



Appeal Decision

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 07/12/2023

Appeal reference: CAS-02396-K1Z5R3

Site address: The Island Site, Beach Parade, Aberaeron SA46 0BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Fryer against the decision of Ceredigion County Council.
 - The application Ref A211183, dated 9 December 2021, was refused by notice dated 22 June 2022.
 - The development proposed is a new boat house/store.
 - A site visit was made on 29 August 2023.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council considered the application against the initial submitted plans RJ01-09. The appellant's illustrative alternative design was not pursued by him during the application process in preference for the initial submitted plans. I have considered this appeal based on the Council's refused plans RJ01-09.

Main issues

3. The main issues are:
 - The effect of the proposed development on the setting of nearby listed buildings, and
 - The effect of the proposed development on character and appearance of the area, including the setting of the adjacent Aberaeron Conservation Area (CA).

Reasons

4. The appeal site is a small green space surrounded by Beach Parade and access roads leading to South Beach car park. On the eastern side of this island site is a Grade II listed building The Weigh House. Adjoining this island site is another green mound which includes the remnants of a lime kiln. These two island sites are separated and surrounded by small roads leading to the car park, the slipway of the harbour basin and the North-West Quay (Grade II listed) which also links to the South-West Pier (Grade II listed). The CA is situated close-by to the south-east of the appeal site at Harbour Lane where this

joins Wellington Street. The appeal site is owned by the appellant, but it is also Common Land. The appellant's property lies opposite the Weigh House. The proposed development is situated on the island site of the Weigh House on the north-west side with the listed Weigh House situated on the south-east side of the island.

5. The appellant has provided an Impact Assessment to accompany the application. CADW consider that the assessment process of the Welsh Government Setting of Historic Assets in Wales May 2017 (SHA) has not been followed. The significance of the Weigh House, and other listed buildings mentioned above including the adjacent CA has not been addressed, and therefore the understanding of the contribution the setting makes to the significance of the asset has not been appropriately explored so to fully appreciate the impact of the proposed development on the setting of the asset and the surrounding built and marine environment.

Listed Buildings

6. Section 16(2) and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require the decision maker, in considering whether to grant listed building consent, for any works, or development, affecting a listed building, or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Planning Policy Wales Edition 11 (PPW) and Technical Advice Note 24: The Historic Environment (TAN 24), and the SHA provides guidance and reinforces this stance. TAN 24 defines the setting of an historic asset as including the surroundings in which it is understood, experienced, and appreciated, embracing present and past relationships to the surrounding landscape.
7. Setting often extends beyond the property boundary of an individual historic asset into a broader landscape context. Intangible as well as physical factors can be important to understanding the setting of a historic asset. These may include function, sensory perceptions, or historical, artistic, literary, and scenic associations. Setting is not itself a historic asset, though land within a setting may contain other historic assets. The importance of setting lies in what it contributes to the significance of a historic asset.
8. The Weigh House is believed to have been constructed between 1820 to 1830 and was used for weighing lime brought into the harbour and burnt in the adjacent lime kilns. It is a small rectangular building, single storey in height and constructed of colour washed rubble with a hipped slate roof and brick chimney stack. Twelve pane sash windows are located on the east and south elevations with a recessed boarded door on the south side of the building.
9. There is a strong and continued relationship between the Weigh House and the adjacent remnant of the lime kilns. The decline of the lime kiln structure, its amalgamation with the reformed island mound following the construction of the internal road between the kiln and the Weigh House has diminished and eroded to some degree the setting around these linked structures. The lime kiln walls are used to prop-up and store small boats from the adjoining harbour basin. The Weigh House has been intentionally designed to relate to the existing townscape which is evident through the CA as a planned grid-like layout with buildings displaying architectural unity and consistency in appearance and chosen materials. The Weigh House derives its significance from these described values and has a functional connection with the past which is still evident. The Weigh House has therefore evidential, historical, aesthetic, and communal value as all these features are evident, and the association with the adjoining CA which exhibit these aesthetic features on a larger scale. The appeal island site is devoid of buildings apart from a sign, streetlamp, wood posts and a picnic table, it is relatively open to all sides with the level falling to the surrounding roads, with shrubs planted on its roadside edges.

10. The setting of the island site formed by the road layout allowing access to the car park to the north is in probability not as it was laid out when the Weigh House was constructed, but I would concur with CADW's comments that the isolated island location affords the Weigh House protection from the larger domestic and maritime buildings that lie to the south, west and north of it. The small area of the island and its open setting are contributing elements in the experience, appreciation and understanding of the Weigh House and the associated structure of the lime kiln. In combination these elements of the setting contribute considerably to the significance of the Weigh House as an historic asset.
11. The Weigh House is a small-scale building, but formed from architectural features that prevail in the CA. The proposed development is larger with an extruded hipped roof to create an elongated sloping roof on the south-west elevation. The hipped roof design would reflect the Weigh House and the use of black cedar shingles cladding the external walls of the proposed building would reflect the pattern on the Weigh House roof. However, the proposed development would utilise rose coloured zinc cladding to the roof of the building.
12. The proposed development by virtue of its contemporary design, size, scale, and location would diminish the setting of the Weigh House detracting from its significance because it would draw the eye of the observer from all around the island dominating the view away from the Weigh House and therefore lessening its value within its own discreet setting. The proposal due to its larger form and modern finish of zinc cladding would significantly detract from the significance of the Weigh House competing with the way this listed building is presently understood, experienced, and appreciated. The Weigh House is visible from Quay Parade and the proposal with its dominating form behind it in this angle of view would result in undervaluing the significance of the heritage asset. The asymmetrical roof design and modern materials of the building would be at odds with the prevailing appearance of roof designs and materials found on the Weigh House and in the context of the surrounding built environment.
13. I therefore concur with the Council and CADW's view on this proposal. I consider the proposed development would conflict with the Act, PPW, TAN 24 and SHA. The proposed development would adversely affect the setting of nearby listed buildings to the detriment of their significance and in particular the setting and significance of the Weigh House.

Character and Appearance/Conservation Area

14. The immediate area to the south-east of the appeal site comprises the CA which is characterised by many notable historic period buildings which have a definitive townscape character of a planned grid-like layout with buildings displaying architectural unity and consistency in appearance, materials and vibrant colour finishes centred around the harbour quays, piers, and earlier roads. Collectively, these buildings arranged on terrace squares, facing the harbour and some green spaces provide cohesion of architectural appearance, style and materials and general unity. These features of the built environment and the spaces between them around the harbour, the river, and open green spaces like Alban Square contribute positively to the character and appearance of the CA, and to its significance as a heritage asset.
15. The Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of CAs. PPW states there will be a strong presumption against the granting of planning permission for development that would damage the character or appearance of the CA or its setting. Setting can extend beyond the curtilage of an asset as set in SHA.

16. TAN 24 refers to conservation area designation providing the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area's special interest. This might include the pattern of settlement and the organisation of space and routes as well as the style and type of building, and the use of materials and detail. Ceredigion Local Development Plan 2007-2022 (LDP) Policy DM06 (High Quality Design and Placemaking) states that regard should be had to whether a site is located within or near a conservation area, whilst LDP policy DM07 refers to development having regard to national guidance.
17. Although the site is outside the CA planning policy has long established the relevance of CAs to schemes outside of their boundaries. The appeal site makes a positive contribution to the setting of the CA due to views of the site from the CA and vice-versa predominantly looking across the harbour from Quay Parade and from Harbour Lane. Whilst recent developments around the car park and Aberaeron Yacht Club relating to storage sheds are seen in some viewpoints these are not as evident from the CA due to their location. These developments are not as open and prominent as is the view of the appeal site from aspects within the CA. Bearing in mind my findings on the first main issue, then it must follow that the proposal would be detrimental to the historic character and appearance of the CA and its significance as a heritage asset. The proposal would fail to preserve the setting of the adjacent CA.
18. I note the appellant's submissions that the proposal would promote a greater appreciation of the listed building the Weigh House and the CA generally because it incorporates a communal seating area and possibly a space for children to play on the island site. However, this element of the design whilst it has a community benefit does not outweigh the harm to the setting of the listed building I have identified above. I also note the criticism in relation to the impact of the Harbour Masters' Office on nearby listed buildings. I have no information relating to the history of this site and the planning context to which it was considered, but this does not alter my assessment of the appeal development in relation to issue of setting nor does it justify the proposal which is viewed in a different context having regard to the values of significance and setting I have outlined above.
19. The site is also situated in the Special Landscape Area (SLA). I do not consider that the development of the site would erode the qualities of the SLA since the SLA designation covers a large area and does not prevent or prohibit development. However, I consider that the proposed development would not have due regard to the distinctiveness of the built environment due to its form, design, and materials as outlined above in the assessment on the setting of the listed building. Whilst not contrary to LDP Policy DM18 (Special Landscape Areas), I do consider that the proposal is contrary to the Act in relation to the setting of the CA, TAN 24, SHA, and LDP Policy DM06 (High Quality Design and Placemaking) criteria 1 and 2.
20. I conclude that the proposed development would harm the character and appearance of the area, and would harm the setting of the adjacent CA.

Conclusions

21. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.
22. For the reasons I have outlined and having regard to all matters raised, I conclude that the appeal should be dismissed.

Iwan Lloyd INSPECTOR