



Appeal Decision

Site visit made on 6 August 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/E9505/D/19/3221263

Ice House, The Shoal, Irstead, Norfolk NR12 8XS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs Andrew Lodge against the decision of the Broads Authority.
- The application Ref BA/2018/0364/COND, dated 13 September 2018, was refused by notice dated 14 November 2018.
- The application sought planning permission for retrospective variation of Condition 2 of BA/2013/0208/FUL to change the materials required for the windows and external cladding to gables and amend the elevations without complying with conditions attached to planning permission Ref BA/2016/0165/COND, dated 16 March 2017.
- The conditions in dispute are Nos 2, 3 and 4 which state that:

2. Unless otherwise first agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the application form, Design and Access Statement and the following plans submitted in respect of application BA/2013/0208/FUL:

- *Drawing titled 'Location Plan'*
- *Drawing number 13/331/PL02 Rev A titled (sic)*

All received by the Local Planning Authority on 09/07/2013 and the amended drawings and details submitted in respect of application BA/2016/0165/FUL:

- *Drawing number 13/331/PL01 Rev H received by the Local Planning Authority on 5 May 2016*
- *Emails from agent of 11 July 2016 and 26 August 2016*

3. Within 12 months of the date of this decision the cladding to the holiday dwelling shall be replaced in accordance with the approved amended drawings and details submitted in respect of application BA/2016/0165/COND.

4. The holiday dwelling hereby permitted shall be constructed and retained for the lifetime of the development in full accordance with the roof and wall materials as approved in the discharge of condition 3 of BA/2013/0208/FUL (materials specified in letter dated 2 July 2014) and as amended by conditions 2 and 3 of this permission.

- The reasons given for the conditions are:

2. For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans.

3. In order for the appearance of the approved development to merge satisfactorily with it (sic) surroundings, in accordance with Policies DP4 and DP5 of the adopted Development Management Policies DPD (2011).

4. In order for the Local Planning Authority to be satisfied that the materials to be used will be visually appropriate for the approved development and its surroundings, in accordance with policy DP4 of the Development Management Policies – Development Plan Document.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Authority's decision the Local Plan for the Broads (LP) was adopted in May 2019 which replaces the policies of the Core Strategy and Development Plan Document referred to in the refusal notice. My decision is based on the subsequently adopted versions of the emerging LP policies referenced in the Authority's decision.

Background and Main Issue

3. The proposal relates to a completed holiday cottage located within the grounds and to the rear of the Ice House. The latter is a traditional Broads riverside dwelling with integral boatshed, with a thatched roof and timber boarded sides, which fronts the River Ant and is locally-listed and hence a non-designated heritage asset.
4. The holiday cottage is of a chalet-bungalow design with red brick walls and red tiled roof with fibre-cement cladding above first-floor level, principally on the three gabled elevations and to the fronts and cheeks of the front and rear dormers. The fibre-cement cladding replicates the effect of the horizontal timber boarding which was the material shown on the approved plans.
5. I have taken note of the sequence of events leading up to this proposal, including that the holiday cottage was approved contrary to policy as an enabling development to fund the refurbishment of the Ice House and that the Authority had earlier allowed the retention of uPVC windows conditionally upon the replacement of the fibre-cement cladding with timber. This was to be waney-edged larch to the gables and timber shiplap to the dormers. The appeal is against the relevant conditions in order to permit the fibre-cement cladding to be retained and not replaced with the timber panelling previously agreed.
6. On this basis, the main issue in the appeal is whether conditions 2,3 and 4 are reasonable and necessary in the interests of the satisfactory character and appearance of the holiday cottage and surrounding area and of preserving the setting of the locally-listed Ice House.

Reasons

7. As set out in paragraph 172 of the National Planning Policy Framework (the Framework) great weight should be given to conserving and enhancing landscape and scenic beauty in the Broads which, along with other National Parks and Areas of Outstanding Natural Beauty, has the highest status of protection in relation to these issues. The conservation and enhancement of

cultural heritage are also important considerations in the Broads and the Framework requires these also be given great weight.

8. LP Policy DM43 requires high design quality in all development, which integrates effectively with its surroundings, reinforces local distinctiveness and landscape character and preserves or enhances cultural heritage. This is consistent with the expectations in paragraph 172 of the Framework. Regarding materials, LP Policy DM43 seeks these be of a high quality and appropriate to the context and also sustainable.
9. The uniform imitation timber texture of the cladding is mainly evident from close views. From a wider perspective the fibre-cement has a noticeable patina, more apparent in brighter sunlight, which is visually discernible as not being actual timber. In this very rural location, in the heart of the Broads, the use of timber cladding would be better suited to the vernacular rather than contemporary design of the holiday cottage, in respect of its appearance and the manner in which it weathers. Although the fibre-cement provides a good colour match with the timber fascia boards at the eaves of the cottage, this would not outweigh the benefits of the more traditional appearance of wood cladding. The dwelling is generally well-designed. However, the use of inauthentic, non-timber cladding has caused moderate harm to the overall character and appearance of the building, in conflict with LP Policy DM43 in respect of its objectives over design.
10. In landscape terms the dwelling is within a relatively enclosed location, not a feature in long-distance views. The building is nonetheless visually prominent from closer quarters including the river, where occupants of passing boats would have temporary views of it behind the Ice House as they pass. The cladding used results also in moderate harm to the character of this surrounding part of the Broads, within which the design of the dwelling in other respects fits in acceptably. Therefore, I find conflict with LP policies SP7 and DM16 insofar as these seek that new development responds positively to the wider Broads landscape.
11. The Ice House has been restored to a good standard. The holiday cottage is set quite well back from this locally-listed structure. Paragraph 197 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining this appeal. Its significance is its traditional design and materials and prominent riverside position of a character typical of the Broads. In weighing proposals like this, which indirectly affect non-designated heritage assets, the Framework requires a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. Carrying out this balance I find some degree of harm, albeit limited in degree, from the use of the fibre-cement resulting in a less authentically traditional appearance of a dwelling prominent within the setting of the historic Ice House. Accordingly, there would be conflict with LP policies SP5 and DM11 insofar as these seek to preserve or enhance the setting of this non-designated heritage asset.

Balance and Conclusion

12. I find a moderate degree of harm in the use of fibre-cement cladding where timber boarding would have been the more appropriate choice of material in this sensitive Broads location. There would be conflict with a number of LP policies and so it is necessary to consider whether there are material

considerations that indicate this appeal be decided other than in accordance with these.

13. The appellant refers to fibre-cement cladding being used in developments elsewhere in the Broads, to being sustainable and low-maintenance and not precluded by policy which makes no specific reference to wood. The photographs of various completed schemes with similar cladding have been considered. However, the background circumstances to these cases are not known to me and it remains necessary to consider this appeal on its own, individual merits.
14. The policies in the LP are not so specific as to refer to the use of wood in developments. The use of sustainable, non-timber building products would not be universally unacceptable in respect of LP policy and might be appropriate in more contemporary schemes or other suitable contexts. However, the location of the holiday dwelling in a quite remote and rural part of the Broads, built in tandem with and near to the refurbishment of a locally-listed heritage asset, provides quite reasonable justification for wooden cladding as an appropriate and traditional choice of facing material.
15. The appellants have provided three quite recent appeal decisions in the Broads which all involved cases where the Inspectors have allowed a non-wood material contrary to the Authority's decision. However, these do not establish a universal principle, and all involve circumstances markedly different from this case. The River Estate, Brundall decisions¹ appear to relate to locations where there is a ribbon of riverside properties where non-wood joinery was already prevalent and the Ludham case² involved a roller door on a modern boatshed. None of these appeals involve the equivalent design requirements that are justified in this particular location.
16. I have considered the funding argument in respect of the increasing costs of completing the works to the Ice House. However, only very limited weight may be given to these financial considerations. In all, there are insufficient grounds to weigh against a conclusion that conditions 2,3 and 4 are reasonable and necessary. This is in the interests of securing an adequate standard of design in this sensitive Broads location to accord with LP policy. I therefore conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

¹ APP/E9505/W/16/3158503 – 50 Riverside Estate, Brundall, NR13 5PU and APP/E9505/D/16/3163616 – 70 Riverside Estate, Brundall NR13 5PU

² APP/E9505/C/16/3154806 – Hall Common Farm, Ludham, NR29 5NS