

**Reference:**

BA/2018/00364/COND

**Location**

The Ice House, The Shoal, Irstead

BA/2018/0364/COND-Ice House, The Shoal, Irstead



**Application for Determination**

<b>Parish</b>	Barton Turf and Irstead
<b>Reference</b>	BA/2018/0364/COND <b>Target date</b> 21 November 2018
<b>Location</b>	The Ice House, The Shoal, Irstead
<b>Proposal</b>	To allow existing cladding to dwelling to remain by changing condition 2 and removing conditions 3 and 4 of permission BA/2016/0165/COND.
<b>Applicant</b>	Mr and Mrs Lodge
<b>Recommendation</b>	Refusal
<b>Reason for referral to Committee</b>	Director discretion

**1 Description of the Site and Proposals**

- 1.1 The application site consists of a dwellinghouse with a holiday dwelling in the curtilage at Ice House, The Shoal, Irstead. The Shoal is a private road running north of Shoals Road which gives access to a number of dwellings along its eastern side that enjoy an open aspect to the River Ant to the east.
- 1.2 The dwelling sits immediately adjacent to the river to the east of the large plot and is two storey, incorporating a boatshed on the ground floor. It is thatched and timber framed. It is locally listed and is considered to be a non-designated heritage asset.
- 1.3 In 2014, planning permission was granted for the erection of a holiday dwelling in the curtilage as enabling development to fund the restoration of dwelling, which was in a poor state of repair (BA/2013/0208/FUL). It was recognised that the dwelling is a fine example of a traditional Broads riverside property and it was identified as a non-designated heritage asset. Planning permission was granted as a departure from policy as this is a location where new holiday accommodation would not normally be permitted. However, it was considered on balance that the benefits to the main dwelling of this enabling development would outweigh the disbenefits. The design of the holiday dwelling was an important consideration and there was emphasis on the design and materials to ensure it was appropriate for a sensitive location, particularly in recognition of the fact that it was a departure from policy. A Section 106 agreement was used to secure a scheme of structural and other

repair work to the dwelling tied to the timing of the implementation of the holiday dwelling scheme.

- 1.4 The original planning permission has been implemented and work to the main dwelling is progressing. The holiday dwelling has been constructed following the completion of the first phase of approved restoration works to the main dwelling, this is in accordance with the scheme required by the Section 106 agreement and the restoration work to the main dwelling has been completed to a high standard. It is the holiday dwelling that is the subject of this application.
- 1.5 The planning permission for the holiday dwelling included the use of timber windows and timber boarding as identified in the submitted plans and documents. Condition 2 of the permission required the development to be carried out in accordance with these plans and documents. A routine condition monitoring visit in 2016 identified that this had not been the case and the holiday dwelling has been constructed with wood effect UPVC windows and fibre cement boarding.
- 1.6 In 2016 an application was made to vary condition 2 and retain the UPVC windows and the external cladding as constructed (2016/0165/COND). Following negotiations, it was proposed to replace the existing unauthorised fibre cement boarding on the gables with waney edged timber boarding and on the porch and dormer windows with timber shiplap boarding. The application was approved in March 2017 subject to the works being carried out within 12 months.
- 1.7 This application seeks a further variation of condition 2 to allow for the retention of all the fibre cement boarding, along with the removal of condition 3, which stipulated the timetable for the replacement of the unauthorised cladding, and condition 4 which required the approved wall and roof materials being retained for the lifetime of the development.
- 1.8 The application states that the cost of completing works on Ice House are escalating, the applicant is now not able to secure any additional funding, and that any funds that have to be spent on the holiday dwelling will significantly delay or possibly stop completion of works on the Ice House. Quotes submitted with the previous application put the cost of recladding at £12,000. It is argued that a year later this is now likely to be £13,000.
- 1.9 As with the 2016 application, the application argues that despite the use of timber for the windows and external boarding being secured by planning condition, a condition did not require details of the materials to be used. This application further goes on to state that 'no information was provided or requested as to finishes and materials for these areas. Accordingly, the use of Marley Eternit Cedral Lap cement weather board in these locations does not represent a breach of planning condition'.
- 1.10 In addition, the application states that 'in terms of appearance the works of replacement will lead to a more unattractive design and to a less satisfactory

form of development', in addition to arguing that 'changing the form and type of materials and the colours of the materials will draw more attention to the building with contrasting shapes and colours standing out and this will impact on the general character of the location'.

## 2 Site History

BA/2016/0165/COND - Retrospective variation of Condition 2 of BA/2013/0208/FUL to change the materials required for the windows and external cladding to gables and amend the elevations. Approved for change to windows and amended elevations, subject to conditions and Section 106 agreement.

BA/2013/0208/FUL - Erection of holiday dwelling within curtilage of Icehouse Dyke to enable refurbishment of main dwelling - Approved subject to conditions and Section 106 agreement.

## 3 Consultation

ClIr McGoun - Requested application should be determined by Broads Authority Planning Committee.

BA Historic Environment Manager - Objection on basis of use of inappropriate and unacceptable materials, impact on appearance of approved holiday let, impact on appearance of Locally Listed heritage asset, impact on visual contribution to the Broads.

### Representations

Three letters of support, two of which are from the same address, were received which are summarised as follows:

- The property blends in with the ambience of the village.
- The material is easily maintained.
- Altogether, the property looks very good.

## 4 Policies

- 4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

[NPPF](#)

Core Strategy (adopted 2007) [Core Strategy Adopted September 2007 pdf](#)

CS1 - Landscape protection and enhancement  
CS5 - Historic and Cultural Environments

Development Management Policies DPD (adopted 2011)  
[Development-Management-DPD2011](#)

## DP4 - Design

- 4.2 The following Policies have been assessed for consistency with the NPPF and has found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Development Management Policies DPD (adopted 2011)  
DP5 - Historic Environment

## Neighbourhood Plans

- 4.3 There is no Neighbourhood Plan in force in this area.

## 5 Assessment

- 5.1 The application is for the retention of the fibre cement cladding installed to the roof gables and to the face and cheeks of the roof dormers. The approved scheme stipulated that the materials would be in accordance with those stated in the application form, namely the use of timber.
- 5.2 It is noted that in submitting the previous retrospective application (2016/0165/COND), which sought to retain the UPVC windows, the applicant justified the proposal primarily with two arguments:
- that the cost of the replacing the windows at the holiday let was such that it would impact on the potential to complete the works to the locally listed dwelling; and
  - that whilst the planning permission only required timber cladding, they proposed using waney edged larch which would provide betterment in terms of the overall appearance of the holiday let.
- 5.3 The application was initially considered at the 16 September 2016 meeting of the Planning Committee, however Members considered the information they had been provided by the applicant was ambiguous, so deferred the matter for further information. The matter was reconsidered at the 14 October 2016 meeting, with the following statement from the agent:

“I have now spoken with Mr Lodge and confirm that whilst he is aggrieved that any remedial work is necessary at all to the holiday cottage, for the reasons given in previous correspondence, he is prepared to take the following action in order to bring the matter to a close.

1. It is proposed to replace the cladding with waney edged larch to the gables and timber shiplap to the dormers, as set out in the current application, as detailed to Members in the Committee report as presented it to Members at the last meeting. The windows and doors would be retained in their current form and materials.

2. It is acknowledged that the recommendation for this proposal is for approval and trusts members will agree with the recommendation.

3. Mr Lodge is committed to this proposal and would implement this permission, should the application be approved.

4. Mr Lodge will replace the cladding in accordance with a timescale agreed with the Authority. Due to the financial implications and the need to implement phase 2 of the Ice House refurbishment, whilst he and his wife move into the holiday cottage on a temporary basis, Mr Lodge would require a reasonable timescale in order to complete the replacement cladding. I would suggest a timescale of 24 months would be more appropriate.

I trust this is sufficient for you to re-present your report to the planning committee at the next meeting with the recommendation of approval.”

5.4 The Planning Committee concluded that these two reasons (ie as outlined at 6.2) were considered sufficient to outweigh the harm that utilising UPVC windows does to the setting of the locally listed heritage asset, the appearance of the property when viewed from the river, and the harm to the wider Broads setting, whilst the commitment from the applicant gave reassurance around the remaining issues.

5.5 The current application has the unfortunate consequence of undermining the soundness of the previous planning decision because by not providing betterment to the approved scheme, part of the justification for allowing the retention of the UPVC windows is lost. It also undermines and contradicts the arguments put forward by the applicant as they sought to persuade the Planning Committee by declaring the commitment to the replacement of the cladding. It must be noted, however, that although the planning pathway taken by the applicants is ill-considered, the decision on the acceptability of the cladding material must be solely made on its planning merits.

5.6 The reasons for the intrinsic unacceptability of the fibre cement cladding was clearly set out in the Committee report which considered the retention of the UPVC windows and doors, stating that:

*‘Replacement of the fibre cement boarding with timber boarding is welcomed as this would restore this element of the development to as originally approved. The fibre cement boarding is considered to adversely affect the appearance of the dwelling with its imitation timber finish that is uniform, will not weather and is different in colour and texture to both the timber fascias and UPVC windows. The three gables are large, prominent areas on the building where the incongruity of this material is most apparent, including in views from the river. The cladding is the most unacceptable element of the development and retention of it would be contrary to Policies DP4 and DP5’.*

5.7 The report goes on to discuss the retention of the UPVC windows, commenting that *‘the wood effect windows and doors which have been used are not considered to be of such a design or finish that overcomes the general*

*presumption against UPVC*'. Whilst it was accepted that the impact on the setting of the heritage asset was not unacceptable, the impact in design terms was unacceptable, and it was only through the justification set out above – ie the betterment offered by the waney edge boarding - that the application was recommended for approval.

5.8 In terms of the current application, the justification is significantly weakened. Firstly the financial implications are not comparable, the previous quotes (to replace the windows) being for over £50,000, whilst the replacement of the cladding element would be £12,000. Secondly, the impact on the heritage asset is greater by the retention of the cladding as this is a much more noticeable and pronounced element of the dwelling.

5.9 Turning our attention first to funding, the statement supporting the current application states in paragraph 4.1:

*The applicant was able to arrange additional funding to meet the escalating cost of completing works on Ice House to ensure it was completed to an appropriate, high standard in order to ensure its longevity as an important building within the Broads. Despite the additional, borrowed monies, the cost of repair and restoration have continued to spiral, and the applicant is now not able to secure any additional funding. The shortfall was not anticipated at the time of the assurances provided in 2016 but the subsequent change in circumstances now necessitates a different approach.*

5.10 Effectively the landowner is saying that he can no longer afford to do what he agreed to do. The statement around the funding has been accepted at face value and is not questioned (in that, there is no evidence submitted either to support or contradict it), but this is because it is considered that this in itself is not justification for the permanent retention of the fibre cement cladding and this financial consideration is not a material planning consideration.

5.11 It is worth noting that no explanation has been given as to why the holiday accommodation is not currently in use for that purpose, taking into account the signed s106 agreement, which requires that the holiday let not be occupied until certain stated works to the heritage asset are undertaken. An internet investigation shows that bookings are being taken from April 2019. Weekly prices start at £1327 per week rising to £2466 per week in peak season (from 19 July), meaning that if that the holiday let is occupied for five weeks from 19 July then this alone would cover the cost of the cladding replacement. It is therefore considered that whilst the immediate replacement of the cladding may be beyond the current means of the applicant, this is not an argument that can be sustained for long, and therefore undermines the justification for the permanent retention of the fibre cement cladding on financial grounds.

5.12 The design issues are key considerations in the determination of this application. It is noted that in combination the visual impact of the UPVC windows and composite cladding was previously considered to be unacceptable, which resulted in the previous application for the retention of the windows as fitted and the replacement of the composite cladding with



timber waney edged boarding to the gables, and timber weatherboarding to the dormers. This latter part of the proposal was key to the acceptance of the unauthorised UPVC windows, as it was concluded that whilst regrettable, the resulting visual appearance of the windows in isolation would on balance be acceptable when weighed against the benefits of achieving the restoration of the heritage asset. Also, the provision of timber waney edged boarding to the gables was considered to be betterment over the approved material as it matched that on the heritage asset.

- 5.13 The combination of UPVC windows and composite cladding remain difficult to support on design grounds. Policy DP4 (design) requires the highest standard of materials to be used and for those materials to be sustainable. Neither meets those criteria and their use in combination here would be difficult to justify.
- 5.14 The holiday unit when viewed from the river is seen in the context of the heritage asset, which adds emphasis to the need to consider the proposed materials carefully. The high quality design contributed to the justification in allowing the original scheme, however this high quality was undermined by the inclusion of the UPVC windows and fibre cement cladding which are visual detractors from both the heritage asset and the wider Broads area. In combination they are considered unacceptable on design grounds and the change of the material is considered sufficient to significantly diminish the overall positive contribution that the development makes to the Broads. The impact on the heritage asset of the Ice House is also negative and unacceptable.
- 5.15 It is worth drawing attention to the contrast that exists between the timber boarding and the fibre cement boarding as installed. The fibre cement boarding has a flat, uniform appearance that is clearly the product of a fabricated process. The timber boarding has a warmth, character, and variation, along with shade and tone, which can be appreciated both up close and from the river. This obvious and discernible contrast emphasises the synthetic appearance of the existing cladding and underlines why the fibre cement boarding is not considered acceptable, and is of detriment to the appearance of the both holiday let and the heritage asset.
- 5.16 The public view of the holiday let is from the River Ant and therefore the context of the holiday let will always be seen as adjacent to the heritage asset, so the impact of one on the other is a key consideration. The use of waney edged boarding to the heritage asset further emphasises the fabricated nature of the fibre cement boarding. This is a situation that will only worsen over time as the timber matures and ages in a natural way, and the fibre cement board slowly fades, a contrast that will further highlight why the use of the current cladding material is not appropriate or acceptable.
- 5.17 One final point to note is that the original application for the building of the holiday let was approved as enabling development to fund the restoration of the heritage asset and was a departure from policy. Departures should only be made where there are other material considerations which indicate the

proposal should be allowed contrary to development plan policy, and this argument was made in this case. In the case of the application to retain the UPVC windows, their retention was considered justified due to the overall costs and the impact that would have on the restoration of the heritage asset, and the betterment through use of waney edged timber cladding to the holiday dwelling. This current application is similarly contrary to development plan policy, however the previous material considerations no longer apply and there are no new material considerations which can reasonably support it. It is accepted that the Local Planning Authority would need to be realistic in setting a timetable for the replacement of the fibre cement cladding, but given that this option exists and is entirely reasonable, it cannot be argued that the retention of the existing cladding is justified or acceptable.

## **6 Conclusion**

- 6.1 The proposed retention of the fibre cement cladding would result in an unacceptable impact on the setting of a locally listed heritage asset, would be detrimental to the character and appearance of the holiday let, and would require a departure from policy which is not justified. The change from the approved scheme and varied scheme is not minor and is clearly visible from public vantage points. The proposal is contrary to Policy DP4 as it lacks high design quality, does not integrate with its surroundings, reinforce local distinctiveness, or enhance cultural heritage. The proposal is contrary to Policy DP5 as it does not protect, preserve, or enhance the fabric and setting of a historic, cultural and architectural asset.

## **7 Recommendation**

- 7.1 That planning permission be refused.

## **8 Reason for Recommendation**

- 8.1 The proposal is considered to be contrary Policies DP4 and DP5 of the Development Plan Document (2011), along with Policies CS1 and CS5 of the Core Strategy (2007), and the National Planning Policy Framework (2018) which is a material consideration in the determination of this application.

List of Appendices: Location Plan

Background papers: Application File: BA/2018/0364/COND  
BA/2016/0165/COND  
BA/2013/0208/FUL

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Date of Report: 25 October 2018

BA/2018/0364/COND-Ice House, The Shoal, Irstead

