
Appeal Decision

Site visit made on 7 July 2025

by **L Fleming BSc (Hons) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 09 July 2025

Appeal Ref: APP/A1530/Y/25/3360793

River House Quay Street, Wivenhoe, Colchester CO7 9DD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr David Cannell (D M C Marine Ltd) against the decision of Colchester City Council.
 - The application Ref is 242519.
 - The works proposed is to change the existing brittle slates on the roof of the lean-to to a more flexible and robust slating material. The reason for this request is that each time work is carried out on the Listed building (River House - the ex-Congregational Chapel), for which I have no involvement, slates on the lean-to roof get broken. This has happened several times and the builders deny liability.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The proposal seeks to replace the roof tiles of a single storey lean-to structure (the lean-to structure) attached to a substantial two storey detached building, known as the grade II listed Riverhouse (Riverhouse). The appeal property is also within the Wivenhoe Conservation Area (CA).
3. The listing description for Riverhouse does not reference the single storey lean-to structure. However, it is clearly, of some age, physically attached to the main building and of substantial construction, finished in brick and traditional slate. I acknowledge the appellant's comments about whether or not the lean-to structure forms part of the listed building or not or whether it has any historic significance. However, the fact remains that the appeal before me results from an application for listed building consent to carry out works to a listed building and the works proposed only relate to the lean-to structure. My role is to determine the appeal on its merits, on the basis of the development / works applied for and with the absence of detailed substantive evidence to the contrary, for the avoidance of doubt, when I refer to the listed building I am referring to both the main building and the lean-to structure collectively as the grade II listed Riverhouse.
4. Against this background the main issue is whether the proposal would preserve Riverhouse or any features of special architectural or historic interest which it possesses and whether it would preserve or enhance the character or appearance of the CA.

Reasons

5. Riverhouse, a former Chapel, built in 1846 by Thomas Sandford, is a substantial detached building mainly in use as apartments. Brick built, rendered and painted, it has a rich variety of formal traditional architectural features. These include a parapet wall, pediment, cornice and dentil detailing at roof level, first-floor banding, a ground-floor portico with columns, recessed windows and a single storey lean to structure of brick and slate construction. Insofar as is relevant to this case, the significance of Riverhouse is founded on its architectural interest, particularly its construction from traditional materials, its traditional architectural detailing and its prominent positioning on a traditional street corner.
6. The CA covers much of the historic riverside core of Wivenhoe and surrounding streets. There are a rich variety of traditional buildings many of maritime heritage arranged in a tight knit street pattern. Insofar as is relevant to this appeal the significance of the CA is derived from the arrangement, form and finish of the traditional architecture within it and its relationship with the river.
7. The proposal seeks to replace the traditional slate roof of the lean-to structure with modern more flexible tiles designed to give the appearance of slate. Examples are referred to are TapcoSlate Classic or Thrutone Fibre Cement Roof Slate Cedar which are both made of non-natural manufactured materials.
8. I note the proposed modern tiles would be similar in size and thickness to traditional slate and are available in a variety of colours which could be agreed by condition. I note the proposed modern tiles would have textured surfaces and riven edges. I also note the proposed modern materials are widely used and accept that the existing traditional slate is brittle and easily damaged if it suffers impact or excessive pressure. I acknowledge the comments that damage has occurred in the past whilst repair works have been undertaken to parts of the listed building which are not owned by the appellant.
9. However, there are ways of protecting the single storey lean-to roof from damage during any renovation works. Irrespective of how widely visible the slate roof is from Bath Street, the traditional slate roof is in a highly prominent location on a traditional street corner widely visible as part of the listed building and from a variety of public vantage points, particularly from West Street approaching the appeal site from the west.
10. The slate roof of the lean-to structure extends almost the full extent of the west elevation of the grade II listed building and rises up to a point just underneath the first floor recessed windows which have an attractive traditional bullseye window above them. Thus, in my view, any significant changes to the lean-to structure's roof are highly sensitive in terms of the effect on the listed building given its significance as described above.
11. In my view, the overall well weathered natural slate appearance of the existing roof complements the traditional architectural fenestration of the west elevation and the palette of traditional materials used throughout the CA. On the basis of the evidence before me I am not satisfied that the proposed, modern tiles would not appear noticeably at odds with the traditional architectural features of the listed building and the character or appearance of the CA as a whole. In my view the proposal would appear obviously modern and the new roof would be a substantial

prominent modern feature which would be in direct conflict with the traditional character of the listed building and the CA.

12. For these reasons, the proposals would therefore fail to preserve and harm the significance of Riverhouse. Consequently, it follows, that the harm to a traditional building prominently positioned within the CA, would also fail to preserve the character and appearance of the CA harming its significance as a whole.
13. The harm to the listed building and the CA combined would be less than substantial and towards the lower end of any range. However, it is still of considerable importance and weight. In these circumstances, the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the scheme.

Planning and Heritage Balance

14. The proposal maybe more durable and would be less likely to be damaged during any renovation work than the existing roof. Repairing the roof may also prevent water ingress and associated damage. I also acknowledge the economic benefits of construction. However, overall, any public benefits there may be, are clearly modest and would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.
15. For the reasons given, I find the scheme would harm the special architectural and historic interest of the grade II listed Riverhouse and would fail to preserve the character or appearance of the CA. Thus, the scheme conflicts with paragraphs 212 and 215 of the Framework. It also fails to accord with Policies ENV1 and DM16 of the Colchester Borough Local Plan 2017-2033 Section 2 (2022) which collectively seek, among other things, to avoid harm to the character and appearance of an area and heritage assets.

Other Matters

16. In reaching these conclusions I have noted the comments with regard to the Council's handling of this proposal and others over time. However, I have had regard only to the planning and heritage merits of the case, and none of these other matters or any others raised are sufficient to outweigh my earlier findings.

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR