



Appeal Decision

Site visit made on 25 January 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 08 FEBRUARY 2024

Appeal Ref: APP/Y2620/W/23/3318860

Anchorage Wells, 28 Blackhorse Yard, Wells-next-the-Sea, Norfolk NR23 1BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Avril Lill & Mr Simon Lill against the decision of North Norfolk District Council.
 - The application Ref RV/22/2149, dated 20 September 2022, was refused by notice dated 15 November 2022.
 - The application sought planning permission for demolition of existing single storey store/workshop building & erection of two storey ancillary building for 28 Blackhorse Yard to provide for cycle store, workshop, home office and laundry room without complying with conditions 2 and 4 attached to planning permission Ref PF/16/1040, dated 18 November 2016.
 - The conditions in dispute are Nos 2 and 4 which state that:
 - 2. This permission is granted in accordance with the plans first submitted with the application (drawing numbers 527.01 and 527.02) received by the Local Planning Authority on 25 July 2016 and the amended plans (drawing numbers 527.03 Rev.A, 527.04 Rev.A and 527.05 Rev.A) received by the Local Planning Authority on 25 October 2016.*
 - 4. Prior to their first use on site precise details of the roofing material, along with the colour finish to the external cladding, render and joinery shall be submitted to and approved by the Local Planning Authority in writing. The development shall then be constructed in full accordance with the approved details.*
 - The reasons given for the conditions are:
 - 2. To ensure the satisfactory layout and appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy; and*
 - 4. In order for the Local Planning Authority to be satisfied that the materials to be used will be visually appropriate for the approved development and its surroundings, in accordance with Policy EN 4 of the Adopted North Norfolk Core Strategy and Chapter 10 of the North Norfolk Design Guide.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have been provided with written confirmation that the appeal should proceed with an additional appellant listed as opposed to what was stated on the application form. I have added the additional appellant in the details above and will deal with the appeal accordingly.

3. During the appeal, the Government published an updated version of the National Planning Policy Framework (the Framework). However, as the Framework's policy content insofar as it relates to the main issue has not been significantly changed, albeit that the numbering of paragraphs has changed, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Background

4. The variation sought includes the use of vertical timber cladding with a natural stain effect finish on the eastern elevation at first floor level as opposed to the horizontal timber cladding shown on drawing number 527.04 Rev.A.
5. The appellants have confirmed that the cladding has been in place for over two years. The works have therefore been completed and the application and this appeal are retrospective.

Main Issue

6. The main issue is whether conditions 2 and 4 are reasonable and necessary to safeguard the character and appearance of the area, including the Wells Conservation Area and the setting of listed building No 26 and 28 Blackhorse Yard.

Reasons

7. The appeal site comprises an ancillary two storey building located in Blackhorses Yard, in a mainly residential area of Wells-next-the-Sea. The appeal site is located within the North Norfolk Area of Outstanding Natural Beauty as well as the Wells Conservation Area (CA).
8. The significance of the CA lies in its variety of traditional buildings and the shape, form and layout of the settlement and how it relates to the natural landscape, as an historic coastal town. The predominant materials used on the external faces of buildings in this part of the CA is brickwork, render, painted brickwork and flint. I also noted the presence of some horizontal cladding, including on the northern elevation of the appeal building, which also contributes to the character of the area. The mix of materials and the variety of building designs provide interest and contribute positively to the character and appearance of the area and the significance of the CA.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Section 66(1) of the Act requires that special regard shall be paid to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses. The setting of a listed building is defined in the glossary to the Framework as the surroundings in which the heritage asset is experienced.
10. The appellants contend that the photos provided by the Council exaggerate the appearance of the building and that they were taken when the works were not finished. I was able to view it from a range of different positions during my site visit and I am satisfied that I was able to view it within its surrounding context.

11. I understand that the reason the cladding orientation and finish changed from that approved was as a result of difficulties finding a material that would work with the cement boards on the sides of the building. Nevertheless, it appears discordant with the horizontal cladding located on the side elevation which it is viewed alongside. In terms of the wider effect on the street scene, the vertical timber cladding does not resemble the local vernacular of materials used along Blackhorse Yard and this significant and striking contrast results in it appearing as an incongruous and dominant feature that is harmful to the traditional character of the area.
12. I accept that Blackhorses Yard is not a busy road in terms of vehicular traffic, given its limited width and I noted the traffic signs stating 'unsuitable for motors'. Nevertheless, it is a route used by the public and I walked along it during my site visit. The appeal building and hence the incongruous cladding is prominent in the view when walking along Blackhorses Yard, given it is located directly adjacent to the road and because it sits forward of the adjacent row of cottages to the north.
13. The appeal building is located opposite No 26 and 28 Blackhorse Yard which is a grade II listed building. The significance of the building lies in its early 19th Century construction and traditional form and design albeit has been altered. Its setting is informed by the close knit pattern and attractive appearance of surrounding buildings, and this adds to the significance of the listed building. Given the location of the appeal building in close proximity and the dominant appearance of the cladding, it does detract from the setting of the listed building and hence the significance of the listed building.
14. I have been referred to the Norfolk Planning Policy Document where it is asserted that vertical cladding is preferred on residential properties. However, I do not have that document before me to understand the context in which that statement is made.
15. I have been directed to other buildings within the local area, further away from Blackhorse Yard, that have vertical timber cladding. Whilst I did witness some vertical timber cladding on buildings within the local area, the cladding was applied to a relatively small section of an elevation and in some cases set back from the principal elevation. In other cases, it was on buildings that are set back from the road or behind soft landscaped boundaries. These approaches make the use of vertical timber cladding much less prominent than at the appeal building.
16. I am also directed to two other buildings where alternative materials are used, located further east. Whilst I accept these contribute to the character and appearance of the local area, they are of different materials to that before me and they are not seen within the local context of the appeal site. Therefore, I attribute limited weight to them in my consideration.
17. The appellants assert that there is support for the cladding and that they have not received any complaints about it from local residents or guests that have visited the bed and breakfast. A petition is provided with the appeal in this regard. They also state that no comments were received on the application from the Town Council or local residents. Whilst I note the general support, no robust justification for that support is provided with regards to the historic environment. I therefore attribute limited weight to this consideration.

18. I therefore find that the timber cladding on the eastern elevation as installed, is harmful to the character and appearance of the area, including to the CA and the setting of the listed building opposite. It therefore is contrary to Policies EN4 and EN8 of the North Norfolk Core Strategy Incorporating Development Control Policies September 2008. These policies seek, amongst other things, to ensure that developments are of a high quality, reinforce local distinctiveness and that they preserve or enhance the character and appearance of designated assets.
19. The Council also referred to the North Norfolk Design Guide - Adopted SPD (2008) in its reason for refusal. However, I have not been provided with a copy of that document.
20. The harm that would arise would be localised, and therefore the impact on the designated heritage assets, would be less than substantial within the meaning of the Framework. Paragraph 205 of the Framework states that great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
21. Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
22. The ancillary building is used in association with an existing bed and breakfast business which contributes to the local economy through the provision of tourism accommodation. However, the building itself would remain even if the building were clad in line with the approved details. Therefore, this benefit is very limited and would not outweigh the harm I have identified to the character and appearance of the CA and the setting of the listed building.

Other Matters

23. I understand that the appellants have been frustrated by a lack of engagement by the Council, particularly during the pandemic, when there was a need to get the building protected from the elements. I note that the lack of response by the Council related to other matters including the windows as well as the proposed changes to the cladding. I recognise that the advice provided by the Council in terms of the process for applying to vary the approved details altered. I also acknowledge that changing the cladding will result in additional work and expense. Whilst I understand that these issues are frustrating and I am sympathetic to the appellants in this regard, they do not weigh in favour of the proposal.

Conclusion

24. I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that indicate I should take a decision other than in accordance with it. Therefore, the appeal is dismissed.

G Dring

INSPECTOR