



Appeal Decision

Site visit made on 14 August 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/T3535/W/17/3174134

The Shed, 45 Ferry Road, Southwold, Suffolk IP18 6HQ

- 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 Mrs Anna Shanley against the decision of Waveney District Council.
 - The application Ref DC/16/5203/FUL, dated 9 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is demolition of existing detached single storey, two bedroom dwelling and the construction of a new replacement one and half storey, two bedroom dwelling and associated amenity space and an off street car parking space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was amended before the Council issued its decision. Like the Council, I have based my considerations on the amended drawings.

Main Issue

3. The main issue in this appeal is whether the appeal scheme would preserve or enhance the character or appearance of the Southwold Conservation Area and its effect on a non-designated heritage asset.

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Southwold Conservation Area (the 'CA'). In considering the significance of the CA the Southwold Conservation Area Character Appraisal 2008 (CAA) explains the link between the development of the town and its coastal position, which resulted in a predominance of Regency and Victorian development as Southwold grew as a seaside town.
5. The appeal site is located in a row of more modern development with its origins in the latter stages of the 19th Century and the early to mid-20th Century. This group of properties is read in the context of sand dunes, marshes and beach huts. This is very much a seaside setting where the architecture can, and does, reinforce a sense of place and local character.

6. The appeal building is a bungalow split into a number of discernible sections. The forward most section is under a plain tiled roof and has a pleasant pallet of materials and a pleasing symmetry to the windows, which are large and angled towards the sea and sand dunes in a way that is consistent with seaside architecture. The coloured joinery, which once added interest to the building and is referred to in the CAA has, regrettably, been painted over. In some respects, this forward section of the building is reminiscent of a beach hut. The rest of the building is not of any notable architectural interest in respect of its form, detailing or use of materials although it may have once been a boat shed or other functional structure. The Southwold Conservation Area Management Plan identifies the structure as being 'rather compromised'.
7. Given the limited architectural interest of the appeal building, its significance is predominantly found in its contribution to the group of properties in Ferry Road, which are characterised by an eclectic, idiosyncratic and traditional seaside character due to a mixture of forms, heights and materials¹. In this respect, the appeal property justifies its local listing. Some of the buildings in the grouping have (or had) balconies and belvederes to take in the sea views and these added a sense of 'seaside whimsy'. Before it was demolished No 51 was a particularly good example of this. Thus, some of the buildings in the grouping, including the appeal property, respond to the character and appearance of the CA as a whole, of which traditional seaside architecture is an important component².
8. Nevertheless, I share the view of the appellant that more recently the traditional seaside character of the group has been eroded by a number of replacements and additions that have done little to reflect the seaside character of the grouping or the CA more generally. In particular, the use of grey roofs, undivided glazing and unpainted boarding are particularly alien features. However, these features are not preeminent and do not therefore, justify a further erosion of the CA's character and appearance. This is in spite of the Council's failure to update the CAA to reflect the cumulative changes along Ferry Road.
9. Thus, the demolition of the appeal building would remove a heritage asset that contributes positively to the character and appearance of the area. This would harm the local heritage of the area, including the significance of the CA. However, the extent of harm is reduced because the building is of limited individual interest and the group value to which it contributes has been eroded, but not extinguished, by recent developments. The loss of the building, as a heritage asset, would therefore result in less than substantial harm to the CA within the meaning of the National Planning Policy Framework³.
10. The appellant has attempted to advance public benefits that would justify the less than substantial harm that would occur. The suggestion being that the proposal would deliver betterment by replacing the existing dwelling with a structure built to modern standards, which would also be more resilient to flooding whilst preserving the character and appearance of the CA.

¹ Nos 45, 43, 31, 23 and 21 in particular

² The CAA refers to a examples including 2 Ferry Road , South Cliff Cottage and brightly coloured beach huts

³ Any harm arising from the site being left open following demolition could be addressed through a planning condition requiring a scheme of reconstruction to be in place before demolition occurs.

11. The appellant has suggested that the existing building is in a very poor state of repair and its construction is now substandard. Consequently, the standard of construction limits occupation to the summer months as a holiday home and prevents a viable renovation of the building. This proposition is supported by a structural survey prepared by an expert that is unchallenged by the Council. As such, there are no reasons before me not to afford its findings notable weight. The Council's Built Heritage and Design Supplementary Planning Document suggests the demolition of a locally listed building can be justified in such circumstances. An improvement in the living accommodation currently provided by the building is a public benefit of some weight towards justifying the removal and replacement of some or all of it.
12. Similarly, the appellant has suggested that the appeal building is in a location where it is at risk of tidal flooding and this risk will increase as the defences are not renewed⁴. A replacement dwelling could be constructed to be more resistant to flooding and could incorporate a safe refuge in a new first floor. This is a matter that has been considered by the Council to be a point of weight that has partially contributed towards justifications for demolishing other buildings in the grouping. The Council have not really addressed this point in its submissions, other than to say this public benefit does not outweigh the harm that would occur from losing the building. This is a rather unsubstantiated position. Instead, from the information before me I find that the construction of a replacement building has the potential to significantly improve the safety of its occupants in a time of flood. This is a notable public benefit.
13. Therefore, the poor condition of the building and its vulnerability to flooding are factors that would suggest a replacement of some or all of the structure could be justified. However, any replacement dwelling should aim to preserve or enhance the character or appearance of the CA. The appeal scheme would not achieve this. This is because I share the Council's view that the proposed dwelling would be a bland addition that would fail to sufficiently reflect the seaside architecture of the CA and reinforce the sense that the grouping is evolving into a row of blank and uniform buildings. In shorter distance views⁵ the form and appearance of the proposal would be too similar to 47 Ferry Road and this lack of architectural variety would not reinforce the varied appearance of the group in views along Ferry Road.
14. The Council have raised concerns with the scale of the replacement but I find no fault in this respect as the proposed dwelling would have a prominent single storey section to the front which would provide a change in ridge levels. This would provide a balance of variety and rhythm to the street scene. Moreover, views to the marshland would be preserved over the single storey section of the building as would a reasonable gap with the adjoining property.
15. I also acknowledge that some of the architectural detailing that would have added interest and variety to the building was removed from the proposal following discussions with the Council. The reasons why are unclear. However, I must confine my assessment to the scheme before me. I also note that variety could be achieved through a use of colour. The appellant has provided an option with white boarding and blue joinery. This would add a sense of

⁴ The Environment Agency is not intending to replace the sea defences

⁵ The absence of a clay tiled roof would not integrate the structure within the roof scape of the group in long distance views but this could be remedied through the imposition of a planning condition.

'seaside whimsy' but it would not be sufficient in itself to raise the quality of the replacement to the point that it justifies the loss of the existing building.

16. Therefore, the poor condition of the existing building and the potential to improve the safety of occupants through a replacement are notable factors weighing in favour of its demolition and replacement. However, the replacement proposed would be bland and would fail to preserve or enhance the CA, particularly the traditional seaside character of the architecture therein. The replacement would therefore injure the character and appearance of the CA and this would result in less than substantial harm that, taken together with the less than substantial harm arising from the loss of the existing building, would not be outweighed by the public benefits of the proposal.
17. I therefore find that the harm of the proposal outweighs the public benefits referred to by the appellant and this would result in a conflict with Paragraph 132 of the Framework. This is because the harm to the CA would not have a clear and convincing justification and the Framework requires great weight to be given to the conservation of designated heritage assets.
18. As such, my overall conclusion is that the proposal would result in harm to the significance of the conservation area. The character or appearance of the conservation area would not be preserved. The proposal is therefore contrary to Policy CS17 of the CS⁶ and Policy DM30 of the DMP⁷, which seek to protect local character and heritage including conservation areas. Although these policies pre date the Framework they are nevertheless consistent with Paragraphs 17 and 58 and Section 12. Therefore, in accordance with Paragraph 215 of the Framework, the development plan policies I have referred to above, and the subsequent conflict with them, can be afforded significant weight.

Conclusion

19. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR

⁶ The Approach to Future Development in Waveney to 2021 – Core Strategy Development Plan Document Adopted January 2009

⁷ Policies to Help Make Decisions on Planning Applications – Development Management Policies – Development Plan Document Adopted January 2011