



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: 21 March 2025

Appeal Ref: APP/A1530/W/24/3347648

Daniells House, Colchester Road, West Bergholt, Essex CO6 3SF

- 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 Boydens against the decision of Colchester City Council.
 - The application Ref is 240171.
 - The development proposed is external refurbishment.
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Decision

1. The appeal is allowed and planning permission is granted for external refurbishment at Daniells House, West Bergholt, Essex CO6 3SF in accordance with the terms of the application, Ref 240171, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including whether the proposal would preserve the setting of the Grade II listed buildings known as the Main Building at Truman's Brewery, the Brewery House and the West Range at Truman's Brewery.

Reasons

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses. The Framework sets out when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. Daniells House is a brick-built part 2/part 3 storey block of flats which spans the vehicular and pedestrian entrance to a housing development to the rear of the appeal site. The section of the building located above the road is finished in render with a projecting timber gable feature to both the front and rear elevations. A timber clad projection extends from the roof, with a cupola feature above.
5. There are 3 Grade II listed buildings located adjacent to the appeal site on Colchester Road. These are known as The Brewery House, the Main Building at Truman's Brewery, and the West Range at Truman's Brewery. The Brewery House and Main Building date from the 18th Century. The Brewery House is set forward from the Main Building and comprises a red-brick 3 storey building with a

hipped slate roof and projecting central porch. The Main Building comprises 4 storeys with a slate roof incorporating extensive white painted timber clad features at roof level topped with cupolas. The timber cladding extends over the 4th floor façade in some areas, along with a prominent 4 storey timber clad projection to the far west side of the building.

6. The 19th Century West Range is set slightly apart from the other listed buildings, comprising 3 storeys with a gable end facing Colchester Road. It is functional in appearance with brick and render external finishes. The significance of the buildings is derived from their historic brewery use, interrelationship, and functional appearance with the extensive use of red brick, white timber framed windows and slate roofs as common features. The extensive use of timber cladding and cupolas also contributes to the significance of the Main Building.
7. The appeal building makes a positive contribution to the setting of the listed group due to its brick finish, fenestration pattern and design details including the timber cladding and cupola. It is prominent in views along Colchester Road due to its height and scale. It can be appreciated together with the listed former brewery buildings in long views along Colchester Road and to a lesser extent from the rear of the appeal site where the group of listed buildings are also experienced in the context of a small, modern housing development.
8. The setting of the listed buildings would primarily be experienced by passers-by travelling along Colchester Road, whether as pedestrians or in vehicles. The setting is dynamic, and the views change according to the relative position of the appeal site and listed buildings. The principal features which bind the view of the listed buildings and the appeal site together are the brick elevations, roof form, and cupolas and the pattern and subdivision of the fenestration.
9. The proposal includes the replacement of the existing timber cladding with a Benx Supertech Weatherboard cladding system, replacing some soffits with a Cedral Board fascia and soffit system, as well as replacing the uPVC rainwater goods to match the existing.
10. The timber clad elements comprise a small area of the appeal building and are some distance from the listed buildings. The timber clad central gable above the road is set between the two projecting brick wings and does not appear prominent in long views. From Colchester Road, views of the appeal site and the listed buildings would necessarily be long given the length of frontage occupied by the buildings. Consequently, the timber clad features of the appeal site would primarily be seen against the listed buildings in long views where the proposed change in cladding would in my judgement not be readily discernible.
11. Similarly, the proposed replacement soffits and rainwater goods, even cumulatively, would not be so visually prominent as to cause harm to the setting of the listed buildings. The appeal site is a modern building and the proposed replacement cladding, soffits and rainwater goods would be consistent with its character and would not have a harmful effect upon the character and appearance of the building or surrounding area.
12. Whilst I understand the design intention regarding the timber features at the time the appeal property was originally approved, I have necessarily assessed the appeal scheme on its merits in accordance with the evidence before me. I am satisfied that, notwithstanding the intervisibility between the appeal site and the

adjacent listed buildings, the appeal proposal would preserve the setting of the Main Building at Truman's Brewery, the Brewery House and the West Range at Truman's Brewery, the significance of which would be preserved.

13. The proposal would therefore be in line with the aims of Policies DM15 and DM16 of the Colchester Borough Local Plan Section 2 (2022) insofar as they require a high standard of design and require development affecting the historic environment to conserve and enhance the significance of the heritage asset.

Conditions

14. The council have provided some suggested conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have attached the standard time limit condition (1) and a plans condition (2) as this provides certainty. Condition 3 limits the hours of work and is necessary to protect the living conditions of surrounding residents. I have amended the Council's suggested condition 4 to require a sample of the cladding to be submitted to and agreed by the Council to ensure the final selection of material has a suitable appearance. Condition 5 requires the replacement rainwater goods, fascias, soffits and rafter feet to match the existing in design, dimensions and profile and is necessary to ensure an appropriate appearance.

Conclusion

15. For the reasons given above, the appeal should be allowed.

L Francis

INSPECTOR

Schedule

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 0000-IWD-XX-XX-DR-A-03 rev P01; 00-IWD-XX-XX-DR-A-01 rev P01; 00-IWD-XX-XX-DR-A-02 rev P01; 00-IWD-XX-XX-DR-A-0004 rev P01.
3. Demolition or construction works shall take place only between 8am to 6pm on Monday to Friday, and 8am to 1pm on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
4. No works to replace the existing timber cladding shall take place until a sample of the cladding including manufacturer's details and specification has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.
5. The replacement rainwater goods, fascias, soffits and rafter feet hereby permitted shall match the existing in terms of design, dimensions and profile.

End of schedule