
Appeal Decisions

Site visit made on 18 December 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2020

Appeal A Ref: APP/G2625/C/19/3219894

Appeal B Ref: APP/G2625/C/19/3219895

2 Quebec Road, Norwich NR1 4AU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr Adam Edge and Appeal B by Mr Simon Capp against an enforcement notice issued by Norwich City Council.
 - The enforcement notice was issued on 11 December 2018.
 - The breach of planning control as alleged in the notice is without planning permission, the alteration of the flat roofed side extension at the above consisting of:
 - The addition of a pitched roof including gable windows and rooflights;
 - The construction of a single storey rear extension to the side elevation;
 - The insertion of new doors on the front elevation and an associated terrace and steps.
 - The requirements of the notice are to make alterations to the extension as built in order that it complies with the plans attached at Annex E.
 - The period for compliance with the requirements is within 180 days.
 - Appeal A is proceeding on the grounds set out in section 174(2)[a] and [b] of the Town and Country Planning Act 1990 as amended.
 - Appeal B is an identical appeal except there is no ground (a).
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Decision

1. The appeals are dismissed, and in respect of Appeal A, planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. The enforcement notice is upheld with a correction at Schedule 7 to change the date on which the notice takes effect to read '8 January 2019'.

Application for costs

2. An application for costs was made by Mr Adam Edge and Mr Simon Capp against Norwich City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The notice was issued on 11 December 2018 and the date upon which it takes effect is 8 January 2018. This is clearly an error and the Council intended the notice to come into effect on 8 January 2019.
4. The notice states all the matters required by section 173 of the Act and therefore it is not a nullity. However, the reference to '2018' in the date the notice takes effect is an obvious typographical error. The appellants have

clearly realised this and were able to lodge an appeal in time. It therefore follows that no party's interests are likely to have been prejudiced by this error.

5. I have corrected the notice by altering the date upon which it takes effect to 8 January 2019.
6. The appellants have indicated on the Enforcement Notice Appeal Form that they are submitting the appeals on grounds (a) and (b). However, it is clear from their submissions that their arguments are that there has not been a breach of planning control which is ground (c). The Council has addressed ground (c) in its Statement. Therefore, there is no detriment to either party if I consider the appeals under grounds (a) and (c) which is the basis upon which my decisions have been made.

Ground (c)

7. An appeal under ground (c) is that the matters alleged in the notice (if they occurred) do not constitute a breach of planning control. This is a legal ground of appeal and the onus of proof lies with the appellant. The standard of proof is the balance of probabilities. In this case the appellants claim that the works which have been carried out have planning permission and that, notwithstanding any consent, the single storey rear extension to the side extension falls within the definition of permitted development.
8. There is no disagreement between the parties that planning permission has been granted for the enlargement of side extension and replacement roof (Council Ref 17/00095/F) and a single storey side and rear extension (Council Ref 18/01104/F) at 2 Quebec Road. The most recent application was made following works being carried out and is described by the appellants as a 'retrospective application'. However, during the course of the determination of this application amendments were made to the plans such that the drawings do not reflect what has been built on site. Consequently, although planning permission has been granted for alterations and extensions, they are not those which are shown on the approved plans and they do not have planning permission.
9. With regard to the single storey rear extension, save for reference to 'Permitted Development guidelines' there is no evidence before me to demonstrate that this part of the appeal scheme constitutes permitted development. Given that the burden of proof lies with the appellants it has not been shown that the single storey rear extension does not constitute a breach of planning control.
10. For the reasons set out above the appeal fails on ground (c).

Ground (a) and the deemed planning application (DPA)

11. Ground (a) is that planning permission should be granted for the matters stated in the notice.

Main Issue

12. The main issue is the effect of the development on the site and the surrounding area, which forms part of Thorpe Hamlet Conservation Area (the CA); a designated heritage asset.

Reasons

13. Quebec Road forms one edge of the CA, which is home to an eclectic mix of buildings of varying age and style. The steeply sloping nature of Quebec Road and other streets in the area offer long views towards the city centre and vistas of groups of houses which generally front the public thoroughfares. The majority of buildings have a horizontal emphasis as a result of their grouping in terraces or their width relative to the shape of the gardens in which they stand.
14. 2 Quebec Road (No. 2) occupies an elevated position relative to the street and its three-storey height, low angled roof and chimney, give it a strong presence in the street scene particularly when viewed in close quarters. However, from further away the house blends into the group of houses on the same side of the road, which include a very prominent three-storey flat roofed house next door.
15. In terms of their impact on the front elevation of No. 2 and the surrounding area, the key elements of the extension and works which have been completed are the pitched roof, the windows/doors and the access stairs and terrace.
16. Despite the variety of building types in the area, the steeply pitched roof with its gable end facing the road is an anomaly for which there are no precedents in the vicinity of the site. The detailing in the form of the heavy barge boards which limit views of the ridge tiles and the finial which projects above and below the highest part of the gable emphasises the verticality of the extended part of the building and draws attention to it. The result is that unlike other elements of the character and appearance of Quebec Road including the existing house, the extension dominates the street scene and appears as an incongruous feature which detracts from the host dwelling and the wider area.
17. Planning permission has already been granted for a scheme incorporating a steeply pitched gable ended extension (Council Ref: 18/01104/F) which is a viable fall-back, and which would have a similar radical impact on the character and appearance of the area. However, the detailing of that scheme which includes a tile edge visible on the front elevation and narrower barge boards and which omits the finial significantly reduces the visual impact of the extension. The two schemes are not identical and the differences between them render the approved scheme acceptable in its context while the development which has been completed on site detracts from the character and appearance of the area.
18. The windows and doors are compatible with the host dwelling as are the stairs and terrace, the balustrades of which has been painted in a similar colour to the front walls of the house and the extension. They contrast well with the red brick treatment to the steps serving the front door and they have a subservient relationship to this main entrance to the house.
19. In summary, whilst I find elements of the development to have an acceptable visual impact, the scale and detailed design of the barge boards, which are an integral part of the alteration of the flat roofed side extension, are harmful to the character and appearance of the site and the surrounding area, which forms part of Thorpe Hamlet Conservation Area. Therefore, the development is contrary to Policies DM1, DM3 and DM9 of the Norwich Local Plan Development Management Policies Plan (2014). These policies require development to protect and enhance the environmental and heritage assets of the city, to

respect, enhance and respond to the character and local distinctiveness of the area and to safeguard Norwich's heritage.

20. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of its design the alteration of the flat roofed side extension has a harmful impact on the CA. However, the harm would be less than substantial.
21. Paragraph 196 of the National Planning Policy Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. In this case although in comparison with the original appearance of the house prior to the works carried out by the appellants, the site makes a positive impact on the CA, which is a public benefit, there are no public benefits to outweigh the particular harm to the designated heritage asset that I have found in relation to the alteration of the flat roofed side extension specifically. Whilst the consented scheme meets the test of preservation and enhancement of the CA the 'as built' scheme fails to do so.

Conclusion in respect of ground (a) and the DPA

22. For the reasons given above, I conclude that the appeal on ground (a) should fail and the deemed planning application should be refused.

Conclusion

23. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice, as corrected, and refuse to grant planning permission on the deemed application (Appeal A).

Sarah Dyer

Inspector