



Appeal Decision

Site visit made on 10 June 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/E9505/W/25/3362363

Riversdale House, Hall Road, Barton Turf, Norfolk, NR12 8AR

- 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 Angela Robinson against the decision of the Broads Authority.
 - The application Ref is BA/2024/0427/FUL.
 - The development proposed is Replacement of current timber quay heading to new steel quay heading. This is to run the perimeter of garden and internally around the inside of the existing boathouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site, namely that of Riversdale House, lies outside the Neatishead Conservation Area (the CA) but shares its southern and a large portion of its western boundaries with the CA boundary. Both parties refer extensively to the CA in their submissions, the appellant going so far as to identify and seek to correct an inaccuracy in the Broad's Authority's (the Authority) delegated officer report that that the site 'is not within the...[CA]....it is adjacent to it'.
3. The Authority's report is clear that the appeal property is directly adjacent to the CA, whilst the first and third of the refusal reasons are clearly worded in the context of the 'adjacent' CA. The map of the CA that I have been provided with shows the CA's boundary to follow that of Riversdale House's southern and part of its western, boundaries with Lime Kiln Dyke. I have therefore determined the appeal, and framed the main issue, accordingly.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area, including the setting of the Neatishead Conservation Area.

Reasons

5. Riversdale House fronts Hall Road and sits within a large garden plot that extends southwards to Lime Kiln Dyke. The bottom portion of the garden is laid to lawn with shrubs and trees within it and has river frontages to Lime Kiln Dyke on two sides, with two small inlets, one to a boat house and the other in ramp form to garden level.
6. The existing quay wall at the appeal property is comprised of vertically set timber-faced quay wall, topped with timber waling boards to the quay's face and timber coping boards along the top. The area behind the quay wall is predominantly closely maintained lawn, albeit that at the corner of the quay and entrance to the

boathouse the ground has been eroded and fallen away behind the quay wall. It was also evident, both from the photographs supplied by the appellant and from viewing the quay wall from Neatishead Staithe on the opposite side of Lime Kiln Dyke, that the existing timber quay walling was in a poor condition with many of the timbers visibly rotten at, and above, water level.

7. The proposal seeks the replacement of the existing timber quay wall, along the same alignment, with steel piles to form the new quay wall. Although the submitted plan¹ does not indicate as much, it is stated in the appellant's written submissions that the wall would be faced with double timber waling boards².
8. If that were so, the resulting quay wall would be akin to that opposite at Neatishead Staithe, where the busy public moorings are constructed in such a manner. There, the steel piling is largely hidden from view behind the double timber boards with only a very limited gap to the water level.
9. However, that is not what is shown on the cross-section drawing¹ that accompanied the application, where only a single waling board is shown. Nor is it clear from that plan, which shows no identifiable scale, how much of the steel piling would be exposed between the waterline and the single board as shown. The effect would be to expose an uncharacteristically large amount of the steel piling quay wall above the waterline and below the single waling board. Whereas the timber faced and finished quay walls present a softer face to the waterside, exposed steel pilings would be incongruous and strident in their appearance. The greater the degree of exposure above the waterline, the more incongruous and out of place the proposal would appear within the otherwise low, softly and verdantly lined dyke banks.
10. The appeal site, its quay wall frontage and much of the surrounding part of Lime Kiln Dyke is typical of a tranquil, rural waterside Broads setting in verdant sylvan surroundings. Whilst the proposal would not result in the removal of waterside vegetation and no indication of an increase in the height of the quay wall, the resulting wall would lack the softness of visual touch that a wholly timber scheme would offer. My attention has been drawn to the materials and treatments of other quay walls around the site on Lime Kiln Dyke, and nearby at Irstead on the river Ant. Although some of these exhibit the use of steel piling I have not been made aware of the circumstances surrounding these examples. Nor do they appear to be directly comparable to what the appellant is proposing in this instance, and the contexts in which they lie do not necessarily replicate that of the appeal property.
11. Thus, I agree with the Authority's differentiation between the appeal site and the public moorings at Neatishead Staithe opposite. Despite their proximity to each other, the nature and character of the quay walls are distinctly different. Whilst the waterway in front of the appeal site is also likely to be relatively busy given its location, and may even suffer from collisions from time to time that has resulted in the appellant's wish for a replacement structure of a more hard-wearing nature, it is very clearly different in its character and appearance, intensity and nature of use and degree of manoeuvring to that of the public staithe opposite.
12. Having also visited the nearby public staithe at Irstead on the river Ant, I am satisfied that differing contexts exist and that schemes in one location do not

¹ Drawing title Rivers Dale House 'Steel Cross Section drawing'

² Various points within 'Statement of Case for the appeal' and 'Response to LPA statement'

necessarily lend themselves well to other circumstances and contexts. Nevertheless, the public staithes demonstrate how timber facing can be used to disguise the structures behind, which despite written statements containing reference to double waling, the submitted plans only show a single board and as such the appeal scheme would not adequately or satisfactorily do so. The wooden cap and single depth timber waling board as shown on the submitted cross section drawing would go some way to reflect the intrinsic traditional character of the current quay wall and topping but, on the evidence before me, would leave the steel pilings unduly visible above the waterline and would not overcome the harm that I have identified above.

13. The appeal site does not lie within the CA, but it does directly abut its boundary which appears to follow the line of the quay wall around the appeal site. The proposed development is therefore very much in the setting of the CA, being the surroundings in which the CA is experienced. Although I have not been provided with a copy of the CA character appraisal, the Authority's delegated officer report includes an extract from it in setting out the consultation response of the Historic Environment Manager.
14. Thus, the 'overwhelming impression of the character of the dyke is of slow running water gently winding between informal gardens on low lying ground divided by drainage ditches, with mature trees and woodland shielding the houses from view....'. Indeed, the views from the appeal site into the CA, and from the CA towards the appeal site along the dyke are dominated by the extent of vegetation and the low and largely unobtrusive, timber-faced quay walls. The appeal proposal would introduce a harsh edge to the appeal site, and to the CA, that would erode the distinctive character of the CA and this part of Lime Kiln Dyke.
15. Policy DM43 of the 'Local Plan for the Broads'³ (LP) sets out the Broad Authority's approach to securing high quality design whilst LP Policy DM11 expects all development to protect, preserve or enhance the significance and setting of heritage assets and the elements that contribute to the Broads' distinctive character. Together, they seek to ensure that developments should integrate effectively with their surroundings, reinforce local distinctiveness and landscape character and, amongst other things respond to the distinctive features or qualities that contribute to the landscape and waterscape quality of the local area. LP Policy DM43 also goes on to state that materials should be sustainable and appropriate to their context.
16. For the reasons set out above, the appeal scheme would fail to successfully integrate with the character, appearance and local distinctiveness of the surrounding area. As such, it is contrary to LP Policies DM43 and DM11 and thus fails to secure the high quality development that these LP Policies seek. The Broads has the same status as a National Park, the duties of which are described by the Broads Authority as being to conserve and enhance the natural beauty, wildlife and cultural heritage of the Broad, to promote opportunities for the understanding and enjoyment of the special qualities of the Broads, and to protect the interests of navigation. The appeal scheme would fail, for the reasons set out above, with regard the first two of its duties and whilst the longevity of the appellant's proposal may well outlast a timber solution I am not persuaded that

³ Plan Period: 2015 to 2036 – Adopted 17 May 2019

more frequent maintenance and replacement would materially harm the interests of navigation.

17. There would be harm, albeit less than substantial, to the significance of the CA's setting that would arise from the appeal scheme. Repairs to the quay wall over time will no doubt assist in maintaining the navigable nature of Lime Kiln Dyke and the accessibility of the public staithe, opposite. This is clearly a public benefit that should weigh in support of the appeal scheme. So too, the longer lifespan and reduced frequency of repair, and thus possible disruption to the dyke's navigation, that could be expected to arise from the use of steel pilings rather than timber. However, these public benefits are not sufficient to overcome the harm that I have identified and, thus, the appeal scheme would not be consistent with the aims and objective of the Framework with regard to its approach to heritage assets and the historic environment.
18. The appellant has queried the relevance of LP Policy DM21 and wording attributed by the Authority to that Policy. However, as LP Policy DM21 is not cited in any of the reasons for refusal I give this matter little weight and it is not necessary for me to consider it further.

Other Matters

19. My attention has been drawn to the provisions of Article 1 of the First Protocol (A1FP) ('Protection of Property') of the European Convention on Human Rights⁴. This states that 'every natural or legal person is entitled to the peaceful enjoyment of his possessions'. The appellant goes on to state that the greater longevity and reduced maintenance costs of the appellant's proposed scheme, as opposed to timber quayside walling, to protect the appeal property, would be consistent with the provisions of A1FP.
20. The provisions of A1FP are, however, qualified rights and interference may be justified where it is lawful to do so and in the public interest. The dismissal of the appeal would amount to interference with the right to the peaceful enjoyment of the appellant's possessions, which includes property. However, interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim; regulating the use and development of land in the public interest. For the reasons set out above, the appeal scheme would cause harm to the character and appearance of the area and to the setting of the Neatishead Conservation Area.

Conclusion

21. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR

⁴ As set out within the Human Rights Act 1988