



Appeal Decision

Site Visit made on 1 December 2020

by L Fleming BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2021

Appeal Ref: APP/G2625/W/20/3257450

Plantation House, 4 Earlham Road, Norwich NR2 3DB

- 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 Graham Briggs against the decision of Norwich City Council.
 - The application Ref 20/00150/F, dated 31 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is new garden gates/means of enclosure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I acknowledge the comments about whether or not the proposal is lawful development. However, paragraph A.1(d) of Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 says development is not permitted by Class A if it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding a listed building. I have determined the appeal on its merits on this basis. It is open to the appellant to seek a determination from the local authority as to whether or not the proposal is lawful, that matter is not before me.
3. There is limited information before me concerning how the proposal would be installed, particularly any fixings or foundations. Had I been minded to allow the appeal further clarification would have been sought. However, as I am dismissing the appeal for other reasons, I am satisfied that no party has been prejudiced by my approach.

Main Issue

4. The main issue is the effect of the proposal on the grade II registered historic park and garden known as Plantation Gardens, the setting of the grade II listed 4, Earlham Road and the character or appearance of the Heigham Conservation Area.

Reasons

Significance

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed

building or its setting or any features of special architectural or historic interest. Section 72(1) of the same act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) makes clear 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 conservation.

6. The grade II listed 4, Earlham Road (Plantation House) is a large detached property currently being converted from a hotel back to its original use as a dwelling. Next to it and within its setting is Plantation Gardens, a grade II listed historic park and garden (Plantation Gardens). Plantation House and Plantation Gardens were developed and occupied by local businessman, Henry Trevor as a private residence and gardens. They are both within the Heigham Conservation Area (CA).
7. Plantation House is a Victorian property of two storeys constructed of yellow brick with a hipped slate roof. It has a symmetrical Georgian-style design with formally arranged sash windows, centrally positioned steps up to a panelled entrance door with pilasters, columns and hood with a plain entablature. The main front elevation of Plantation House looks towards Plantation Gardens which form part of its setting.
8. Plantation Gardens is an Italianate gothic sunken garden developed in a former chalk and flint quarry which was developed after the completion of the house, in the second half of the 19th Century. A hardstanding in front of Plantation House leads to stone steps which lead to an elaborate terrace wall known as medieval terrace and then down to gardens which include a gothic stone fountain, formal bedding and lawns. Walkways are set in wooded bank sides and the medieval terrace and other built features are heavily decorated.
9. The CA comprises mainly 19th century terraced dwellings and detached houses in mature landscaped plots. It also includes a number of ecclesiastical buildings including the dominant Roman Catholic Cathedral. It is close to and is an early expansion out from the city centre and has an erratic topography based on historical chalk and flint quarrying.
10. The significance of Plantation House is derived from its formal architectural detailing and its orientation and relationship with Plantation Gardens. The significance of Plantation Gardens derives from its eclectic Italianate and gothic decorative built form, its topography and its relationship with Plantation House. The significance of the CA is founded on the variety and quality of the architecture, its topography and relationship with the city centre.

Proposals

11. The proposed development would replace a section of hazel fencing with four steel posts, supporting a steel gate between two steel panels which would all be black powder coated. The proposal would be installed at the top of steps up from an open area of lawn and would be widely visible alongside the medieval terrace, stone steps and balustrade.

The effect of the proposal on Plantation Gardens

12. The panels and gate would be tall and wide and would have a dense repeating pattern of scrolls, rail heads and horizontal, vertical and diagonal rails.

Constructed from powder coated steel they would have a heavy, formal and modern appearance.

13. The installation of a gate in principle would reinstate the ability to use the historical route between Plantation House and Plantation Gardens irrespective of whether or not the existing fencing is authorised. I also acknowledge the comments about the right of way between Plantation House and Plantation Gardens. However, without the proposed gate this route and relationship between Plantation House and Plantation Gardens is apparent and noticeable by the steps and the medieval terrace between them and the orientation of Plantation House looking towards Plantation Gardens below.
14. I acknowledge the proposal would allow views through the gaps in the metalwork between Plantation House and Plantation Gardens whereas the existing fencing does not. I also note the existing fencing was not intended to be permanent and acknowledge Plantation Gardens includes built features of a variety of styles.
15. However, irrespective of whether the existing fencing is authorised or not it has a soft natural appearance blending into the adjacent planting whereas the proposed gates and panels would not. Instead the proposed development would introduce a formal, heavy, modern feature which would noticeably conflict with the irregular eclectic finish of the medieval terrace wall and the elegant, worn and weathered steps and balustrade. For these reasons, the proposal would be an incongruous feature of the historic park and garden which would detract from its historical built features harming its significance.

The effect of proposal on Plantation House

16. The proposed development through its formal design would not appear out of place when viewed against the formal architectural detailing of the listed building. However, for the reasons given above, the conflict with the built features of Plantation Gardens would be noticeable within its setting. This conflict would also harm the setting and significance of the listed building.

The effect of the proposal on Heigham Conservation Area

17. Even though the proposal would be a relatively modest form of development within the CA, the harm I have identified arising from the conflict with the built features of Plantation Gardens and its resulting incongruity, means the proposal would also fail to preserve or enhance the character or appearance of the CA, harming the significance of the CA as a whole.

Planning and Heritage Balance

18. The combined harm I have identified to the significance of the designated heritage assets would be less than substantial. In which case paragraph 196 of the Framework requires it to be weighed against the public benefits of the proposal, including where appropriate, securing optimum viable use.
19. The proposal would improve both accessibility and security to Plantation House and Plantation Gardens. It would also provide limited views and reinstate the ability to use the historical route between them. Even if I were to accept these matters as public benefits, when combined they would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.

20. In reaching these conclusions I have considered the numerous examples of gates and enclosures nearby. However, the harm I have identified relates directly to the impact of the proposal on Plantation Gardens and the conflict with the built form therein at the specific location proposed. The gates at the entrance to Plantation Gardens are of a completely different design and are not viewed alongside the medieval terrace in the same way as the appeal proposals would be. Furthermore, whilst I acknowledge the schemes already approved¹ it does not include gates such as those proposed or similar or in the same specific location. Therefore, none of the examples display the same architectural or contextual circumstances as the proposal. They are not therefore directly comparable, consequently I afford them limited weight.
21. Overall, I am therefore led to the conclusion that the proposed development would harm the significance of Plantation Gardens, would fail to preserve the setting or significance of Plantation House and would not preserve or enhance the character or appearance of the CA contrary to the respective sections of the Act and the Framework. For the same reasons it would also conflict with Policies 1 and 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, as amended 2014), Policies DM3 and DM9 of the adopted Development Management Policies Local Plan (2014) which seek to achieve good design and ensure new development preserves, enhances or better reveals the significance of designated heritage assets.

Other Matters

22. I acknowledge the comments about the Council's handling of the planning application, particularly the concerns with regard to the comments received from the Council's Conservation and Design Officer and the historical applications relating to the property. I also note the limited objections to the proposal. However, I have determined the appeal on its planning merits and these matters or any others raised do not alter my earlier findings.

Conclusion

23. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

¹ Council References 19/00557/F & 19/00558/L