



Appeal Decision

Site visit made on 7 December 2021

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/B3030/C/21/3281792

15A Waterloo Yard, King Street, Southwell NG25 0EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by M/s Louise Stocks against an enforcement notice issued by Newark & Sherwood District Council.
 - The notice was issued on 5 August 2021.
 - The breach of planning control as alleged in the notice is without planning permission, operational development consisting of building operations, specifically the installation of timber and metal cladding on the external surfaces of the building, as shown in Figure 1 and 2.
 - The requirements of the notice are to: Remove the metal and timber cladding that is subject of application 21/01179/FUL from the building, as shown within figures 1 & 2, along with any associated fixtures and materials required for its installation.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue is the effect of the appeal scheme on the character or appearance of the Southwell Conservation Area (SCA) and on the setting of nearby listed buildings.

Reasons

3. The appeal building is located in the Town Centre, which is characterised by tightly knit buildings, narrow plots with a number of underpasses leading to buildings and yards to the rear. Buildings in the area are a mixture of townhouses with Victorian or Edwardian shopfronts, with fine architectural detailing and the use of traditional materials.
4. In my view, the significance of the SCA and the listed buildings within is derived from the layout of buildings, fine architectural detailing and use of traditional materials. The tightly knit urban form in this part of the SCA with underpasses and yards beyond, including Waterloo Yard, even if only glimpsed from King Street, form an important part of the experience of the SCA and make a significant contribution towards its character and appearance.
5. Nos. 15 King Street, list entry number 1046130, is a Grade II listed building dating from Mid C18, which was formally a house and attached stable range.

The significance of the building derives from its origins as a Georgian townhouse, architectural detailing and its elliptical arched underpass, which leads to an attached stable range to the rear. The appeal building is located within Waterloo Yard, which can be seen from King Street through the underpass and forms part of the setting of the listed building.

6. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the listed buildings affect, and their settings. 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 SCA.
7. Furthermore, paragraph 199 of the National Planning Policy Framework ('the Framework')(2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. Prior to the installation of the cladding, the building was constructed in brick with a rendered finish and a pitched pantile roof. The building is stated to be identified as an unlisted building of local interest in the Conservation Area Appraisal (2005) as it is illustrative of the industrial yard developments and representative of local vernacular.
9. Policy DM5 of the Allocations and Development Management DPD (DPD)(2013) seeks to ensure materials used in development reflect the character of built form, amongst other things and policies DM9 of the DPD and 14 of the Amended Core Strategy (ACS)(2019) both seek to protect the historic environment. Core Policy 9 of the ACS seeks a high standard of design that contributes to and sustains the rich local distinctiveness of the District.
10. Policy DH1 of the Southwell Neighbourhood Plan (SNP)(2016) requires demonstration as to how guidance set out within the Southwell Design Guide and the Conservation Area Appraisals has been taken into account, policy DH2 requires proposals to demonstrate how they will contribute to high quality streets and policy DH3 seeks to maintain a sense of place within the Historic Town Centre.
11. The dark metal cladding provides a stark contrast with the more traditional materials typical of the SCA. Although the appeal building is located to the rear of King Street, it can be easily seen through the underpass and forms an important part of the SCA. The cladding is an uncharacteristic, dominant feature which unacceptably diminishes the character and appearance of this part of the SCA and the setting of the adjacent listed building.
12. Although Waterloo Yard comprises functional features, such as a metal fire escape and bin storage, it is the experience from King Street which is most diminished by the cladding and which, in my view, is of most significance to the SCA. Thus, for the reasons given above, I find that the appeal scheme does not conserve or enhance the character or appearance of the SCA and harms the setting of No 15, a Grade II listed building.
13. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great

weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

14. For the reasons given, the appeal scheme harms the character and appearance of the area, the significance of the SCA and nearby listed building and its setting. I consider that the harm arising to the significance of the designated heritage assets would be less than substantial in the context of paragraph 202 of the Framework. Such harm should be weighed against the public benefits of the proposal.
15. The Framework is clear that any harm to the significance of a designated heritage asset should require clear and convincing justification. The appellant states that the appeal building had a poor appearance prior to the works, with part exposed brickwork, crumbling and damp render, coloured with a creamy yellow appearance. While the building may have been in poor condition, I have no evidence that the appeal scheme is the only way of addressing its condition. I therefore afford this matter very limited weight.
16. The use of the building provides employment and associated economic benefit to the area. However, the notice is attacking the cladding, not the use of the building and so the business could continue to operate following compliance with the notice. The appellant asserts that the business is now 'marginal' and has made reference to an extension which has been put on hold due to the enforcement action.
17. However, no financial information has been provided in this regard. I see no reason why it would be not be possible to finish the building using materials which are more sympathetic to the character of the area. Any economic benefit arising from the retention of the cladding would be outweighed by the harm I have identified to the SCA and the setting of the listed building, the conservation of which I attribute great weight to.
18. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the setting of the Grade II listed building and the character or appearance of the SCA. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies DM5 and DM9 of the DPD, policies 9 and 14 of the ACS and policies DH1, DH2 and DH3 of the SNP, the requirements of which are set out above. As a result, the proposal would not be in accordance with the development plan.

Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

M Savage

INSPECTOR