
Appeal Decision

Site visit made on 13 September 2016

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 October 2016

Appeal Ref: APP/C3810/W/16/3148376

Royal Norfolk Mews, West Street, Bognor Regis, West Sussex PO21 2PQ

- 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 Herongate Homes against the decision of Arun District Council.
 - The application Ref BR/163/15/PL, dated, was refused by notice dated 16 October 2015.
 - The development proposed is Phase II development of Norfolk Mews to provide 4 new dwellings (a terrace of 3 and a detached dwelling), associated car parking for 8 cars and landscaping. Access will be through the existing access of West Street.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The fifth reason for refusal relates to the failure of the proposal to make a contribution towards affordable housing. In the light of the *Secretary of State for Communities and Local Government v West Berkshire Council and Reading Borough Council* (2016) the Council no longer wishes to defend this reason for refusal. I have considered the appeal accordingly.

Main Issues

3. I consider the main issues to be:

- The effect of the proposal on the setting of the Royal Norfolk Hotel and the character and appearance of the Steyne and Waterloo Square Conservation Area;
- The effect of the proposal on the Pagham Harbour Special Protection Area; and
- Whether the proposal would provide adequate levels of privacy for future occupants and hotel guests.

Reasons

4. Two previous appeals in respect of the appeal site were dismissed¹. Whilst these decisions are material considerations in respect of this appeal, based on the limited information available, it would seem that the current proposal differs from these previous schemes. I have therefore assessed the appeal proposal on its merits.

¹ APP/C3810/E/04/1162479 & APP/C3810/A/06/2008358

Setting of the Royal Norfolk Hotel

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building, or its setting, that special regard should be given to the desirability of preserving the building or its setting, or any features of special architectural or historic interest.
6. The site lies adjacent to the Grade II listed Royal Norfolk Hotel and comes within the Steyne and Waterloo Square Conservation Area. The hotel dates from about 1840 and has been extended twice, initially in 1898, and more recently in about 1971. It is a large three storey building set in spacious grounds and extends diagonally across its plot from West Street towards Aldwick Road. In 2007, the derelict stable and coach houses to the north of the hotel were converted, extended, and partially rebuilt to provide 12 new residential units accessed via a private road from West Street.
7. Based on the evidence from the historical maps it would seem that the appeal site originally provided an access between the hotel and West Street, however this function appears to have ceased by 1898. The submitted evidence indicates that it was subsequently used as a kitchen garden to the hotel and more recently as tennis courts. It has been separated from the hotel for a number of years and at the present time it is a vacant plot of land enclosed by a close-boarded fence and hedge.
8. The Royal Norfolk Hotel is a landmark building within the town and occupies a prominent position opposite the sea-front. Its open setting, which includes the extensive lawns to the front of the building, contributes to its prominence within the town. It contrasts with the denser development within other parts of the conservation area. Although the appeal site is separated from the hotel frontage it nevertheless contributes to the setting of the listed building. The development to the north of the hotel is generally smaller in scale than the hotel and it is separated from the original curtilage of the hotel. Whilst it provides a backdrop to views of the hotel from the south, it remains subservient to it.
9. The proposal is for four dwellings. A terrace of three dwellings is proposed adjacent to the West Street frontage. A detached dwelling is proposed adjacent to the boundary with the hotel.
10. The detached dwelling closest to the hotel would be located within 10 metres of the listed building. It would be lower in height by comparison with the terraced dwellings, and would include a balcony to the front. Although it would be set at an angle to the hotel, the flank elevation would project forward of the building line established by the front elevation of the listed building. Whilst the existing hedge would screen the lower part of the proposed dwelling, the first floor, including the projecting balcony would be prominent in views from Aldwick Road, the promenade adjacent to the beach, and from West Street, as well as from the carriageway drive which serves the hotel. The proposed dwelling would considerably diminish the spacious setting of the hotel which is integral to its significance. It would significantly harm the setting of the listed building and would be contrary to policy GEN22 of the Arun District Local Plan 2003 and policy HER DM1 of the emerging Arun Local Plan 2011-2031 which requires proposals to protect, and where possible enhance the setting of listed buildings.

11. I acknowledge that coaches used by hotel guests sometimes park in front of the hedge. Whilst these could be considered to affect the setting of the listed building, they are parked on an intermittent basis and do not result in permanent harm to the setting of the listed building. Whilst the more recent development to the west of the hotel intrudes upon its setting, it is separated from the hotel to a greater extent and does not justify the harm to the setting of the listed building that would arise from the appeal proposal.
12. The Steyne and Waterloo Conservation Area is focussed on the seafront. In the case of the Steyne, the dwellings are arranged around a rectangular open space at right angles to the sea, whilst Waterloo Square is arranged around a landscaped space fronting the sea front. The terraced dwellings within the conservation area vary in terms of age, design, and height. The relationship between the open spaces within the conservation area and the surrounding built development is intrinsic to its character. For this reason the loss of the open space to the east of the hotel would harm the character of the conservation area.
13. In its present form the site does not make a positive contribution to the conservation area due to its unkempt state. Notwithstanding this, it is screened by a boundary hedge and fence and contributes to the open character of this part of West Street. In my view it has a neutral effect on the appearance of the conservation area.
14. The design of the proposed dwellings is similar to Norfolk Mews which is located to the rear of the hotel. The terraced dwellings would provide some enclosure to the street scene in a similar manner to other dwellings within the conservation area. They would be two storeys high with projecting bay windows to both floors and would extend close to the back edge of the pavement. The rear elevation of the proposed terrace would be separated from the hotel by a distance of about 34 metres. The dwellings would be wider than many others within the conservation area. They would be about 6 metres high at the eaves and 9 metres high at the ridge and would appear to be higher than other properties on the western side of the street. The properties within the conservation area vary in terms of their appearance and I acknowledge that it is not necessary for the appeal scheme to replicate the appearance of the existing dwellings. Nevertheless, taken together, the greater width and height of the proposed terraced dwellings would add to the visual prominence of the proposal.
15. I consider that the proposal would fail to preserve the character or appearance of the conservation area and would harm to the setting of the listed building and the views within the conservation area. It would fail to comply with Local Plan policy Area 2 which seeks to preserve or enhance the character or appearance of conservation areas and policy HER DM3 of the emerging plan which amongst other matters requires new buildings to acknowledge the character of their special environment in relation to their layout, form, scale, and the spaces created between buildings, and to retain historically significant boundaries, important open spaces and other elements of the area's established pattern of development.
16. I understand that the proposal is more modest in scale by comparison with the previous schemes. The introduction of elements such as an oriel bay window to the first floor of the south elevation, to provide visual interest seek to

address some of the specific criticisms made by the inspector at the time of the 2006 appeal. However despite these revisions the proposal would harm the setting of the listed building and the character and appearance of the conservation area.

17. Overall I conclude that the proposal would harm the setting of the Royal Norfolk Hotel and would fail to preserve the character and appearance of the Steyne and Waterloo Square Conservation Area and would fail to policy Area2 of the Arun District Local Plan 2003.

Pagham Harbour

18. The appeal site lies within 5km of Pagham Harbour Special Protection Area (SPA), which supports important populations of rare birds for a large proportion of the year and is an important summer breeding and over-wintering ground for wildfowl. It is recognised internationally for its important role in nature conservation due to the potential for residential development to impact on shore bird, wader and wildfowl populations.
19. Pagham Harbour is vulnerable to disturbance from population growth in the area, particularly from recreational pressures, which could give rise to disturbance to over-wintering and breeding birds by people and their dogs. The Council's adopted mitigation strategy aims to minimise any impacts from additional visitors by safeguarding sensitive areas and creating easily accessible new green spaces for recreation. In the case of the appeal proposal there is a requirement for a financial contribution towards the mitigation strategy, in the absence of which the proposal would be likely to have an adverse effect on the Pagham Harbour SPA. Although the appellant has indicated a willingness to submit a planning obligation covenanting to make a financial contribution towards the mitigation strategy, however, no obligation has been submitted. I therefore conclude that the proposal would be likely to harm the Pagham Harbour SPA.

Living Conditions

20. The proposed detached house would be located close to the rear boundary of the site and would be separated from the flank elevation of the hotel by a distance of about 10 metres. The first floor windows to the proposed dwelling would serve the kitchen/dining room and a corridor, whilst the ground floor windows would serve a bedroom and bathroom. Whilst the hotel is set at an oblique angle to the proposed dwelling. Due to the limited distance between the two properties there is potential for overlooking between the hotel and the proposed dwelling. The windows affected are secondary windows, and the rooms concerned would have additional windows facing towards the sea and towards the rear of the terraced dwellings. Therefore these windows could be obscure glazed without any significant harm to the living conditions of future occupants. I therefore conclude that the proposal would provide adequate levels of privacy for future occupants and hotel guests and would not conflict with Local Plan policy GEN7, which amongst other matters seeks to avoid unacceptable adverse impacts on adjoining occupiers.

Other Matters

21. There is support for the proposal from some nearby residents who consider that the scheme at Royal Norfolk Mews demonstrates the appellant's ability to deliver a high quality development. The existing development at Royal Norfolk Mews is a successful development and has won an award. However, it included the conversion and extension of existing buildings situated to the rear of the hotel. Unlike the appeal scheme it did not harm the setting of the listed building. Moreover, local support or opposition for a proposal is not in itself a ground for refusing or granting planning permission and such support does not justify the harm that I have identified above.
22. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. The proposal would provide four new dwellings in an accessible location. It would assist with meeting the housing needs of present and future generations within Arun, and in this regard it would be socially sustainable. Economically, the proposal would bring short-term advantages in respect of jobs during the construction period. In the longer term there would be a minor increase in household spending. Nonetheless due to the harm to the setting of the Royal Norfolk Hotel and its failure to preserve the character or appearance of the conservation area, together with the absence of a contribution towards the mitigation strategy for Pagham Harbour, it would not be environmentally sustainable. Paragraph 152 of the NPPF states that significant adverse impacts on any of these dimensions should be avoided. Therefore I conclude that looked at in the round the proposal would not be sustainable development.

Conclusion

23. Whilst I am satisfied that the proposal would provide satisfactory living conditions for future occupants and an acceptable degree of privacy for hotel guests, the harm to the setting of the listed building and the character and appearance of the conservation area and Pagham Harbour, are over riding and compelling objections to the proposal.
24. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR