

Appeal Decision

Site visit made on 17 September 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 27th September 2024

Appeal Ref: APP/Y2620/W/24/3338123

The Bath House, Promenade, Cromer, Norfolk NR27 9HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs J Kinnaird against the decision of North Norfolk District Council.
 - The application Ref is PF/23/2053.
 - The development proposed is reinstatement of first floor balcony with installation of glass balustrade.
-

Decision

- 1) The appeal is dismissed.

Preliminary Matters

- 2) I have taken the description of development above from the planning application form, removing wording that does not form an act of development, in the interests of clarity.
- 3) A revised National Planning Policy Framework (the Framework) was published in December 2023. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. Main parties have provided comments on the revised Framework through the appeal process in any case.

Main Issue

- 4) The main issue is the effect of the proposal on the character and appearance of the host building, a non-designated heritage asset and whether it would preserve or enhance the character or appearance of the Cromer Conservation Area (CA).

Reasons

- 5) The appeal building, the Bath House, is a rendered two storey building with oriel windows and a ground floor loggia. It is a non-designated heritage asset, identified by the Council as a locally listed building. The submitted Heritage Impact Assessment (HIA) identifies the presence of the Bath House (then called the Bath Hotel) in an Ordnance Survey map extract from 1885. The appeal building is located within the CA.

- 6) The CA includes a large part of the historic coastal town of Cromer. The significance of the CA is comprised of the mixed character and appearance of the built form that reflects the history and evolution of the town, heavily influenced by the fishing trade and the later development as a seaside resort following the arrival of the railway. Views towards the Promenade from the beach and the pier enable an appreciation of the significance of the CA with the town having a clear association with the coastal location.
- 7) The age, social history and traditional architectural detailing and materials of the appeal building contribute to its significance and it forms part of the historic environment of the area. Given its location on the Promenade, it represents a prominent feature which makes a positive contribution to the significance of the CA.
- 8) Paragraph 209 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Framework also states that harm to the significance of a designated heritage asset should require a clear and convincing justification.
- 9) Photographs provided in the HIA show that the Bath House has undergone a series of alterations since being rebuilt at some point after 1836. Photographs dated circa 1890, 1891 and 1948 show a cast-iron ornate balustrade at both ground and first floor levels. It is thought that the first floor balustrade was removed at some point after the 1970's and the ground floor balustrade was replaced with stick balusters some time later. The HIA identifies that the loggia, balcony and balustrade were all significant elements of the building's façade, in terms of its architectural aspiration and use. The evidence provided, demonstrates that the balcony was used by guests to take in the views of the North Sea.
- 10) The reinstatement of a first floor balcony in the position proposed would be in keeping with the history of the appeal building and would reinstate a feature that does appear visually as being missing currently. I do not consider, given the size of the floor area proposed, the amount of people who could use it at one time and the previous presence of such a feature, that there would be any harm regarding visual clutter through the use of a balcony at the appeal building.
- 11) However, the proposed glass balustrade would introduce a contemporary feature that would not be in keeping with the traditional character and appearance of the building. It would contrast significantly with the materiality of the former first floor balustrade and that of the existing ground floor balustrade and would result in an incongruous feature, attached to the principal elevation of the appeal building.
- 12) The transparency of the proposed glass balustrade would enable the lower sections of the first floor windows to be visually apparent in public views. Nevertheless, it appears from the photographs set out in the HIA that the original balustrade was more 'dense' in appearance. Therefore, it is not a necessity in design terms to ensure that the windows are fully unobstructed

from public views, in order to respond to the historical context of the building.

- 13) I note that the ground floor balustrade is not original, and it is of a different design and material to what was previously in place. I also understand that it is questioned as to whether timber would be used historically in such a location, so close to the sea. Nevertheless, the simplicity of the design along with the timber material and the painted finish mean that it does not appear significantly out of place on the appeal building.
- 14) The appellant has referred me to examples of glass balustrades in the surrounding area as well as identifying that the use of glass in coastal locations has become a more standard approach. The balustrade on the building to the right, is sited on top of a flat roof and is not attached to the front of the principal elevation of the building. The area enclosed is a small proportion of the wider roofspace limiting the overall effect of the balustrade visually. The glass balustrade on the Grade II Listed Pier, removed from the appeal site to the northwest, forms an enclosure for an outside seating area for a restaurant. It sits within the existing boundary treatment of the Pier. It therefore performs a different function to that of the appeal scheme. I understand that the Council did find harm when considering the effects of the glass balustrade on the Pier but it was found that the public benefits of the proposal outweighed the harm.
- 15) During my site visit, I witnessed a limited number of other glass balustrades, but they were all smaller and in less prominent positions, when compared with the appeal scheme before me. I therefore acknowledge that there are some examples of unsympathetic alterations and materials in the surrounding area. However, the continued use of traditional materials and their relationship to the historic form of buildings is also a key component that contributes positively to the significance of the CA.
- 16) I accept that visual change does not always equate to harm, and that it may not be necessary to replicate the previous balustrade exactly to find an appropriate solution. Nevertheless, in this case, I find that the juxtaposition that would be created would harm the character and appearance and thus the significance of the Bath House as a non-designated heritage asset. Consequently, the proposal would fail to preserve the character and appearance of the CA, which derives much of its significance from the varied traditional architectural detail and materials of the built form within it. Due to the small scale of the development, the harm would be less than substantial in this case.
- 17) Paragraph 208 of the Framework states that, where a proposal would 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 including, where appropriate, securing its optimum viable use.
- 18) I have considered the weight of the public benefits of the proposal, including the reintroduction of a more obvious active use of the building at first floor level, reflecting the historical use. The physical use of the balcony would be a private benefit for the residents rather than a public benefit. There is nothing before me to suggest that the current residential use of the building would not continue to be viable without the reinstatement of the balcony.

There is also no evidence before me to suggest that the proposed design is the only possible way of reinstating the balcony.

- 19) Overall, there would be very limited public benefits from the proposal. Consequently, in attributing great weight to the identified harm to the significance of the CA, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
- 20) I therefore find that the scheme would be harmful to the character and appearance of the non-designated heritage asset, and it would not preserve or enhance the character or appearance of the CA. It would be contrary to Policies EN 4 and EN 8 of the North Norfolk Local Development Framework Core Strategy September 2008 which seek, amongst other things, that development is of high quality, responds to local context and that the character and appearance of conservation areas are preserved or where possible enhanced.
- 21) As identified above, I have not found that there are sufficient public benefits that would outweigh the harm that I have found. Therefore, the proposal would also be contrary to Chapter 16 of the Framework which seeks to conserve and enhance the historic environment.

Other Matters

- 22) I note the application subject to this appeal was the resubmission of a similar scheme which sought to resolve concerns raised by the Council. Be that as it may, I must deal with the scheme before me on its individual merits.
- 23) The appellant asserts that there would be no issues of overbearing, overlooking or overshadowing impacts on adjacent properties, nor would there be any increased risk of flooding because of the proposal. Even if I were to agree, a lack of harm in these respects would not outweigh the harm I have found above.

Conclusion

- 24) The proposal conflicts with the development plan when considered as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR