



Appeal Decision

Site Visit made on 20 July 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/W3330/W/21/3269771

The Spice Merchant, 14 Market Street, Watchet TA23 0AN

- 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 Mr Afsar Uddin (The Spice Merchant) against the decision of Somerset West and Taunton Council.
 - The application Ref 3/37/20/024, dated 8 December 2020, was refused by notice dated 1 February 2021.
 - The development proposed is the erection of a storage building ancillary to the restaurant.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a storage building ancillary to the restaurant at The Spice Merchant, 14 Market Street, Watchet TA23 0AN in accordance with the terms of the application, Ref 3/37/20/024, dated 8 December 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 028/20/001 – Location Plan; 028/20/002 – Existing Site Plan; 028/20/003 Rev A – Existing Elevations and Floor Plan; 028/20/004 – Pre-Existing Elevations and Floor Plan; 028/20/005 Rev SB – Proposed Elevations and Floor Plan.
 - 2) The building shall be modified in accordance with the details shown on Drawing No 028/20/005 Rev SB, including the replacement of the plasticol finish with render, and the removal of the three windows in the west elevation, within 3 months of the date of this decision.

Preliminary Matters

2. The building has already been erected, so I am dealing with this appeal retrospectively.
3. During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Both parties have been given the opportunity to make comments relating to the updated Framework.

Main Issue

4. The main issue is whether the proposal preserves or enhances the character or appearance of the Watchet Conservation Area.

Reasons

5. The site lies within the Watchet Conservation Area (the CA), which includes the historic town centre and harbour. I have not been provided with a Conservation Area Character Appraisal, but the evidence, including my visit, indicates that the CA derives its special interest from its historic pattern of streets, lined with traditional buildings of modest scale and fine architectural details. The historic layout is closely associated with the harbour, which was central to the development of the town. Iron ore from the Brendon Hills was transported to the town via the historic Mineral Line, before being shipped to Ebbw Vale for smelting. Although the railway no longer exists, its historic imprint survives in the remaining buildings near the Western Quay.
6. The main building on the appeal site is in use as a restaurant, and is a twin-gabled structure that faces the harbour. It was originally part of the goods sheds associated with the railway. Although it has been much altered, its historic provenance is still discernible in its relationship with the former station building opposite, which has a large clock on its external wall, and retains its historic functional appearance. The juxtaposition of the historic buildings, either side of the route of the former railway, and close to its termination at the harbour, is an important remnant of the town's history and makes a positive contribution to the significance of the CA.
7. 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 CA.
8. The storage building has been constructed in the yard to the rear of the restaurant. As it is single storey, flat-roofed, and partially tucked behind the two-storey frontage buildings, it is not particularly prominent from public viewpoints. Furthermore, the yard is surrounded by a high boundary fence, so only the upper part of the structure is visible from outside the site. However, it is clad in black plastic-coated sheeting, which has a shiny appearance, giving it a rather industrial character. Together with its flat-roofed design, the overall appearance is somewhat akin to a portable cabin, rather than a permanent building. It is, therefore, out of character with the adjacent historic buildings, and harmful to the appearance of the CA. In view of its limited visibility, the harm to the heritage asset is less than substantial within the meaning of paragraph 199 of the Framework.
9. The proposal involves modifications to the building, whereby the plastic-coated sheeting would be replaced with a rendered finish, and the three high-level windows in the west elevation would be removed. The proposed render finish would match the external materials of many of the surrounding buildings, including the lower part of the restaurant, and the former station building directly opposite. Furthermore, render is a predominant external material in the wider CA, so the modified building would sit more comfortably in its surroundings than is currently the case.
10. The flat roof would be retained, and would mirror the flat-roofed single storey projections to the rear of the former station building on the opposite side of the lane. It would also be closely associated with the single and two-storey flat-roofed additions at the rear of the adjoining building to the west. Its form would not, therefore, be incongruous in this setting. The resultant low-profile of the building would limit its visibility above the surrounding boundary fence, and

would ensure that, when viewed from Market Street to the north, the two historic railway buildings would retain their dominance in the street scene. As a result of its much smaller scale, and its position behind the frontage buildings, the storage building would visually recede into the background.

11. The building would also be viewed against the backdrop of rising land to the south west, which lies outside the CA and accommodates buildings that have no historic or architectural interest. Furthermore, it would be closely associated with the commercial paraphernalia in the yard area to the rear of the adjacent workshop, as well as a range of utilitarian garages, which are accessed off the lane to the south. In its modified form, the building would not be a prominent addition to this melange of small-scale and unremarkable structures that form the backdrop to the historic buildings. Consequently, it would not alter their predominance in the street scene, or the positive contribution that they make to the significance of the CA.
12. For these reasons, I conclude that the modified building would have a neutral impact on the CA, thereby preserving its character and appearance. The proposal would, therefore, comply with Policies NH1, NH2, NH13 and WA1 of the West Somerset Local Plan to 2032 (Adopted 2016), which, amongst other aims, seek to ensure that development proposals which affect the CA should preserve or enhance its character or appearance and make a positive contribution to the local environment. It would also accord with the Framework's aim to conserve and enhance the historic environment.

Conditions

13. As the building has already been constructed, a condition limiting the period within which the development must commence is not necessary. I have imposed a condition specifying the relevant plans, as this provides certainty for all parties. As the modifications to the building are necessary to remedy the existing less than substantial harm to the CA, I have imposed a condition requiring them to be carried out within a set timescale.

Conclusion

14. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Nick Davies

INSPECTOR