
Appeal Decision

Site visit made on 22 November 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 19th December 2016

Appeal Ref: APP/G2625/W/16/3154508

20 Cambridge Street, Norwich, Norfolk, NR2 2BB

- 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 Peter Southgate U2 Homes Ltd against the decision of Norwich City Council.
 - The application Ref 15/01837/F, dated 2 December 2015, was refused by notice dated 18 May 2016.
 - The development proposed is the erection of a three bedroom, two-storey dwelling with garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Southgate against Norwich City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The number of proposed dwellings was reduced from 4 flats to 1 dwelling during the course of the application. Further amended plans were also received in respect of design changes to the proposed single dwelling. For clarity, I have used the development description from the submitted appeal form and I have determined the appeal on the basis of the final amended plans.

Main Issues

4. The main issues are (a) whether the proposed development would preserve or enhance the character and appearance of the Heigham Grove Conservation Area and (b) the effect of the proposed development upon living conditions of neighbouring occupants at No 5 Trinity Street in respect of outlook, and light.

Reasons

Conservation Area

5. The appeal site is an open area of land in an 'L' shape. It formally housed a car repair garage which has been cleared. It is located between a 3-storey block of flats and single storey garaging.
 6. The site is partially located within the Heigham Grove Conservation Area (CA) which is characterised by its 19th century residential suburban development.
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The accompanying Conservation Area Appraisal states that the topography of the area and the nature of speculative Victorian development has created a number of distinct sub-areas.

7. Cambridge Street and Trinity Street is identified as being in an area of mid-19th century development of medium size terraced houses. Opposite the site are 3-4 storey locally listed terraced houses which are brick built, with timber sash windows and slate roof coverings. The rows of terraces are set back from the road and there are traditional decorative cast iron boundary treatments.
8. From the historic maps within the Appraisal, it appears that the appeal site has traditionally formed open land, which was later developed during the 20th century. The appeal site, along with the adjacent block of flats and garaging is identified by the Appraisal as a being detrimental to the character of the area.
9. The proposed dwelling has been designed to be a contemporary and bespoke addition to the street scene. The development would be a 2-storey dwelling with an integral garage and a flat roof. Externally it would be brick with an area of timber boarding at first floor level. The front elevation would have a wide recessed glazed entrance lobby and stairwell flanked by the garage and bedroom which would project outwards to different depths. The dwelling would be set back in the plot and there would be a small section of railings along the front boundary.
10. I consider that the design of the development would fail to respond to the character or appearance of the CA. Rather than being a complementary and contemporary addition to the street scene, the development would be more akin to the character of the adjacent flatted accommodation. Specifically, the architectural design and detailing of the proposed dwelling would have a distinctly squat and horizontal emphasis with a flat roof and wide areas of glazing. Furthermore, the use of timber boarding bears no reference to the palette of materials found locally.
11. Accordingly, the development would be conspicuous in respect of its surroundings, and would form a distinct grouping with the flatted accommodation. The proposals would therefore exacerbate the existing harm within the street scene from these detrimental buildings.
12. The appellant contends that the appeal site is detached from the terraced buildings and therefore development here would not detract from the Victorian character of the area. However, due to their scale, rhythm and design, the historic rows of terraces are dominant and have a commanding presence when viewed along Cambridge Street. As I saw from my site inspection, there can be no doubt that the appeal plot forms part of a wider and distinctive part of the street scene which is detrimental to the overall character of the CA. Accordingly the appeal site is not divorced from that character and in this context the proposed development here would be visible and would cause harm.
13. I recognise that particular architectural tastes or styles should not be imposed. However, Policy 2 of the Broadland, Norwich and South Norfolk Joint Core Strategy (JCS) and Policy DM3 of the Norwich Development Management Policies Development Plan Document (DPD) state that development should respond to the overall character and local distinctiveness of an area and its sense of place. Furthermore, in seeking to secure high quality design

paragraphs 60 and 61 of the Framework state that it is proper to promote or reinforce local distinctiveness and that decisions should address the integration of new development into the built and historic environment.

14. The Council are clear that a modern design could be accommodated in this location, however the scheme before me clearly fails to respond to the significance of the CA. Moreover, in light of the harm I have identified, I do not consider that the proposed development, in time, would be recognised as an exemplar of modern architecture, contrary to the appellant's assertions.
15. I note the proposals would re-use previously developed land and would be located within easy access to services, facilities and public transport, as environmental benefits. There would be economic and social benefits as the development would make a contribution to housing supply in an area where there is a shortage. There would also be benefits arising from employment opportunities for a small local firm of building contractors. However, I consider that such benefits arising from the erection of a single dwelling would only be modest.
16. In accordance with paragraphs 132 and 134 of the Framework, as well as legislation in respect of Conservation Areas¹, the harm I have identified attracts significant weight and the modest benefits I have identified would not therefore outweigh the harm I have identified.
17. Overall I conclude that the proposed dwelling would represent an incongruous addition which would fail to preserve the character or appearance of the Heigham Grove CA. The proposal would therefore be in clear conflict with JCS Policy 2, and DPD Policy DM3 as well as policies DM9 and DM12 which seek to preserve or enhance heritage assets and require development to take account of their significance. The proposals would also fail to accord with Paragraphs 60 and 61 of the Framework in respect of design, and it would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Living Conditions

18. To the rear of the appeal site is a row of terraced housing which fronts Trinity Street. The appeal site shares its rear boundary with No 4 Trinity Street and a side boundary with No 5. Due to the topography of the area, the appeal site is on higher ground than these properties; however the garden to No 5 is located in an elevated position, behind retaining walls which form the boundary of the appeal site.
19. In comparison to other development in the area, the development has a relatively deep floor plan and would extend back a considerable distance into the plot. The development would extend along a considerable length of the boundary with the garden of No 5.
20. Even though the overall height of the development has been limited to 2-storeys, I consider that due to its depth and positioning directly adjacent to the boundary with No 5, the development would significantly enclose and dominate the rear garden of this property, causing harm.

¹ s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

21. The submitted Daylight/Sunlight assessment illustrates that there would be additional shading of the garden of No 5 from 11am onwards on the spring equinox (21 March). As illustrated by appendix A, I consider that the loss of sunlight from 3pm onwards would be obvious in comparison to existing levels and would spoil the enjoyment of the garden. While this would meet with the BRE guidelines, in combination with the harm I have identified in respect of outlook, I consider that this would be detrimental to the living conditions of occupants at No 5.
22. It is understood that the site benefits from outline planning permission for a 2-storey dwelling and as such, the appellant contends that any impacts upon amenity would be similar. However, no details of the approved scheme have been provided and therefore I am unable to judge whether the schemes would be comparable in this regard.
23. Overall I conclude that the development would cause harm to living conditions of occupants at No 5 Trinity Street in respect of outlook and light. The proposals would not be supported by DPD Policy DM2 which seeks to avoid unacceptable impacts to amenity, with particular regard to privacy, overshadowing, light and outlook. The proposals would also conflict with the core aims of Framework, as set out in Paragraph 17, which seeks to secure a good standard of amenity for existing occupants of buildings.

Conclusion

24. The development would fail to preserve or enhance the character or appearance of the Heigham Grove CA, a designated heritage asset and the harm would outweigh the benefits. I have also identified significant harm to living conditions of neighbouring occupants. In accordance with paragraph 14 of the Framework, specific policies indicate that the development should be restricted and the proposals cannot therefore constitute sustainable development for which the Framework presumes in favour.
25. For the reasons above, taking into account all other matters raised, the appeal is dismissed.

C Searson

INSPECTOR