
Appeal Decision

Site visit made on 21 September 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2021

Appeal Ref: APP/G2625/W/21/3267092

**The Shoemakers Court, Earlham West Centre, Enfield Road, Norwich
NR5 8AD**

- 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 Manor Lake Properties against the decision of Norwich City Council.
 - The application Ref: 20/00785/F, dated 7 July 2020, was refused by notice dated 25 September 2020.
 - The development proposed is described as extension to The Shoemakers forming new student accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of these new policy documents in relation to the appeal, and so will not be disadvantaged by my consideration of this document.
3. Since the Council's decision, the following documents have been submitted which are relevant to consideration of the second reason for refusal. The agreement made under Section 106 of the Town and Country Planning Act 1990, agreed by the parties, covers provision for the proposed development's integration with and access to the existing Shoemaker's Court student accommodation, and associated management arrangements, amenity space, parking, cycle parking, refuse storage and surface water drainage system. Furthermore, the letter from the University of East Anglia indicates an anticipated increasing demand for purpose-built student accommodation in Norwich. In the light of the above, the Council indicates that these matters, which were the basis of the second reason for refusal (RFR) have been acceptably addressed so that this RFR is overcome, which I accept.

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a compound used for storage of construction materials. The area around the site is characterised by a mix of architectural styles. Opposite the site are three-storey, pitched roof buildings with shops on the ground floor and residential accommodation on the first and second floors, mixed with single-storey shops. The adjacent Shoemaker Court student housing complex comprises flat-roofed blocks, which step down from four to three storeys towards the appeal site. The Shoemaker Court building includes chamfered corners that harmonise with the line of nearby pedestrian flow. The impression of building heights stepping down from the Earlham West Centre (EWC) is further conveyed by the presence of two-storey dwellings, viewed looking north-west along Enfield Road.
6. The Twenty Acre Wood public open space (POS) is located on the other side of the site. It includes a playground and an apparently regularly used pedestrian route that runs from the woodland to the north, and emerges onto Enfield Road close to the western corner of the appeal site.
7. The proposal is for a four-storey building. The similar height of the four-storey block in the Shoemaker Court complex and three-storey buildings on the opposite side of Enfield Road would go some way to assimilate the proposal into its setting, viewed from the EWC. The backdrop of mature trees within the POS would have a similar effect. Moreover, the four-storey height of the proposed block would have a unifying, 'bookend' effect, in combination with four-storey elements of the adjacent development.
8. Furthermore, the combination of the approximately 2m wide proposed planting buffer strip and the green wall planting along the north-eastern half of the proposed building's north-western elevation would help soften that part of its interface with the POS. The envisaged green wall planting on the south-western half of the proposed building's north-western elevation would also have some softening effect.
9. Nevertheless, the south-western half of the proposed building's north-western elevation would jut out as it approaches its western corner, preventing continuation of the planted buffer strip. The proximity of this jutting out part of the building elevation to the POS and its pedestrian route, together with the absence of continuation of a planted buffer strip and a chamfered building corner, would result in an uncomfortable interface with the POS for the following combination of reasons.
10. It would result in an overly abrupt interface between the substantial four storey expanse of the western corner of the proposed building and the POS. This part of the building elevation and its ground floor windows would appear and feel uncomfortably close to the POS and its pedestrian desire line, without continuation of a defensible and visually softening area of planted buffer. Furthermore, this part of the proposed building would appear as an excessively sharp and abrupt corner treatment at the interface of the POS with its pedestrian desire line, and Enfield Road. It would also not reflect the characteristic of chamfered building corners that harmonise with the line of nearby pedestrian flow that is established at the adjoining Shoemaker's Court.
11. On this south-western part of the proposed building's north-western elevation, the proposed green wall treatment would not, alone, remedy this jarring

impact at a prominent corner in the neighbourhood's townscape. Furthermore, the proximity of this part of the building elevation to the POS and its pedestrian route, and the absence of a defensible landscape buffer strip are likely to result in a risk of vandalism of the green wall and graffiti on uncovered areas of wall.

12. The above adverse impacts would be perceptible from various points in the locality on the pedestrian and vehicular route along Enfield Road to and from the EWC neighbourhood centre, from the POS and in some ground floor parts of the proposed building towards its western corner.
13. I appreciate the appellant's intention to address what they consider to be the only failing identified in the previous appeal decision¹, through the landscape treatment of the proposed building's north-western elevation. However, while the previous appeal decision's dismissal of the previous proposal at the site, including on character and appearance grounds, referred to absence of a green wall and landscape buffer, it does not automatically follow that the current appeal proposal's green wall and planting which has been added, illustrated and analysed by the parties since the previous appeal decision renders the current appeal proposal acceptable in character and appearance terms. For the reasons set out above, there is significant concern about the interface of the proposal with the POS.
14. To conclude, the proposal would harm the character and appearance of the area. As such, it would conflict with Policy JCS2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, as amended 2014) and Policies DM3, DM12 and DM13 of the Norwich Development Management Policies Local Plan (2014), which together seek to ensure that development complements the character and appearance of the area.

Other Matters

15. Some local residents have expressed concerns about construction management, parking and highway safety, and lighting intrusion which go beyond the reasons for refusal. As I am dismissing the appeal on other grounds it is not necessary for me to consider these matters further in this instance.
16. The proposal would contribute 34 additional units to the supply of student accommodation in Norwich, within a context of anticipated increased future demand for purpose-built student accommodation in the city. This would contribute to lessening potential future pressure on housing stock for non-student residents on the city. It would also provide socio-economic benefits during and after construction, including additional custom for businesses in the EWC. This amounts to a substantial combination of benefits. However, these benefits would not outweigh the significant identified harm to the character and appearance of the area.

Conclusion

17. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper INSPECTOR

¹ Appeal Ref: APP/G2625/W/18/3214962.