

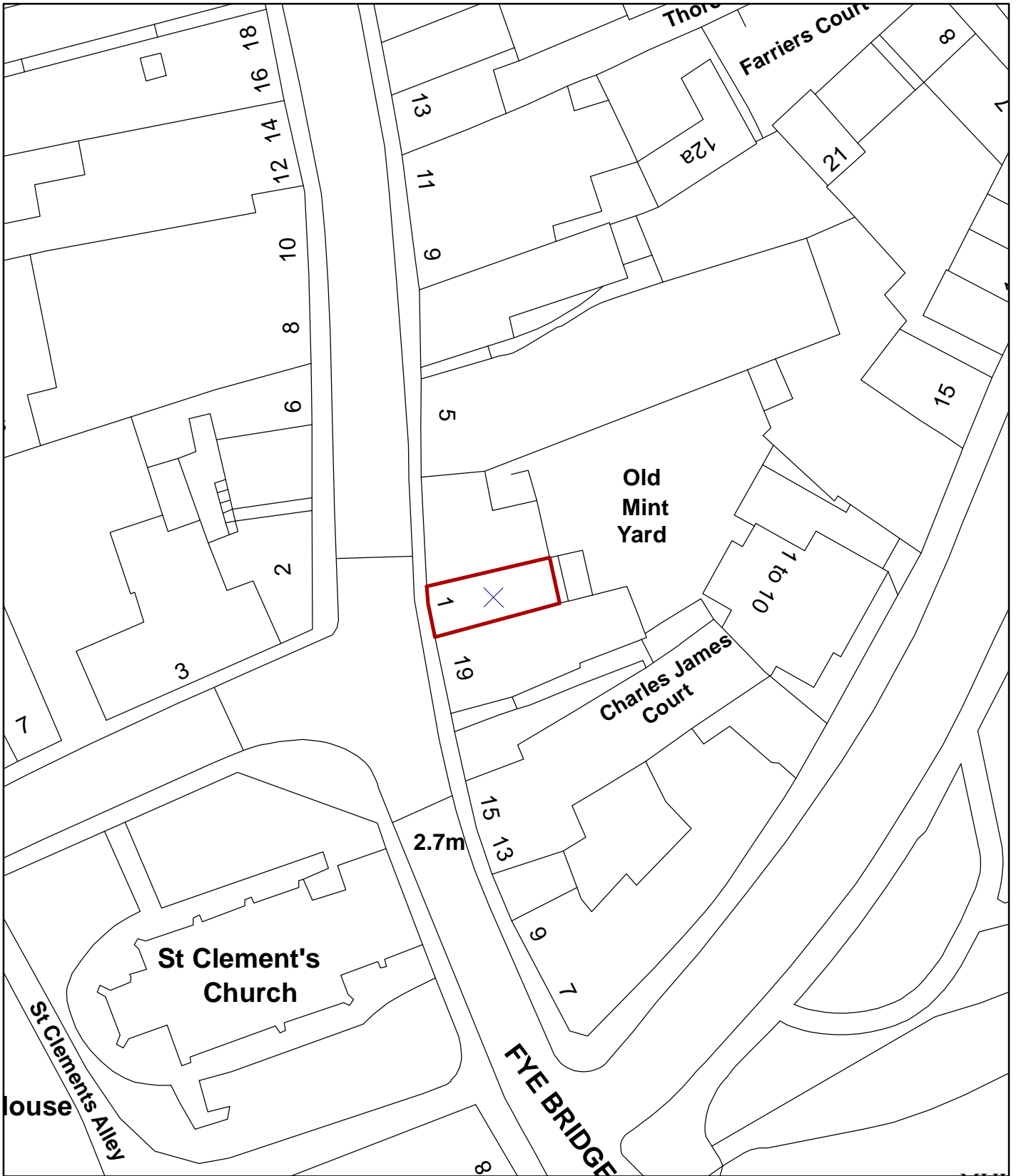
**Report to** Planning applications committee  
12 July 2018  
**Report of** Head of planning services  
**Subject** Enforcement Case 17/00068/ENF – 1 Magdalen Street

---

Item

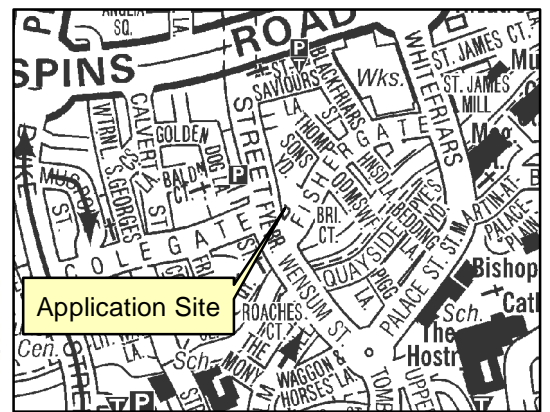
4(g)

<b>Summary</b>	
<b>Description</b>	Unauthorised painting of front elevation of listed building.
<b>Reason for consideration at committee</b>	Enforcement action recommended
<b>Recommendation</b>	Authorise enforcement action to return the building to its former state or implement listed building consent ref 17/01635/L.
<b>Ward</b>	Mancroft
<b>Contact Officer</b>	Lara Emerson <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>



© Crown Copyright and database right 2018. Ordnance Survey 100019747.

Planning application no: 17/00068/ENF  
 Site Address: 1 Magdalen Street  
 Scale: 1:500



## **The Site**

1. 1 Magdalen Street is in the Colegate Character Area of the City Centre Conservation Area, which is considered high significance. 1 Magdalen Street is considered to be part of an area of positive frontage. The setting contains multiple statutorily listed buildings, one of which is the Grade I listed church of St Clements, considered a local landmark.
2. List description:  
TG 2309 SW MAGDALEN STREET (east side) 11/480 5.6.72. No. 1 (formerly listed with Nos. 3 and 4A). GV II Shop. C19. Painted brick. Slate roof. 3 storeys. 2 bays. Late C19 shop front. Sash windows with glazing bars and rubbed brick flat arches. Box cornice.

## **Relevant planning history**

3. After the unauthorised redecoration of the front elevation and joinery in a dark grey colour was carried out in early 2017, officers sought to negotiate a solution with the property occupiers. An application for the repainting of the render in an acceptable colour (off-white) was subsequently received and approved in late 2017 (application reference 17/01635/L).

## **The Breach**

4. Unauthorised painting of the front elevation and joinery of the listed building, impacting upon its architectural and historic significance.

## **Policies and Planning Assessment**

S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (March 2012):

- Paragraphs 9, 17, 56, 60-66 & 128-141.

Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan 2014:

- JCS2 Promoting good design

Norwich Development Management Policies Local Plan adopted Dec 2014:

- DM1 Achieving and delivering sustainable development
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage

## **Justification for enforcement**

5. The council considers it expedient to issue the notice having regard to the adverse effects of the works on the character of the building and the wider conservation area.

6. In line with current Historic England guidance the external re-decoration, in the manner undertaken, of this Grade II listed building is deemed to impact upon its special architectural and historic character:

*“A change in the character of the pointing, or painting exposed surfaces including concrete, can be visually and physically damaging and is likely to require listed building consent, as may a change in external paint colour”*  
(Historic England, Making Changes to Heritage Assets; Historic England advice note 2. 2015)

7. Subject to section 7 of the Planning (Listed Buildings & Conservation Areas) Act 1990 ‘no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised’
8. 1 Magdalen Street is within the city centre conservation area; Colegate character area. This is an area deemed ‘High’ significance, due to the concentration of historic buildings and the retention of key architectural details, along with their quality and the general quality of the townscape. 1 Magdalen Street is an area of positive frontage and forms a part of the termination, along with the Grade I listed Church of St Clements, of a positive vista, looking east along Colegate. Magdalen Street itself has a good variety of C17-C19 shopfronts, some of which are later facades concealing more historic cores. It is mostly characterised by brickwork/painted brickwork facades and timber shopfronts. This has historically been a ‘vibrant’ area and building decoration would have reflected this.
9. Research into the history of Norwich has confirmed that the rendered facades in the historic quarters of the city would have been lime-washed in a variety of colours and the texture of the lime-wash, along with the varied palette, is a key characteristic of the historic streets and thus the city generally. Further research into the historic colour palette of the city has been undertaken and resulted in a heritage colour palette for both joinery and render/brickwork.
10. The colours chosen for the redecoration of this Grade II listed building are not identified as historically accurate according to the aforementioned research and neither do they appear to be in the ‘spirit’ of the defined heritage colour palette. It should also be noted that the lack of contrast between the joinery detail and the brickwork is of further detrimental impact upon the special character of the building and the wider setting, which is a conservation area and setting of multiple statutorily listed buildings.
11. The colour scheme selected, which is dark and heavy when viewed in context of the wider setting is inappropriate for the setting and is in contrast to the historically appropriate colours for a building of this type, in this location. These colours have been determined by a major study of seven European cities with a history of colour. It is worth noting that the study, commissioned by the Sikkens Foundation, had specifically identified Magdalen Street as an area of potential interest and study, no doubt due to its vibrancy and history of colourful decoration.

12. The applicant has been reminded on a number of occasions of the need to carry out the approved works (or return the building to its former condition) as soon as possible to remedy the breach. The applicant has been given the chance to carry out the works to avoid formal enforcement action with a reasonable timeframe of 6 months from the date of the decision (30 June 2018). However, the applicant has been reluctant to do so and since no such work has been carried out, officers now consider it expedient to serve a listed building consent enforcement notice.

### **Equality and Diversity Issues**

13. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:

- a. Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the council the responsibility to take enforcement action when it is seen to be expedient and in the public interest.
- b. Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

## **Conclusion**

14. The council considers it expedient to issue the notice having regard to the adverse effects of the works on the character of the building and the wider conservation area. The perpetrator should be required to return the building to its previous condition or implement the approved scheme which is attached to this report at Annex A.

## **Recommendation**

15. Authorise enforcement action against the repainting of the front elevation of the listed building. The perpetrator is required to either: a) Return the property to its former state; or b) Repaint the front elevation of the Building in accordance with the scheme approved via Listed Building Consent reference 17/01635/L.

**APPENDIX A: Approved document from Listed Building Consent reference 17/01635/L**

HERITAGE IMPACT ASSESSMENT AND DESIGN AND ACCESS STATEMENT

PP-06441126

S T A N D E N M A Y

1 MAGDALEN STREET

A Heritage Impact Assessment has been made in light of applying for Listed Building Consent so as to enable exterior changes to a listed building. The HIA relates to the change in colour of 1 Magdalen Street's building facade. The LBC application is being made following advice from Norwich City Council following a formal complaint from a local member of the public. We are applying for retrospective planning consent changing its existing colour to a more considered choice so as to remain sympathetic to the local area.

1 Magdalen Street, Norwich is situated opposite Colegate, where Fye Bridge Street meets the start of Magdalen Street. The building's coordinates are as follows, the map found within the supporting documents submitted shows this in detail. (Easting 623201 Northing 309079).

The proposal is being made so as to comply with changes to a listed building, including the appearance of the exterior facade. The proposal was advised as the new business (StandenMay) opened in May 2017. Chris Brownhill (Norwich City Council) advised us of a formal complaint made towards the new choice of colour chose in refurbishment of the interior (cosmetic changes), where an interior designer chose to tie in the feel of the interior with the exterior not knowing Listed Building Consent was needed for such a change.

The property's list description at present is as follows;

Reference: 07/01143/II Grade II  
No.1 Magdalen Street (east side) (formerly listed with No's 3 and 4A)

Shop. C19 Painted brick Slate roof 3 storeys. 2 bays. Late C19 shop front Sash windows with glazing bars and rubbed brick flat arches. Box cornice.

Since meetings with our Assistant Conservation & Design Officer (Christopher Brownhill) and Planner Development Manager (Lara Emerson) we were advised that the change in building was not applied for and that a more appropriate choice of colour to provide contrast between the rendering and joinery should be made with a plan of action to make said changes once approved after Listed Building Consent was granted.

Although we feel personally, that the colour choice worked well within the setting, we can whole-heartedly understand the reasoning behind such need for change. The

current 'Downpipe' colouring by Farrow and Ball (see supporting document CurrentAppearance.PDF) when used for both rendering and joinery can look imposing and darkening upon the wider setting. As the building is open towards Colegate, those looking towards it from this direction can look harsh and suppressive for a tall, narrow premises.

The appearance would be greatly improved if lightened and softened to blend better amongst the surrounding properties, business fronts and conservation area – particularly as a backdrop when approaching 1 Magdalen Street from Colegate and in respect of the Grade I listed church in the near vicinity.

Our intent would be to change the colour of the rendering from 'Downpipe' grey and paint it using Farrow & Ball's exterior masonry paint, with a 2% sheen in colour 'Comforth' to provide light, and a clear contrast between the rendering and joinery, including window frames, shop front and door. See colour reference: (No. 228) <http://bit.ly/2g1AfxU>

As with all work done for 1 Magdalen Street, the quality of paint and workmanship will be of upmost quality using local craftsmen to complete the work to a high standard for an impeccable finish. Consultations with craftsmen and scaffolding companies to allow for the works to be carried out have advised a non-disruptive work time of 2 working days to complete the work in full at most (weather dependant).

The past appearance of the front of 1 Magdalen Street has been painted white with joinery in black. As you can see from supporting document (BeforeWorks.png) the building looked slightly tatty, particularly around the windows and above the shop front joinery.

The current appearance of the front of 1 Magdalen Street is painted a dark grey so as to blend with the shop front joinery and joinery to the left at 3 Magdalen Street. The colour was chosen based on design influences from our interior designer and to mimic the colouring of a number of new local business buildings which are successful throughout the city (please see supporting document 'Vicinity.pdf'). However, this current state does not provide a good contrast between both joinery and rendering and appears dark. The colour was chosen to avoid wearing from the heavy pollution from the tens of double-decker buses that pass down the narrow street every day as other lighter coloured building can be seen to have large areas of discolouration from the lack of upkeep and traffic pollution.

The proposed colour (Comforth White) has been chosen to blend better with the characteristics of the local conservation area, by which it has been informally looked upon favourably by our contacts at Norwich City Council (Lara Emerson & Christopher Brownhill) subject to this application. The lighter shade will provide a positive contrast between the rendering and Joinery (Downpipe) whilst staying within close remit to the approved palette provided by Norwich City Council to use as a guide (see supporting document ApprovedPalette.pdf). The lighter tone will provide a more light-reflective finish when walking towards the building from Colegate and more sympathetically related to the Grade I listed church building opposite.



These tonal colours have been considered to create a historic feel to the street, for which StandenMay is bringing affluent clients to the area which is often considered rundown at present. We hope that the area will become more sought-after with similar businesses to follow in our footsteps to create a varied and multicultural side of Norwich whilst working in harmony with other similar businesses in Norwich that have used a similar palette to re-invent areas.

The impact of our alteration on the building as a whole will be positive, so as to preserve its upkeep from regular painting works and cleaning, with the addition of natural window boxes in the spring time to work well against the greenery to the Grade I listed church. The building will then be regularly protected from the traffic pollution and work to improve the appearance of the street as a whole.

The assessment has been made following a request to change the colour of the building from Norwich City Council to preserve the historic interest of the local area in a more appropriate light, as this change is a positive for the building, we conclude that the impact of our proposal is of no harm to the building and surrounding area.

We believe the impacts described above are acceptable in terms of current legislation, policy and guidance and so hope that the colour change is looked upon favourably.

Overall, we feel that the change of colour to 1 Magdalen Street's building facade should be carried out to improve its appearance, sympathetic to its historic interest and work well within the local conversation area, whilst updating the look and upkeep of the area to encourage footfall and custom to the area in support of new local businesses.

Yours Sincerely,

Paul & Callum Standen-May  
[paul@standenmay.com](mailto:paul@standenmay.com)  
[callum@standenmay.com](mailto:callum@standenmay.com)

01603 616396

1 Magdalen Street  
Norwich, Norfolk  
NR3 1LE