



## Appeal Decision

Site visit made on 29 June 2023

**by P N Jarratt BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2023**

**Appeal Ref: APP/W3330/F/22/3313180**

**The Old Ship Aground, Quay Street, MINEHEAD, TA24 5UL**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- The appeal is made by Hall & Woodhouse against a listed building enforcement notice issued by Somerset West and Taunton Council.
- The enforcement notice, numbered EEC/EN/21/00006, was issued on 16 November 2022.
- The contravention of listed building control alleged in the notice is the unauthorised replacement of the roof slate on the building with slate of a different size and colour namely Westland Grey Green.
- The requirements of the notice are
  - i) Remove the Westland Grey Green roof slate on the building
  - ii) Replace the roof slate on the building with SIG112S Grey/blue slates or Welsh grey/blue slates
- The period for compliance with the requirements is four months
- The appeal is made on the grounds set out in section 39(1) (e) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

### Decision

1. The appeal is allowed and the listed building enforcement notice is quashed. Listed building consent is granted for the retention of Westland Grey Green roof slates at The Old Ship Aground, Quay Street, Minehead, TA24 5UL

### Preliminary Matters

2. Since the appeal was lodged, the unitary Somerset Council has become the local planning authority.

### The appeal site and relevant planning history

3. The appeal property is known as the Old Ship Aground and was listed in 1976 as a Grade II listed building within the Higher Town Conservation Area. It can briefly be described as a hotel of two stories and attic, and built of rubblestone with freestone dressings, hipped slate roof with a number of dormers, which in c1880 was remodelled from an earlier structure. It is described as occupying a prominent position next to the quay and is included for group value.
4. The property is L-shaped in plan and a small single storey building with a fibre slate tile pitched roof attaches the appeal property to the two storey pitched roof Courtyard Cottage. It is adjoined by St Peter's Church to the north east with its distinctive red clay tile pitched roof, which in turn is adjoined to the single storey flat roofed Echo Beach café. Beyond the appeal property is the substantial stone and red tiled lifeboat station, adjoining which is a contemporarily designed extension with a distinctive zinc roof. Also within the same group of buildings overlooking the harbour is a two storey stone pitched

roof building with dormers known as 'Tides Reach.' This group of buildings contributes positively to the distinctive setting of this part of the Conservation Area between the harbour and the verdant cliffs to the west.

5. The allegation relates to the use of Westland Grey Green Slates (referred to as Brazilian slates) on the south east hipped roof, the north east roof slope, the south east roof slope, the north west roof slope and the use of the same slates on the cheeks of the dormers on those roof slopes, with the exception of the dormer to the west end of the north west roof slope. This dormer and the south west roof slope is covered with existing natural grey/green Brazilian slate. The new slates replaced deteriorating Welsh grey-blue slates.
6. A LB application for the retention of replacement roof tiles was withdrawn on 7/2/2022 (Ref. 3/21/21/097) as a result of incorrect product details of the replacement tiles being submitted in error, which the appellant acknowledges. Although the Conservation Officer at the time agreed with the original proposal to use blue-grey SIG 112S Spanish slates, these did not match what had been ordered.
7. A resubmission of the LB application was made for the retention of the Westland Grey Green slates (3/21/22/039). Following advice that these slates were considered incongruous to the listed building and its setting, the appellant provided a sample of the Westland Grey Green slate painted dark grey to match the SIGA 112S in colour, which was the Dark Blue Grey slate incorrectly referred to in the withdrawn application.
8. A LB application for external alterations to render and stone elements (retention of works already undertaken) was granted on 7/2/2022 (Ref 3/21/21/103).

### **Policy Framework**

9. Section 16 of the LBCA requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historical interest it possess, before granting listed building consent. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
10. In addition the policies for the protection of heritage assets in the West Somerset Local Plan are also material considerations. These policies are in accordance with the aims of the National Planning Policy Framework (the Framework) which is also a material consideration in these cases. Paragraphs 194-208 of the Framework note that great weight should be given to conserving the significance of heritage assets and that any harm must be outweighed by public benefits of the proposal including securing the optimum viable use of the building before listed building consent is granted.

### **The appeal on ground (e)**

11. An appeal on this ground is that listed building consent should be granted for the replacement of the roof slate on the building with slate of a different size and colour, namely Westland Grey Green. The appellant states that the suggested painting of the unauthorised slates to a dark grey colour does not concern this appeal. However, if I find that the unauthorised development could be made acceptable through the imposition of appropriate conditions, then such a condition concerning the painting of the slates could be relevant.

12. The main issue in the appeal on this ground is whether the installation of the Brazilian slates fails to preserve or enhance the listed building or the character or appearance of the conservation area. In considering this issue, regard needs to be taken of the aging and weathering that occurs naturally as a result of exposure to the elements. This impacts on the character and appearance of the slates and consequently on the building and the area.
13. On my site inspection, the obvious newness of the replaced slates was particularly evident, looking very perfect and uniform. The roof lacks the life and vibrancy that established and weathered slate roofs provide. This is a consequence of using natural materials and is generally acknowledged as being part and parcel of the re-roofing of any building. It is likely that if the slates are replaced with those specified in the requirements of the notice, they too would look very fresh and noticeably different from those that had preceded them.
14. When looking at the building within its immediate context, the replacement slates are very obvious at its hipped end but their impact is lessened by the busy composition and blue colourwash of the front elevation, together with its entrance, balcony, dormer window, the side cheeks of different colours of other dormers, and the very tall brick chimney stack.
15. The roofs facing the courtyard are significantly longer and have a greater impact although views of much of the building from the pedestrian area by the harbour wall are shared with St Peter's Church and its distinctive red clay tile roof that contrasts sharply with the appeal property. This view also contains the single storey Echo Beach Café in the foreground.
16. The roof of the property facing the RNLI building on Quay West is not particularly prominent because of the more restricted angle of view from the street and also because the lifeboat building is a significant building in the townscape in its own right with its roof of small red tiles, solar panels, roof lights and its contemporary extension with the zinc roof.
17. The south west roof slope has existing natural grey green Brazilian slate which looks little different in overall colour to the replacement slates elsewhere. This is the principal elevation of the building having many distinctive windows and dormers although the hipped end is more prominent in views from a greater distance.
18. The variety and colour of roof types of buildings in the conservation area is such that there is very little uniformity. Indeed, it is this variety in building and roof form, colours and materials that contributes positively to the character and appearance of the conservation area.
19. The appellant has assessed the slate types historically used and draws on advice that the Brazilian natural slate is popular in the south-west due to its colour similarity to the Delabole slate, that grey-green slates were commonly quarried in the Somerset, that they weather down in time to a silvery grey taking away their current starker appearance and stronger green tint.
20. The available historical evidence does not support the assumption that Welsh blue/grey slate (or a Spanish substitute) were used on the appeal property, or that the slates existing prior to the later changes were the originals, or that Welsh slate was universally used in the area.

21. Although the allegation in the notice refers to the colour and the size of the replacement slates, the Council has not specifically referred to how the size of the slates causes harm. Indeed, from street level, it is extremely difficult to recognise any incongruity in the size of the replacement slates.
22. The replacement of the slates has generated critical responses from a number of local residents and from the Minehead Conservation Society, all of whom are clearly proud of the heritage of Minehead. However some of the comments appear to relate more to anger at the approach to the re-roofing taken by the appellant and raise matters irrelevant to the determination of this appeal which, simply put, is whether the slates now in situ cause harm to the building or to the conservation area.
23. I conclude that the Westland Grey Green Brazilian slate is an appropriate slate for use on the appeal building as it preserves the listed building and its setting. As it weathers this roofing material will enhance the building's appearance. Similarly, in view of the variety, colour and materials of roofs within the area, the character and appearance of the conservation area is preserved. The use of the replacement slates accords with Local Plan Policies NH1 and NH2 regarding heritage assets and with national policies expressed in the Framework.
24. The appeal on this ground succeeds. Although the Council has suggested three conditions, none are relevant in the context of work that has already been carried out, and I do not consider that any conditions are necessary to limit the consent.

### **Conclusion**

25. For the reasons given above I conclude that the appeal should succeed. In these circumstances the appeal on ground (i) set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended does not fall to be considered.

***P N Jarratt***

INSPECTOR