aluminium windows than in traditional timber ones...."*

7.4 In recommending to Committee that Planning Permission and Listed Building Consent for conversion of the former Chapel to a residential use Officers were seeking to ensure the repair and long-term retention of the building. Whilst the scheme recommended to Committee for approval did allow certain internal and external alterations to be made, the manner in which the door and window openings were to be treated was recognised as being important. It was then - and is now - important to ensure that the way in which the door and window-openings are treated is sympathetic not simply to the original Chapel building, but also has regard for the School building to which it is attached, it being a Listed Building of the same design and continues to have its original/closely-matching windows.

7.5 Your Officer's would not have been able to recommend the approval of Planning Application 2004/12 or Listed Building Consent Application 2004/13 had it proposed the use of the UPVC frames and associated panels now to be seen.

7.6 The Council's Conservation Officer advises that :

- The Council gave up a considerable amount of ground in granting approval for a scheme of conversion resulting in insertion of a stone transom in the tall round-headed windows (the consequence of allowing the installation of an additional floor) and allowing double-glazed timber-frames in the form it did.
- The unauthorised change to a different material has resulted in frames that are, firstly, of a colour that is historically and architecturally incorrect for this building and, secondly, of a construction/shape/design/proportions/sections that are at odds with the period and character of both the Chapel and the School - in short, they fail to accord with national guidance that seeks to ensure the thickness and moulding of glazing-bars, the size and arrangement of panes and other details are sympathetic and appropriate to the date/design of the building.
- The Chapel and School are important to the local scene, are dominant within their setting and both the window-openings and frames are a key feature within the character of the buildings and the listing. The contrast between the new UPVC frames and the existing frames in the School building is very clear
- English Heritage offer guidance and advice about window design, repair and replacement. A large part of this is similar to the PPG15 comments made above. In addition, English Heritage provides an argued case for the use of timber windows against other materials, covering issues of energy efficiency, longevity, repair and maintenance. English Heritage also offer guidance on the design and performance of timber windows, and their appropriateness for different periods of architecture. It is of the view that, generally, upvc frames are seen as an easy option : *“They are themselves prone to failure or become outdated, and we have seen over recent years the replacement of 20-30 year old upvc frames by new upvc frames. This is expensive and in terms of both actual cost and the environmental cost of whole life manufacture and disposal. In the past timber windows have lasted up to and beyond 100 years if the correct timber is used and the windows are correctly detailed. The heartwood of hardwood and slow growing softwood has a long life and this can be lengthened by treatment and high quality modern paints. When repair is required this tends to typically be a small area that is prone to damp and decay and the solution is straightforward and cost effective. Issues of energy efficiency and means of escape can also be designed into secondary glazing.”*
- There are benefits in bringing a substantial and important building back into use, and many aspects of the work undertaken are appropriate to its listed status. However, there is no logical argument as to why timber could not be used for the new frames, achieving the same result in terms of re-use without the same harm to the special architectural and historic value of the building. Consequently, both applications should be refused.

9. CONCLUSION

- 9.1 As hoped, the granting of Planning Permission 2004/12 and Listed Building Consent 2004/13 has resulted in works to repair the Chapel building and bring it back into use in a new economically-viable purpose. However, I concur with the view of the Council's Conservation Officer that the use of the UPVC frames, and the associated panels, in undertaking the works is all too apparent and has caused unnecessary and unacceptable harm to both the Chapel and the adjacent School building.
- 9.2 To approve the current applications, and thereby allow the UPVC frames and panels to be retained, would be contrary to national and local policy. Furthermore, it would set an undesirable precedent for the consideration of future applications in relation to Listed Buildings and for investigation of complaints about unauthorised works to Listed Buildings throughout the Borough.

10. RECOMMENDATIONS

1. That both Planning Application 2007/604 and Listed Building Consent Application 2007/605LB be refused for the following reason :

The UPVC frames and associated panels used in the implementation of Planning Permission 2004/12 and Listed Building Consent 2004/13LB unnecessarily and unacceptably harm the special architectural and historic interest of this Listed Building and the Listed building to which it is attached, contrary to the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990, PPG15, Policy 21 of the adopted Joint Lancashire Structure Plan and Policy HP2 of the adopted Rossendale District Local Plan.

2. Director of Regulatory Services be authorised to take Enforcement Action in respect of the unauthorised works that have been undertaken.

Contact Officer	
Name	Richard Elliot
Position	Planning Assistant
Service / Team	Development Control
Telephone	01706-238639
Email address	planning@rossendalebc.gov.uk

