



Appeal Decision

Site visit made on Monday 15 September 2025

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/X3540/F/23/3314019

11 Wharton Street, Bungay, Suffolk, NR35 1EL

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act")
 - The appeal is made by Mr Peter Morrow against a listed building enforcement notice issued by the East Suffolk Council.
 - The listed building enforcement notice was issued on 28 November 2022.
 - The contravention of listed building control alleged in the notice is without listed building consent, the unauthorised installation of an exterior door located in front of the original door of the listed building.
 - The requirements of the notice are:
 - Step 1: Permanently remove the unauthorised works located in front of the original front door of the listed building.
 - Step 2: Where the unauthorised works have occurred and subsequently been removed, the making good to all surfaces and junctions disturbed by the unauthorised works shall be carried out to match the existing original work adjacent, in respect of materials, detailing, quality of execution and finished appearance.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1)(e) of the Act.
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Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended ("the Act").

Appeal on ground (e)

2. An appeal on ground (e) is that listed building consent should be granted for the works referred to in the notice, being the installation of an exterior door located in front of the original door of the listed building.
3. Section 16(2) of the Act requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Bungay Conservation Area (BCA).
4. The appeal building is listed in Grade II as 11A and 11 Wharton Street in the national list. It is an attractive 18th century two storey building constructed in red brick with pantile roof with sash windows in flush frames, and with a six panel door surrounded by architrave, with frieze and pediment above. In terms of listing value Nos 9, 11A and 11 also form a group with Nos 14 to 18 (even) Trinity Street. In

terms of occupation and use I understand No. 11 is now combined with No. 18 Trinity street, together now known as Oriel House.

5. The works subject of the appeal is a full height single panel clear screen door in a white painted timber frame which has been fitted inset into the doorway and slightly forward of the existing main door on Wharton Street.
6. I understand the main door is no longer used by the occupiers. The purpose of the secondary door is intended to protect the fabric of the main door from weather conditions, in particular from water spray off the adjacent road surface (a one way street for south bound traffic) separated from the building frontage by a pavement.
7. With regard to the design, construction materials and finish of the new screen door I have no doubt that the appellant has carried out the works with good intent and has sought to avoid masking from view the original door as far as possible. As such, the appellant takes the view there is no harmful effect upon the architectural or historic interest of the building, or alternatively, that any harm is very minimal and outweighed by the benefits of protecting the historic fabric of the original door from poor weather conditions.
8. The historic doorway and door, with its elaborate surrounding architectural embellishments previously described, was purposely designed and intended to be the key principal feature of the Wharton Street frontage. In this regard, it will inevitably be highly sensitive to any changes. Even subtle changes to the appearance of such features can have a harmful effect on the integrity and special interest of a listed building.
9. Noting the efforts to avoid impacting upon the visibility of the original door, there is nonetheless a degree of obscuring resulting from the width of the new door's timber frame. This is most apparent from directly front-on views where the frame hides the side edges of the original door resulting in a narrowing effect to its appearance.
10. Additionally, the clear panel screen itself has a modern production finish. The historic fabric and features of the original door, architrave and pediment are experienced simultaneously in the same view as the overtly modern appearance of the full height panel and its frame. This obvious and inappropriate juxtaposition of both modern and historic fabric is detrimental to the historic and architectural character of the listed building.
11. Taking these factors and their effects in combination, I find they diminish the character and appearance of the historic door and doorway, being a key principal feature of the listed building, as set out earlier. As such I conclude the works fail to preserve the special architectural and historic interest of the listed building in conflict with the overarching statutory duty as set out in the Act, which must be given considerable importance and weight. For the same reasons, and given their prominent position, the works carried out also fail to preserve or enhance the character or appearance of the BCA.
12. In the language of the Framework¹ the listed building and the BCA are 'designated heritage assets'. Although the harm to the listed building is significant, it falls to be considered, along with the harm to the BCA, as 'less than substantial'. Within that category I consider the level of harm to be low to moderate.

¹ National Planning Policy Framework (December 2024)

13. The Framework directs that great weight should be given to a heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Accordingly I attach great weight to conservation of the asset.
14. As set out at Framework paragraph 215, less than substantial harm should be weighed against any public benefits. In support of allowing the appeal the protection of historic fabric from environmental conditions by the new door carries some weight as a public benefit.
15. However, the circumstances of the door in proximity to the road, and resulting road spray in poor weather conditions, is not a unique or extraordinary feature for listed buildings and doorways that front directly onto a pavement and road in built-up areas. I acknowledge that without a screen this may mean more regular maintenance (to the lower half of the door at least), but again that would not be an extraordinary circumstance. As such, the weight I attach to the environmental protection benefit of the screen as argued by the appellant is limited.
16. Overall, I find on balance that the public benefits in this case do not outweigh the totality of harm I have previously described. Also, the harm would not be overcome or adequately mitigated by a planning condition requiring removal of the door when no longer needed, given that such a condition would allow the door, and the associated harm, could remain in place indefinitely.
17. I note the appellant's reference to earlier correspondence/discussion and pre-application advice with the Council. However, these matters are not relevant to my decision which, as required, I have made solely with regard to the works carried out and whether listed building consent should be granted for them.
18. To conclude, the works carried out fail to preserve the special architectural and historic interest of the listed building, and fail to preserve or enhance the character or appearance of the Bungay Conservation Area, in conflict with the Framework and in conflict with the Council's Development Plan policies in so far as they seek to interpret and apply the provisions of the Act.
19. For these reasons the appeal fails.

Thomas Shields

INSPECTOR