



Appeal Decision

Site visit made on 28 January 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/A1530/W/24/3347600

The Foundry Arms, 83 Artillery Street, Colchester, Essex CO1 2JQ

- 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 Mr Ramakrishnaiah Muli against the decision of Colchester City Council.
 - The application Ref is 240960.
 - The development proposed is change of external finish and alterations to windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted by the Council on 3 August 2021 for the “conversion of non-operative pub and first floor flat to 2 x 2-bedroom residential dwellings by redesign on internal layout”. At the time of my site visit, I saw that conversion works had taken place though the dwellings were not ready for occupation. Render had been applied to all the external elevations and uPVC windows had been installed. I note that the appeal application was submitted retrospectively to cover these changes. I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the area, including its effect on the significance of The Foundry Arms as a Non-Designated Heritage Asset (NDHA).

Reasons

4. A former public house, the appeal site comprises a two-storey, end-of-terrace building with side access to a rear garden. The surrounding area is densely developed, characterised by two storey Victorian terraced housing. The finish to houses on Artillery Street is predominately brick, render or painted brick. On Victor Road, immediately opposite the appeal site, brick is dominant, with very few examples of a rendered finish to the houses. In terms of windows, the use of uPVC within the residential terraces is common.
5. The Council refers in the Officers Report (OR) to the building being classified as a NDHA, although this status is not specifically referred to in the reason for refusal. I note the Planning Practice Guidance (PPG) (Reference ID: 18a-040-20190723) advises that, irrespective of how NDHAs are identified, it is important that the decisions to identify them as NDHAs are based on sound evidence. It goes on to advise that in some cases local planning authorities may also identify NDHAs as part

of the decision-making process on planning applications. In this case, however, there is limited evidence before me within the OR to explain the significance of the building.

6. My attention has been drawn to an appeal decision¹ where the lawfulness of a building's designation as a NDHA was in dispute. In that case, the Inspector could not reach a definitive conclusion based on the evidence provided. However, the provision exists for ad-hoc designation of NDHAs and, in this case, the evidence before me does not provide sufficient certainty that the building is not a NDHA. Nevertheless, given the limited evidence of its significance, I can only ascribe a limited degree of significance to the building. 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, and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. Photographs of the former public house taken before the render and windows were added show that despite some areas of brickwork and external windowsills being in poor condition, there was a high level of detail in the finish to its front and side elevations. This set the building apart from the neighbouring terraced housing both in appearance and function. The photographs also show the use of clay tiles to provide a decorative string course above the ground floor windows and doors, and a plinth beneath the first-floor windows. This defined a space for signage. There were also clay tiles providing decorative window reveals at ground floor level. I accept that the wall mounted timber planters did not provide any particular contribution to the design detail of the building. Nevertheless, irrespective of whether the building could be considered as a NDHA, I consider that the original building made a positive contribution to the character and appearance of the area.
8. Even with the use of render, the building does not seamlessly integrate with the other residential properties on the street as the form of the building does not reflect that of the terraced housing either side. The use of render is not in itself uncharacteristic of the area. However, in this case, in combination with the insulation boards beneath it, it has had the effect of obscuring fine brick details which positively contribute to the detailed design of the appeal property and character and appearance of the surrounding area.
9. Notwithstanding this, given that the rear of the building is not visible from any public vantage points and that the 'pre-existing' drawings show fewer design details on this elevation, I do not consider harm has arisen from the use of render on the rear elevation.
10. The photographs show the first-floor front elevation had timber framed sash windows. The use of uPVC is common in the surrounding area and there are few examples of timber framed windows. Despite there being some differences in style and materials between the original windows, the approved windows and those that have been installed, because of the variety of window forms in the locality, I do not consider that the use of uPVC in itself is harmful in the context of the character and appearance of the appeal property.
11. In conclusion therefore, despite the limited degree of significance I have attributed to the building, the effect of the appeal proposal would be to harm the significance of

¹ Reference APP/Q4245/W/23/3325034

the NDHA, and the character and appearance of the appeal site and surrounding area. My findings on the use of uPVC windows along with the render to the rear elevation does not overcome this harm. The appeal proposal is contrary to the Policy SP7 of the Colchester Borough Local Plan Section 1 (2021) and Policies DM13 and DM15 of Colchester Borough Local Plan Section 2 (2022), as well as the provisions of the Framework as set out above. Amongst other things, these policies aim to preserve and enhance the quality of existing places, respect and, wherever possible, enhance the character of the site, its context and surroundings in terms of, materials and detailed design features, and ensure proposals for alterations to dwellings are compatible with the appearance of the original dwelling.

Other Matters

12. I acknowledge that the windows and walls of the former first floor flat had poor insulation qualities as demonstrated by the Energy Performance Certificate. The render and uPVC windows have necessarily improved the insulation performance of the building. However, I note that the application of the external render would not be the only way to improve this performance.
13. I acknowledge the appellant's point that the extant scheme would potentially not be the only acceptable way to develop the appeal property. Whilst this may be the case, I have assessed the appeal scheme on its merits.

Planning Balance and Conclusion

14. The appeal proposal has improved the insulation of the dwellings. However, as set out above, I consider the harm to the significance of the NDHA and to the character and appearance of the area outweighs this benefit. The material considerations do not indicate that a decision should be made other than in accordance with the development plan.
15. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR