
Appeal Decisions

Site visit made on 15 August 2017

by **Peter Rose BA MRTPI DMS MCMi**

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

Decision date: 4th September 2017

Appeal A Ref: APP/G2625/Y/17/3171453 72-78 St Stephens Road, Norwich, NR1 3RE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Shah against the decision of Norwich City Council.
 - The application Ref: 16/01288/L, dated 1 September 2016, was refused by notice dated 17 November 2016.
 - The works proposed are conversion of part lower ground floor/basement to provide 2 additional bedsit rooms. New light-wells and improved rear fenestration and amenity space.
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Appeal B Ref: APP/G2625/W/17/3171452 72-78 St Stephens Road, Norwich, NR1 3RE

- 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 Shah against the decision of Norwich City Council.
 - The application Ref: 16/01287/F, dated 1 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is conversion of part lower ground floor/basement to provide 2 additional bedsit rooms. New light-wells and improved rear fenestration and amenity space.
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Decisions

1. **Appeal A** and **Appeal B** are each dismissed.

Procedural matter

2. Whilst the description of the scheme in the application form refers to two additional bedsit rooms, the drawing considered by the Council (Ref: 3108.0216N Revision B) identifies the creation of three units. Three rooms are also referred to in the appellant's Planning, Design and Access Statement and in his Planning Appeal Statement, and in the Council's reports of the applications. For the avoidance of doubt, I consider the appeal on the basis of the specific details as shown on the submitted drawing.

Main issues

3. A main issue common to **Appeal A** and **Appeal B** is the effect of the proposed works upon the special architectural and historic interest of No 68-78 St Stephens Road, a Grade II listed building and, in particular, whether the proposed works would preserve the building or its setting or any features of special architectural or historic interest which it possesses.

4. A further main issue in relation to **Appeal B** is the effect of the proposed scheme upon the living conditions of future occupants with particular regard to outlook, overshadowing and light.

Reasons

Listed building

5. The appeal site comprises part of a listed terrace of two-storey houses with basements, dating from the early nineteenth century. Whilst originally constructed as individual terrace houses, the properties have been converted into an arrangement of some 32 units of bedsit accommodation.
6. The significance of the appeal site as part of a building of special architectural and historic interest relates to its contribution towards an impressive example of Georgian development. No 68-78 is an elegant historic asset outwardly displaying a wealth of architectural features set within an overall period design. The statutory List Entry Description identifies various particular details, including fenestration, yellow brick elevations, a slate roof, chimneys, and a cornice and parapet.
7. Internally, the building does appear to have been subject to various works but, externally, the main frontage remains as an outstanding feature. To the rear, however, various works have been undertaken, including extensions, alterations to windows and doors, introduction of concrete hardstanding and various means of enclosure. Whilst these works generally appear unsympathetic to the building, and this elevation is undoubtedly a secondary feature, the rear façade and its immediate curtilage remain integral elements of the listed asset, and their remaining historic features and form undoubtedly contribute to its overall significance accordingly.
8. Although the building contains a basement, and notwithstanding modest stepped arrangements for basement access from the rear, its historic form and design does not involve a substantial rear lightwell. The lightwell proposed would be of an imposing scale disproportionate to the more modest, subordinate proportions of the rear of host building. Further, the basement would have been originally constructed as ancillary accommodation, it generally lacks significant glazed openings and doors to the rear, and it was not conceived as an exposed feature to that side of the building.
9. Internally, the works would involve some limited alterations to existing walls and accompanying changes to the historic layout. Whilst not extensive and confined to the rear of the basement, the changes would still contribute to some further erosion of the historic plan form of the terrace.
10. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for listed building consent, to have special regard to the desirability of preserving the listed building. A similar duty relating to planning permission is set out in section 66. I find that the proposal, by virtue of the discordant and unsympathetic nature of the scheme, would incur significant harm to the special architectural and historic interest of the Grade II listed building at No 68-78 St Stephens Road. The scheme would harm the heritage significance of the building by detracting from its historic form and by reducing its visual integrity.

11. Accordingly, I conclude that the scheme would fail to preserve the listed building and would be contrary to Policy 2 of the *Great Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk Adopted March 2011, amendments adopted January 2014* (the *Core Strategy*), and to Policies DM3 and DM9 of the *Norwich Development Management Policies Local Plan Adopted 2014* (the *Local Plan*). In particular, and amongst other things, these policies seek to ensure development is of the highest possible standards, respects local distinctiveness, takes account of the contribution which heritage assets make to the character of an area and its sense of place, and maximises opportunities to preserve and enhance their significance.
12. I consider these development plan policies to be broadly consistent with the *National Planning Policy Framework* (the *Framework*) which recognises that heritage assets are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance¹. The *Framework* further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation².

Living conditions

13. The bedsit units would be served by sash windows and glazed doors at basement level looking out onto tall lightwell walls in relatively close proximity. This arrangement would result in a very restricted level of outlook and a likelihood of significant overshadowing within the units. The bedsit units would have no other external outlook and would not be served by any other natural light.
14. I also do not find that these internal shortcomings would in any significant way be offset by the proposed replacement of the existing hardstanding to the rear and its associated works. The proposed grass/amenity area, whilst an improvement to the existing arrangement, would be relatively small and exposed, would serve a large number of units, and would be located in close proximity to vehicle and cycle parking and associated access.
15. Notwithstanding the likely temporary duration of individual tenancies and that the scheme would not involve family housing, I do not find that the proposed accommodation would make for acceptable living conditions.
16. Accordingly, I conclude that the scheme would be harmful to the living conditions of future occupants with regard to outlook, overshadowing and light, and would thereby be contrary to Policy DM2 of the *Local Plan* which seeks, amongst other things, to achieve a high standard of amenity for future occupiers. The scheme would also not accord with the *Framework* which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings³.

Other matters

17. Section 72 of the Act places a duty upon the decision-maker in considering applications for, amongst other things, planning permission and listed building

¹ Paragraph 126

² Paragraph 132

³ Paragraph 17

consent, to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

18. The site forms part of the Newmarket Road Conservation Area and the Council raises no objection in relation to that designation. Given the relatively enclosed setting of the proposed lightwell to the rear of the building, and other external improvements as proposed, I find there would be little wider adverse implication for the significance of the Conservation Area as a whole.
19. An objection is raised by a local interested party regarding the implications for neighbouring living conditions of a further intensification of use. This is not raised in objection by the local planning authority and I have little reason to find specific harm in that regard.

Planning balance

20. I find that the special interest of the designated asset would be harmed and that the proposed scheme would thereby fail to preserve the listed building.
21. The *Framework* makes a distinction between a proposal causing substantial harm to the significance of a designated heritage asset, such as a listed building, and a scheme that would lead to less than substantial harm⁴. I find the harm arising to the designated asset in this instance, whilst of a serious nature, to be less than substantial, and the *Framework* requires such a scale to be weighed against the possible public benefits of the scheme, including securing its optimum viable use⁵.
22. There is no evidence that the existing building could not continue as a viable use in the absence of this scheme, and I acknowledge there would be some public benefits. These would include additional units of accommodation serving local housing need, replacement of the hardstanding to the rear, and replacement of uPVC windows to the rear with timber sash windows matching original windows in both style and profile. Nonetheless, I find no overall public benefits sufficient to outweigh the greater harm arising to the listed building.
23. The duties arising under sections 16 and 66 of the Act make strong presumptions against proposals incurring harm and thereby not preserving a designated asset. This is because the desirability of preservation is a consideration to which special attention must be paid as a statutory duty, and must be regarded as a matter of considerable importance and weight in any planning balance. I find that the scheme would fall short of these duties.
24. Further, I find the proposal would not accord with the development plan as a whole, and nor with the expectations of sustainable development set out in the *Framework*⁶.

Conclusions

25. For the above reasons, **Appeal A** and **Appeal B** are each dismissed.

Peter Rose
INSPECTOR

⁴ Paragraph 134

⁵ Paragraph 134

⁶ Paragraph 6