



Appeal Decision

Site visit made on 22 July 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2019

Appeal Ref: APP/G2625/W/18/3219060

Land between 18 and 20 West Parade, Norwich NR2 3DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Cocksedge against the decision of Norwich City Council.
 - The application Ref: 18/00112/F, dated 19 January 2018, was refused by notice dated 20 September 2018.
 - The development proposed is new development of 2 No. 4 bedroom dwellings with new access road, parking, amenity spaces and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner heading above is taken from the appeal form and decision notice as it is more accurate than that shown on the application form.

Main Issues

3. The main issues are:
 - a) whether the proposed development would preserve or enhance the character and appearance of the Heigham Grove Conservation Area (the CA), and
 - b) the effect of the proposal on the living conditions of occupants of No.18 West Parade, with particular regard to overbearing and light.

Reasons

Character and appearance of the CA

4. The appeal site comprises garages situated between properties on a residential street. The site lies within the CA.
5. The CA covers an area along Earlham Road and Unthank Road, and a number of streets leading off those roads. The CA's significance lies in its exemplification of 19th century residential development, ranging from streets of small Victorian terraced houses to more substantial villas set within leafy surroundings. The sub-area in which the appeal site is located, is characterised by larger villas, many of which are double fronted, and West Parade is characterised by medium-sized houses set within fairly tight plots with high

hedges, railings and walls defining boundaries. The CAA sets out that although some of the front gardens have become parking courts, existing trees remain important landscaping features and should be retained; and, furthermore, that boundary hedgerows, low garden walls and railings contribute to attractive street views.

6. Whilst the garages on the site do not contribute to the traditional architectural quality of the street, the appeal site contributes positively to the significance of the CA as a site surrounded on all four sides by locally listed buildings (LLBs), which has potential for redevelopment sympathetic to the character of the CA.
7. A somewhat denser pattern of development characterises the south-western part of West Parade, between No.30a and the appeal site, compared to larger plots located to the west, east and north of the site. Moreover, there is a two-storey extension on the north side of neighbouring property No.20 which is flush with the boundary with the appeal site. However, I saw during my site visit that a separation gap between buildings and their side site boundaries - at least at first-floor level and in some cases at ground floor level also - is a prevailing and distinctive characteristic of West Parade. This results in a spaciousness, with regular gaps between buildings, which perceptibly contributes to the character of the CA at street level.
8. The proposed location of the full depth of the substantial two-storey core of the new building flush with the site's southern side boundary, without a separation gap, would result in a continuity of built mass from the proposed dwellings to the dwellings at No.20 West Parade. This would be discordant with the prevailing separation pattern described above. In combination with the somewhat narrow gap between the two-storey northern side elevation of the proposed building and the boundary with No.18, the above would result in the proposed development appearing overly 'shoehorned' into the site.
9. The openness of the proposed double-width parking bays, fronting onto the street, would be contrary to the prevailing use of various front boundary shrubs, trees and walling to soften the visual impact of parking and protect the front garden character of the street. This would add to the proposal's discordance with the prevailing distinctive character of the area.
10. For the reasons described above, I consider that the proposal would result in harm to the character and appearance of the CA. The harm identified would be significant, relative to the site and the immediate surroundings of the proposal. However, the effect would be localised and therefore would constitute less than substantial harm to the significance of the CA. In such circumstances, I weigh the harm against the public benefits of the proposal.
11. The proposal would provide two additional dwellings in the area, with associated benefits to the local economy and services during construction phase and subsequent occupation by residents, albeit limited by the scale of proposed development. As such, the proposal's public benefits carry some weight. However, I find that the public benefits do not outweigh the great weight given to the conservation of the CA and the less than substantial harm to its significance which I have identified. As a consequence, the proposed development would not accord with the National Planning Policy Framework¹

¹ Published on 19 February 2019.

(the Framework) insofar as it seeks to ensure, amongst other matters, that heritage assets are conserved in a manner appropriate to their significance.

12. The appellant's view that the proposal's effect on the CA would be, at worst, neutral is noted. However, the harm identified is found for the reasons described above. I appreciate that the officer's report found insufficient harm in relation to character and appearance to justify refusal, but this does not alter my reasoning. In any case, Members reached a different conclusion.
13. To conclude, the proposed development would fail to preserve or enhance the CA. The great weight which the proposed development's harm to the CA's significance attracts, outweighs the public benefits that would accrue. As such, the proposal would conflict with Policies DM3, DM9 and DM12 of the Norwich Development Management Policies Local Plan (2014) (DMP). Together the policies seek to ensure that development is of appropriate design and appearance to conserve or enhance the historic environment. The policies are broadly consistent with the approach of the Framework in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Living conditions

14. The eaves of the proposed building would be just over 2m from the cill of the attic bedroom window in the southern gable of the neighbouring property at No.18 West Parade. The proposed sloping roof would be just over 2.5m away from the window.
15. I appreciate that a hipped roof design is proposed in response to concern about the receipt of light in the neighbouring bedroom. The illustrated access of light above a 25 degree line from the middle of the attic window is also noted. However, given the location of the substantial mass of the proposed building to the south of, and its close proximity to, No.18, and the former's slightly higher ridge height, it is anticipated that the proposal would have an overbearing impact on the neighbouring bedroom, and would detrimentally restrict light into it. There is not substantive evidence before me, for example in the form of a detailed Daylight and Sunlight Study, to demonstrate otherwise.
16. In conclusion, the proposal would be detrimental to the living conditions of occupants of No.18 in terms of being overbearing and restricting light. As such, it would conflict with Policy DM2 of the DMP, which seeks, amongst other things, to ensure that development safeguards the living conditions of neighbouring occupants.

Planning Balance and Conclusion

17. It is not disputed that the Council lacks a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing are to be considered out-of-date and the 'tilted balance' is engaged, as set out in Paragraph 11 of the Framework.
18. Given the scale of proposed development in the form of two dwellings, the benefits - in terms of contribution to local housing supply, with associated socio-economic benefits during and after construction - would be limited. I have identified significant harm in relation to the character and appearance of the CA, and living conditions of neighbouring occupants.

19. The application of policies in the Framework which protect areas or assets of particular importance, which includes designated heritage assets such as conservation areas, provides a clear reason for refusing the development proposed². Moreover, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposals would fail to comply with the relevant policies of the development plan and national guidance, and therefore the appeal should be dismissed.

William Cooper

INSPECTOR

² Paragraphs 11d) i and 193 of the Framework.