



Appeal Decision

Site visit made on 13 January 2022

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2022

Appeal Ref: APP/G2625/W/21/3276863

Ailwyn Hall, Lower Clarence Road, Norwich NR1 1HD

- 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 Lower Clarence Road Investment Ltd against the decision of Norwich City Council.
 - The application Ref 20/01387/F, dated 6 November 2020, was refused by notice dated 12 March 2021.
 - The development proposed is to complete the removal of an existing derelict structure and redevelop the site to provide a new build hotel, a ground floor (use class) E unit, disabled parking and associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted an acoustic report with the appeal which the Council states overcomes its third reason for refusal. Consequently, the Council is no longer defending that reason.

Main Issues

3. The main issues in the appeal are the effects of the development on:
 - i) the character and appearance of the area, including its effect on heritage assets; and
 - ii) the living conditions of adjacent occupants.

Reasons

Character and Appearance

4. The site formerly accommodated a social club for railway workers comprising a building fronting Lower Clarence Road with a bowling green to its rear. The site has been vacant for a number of years. The building is now in a derelict state with no roof and the site is overgrown. It lies within the St Matthews Conservation Area (CA). To the north of the site is a mid-19th century house¹ which has been converted into flats. Next to this is a similar building also in residential use. These buildings are locally listed and typify the historic character along Thorpe Road.

¹ 11 Thorpe Road

5. To the west of the site is a modern flatted development² which is of 5 storeys in its centre, reducing to 4 storeys next to the site. To the east there is a large Royal Mail sorting office which fronts onto Thorpe Road. This is not within the CA.
6. Planning permission was granted in 2008 for a development of 21 flats on the site and this was subsequently renewed in 2011. The appellant states that that permission has been implemented and has provided a statutory declaration to this effect together with photographs. These show the construction of a foundation and partial demolition of the interior of the existing building. The Council does not accept that the previous permission has been implemented on the basis of the evidence submitted.
7. For the purposes of this appeal, it is not for me to determine whether or not the existing permission has been implemented. However, the approved scheme is material in that it indicates a development previously found by the Council to be acceptable in terms of its scale and its effect on neighbouring occupants.
8. The frontage of the proposed hotel would be of 5 and 6 storeys. Its overall height would be about 3.6m higher than the previously approved scheme. The 5 storey part would be very close to Regency Court and about two storeys higher than the adjacent part of that development. The sorting office building is set well back from Lower Clarence Road. Although its height when viewed from the south would approximately coincide with that of the proposal, it is on higher land than the site.
9. The scale of the proposal would be significantly greater than that of Regency Court. Its height and forward projection in relation to that building would not respect the scale of the adjacent building. It would differ markedly from the previously approved scheme in this respect. In that scheme, the part of the development closest to Regency Court would have been 2 storeys on the frontage increasing to 3 storeys further back.
10. For the above reasons I find that the proposed development would be out of scale with the neighbouring building and that it would be unacceptably bulky and visually intrusive in the street scene of Lower Clarence Road. It would also be widely visible across the area to the south, including from Koblenz Avenue.
11. For these reasons the height, scale and massing of the proposal would be excessive in relation to the existing character. The proposal would not respect, enhance and respond to the character and local distinctiveness of the area which are requirements of Policy DM3 of the Local Plan³ (LP).
12. The CA is characterised mainly by buildings of domestic scale including large houses in gardens along Thorpe Road and terraced housing. Because the development would not respect the scale and character of existing buildings it would not preserve or enhance the character or appearance of the CA.
13. The Norwich railway station and concourse buildings are listed at grade II. The site is at a higher level than those buildings. There is an abrupt change in level adjacent to the station which encloses its setting to some extent, but nonetheless there is an openness around the station which enables the

² Regency Court

³ Norwich Local Plan Development Management Policies Plan (2014)

surrounding buildings to be seen from the station. The proposal, because of its elevated position and scale would be likely to be prominent in views from the station platforms.

14. From the forecourt of the station building and the route to the side of that building the proposal would be visible although it would be partially screened from view by Regency Court. Its blank side wall projecting forward of Regency Court would be likely to be particularly prominent.
15. For the reasons given above, the development would be intrusive within the setting of the listed railway station buildings. However, the increased scale comparative to the previous scheme would not be such as to result in any more than less than substantial harm to the setting of the listed building and to the CA.
16. Policy DM9 of the LP requires development to have regard to the historic environment and to maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets. Policy 1 of the Joint Core Strategy⁴ (JCS) requires conservation and enhancement of the built and historic environment, heritage assets and their settings. Policy 2 of the JCS requires a high standard of design, respecting local distinctiveness including the historic environment and townscape. The development would not accord with those policies.
17. There would be public benefits in terms of providing employment, tourist accommodation and contributing to the local economy. I give combined very significant weight to those benefits. However, this is not sufficient to outweigh the considerable weight that I give to conservation of the identified designated heritage assets.
18. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the area.

Living Conditions

19. The adjacent property to the north at 11 Thorpe Road has 16 windows which would face the rear part of the development. These are arranged over four storeys. The submitted Daylight and Sunlight Assessment shows that four lower ground floor windows⁵ would receive between 61% and 65% of the daylight levels currently received.
20. In Regency Court there are 3 windows facing Lower Clarence Road, over 3 storeys which would be adjacent to the forward projecting wall of the proposal. The Assessment shows that those windows would receive 64% to 66% of current daylight levels. The Council states that these windows are to bedrooms which are habitable rooms.
21. Guidance published by the Building Research Establishment⁶ states that the vertical sky component should be no less than 80% of its former value. It is clear that four windows in 11 Thorpe Road and three in Regency Court would receive significantly less than this.

⁴ Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)

⁵ Numbers 1, 4, 8 and 11 in the Daylight and Sunlight Assessment

⁶ BRE: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice and BS8206: Part 2: Lighting for Buildings – Code of Practice for Daylighting

22. The appellant seeks to use the 80% guideline in comparison to the previously approved scheme. However, the guidance is clear that this approach can only be taken in relation to existing development and not development that has been approved but not built.
23. At the rear, the proposal would differ from the previous scheme in that it would be taller and would occupy a greater proportion of the width of the site. Although the development would step down in height towards the rear of 11 Thorpe Road, the 4/5 storey part would be about 16 metres from that building and the two and three storey parts of the building would extend much closer than this. The sorting office already encloses the space at the rear of that property.
24. As well as reducing daylight to 11 Thorpe Road, the proposal would have an overbearing appearance and would harm the outlook from the rear facing windows in that property.
25. For the reasons given the proposal would unacceptably harm the living conditions of adjacent occupants. The proposal would not accord with Policy DM2 of the LP which resists development that would have such an impact.

Conclusion

26. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR