
Appeal Decision

Site visit made on 10 October 2016

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/U1430/Y/16/3152809

1 East Street, Rye TN31 7JY

- 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 T Esdaile against the decision of Rother District Council.
 - The application Ref RR/2016/954/L, dated 7 April 2016, was refused by notice dated 23 May 2016.
 - The works proposed are change of the colour of painted brickwork of the Apothecary House in East Street from white/cream to terracotta to match that which currently exists on the Apothecary House in High Street and part East Street.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the works on the special interest of the listed building.

Reasons

3. The listing description covers Nos 104 and 104A High Street and No 1 East Street. No 104/104A is described as a late 18th century or early 19th century house and shop. The building is in a prominent location at the corner of High Street and East Street. Listed at Grade II*, it is a designated heritage asset of high significance. Its historic and architectural interest as a former Chemist, said to have been established in 1787, makes an important contribution to this significance. No 1 is described as a later 19th century house. It has historic and architectural interest as an example of Victorian domestic architecture.
4. The buildings are now occupied as a single property with a coffee house on the ground floor. The coffee house has a stepped entrance from High Street and an entrance at pavement level from East Street. It seems likely that both buildings would originally have had brickwork elevations. However, a photograph from the 1930s shows that the brickwork had been painted at that time so it seems probable that they were in that condition when they were listed.
5. The site is within the Rye Conservation Area which covers much of the town centre of Rye, including numerous listed buildings. The area is characterised by a diversity of building styles and materials. Facing brickwork and tile hanging are characteristic materials. However, many of the buildings have painted brickwork and, in some cases, painted tile hanging. Where buildings in the

vicinity of the appeal site have been painted, white and near white or pale colours are the most frequently used.

6. No 104/104A is painted in a terracotta colour. It is quite a dense and assertive shade which is not typical of the locality. I note the outcome of an appeal relating to the ground floor East Street elevation of No 104¹. In that case the Inspector allowed a relatively small area of brickwork to change from white to terracotta because the rest of No 104 was already painted in that colour. He found that it is not uncommon for whole walls to be painted one colour in this conservation area. The appeal scheme is quite different because the proposal is to extend the terracotta shade from No 104 to encompass No 1.
7. To my mind the use of a single colour, particularly of such a dominant shade, would merge the two buildings visually. I understand that they are occupied as a single property but in heritage terms they are different buildings from different periods. The ability to experience and understand them as such would be diminished by the proposed repainting. This would be harmful to their special interest and to their significance as a designated heritage asset.
8. I do not share the appellant's view that the proposal would enhance the distinct identities of the two buildings by showing off the windows in No 1. The differences in the window styles are already readily apparent in the street scene and any highlighting of the windows at No 1 would be outweighed by the unifying effect of the terracotta paintwork. The appellant's reason for seeking the change is that some customers have difficulty locating the entrance on East Street. I understand that point and note that the East Street entrance is the more accessible of the two. However, this is a matter which can be addressed through signage and customer information. It is not of such overriding importance as to outweigh the harm to the listed building which would result from the appeal proposal.
9. I conclude that the proposal would fail to preserve the special architectural and historic interest of the listed building. It would be contrary to Policies RY1 and EN2 of the Rother Local Plan Core Strategy. These policies seek to preserve the historic environment of Rye and to ensure the clear legibility of locally distinctive vernacular building forms. In the terms of the National Planning Policy Framework, the proposal would result in harm to the significance of a designated heritage asset. I have not identified any public benefits of the proposals such as to outweigh that harm².
10. For the above reasons, the appeal should be dismissed.

David Prentis

Inspector

¹ APP/U1430/E/13/2197724

² The balance is that set out in paragraph 134 of the Framework