



Appeal Decision

Site visit made on 4 December 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/A1530/W/24/3342339

Flag Inn, Colchester Road, Wivenhoe, Essex CO7 9HS

- 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 AW Invest Ltd against the decision of Colchester City Council.
 - The application Ref is 232118.
 - The development proposed is a new oak framed timber orangery to form additional seating area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Flag Inn is a locally listed building and is therefore categorised as a non-designated heritage asset (NDHA). I have had regard to the significance of the NDHA in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the significance of the NDHA.

Reasons

4. The appeal site, The Flag Inn is a detached building, prominently sited and fronting onto Colchester Road to the edge of the village of Wivenhoe. The existing building comprises a two-storey section in the middle which is flanked by a one and a half storey range to the north, and a recent two storey extension to the south. Its primary elevation which faces onto Colchester Road is simple in its design and form. The central part of the building is also set back slightly from the two side sections.
5. The surrounding area is mixed in character with some residential and non-residential uses close by. There is also variety in architectural styles, scales and layouts of buildings in the locality.
6. In identifying the appeal site as a NDHA, the Council's describes the building as being originally a small single storey cottage with attic rooms above and later extensions, with a rendered finish. There is limited information as to the significance of the building in terms of its architectural interest. However, the original parts of the building date from the C18th, or perhaps earlier. The long-standing and historical use (pre-1769) as a public house also contributes to its significance.

7. Paragraph 209 of the National Planning Policy Framework (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. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. Policy SP7 of the Colchester Borough Local Plan 2013-2033 Section 1 - North Essex Authorities' Shared Strategic Section 1 Plan, adopted February 2021 (the LPS1) states that all new development should respond positively to local character, provide buildings that exhibit individual architectural quality, and enhance the quality of existing places. It further states that development should protect and enhance assets of historical or natural value.
9. Policy ENV1 of the Colchester Borough Council Local Plan 2017-2033 Section 2, adopted July 2022 (the LPS2) states that development should conserve and enhance Colchester's natural and historic environment. Policy DM16 of the LPS2 states that development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest.
10. The proposed development would involve infilling the central part of the existing with a single storey, part hipped, part flat roof orangery extension. It would have three rooflights within the flat roof part and would extend approximately 2.8 metres from the furthest part of the existing the front wall.
11. The proposed extension of the central part of the original building, would result in a harmful and incongruous addition to this part of the building that would appear at odds with the simpler design and form of this elevation. Due to its size and position the proposed extension would be highly visible from the public realm and would detract from the existing street scene. Whilst I acknowledge that the proposed extension would utilise materials found on the existing building, such as clay tiles, sash windows and white render, it would nevertheless, by virtue of its position, design and massing, fail to respond positively to the character and appearance of the non-designated heritage asset. For these reasons, the proposal fails to represent a high-quality design that respects the character and significance of the appeal building.
12. Furthermore, as the original building has already been substantially altered and extended the proposed development would, in combination with the previously approved extensions, overwhelm the original building. Whilst I acknowledge that the building has evolved over time and the part of the building which is to be extended is likely to date from either the late C19th or early C20th, the proposed extension would nevertheless further erode the surviving character and undermine the appreciation of the significance of the building causing harm to the non-designated heritage asset.
13. My attention has been drawn to a historical photograph of the appeal building dated approximately 1903 and which would appear to show a canopy on the front elevation of the appeal building, in a similar position to the proposed orangery extension. However, this is no longer a feature of the building and in any case, it is of a materially different design and appearance to the proposed orangery extension. For these reasons, this does not alter my above findings.

14. Whilst I recognise that there would be some benefits to the business arising from the creation of additional floorspace and seating areas, I have not been presented with any substantive evidence that these benefits would be significant, nor that they would outweigh the harm caused to the significance of the non-designated heritage asset. Furthermore, I have not been presented any compelling evidence that this would be the only way to secure the ongoing viable use of the premises.
15. Consequently, in my balanced judgement, there are no benefits of the proposal, public or otherwise, that would outweigh the harm to the non-designated heritage asset.
16. For these reasons, I find that the proposed development would cause harm to the significance of a non-designated heritage asset and the character and appearance of the area. The proposed development would thus be contrary to Policy SP7 of the LPS1 and Policies ENV1 and DM16 of the LPS2, together these policies require, amongst other things, that all new development should respond positively to local character and the protection and conservation of the historic environment.

Conclusion

17. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the policies of the Framework, to indicate the decision should be made otherwise. For the reasons given, I conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR