
Appeal Decision

Site visit made on 11 November 2020

by Jo Dowling BA(Hons) MPhil MRTPI

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

Decision date: 18 November 2020

Appeal Ref: APP/J1535/Y/20/3253548

Roding Restaurant, Market Place, Abridge RM4 1UA

- 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 N Gul against the decision of Epping Forest District Council.
 - The application Ref EPF/2908/19, dated 2 December 2019, was refused by notice dated 1 May 2020.
 - The works proposed are repairs to two modern windows, internal and external decoration, installation of signage and external lights.
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Decision

1. For the reasons that follow, I dismiss the appeal insofar as it relates to the repair to the two modern windows, painting of the internal plasterwork with dark grey glitter paint and the insertion of new signage on the timbered building at the north eastern end of the block. I allow the appeal however, insofar as it relates to the remainder of the application and grant listed building consent for the laying of tiles to ground floor bathroom and entranceway; painting exposed internal timbers black; painting external render with white masonry paint; painting external woodwork (including original exposed timbers) in black paint to match existing; the insertion of new signage on the south western and central buildings and the installation of lighting on the front façade of all three buildings at Roding Restaurant, Market Place, Abridge RM4 1UA in accordance with the terms of the application Ref EPF/2908/19, dated 2 December 2020 subject to the following conditions:
 1. The works hereby permitted shall begin no later than three years from the date of this decision.
 2. Within three months of the date of this decision letter an amended copy of plan 19-018/03 accurately detailing the works that have been carried out on site and the signage hereby approved shall be submitted to and approved in writing by the local planning authority. The works hereby approved shall be carried out in accordance with that plan.

Procedural Matters

2. The street address given on the application form is Market Street. However, I note from the decision notice and the Historic England listing details that the street address is given as Market Place which corresponds with what I observed at my site visit. I have therefore amended the banner heading accordingly.

3. The Historic England listing details, Conservation Officers comments and delegated report refer to the appeal property as consisting of three properties. This was confirmed at my site visit. However, the plans submitted with the appeal (19-018/01, 19-018/02 and 19-018/03) include a fourth building, the corner property that stands on the junction of Market Place and Abridge Road. I note from the Historic England records that this property is the subject of a separate listing. Plan 19-018/03 indicates that the first-floor left-hand window on the front elevation of this property is one of the three windows that would be repaired. Furthermore, the plan also shows that two external lights would be installed at first floor level either side of the windows on this property. However, the agent for the Appellant confirmed at the site visit that the plans were erroneous, this property did not form part of the application and there were no proposals to repair this window or install the lighting on this building. I have therefore amended the description of development to refer to two windows and proceeded with the determination of the appeal on this basis.
4. With regards to the proposed works to the windows there appears to be some ambiguity as to what is proposed as throughout the appeal documentation these are variously referred to as repairs (application form and decision notice); repairing window casements with exact replicas (Design and Access Statement); new casements (Design and Access Statement) and replace timber casement to be an exact match (annotation on plan 19-018/03). For the purposes of this appeal I have considered the windows on the basis that they would be repaired as per the original description of works and the decision notice.
5. When I visited the site I observed that a number of works that form part of the appeal had already been undertaken including the replacement of the tiles in the ground floor toilets and entranceway; painting of the external walls and woodwork and painting of the internal walls and woodwork. In relation to the proposed repairs to the first-floor casement window in the north eastern building I note that these had not been carried out.
6. Although not included in the description of works, plan 19-018/03 includes details of signage and lighting on the front elevation. However, I observed on my site visit that the signage and lighting that has been installed at the appeal site differs from that which is shown on the plans. As I do not have details of the installed signage and lighting before me, I have therefore only been able to consider the signage and lighting as shown on plan 19-018/03. If the Appellant wishes to retain the signage and lighting that has been installed, then it would need to be the subject of a separate application for listed building consent and may also require the benefit of advertisement consent. I advise them that they should contact the Council direct to discuss this matter. I have amended the description of works in the banner heading to include the proposed signage and lighting as shown on the plans.
7. The plans and information submitted with the appeal do not accurately reflect either the existing or proposed situation. For example, I observed on site that the oldest building at the north eastern end of the block has exposed timbers and a jettied frontage which are not shown on the plans and as outlined the proposed works to the windows and number of windows involved varies. However, I consider on the basis of the information submitted and what I observed on site there is sufficient information for me to determine the

majority of the appeal, where this is not the case this is set out in my reasoning.

8. The description of works refers to repairs to three modern windows, internal and external decoration. For clarity I have considered the following matters:

Internal works:

- laying new tiles to ground floor bathrooms and entranceway;
- brush down and paint with black paint exposed timbers; and
- brush down and paint plasterwork (ceilings and walls) with dark grey glitter paint.

External works:

- clean and paint external render with white masonry paint;
- clean and paint existing external woodwork (including original exposed timbers) in black gloss paint to match existing;
- repairs to the two existing casements; and
- insertion of new signage and lighting.

The application documentation also refers to fitting the kitchen with hygienic cladding and the application of 'internal finishes' but as I have no further details of these elements, I have not been able to consider them.

Main Issue

9. The main issue is whether the proposals would preserve a Grade II listed building, Roding Restaurant, and any features of special architectural or historic interest that it possesses.

Reasons

10. The appeal property consists of three historic buildings from different periods, medieval and later, that have been combined to form a restaurant. The buildings are prominently located on the northern boundary of the Market Place and provide a focal point when travelling through Abridge in either direction. The site falls within the Abridge Conservation Area which is characterised by narrow fronted plots that are set close to the back edge of the footpath with little or no front gardens.
11. The three buildings are timber framed and plastered with the oldest building at the north eastern end of the block having exposed timbers and a jettied frontage. Each of the three buildings has a pitched roof of handmade red clay tiles.

Laying new tiles to ground floor bathrooms and entranceway

12. Whilst I have no information before me as to the design and age of the previous tiling in the ground floor bathrooms and entranceway, I note that the Council's Conservation Officer advised that the tiles would replace existing modern fabric. Therefore, on the basis of the evidence before me and what I observed on site I am satisfied that the replacement tiling does not harm the features of special architectural or historic interest that the buildings possess.

Brush down and paint with black paint exposed timbers

13. I observed on my site visit that there is a substantial amount of exposed internal timberwork across the three buildings. Whilst significant areas of this are the original timber framing there are also areas where later timber detailing has been added. On the basis of the evidence before me I am satisfied that historically these timbers would have been black. As a consequence, I am satisfied that the painting of these timbers black does not harm the features of special architectural or historic interest that the buildings possess.
14. The laying of new tiles to ground floor bathrooms and entranceway and the painting of the exposed internal timbers is therefore in accordance with the intentions of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), the guidance contained within the National Planning Policy Framework (the Framework) and the relevant policies of the development plan.

Brush down and paint plasterwork (ceilings and walls) with dark grey glitter paint

15. I note that the Appellant advocates that requiring listed building consent for internal decoration is very unusual and that the significance of the building is due to the age and quality of the frame, rather than its decorative scheme. Furthermore, they consider that the exposing of timbers and making a feature of timbers is a modern intervention.
16. Section 7 of the Act states that any works to a listed building that would affect its character as a building of special architectural or historic interest are not authorised unless listed building consent (section 8) has been obtained.
17. I agree with the Council's Conservation Officer that the internal timber framing forms an essential part of the character of these historic buildings and as such I consider that any works that would affect the framing, including the way in which it is read and appreciated, would require the benefit of listed building consent.
18. In order to be able to appreciate the defined timber framing I consider that there needs to be a contrast between the plasterwork and the timber. Historically, for these types of building this contrast is achieved by the fact that the plasterwork panels between the timbers would be of a lighter colour normally achieved through the use of limewash.
19. I observed at my site visit that the dark grey glitter paint that has been applied throughout the buildings to both the walls and ceilings does not provide this contrast and consequently in my opinion it erodes the special historic interest that the buildings possess. As a result, I consider that the painting of the plasterwork dark grey harms the features of historic interest that the building possesses. No justification for this harm has been provided and I do not consider there are any public benefits that would outweigh the harm to the buildings that I have identified.
20. The painting of the plasterwork is therefore contrary to the intentions of the Act, the guidance contained within the Framework and the relevant policies of the development plan.

Clean and paint external render with white masonry paint and existing external woodwork (including original exposed timbers) in black paint to match existing

21. I note from the evidence submitted with the appeal that, although no longer evident, at some point the external render of the buildings had been painted black. A 'lime wash' type paint was subsequently applied but could not form a bond and so was washed off by the rain. I therefore agree with the Council's Conservation Officer that whilst the use of a standard masonry paint would not normally be acceptable on a historic building given the issues with paint adhering to the surface in this instance the use of this type of white paint to enable the reinstatement of the traditional white appearance of the render is appropriate.
22. I note from my site visit that the buildings have been repainted and consider that the painting has not harmed the features of special architectural or historic interest and thus preserve the character and appearance of the Abridge Conservation Area.
23. It is clear from what I observed on site and the evidence submitted at the appeal that the external woodwork has traditionally been black and therefore I consider that the painting of this woodwork (including the original exposed timbers) black has not harmed the features of special architectural or historic interest and the preserve the character and appearance of the Abridge Conservation Area.
24. The works undertaken to the external paintwork are therefore in accordance with the intentions of the Act, the guidance contained within the Framework and the relevant policies of the development plan.

Repair of the two existing casements

25. I noticed on site that the first-floor casement windows in the medieval building are not original and would appear to date from the 20th Century. Apart from an annotation on plan 19-018/03 that states 'replace timber casement to the existing window to be an exact match' no further details has been provided including details of their current condition, why the need to be repaired and details showing where the repairs would need to occur including profiles and sections at a relevant scale.
26. I therefore agree with the Council's Conservation Officer that there is insufficient information to be able to consider whether or not the proposed repairs to the windows would adversely affect the special architectural or historic interest that this building possess or how they would affect the character and appearance of the Abridge Conservation Area. As a result, particularly given that these works would be to the most historic part of the buildings, I have taken a precautionary approach and consider that on the basis of the information submitted these works have the potential to harm features that contribute to the historic interest of the building and therefore the character and appearance of the Abridge Conservation Area. Whilst I accept that the harm would be less than substantial, I can see no countervailing public benefits that might outweigh this harm.
27. The proposal would therefore be contrary to the intentions of the Act, the guidance contained within the Framework and the relevant policies of the development plan.

Insertion of new signage and lighting

28. The proposed external wall lights would be five up and down lighters that would be located on the front façade of the buildings. The light fittings are of a limited number and size and due to their simple design would be visually unobtrusive. The lighting itself would be low wattage and would illuminate a landmark building that is in a commercial use. As a result, I consider that the proposal would be in accordance with the intentions of the Act, the guidance contained within the Framework and the relevant policies of the development plan as the proposed lighting would not harm the features of special architectural or historic interest that the buildings possess or detract from the character and appearance of the Abridge Conservation Area.
29. In terms of the signage whilst I accept, given the commercial use, that some signage would be required, I do not believe that signage of all three buildings is necessary. I consider that this would lead to visual clutter that would detract from the historic interest of the buildings and the character and appearance of the Abridge Conservation Area.
30. However, unlike the north eastern building the south western and central buildings have simple rendered façades. Consequently, given the size and location of the signage shown on the plans I do not consider that signage in these locations would detract from the historic interest of these buildings or the character and appearance of the Abridge Conservation Area.
31. The first floor of the north eastern building has exposed timber framing and I consider that to locate signage on this façade would detract from the historic interest of this building and the character and appearance of the Abridge Conservation Area. Although the harm that would result would be less than substantial I do not consider that the signage would deliver any public benefits and as a result, this element of the appeal would be contrary to the intentions of the Act, the guidance contained within the Framework and the relevant policies of the development plan.
32. Please note that should you wish to implement the signage as shown on the plans, advertisement consent may also be required and that you should contact the Council direct to discuss this.

Conditions

33. The Council have not submitted any suggested conditions. I consider that whilst the majority of the works have been undertaken some have not and as result a standard time limit condition would be necessary.
34. As highlighted at the start of this decision letter the details shown on the submitted plans differ from the works that have been carried out at the site. For the reasons set out previously I do not consider that they have affected my ability to consider the appeal. However, in accordance with the Planning Practice Guidance for the avoidance of doubt and in the interests of proper planning I consider that the plans need to be amended to accurately reflect what work has been undertaken and what has been consented and I have amended the standard wording of the usual approved plans condition to reflect this.

Conclusion

35. For the reasons set out above I consider that the appeal should be dismissed in relation to the repair of two modern windows, painting of the internal plasterwork with dark grey glitter paint and the insertion of new signage on the timbered building at the north eastern end of the block. However, in relation to the laying of tiles to ground floor bathroom and entranceway; painting exposed internal timbers black; painting external render with white masonry paint; painting external woodwork (including original exposed timbers) in black paint to match existing; the insertion of new signage on the south western and central buildings and the installation of lighting on the front façade of all three buildings I conclude that, subject to the conditions set out above, that the appeal should be allowed.

Jo Dowling

INSPECTOR