



Appeal Decision

Site visit made on 10 July 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 8 August 2017

Appeal Ref: APP/W3520/W/17/3169826

Wattisfield Wines, The Street, Walsham le Willows, Suffolk IP31 3AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Gareth Rees (GS Property Projects) against the decision of Mid Suffolk District Council.
- The application Ref 5001/16, dated 16 December 2016, was refused by notice dated 10 February 2017.
- The application sought planning permission for change of use, conversion and extension of existing retail shop/office (Class A1/B1) to form a single four bedroom dwelling (Class A3) without complying with a condition attached to planning permission Ref 3352/16, dated 20 October 2016.
- The condition in dispute is No 2 which states that: *"the development hereby permitted shall be carried out in accordance with the following approved documents or such other drawings/documents as may be approved by the local planning authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the local planning authority as a non-material amendment following an application in that regard. Application forms, letter from Environment Agency dated December 2015, Design and Access Statement, Environmental Statement and 1:1250 Location Plan, Drawing no. 3798-01 - Existing Ground Floor Plan, Drawing no. 3798-02 - Existing First Floor Plan, Drawing no 3798-02 - Existing Elevations and Sections, all received 5 August 2016; Drawing no. 2028.30E - Proposed Ground Floor Plan, Drawing no. 2028.31D - Proposed First Floor Plan, Drawing no. 2028.32B - Proposed Front Elevation, Drawing no. 2028.33B - Proposed Rear Elevation, Drawing no. 2028.34B - Section AA, Drawing no. 2028.35B - Section BB, Drawing No.2028.36B -Elevation to pergola and outbuilding, all received 11 October 2016.*
- The reason given for the condition is: *"For the avoidance of doubt and in the interests of proper planning of the development."*

Decision

1. The appeal is allowed and planning permission is granted for change of use, conversion and extension of existing retail shop/office (Class A1/B1) to form a single four bedroom dwelling (Class A3) at Wattisfield Wines, The Street, Walsham le Willows, Suffolk IP31 3AZ, in accordance with the application Ref 5001/16, dated 16 December 2016 and subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Walsham le Willows Conservation Area.

Reasons

3. The village of Walsham le Willows is designated as a Conservation Area. From my observations at the site visit, the significance of the conservation area lies in the retention of many original buildings from the early development of the village, several of which are listed.
4. Wattisfield Wines is a two storey mid terrace property with painted brick elevations and a pantile roof, set back from the street. The Council has stated that the contribution of the appeal property to the character and appearance of the conservation area lies in it being an example of local building of the 1800s, although there have been recent alterations including painting of the brick elevations.
5. Sideways, a detached two storey Grade II listed building to the west has a gable end facing the street and is rendered in pale green with a pantile roof. A separate building, also within the curtilage of Sideways is attached to the appeal property at the western end. This is constructed of the same materials and also has painted brick elevations. May House, the property to the east of the appeal property is painted white brick with a slate roof and local white brick chimney stack.
6. The appeal proposal is to clad the building with timber weatherboarding, and for the approved front porch to be brick built rather than the approved timber cladding. Most properties in the vicinity of the appeal site have red brick, painted brick or coloured render of light coloured render to their principal elevations, with slate or pantile roofs. A small number of properties also have thatched roofs, or timber weatherboarding to their elevations. The most prominent example of shiplap weatherboarding is a large building clad in white timber boarding comprising several properties which is located close to the crossroads of The Street and The Causeway and opposite the church. There is also a smaller timber clad building with a gable end fronting the street and one or two other examples set behind the main frontage of The Street.
7. Whilst timber weatherboarding is not the prevailing building material these properties form part of the traditional character of the village and blend successfully into the street scene. As such the use of timber weatherboarding of itself would not be an alien feature within the conservation area. Furthermore, the use of a different material to the elevations of Wattisfield Wines compared with the adjacent properties would not make the building incongruous in its setting as there are other weatherboarded properties are juxtaposed with brick or rendered buildings elsewhere in the village.
8. The reason for refusal refers to the use of black timber cladding to be applied over the existing brickwork. This would create a stark contrast with the yellow cream painted brick of Sideways and would appear overly dominant in comparison with the more subtle coloured render, painted brick and weatherboarding of other properties nearby. Nonetheless, although the application form referred to black weatherboarding, drawing 2028.32 rev C does not specify the colour that the weatherboarding would be painted and the

appeal statement notes the appellant would accept a condition requiring the colour to be agreed by the local planning authority. I consider that the use of light coloured paint on the proposed timber weatherboarding would have a neutral visual impact while indicating in an understated manner that the building is formed of two separate properties. In this way the proposed alterations would preserve the character and appearance of the Walsham le Willows Conservation Area.

9. Turning to the porch, the approved plan no. 2038.32B Front Elevation shows the porch to be clad in timber boarding. The appeal proposal is to change this to brick, as shown on drawing no. 2028.32C. Section drawings 2028.34C and 2028.35C show the porch but do not specify the construction materials other than a plain tile roof. Given the modest size of the porch, the limited amount of brick to be used to the front and sides, the set back of the property from the road, and the variety of different building materials used in the locality, the proposed brick built porch would have a neutral effect on the conservation area, subject to the brick type and colour being approved by the local planning authority. The Council has referred to the use of red rustic brick but this does not form part of the drawings submitted with the application. A condition requiring details of the brick colour is therefore necessary to ensure a satisfactory appearance and preserve the character and appearance of the conservation area.
10. For the above reasons I conclude that the development would preserve the character and appearance of the Walsham le Willows conservation area. It would therefore accord with policy CS5 of the Core Strategy (2008), Policies FC1 and FC1.1 of the Core Strategy Focused Review (2012) and saved policies GP1, SB2, HB1 and HB8 of the Mid Suffolk Local Plan (1998). These require, amongst other things, for development to maintain and enhance the historic environment and local character including the setting of listed buildings and the appearance of conservation areas, and that materials and finishes should be traditional, or compatible with traditional materials and finishes and should respect local architectural styles where appropriate. These policies are consistent with the National Planning Policy Framework insofar as it seeks to secure a high quality design in new development and to give great weight to the conservation of heritage assets.

Other Matters

11. The listing description for Sideways does not refer to the curtilage building attached to the appeal property, but for the above reasons I consider that the setting of the Grade II listed building would be preserved.

Conclusion

12. For the above reasons I conclude that the appeal should be allowed. I shall therefore vary the planning permission by amending condition 2 to refer to drawing no. 2028.32 C, and by removing reference to any further approvals that may be given by the local planning authority as this would need to be subject of a fresh application. A further condition is also necessary to require full details of the type and colour of brick to be used in the porch, as these have not been provided on the submitted plans.
13. Furthermore, as this decision creates a new planning permission that sits alongside planning permission Ref. 3352/16, it is also necessary to impose all

the other conditions set out in the earlier permission, so far as the same are still subsisting and capable of taking effect.

Claire Victory

INSPECTOR

Schedule of Conditions

- 1) The development shall be begun not later than the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: 1:1250 Site Location Plan, Drawing no. 3798-01 - Existing Ground Floor Plan, Drawing no. 3798-02 - Existing First Floor Plan, Drawing no 3798-02 - Existing Elevations and Sections, all received 5 August 2016; Drawing no. 2028.30E - Proposed Ground Floor Plan, Drawing no. 2028.31D - Proposed First Floor Plan, Drawing no. 2028.32C - Proposed Front Elevation, Drawing no. 2028.33B - Proposed Rear Elevation, Drawing no. 2028.34C - Section AA, Drawing no. 2028.35C - Section BB, Drawing No.2028.36B -Elevation to pergola and outbuilding, Drawing no. 2028.37C - Block Plan, all received 11 October 2016.
- 3) Prior to the first occupation of the dwelling hereby permitted, the timber weatherboarding shall be painted in a light colour to be approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the dwelling hereby permitted, full details of the type and colour of brick to be used in the construction of the porch shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the dwelling hereby permitted, the vehicular access onto the public highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 6) The dwelling hereby permitted shall not be occupied until the area within the site shown on Drawing Block Plan Rev C for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purpose.
- 7) Before the development is commenced details shall be submitted to and approved in writing by the local planning authority to show the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 8) No development shall be commenced above ground level in respect of the front boundary wall until construction details and samples of the facing materials to be used in the construction, together with details of the manufacturers of those materials have been submitted to and approved in writing by the local planning authority. The agreed materials shall be those used in the development and fully applied prior to first use/occupation.
- 9) Notwithstanding Section 55(32)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2, Part 1 Classes A to E and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement, insertion of new openings or other alteration of the dwelling house shall be

carried out, and no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.