



Appeal Decisions

Site visit made on 23 February 2022

by Cullum J A Parker BA(Hons) PgCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal A Ref: APP/M1595/W/21/3268465

24 Bata Avenue, East Tilbury, RM18 8SD

- 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 Opeyemi Ogunsanwo against the decision of Thurrock Borough Council.
 - The application Ref 20/01094/HHA, dated 21 August 2020, was refused by notice dated 7 January 2021.
 - The development proposed is described as '*Replacement of Windows and Doors; Outside rendering to property. The windows of the property have been rotten as the property was unoccupied for some time. We had a survey done and we were informed that the windows will need to be replaced because of rot and termites eating into the wood and also the glass cracked and single glazed. There was a lot of more complicated issues than this but we didn't know this before the property was bought. The company who took over the property gave no information regarding the property and we didn't know it was listed until we were nearly about to exchange. The house also needed rendering according to the survey and we also go the rendering sorted.*' (sic)
-

Appeal B Ref: APP/M1595/Y/20/3263142

24 Bata Avenue, East Tilbury, RM18 8SD

- 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 Opeyemi Ogunsanwo against the decision of Thurrock Borough Council.
 - The application Ref 20/01095/LBC, dated 21 August 2020, was refused by notice dated 13 November 2020.
 - The works are described with the same description as above for the s78 appeal.
-

Decisions

1. Both appeal A and B are dismissed.

Procedural Matters

2. This decision letter considers two appeals – Appeal A for planning permission and Appeal B for listed building consent. Whilst operating under different legislation given the similarities of the issues raised I have considered both appeals in this single document.

Main Issue

3. The main issues for both appeals are whether the works would preserve features of special architectural or historic interest of the listed building, and

whether the works preserve or enhance the character or appearance of the conservation area.

Reasons

4. The appeal building is a semi-detached flat roofed Grade II listed building built around 1930 to 1933, and designed by Vladmir Karfik and Frantizek Gahura. The buildings are two storey dwellings with a two-window range to the pair and a rectangular bay to front. The street scene along Bata Avenue is characterised by architecturally similar buildings, with the appeal building having group value with other similar properties along Bata Avenue.
5. As detailed within the Officer's report, the Bata Settlement at East Tilbury is a purpose-built industrial village which developed predominantly between 1930s-1960s for the British Bata Shoe Company Ltd. The village has a unique international character which combines Garden City planning and Modernist architecture. The East Tilbury Conservation Area has been identified as being in 'Very Bad' condition and is therefore included in Historic England's the Heritage at Risk Register.
6. The buildings along Bata Avenue are widely spaced and set in a staggered layout. All are painted render in white or cream and the majority of windows and doors are timber and are painted peppermint green. It is this visual conformity between the dwellings along Bata Avenue and their architectural detailing together with their close association with the British Bata Shoe Company that the significance of the listed building and of the East Tilbury Conservation Area derives from.
7. I saw from my site inspection that the works applied for appear to have been undertaken, with the insertion of black coloured framed windows and a smooth style render applied. The fenestrations along Bata Avenue, including their colour, is an important feature of the street scene. They are particularly jarring when viewed within the context of the typical peppermint green finish used on a majority of nearby buildings. The introduction of ahistorical black coloured UPVC frames and doors therefore detract from the significance of the listed building and fail to preserve the character and appearance of the conservation area.
8. In terms of the render, from my site inspection, I saw that a majority of the render finishes along Bata Avenue were formed from 'slurry dashed' render with the coloured finish matching or very similar. The use of a smooth render in a different colour to that at the adjoining No 26 Bata Avenue is discordant with others found on Bata Avenue. The combination of the inappropriate render finish and colour would also have a negative impact on the significance of the listed building and conservation area. As such, the appeal schemes fail to preserve the special interest of the listed building, special regard to which is set out in s16(2) of the PLBCAA.
9. Whilst this would be no greater than less than substantial harm as defined by the *National Planning Policy Framework* (the Framework), considerable importance and weight should be given to the conservation of heritage assets. Paragraph 202 of the Framework sets out that less than substantial harm should be weighed against the public benefits from the proposal.

10. The Appellant has provided a 'Building Survey Report' dated 14th January 2020, detailing that *'The windows throughout the property are of timber casements set within timber frames. The windows were noted to be in very poor order, warped and rotten in places. A number of the casements would not fully close or were painted shut. Due to the poor condition of these fixtures it would be recommended that these are all removed and replaced, either with timber or uPVC fixtures.'*¹
11. Whilst recognising the poor state of the windows and doors, this in itself does not provide justification for the insertion of windows and doors of a completely different colour, material and appearance, nor does it justify the use of inappropriate render colour or finish. Nevertheless, the replacement of these windows and doors is likely to have improved the energy efficiency of the building, which is a modest public benefit. However, this does not outweigh the less than substantial harm to the designated heritage assets.
12. I also note that the Appellant indicates that they were unaware that the building was listed until they were 'nearly about to exchange'. Be that as it may, this does not provide justification to address the harm to heritage assets identified.
13. The scheme fails to preserve features of special architectural or historic interest of the listed building, and would not preserve or enhance the character or appearance of the conservation area. Accordingly, the appeal scheme is contrary to Policies CSTP22, CSTP23, CSTP24 and PMD4 of the *Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015*, which, amongst other aims, seek to preserve or enhance the historic environment by promoting the importance of the heritage assets including their fabric.
14. It is also contrary to the Policies of the Framework including those set out in Chapter 16, which seek to ensure that heritage assets are conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life.

Conclusion

15. For the reasons given above, I conclude that both appeals should be dismissed.

C Parker

INSPECTOR

¹ Page 13 of the Report