
Appeal Decisions

Site visit made on 24 March 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal A - Ref: APP/G2625/W/21/3274824

Norwich School Refectory and adjacent Palace Lawn, The Close, Norwich, Norfolk NR1 4DD

- 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 Norwich School against the decision of Norwich City Council.
 - The application Ref 20/00808/F, dated 14 July 2020, was refused by notice dated 20 November 2020.
 - The development proposed is the demolition of the existing school dining hall, ad hoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.
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Appeal B - Ref: APP/G2625/Y/21/3274825

Section of Precinct Wall adjacent to existing school and dining hall, and adj. Palace Lawn, Norwich, Norfolk NR1 4DD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Norwich School against the decision of Norwich City Council.
 - The application Ref 20/00809/L, dated 14 July 2020, was refused by notice dated 20 November 2020.
 - The works proposed are partial demolition and rebuilding works to the listed Precinct Wall to reopen a historic filled-in opening, together with the provision of new surrounds to the opening and an entrance door and any associated repair works.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. I have considered the two appeals concurrently as there are common matters between them. I have taken the description of the proposed works in Appeal B from the appeal form as this is more accurate. An application for an award of costs was made by Norwich School against Norwich City Council. This application will be the subject of a separate Decision.

Main Issues

3. The Council has confirmed through its statement of case that the proposal would result in a biodiversity net gain. As a result, it has withdrawn the section of the reason for refusal that alleged the proposal would lead to a significant impact¹ on biodiversity at odds with Policy DM6 of the Norwich Development

¹ I have taken this to mean a significant adverse impact given the background context

Management Policies 2014 (DMP). After reviewing the substantive technical evidence before me², I share the views of the Council and appellant on this matter. As a result, the main issues are:

- Whether the proposal would preserve or enhance the character or appearance of the Norwich Conservation Area (CA), including the effect on visual amenity;
- Whether the proposed works would preserve the Precinct Wall, which is Grade II* listed; and
- Whether the proposal would preserve the setting of The Bishops Palace (Grade I), The Precinct Wall (Grade II*), Bishop Reynold's Chapel (Grade II*), Bishop Salmon's Porch (Grade II*), Bishops Gate (Grade I), The Church of St Martin-at-Palace Plain (Grade I), The Cathedral of the Holy and Undivided Trinity (Grade I) and the six listed buildings on St Martin-at-Palace-Plain³ (all Grade II).

Reasons

Whether the character or appearance of the CA would be preserved or enhanced

4. The CA is large and is broadly focussed on the area once contained by the medieval city walls. It includes a castle, market square and Cathedral Close interlinked with a rich mix of different buildings that span a considerable period. The CA is therefore a repository of urban morphology, social history and past building styles and techniques. Given its size, the CA has several discernible character areas, and these are outlined in the Norwich City Centre Conservation Area Appraisal (CAA). The appeal site is in the Cathedral Close Character Area with The Northern Riverside Character Area located beyond the Precinct Wall.
5. The Cathedral Close is one of the most historic parts of the city. The majestic Cathedral with its tall spire is the focus of the Close and is also a city-wide landmark. The Cathedral Close incorporates several open spaces and mature trees and this provides it with the character of a verdant oasis separate from the general bustle of the city. Several local artists have, over time, captured this in their paintings⁴. The relative sense of tranquillity and intimacy in the Close is enhanced by the presence of the Precinct Wall and the main points of arrival being through two gates entered from the busy Tombland. Accordingly, the significance of the CA, in so far as it relates to this appeal, is primarily found in its historic (including illustrative, evidential and communal), and architectural (aesthetic) value⁵.
6. The appeal site incorporates an area of the school grounds to the north and west of the Bishops Palace located in between several listed buildings. Historic maps demonstrate that this area has been part of the grounds of the Bishops Palace for some time and remained undeveloped until the mid-20th Century when the existing dining hall was constructed. Therefore, rather than being divorced from the Cathedral Close Character Area it is an important part of it.

² Principally the appellant's Ecology Statement, which is unchallenged by the Council

³ 1 and 2 St Martin at Palace Plain, The White Lion, Cotman House, 8 St Martin at Palace Plain, 9 St Martin at Palace Plain and 10 St Martin at Palace Plain

⁴ See Appendix D of the Council's Statement of Case

⁵ The parties have referred to values as defined in Historic England's Conservation Principles 2008, a revised consultation draft of this document and the definition of 'significance' in the National Planning Policy Framework.

7. A thick belt of planting along the precinct wall is shown on several historic maps and photographs and this demonstrates there is a long period of continuity to the area being landscaped. This planting would have reinforced the sense of separation between the Bishops Palace and Palace Street/Whitefriars⁶. This sense of separation endures and is an important part of defining the Cathedral Close Character Area. This adds to the significance of the CA as a whole.
8. The trees proposed for felling tower over the Precinct Wall and are visible from distance. They are therefore a visible repository of the historic composition evident on old maps and are important to the verdant setting and structure of the Cathedral Close when viewed from outside the Precinct Wall - mainly along Palace Street, Whitefriars and St-Martin-At-Palace-Plain. In this respect, the view from Whitefriars Bridge towards the Cathedral, which incorporates the trees in the appeal site and the Precinct Wall, is specifically identified in the CAA as a positive vista. The trees are an important component of this vista because they soften the street scene whilst adding maturity, depth, texture, and interest through the seasons.
9. When viewed in the context of the Precinct Wall, the trees are also an imposing physical feature that reinforces the Cathedral Close's contained sense of separateness from the rest of the city. From within the Cathedral Close, the trees proposed for felling are viewed in the context of the lawn in front of the dining hall and the gardens to the east. The trees therefore reinforce the verdant character of the Cathedral Close and provide a pleasant mature foreground, or background, in views to or from the historic buildings nearby.
10. The trees are also aesthetically striking when viewed from both inside and outside the Cathedral Close. Consequently, they contribute positively to the aesthetic value of the CA and the visual amenity of the area, although this is perhaps fortuitous. The London Plane is a particularly pleasing specimen tree protected by a TPO. It is rated Category B in the Arboricultural Assessment submitted by the appellant with a life expectancy of 40+ years.
11. Considering the foregoing, although the trees are not heritage assets, they are nevertheless of considerable amenity value and contribute positively to the character and appearance of the CA as a whole as well as its historic and aesthetic value and significance. As a result, they are identified as 'important trees' within the CAA, as are those on the northern side of the precinct wall that also fall within the Cathedral Close Character Area.
12. The erection of the proposed development would necessitate the felling of twelve trees, including the TPO protected Plane tree. This would result in a harmful diminution in the verdant character of the Cathedral Close when viewed from either side of the Precinct Wall. It would also open views into the Cathedral Quarter thereby eroding its sense of intimacy and separateness. The Townscape Assessment submitted by the appellant demonstrates that the impact would be localised but nevertheless visible from several vantage points including Whitefriars and the area around the Wig and Pen. It would also be very evident from various views along Palace Street. The loss of the trees would therefore be clearly perceptible, and this would seriously harm the aesthetic quality, significance, and townscape of the CA.

⁶ A photograph from 1951 in the masterplan by Ptolemy Dean demonstrates this. It also demonstrates the progressive loss of trees around the Bishops Palace

13. The 'important' group of trees to the north of the Precinct Wall would be retained and therefore views from the direction of Whitefriars Bridge would not be devoid of planting. However, there would nevertheless be a significant and highly perceptible reduction in tree cover. As a result, the retention of these trees would not mitigate for the felling of others. I accept that the trees proposed to be felled will die eventually and most are of lower quality with a life expectancy of around 20+ years. However, constructing the appeal scheme would remove any opportunity to provide replacement trees in a similar position and thus retain the continuity of mature planting behind the Precinct Wall.
14. In an attempt to mitigate the loss of the trees, the appellants are proposing to plant twenty-one trees within the appeal site including two focal trees (an English Oak and London Plane). The focal trees would be partially visible upon planting and would mature thereafter. The other planting would involve small ornamental species of limited amenity value. However, the maturity and scale of the existing tree group proposed for felling is substantial. The new trees would not reach this maturity for some considerable time. In fact, the new trees may not be able to reach the same scale for practical reasons. For example, a mature oak sited between the proposed dining hall and Bishops Palace could reduce light and cause a nuisance from leaf and branch shedding.
15. A further sixty-two trees would also be planted around the wider Cathedral Close. However, these would be in locations where there is already mature tree cover and therefore the visual impact, even at maturity, would not be as visually influential on the townscape as the trees proposed for removal. Moreover, many of the new trees proposed for planting in the wider Cathedral Close would apparently replace others felled over the last twenty years. Thus, in some respects the new tree planting would simply be mitigating past tree loss. In any event, these new trees would not have the same relationship with the historic grounds of the Bishops Palace, the Precinct Wall and the views beyond. They would not mitigate the harm identified.
16. Removing the trees would allow clearer views of the Cathedral, which is an important building in the CA. Policy C of the CAA seeks to enhance views of citywide landmarks such as the Cathedral. However, the presence of the trees does not harm any views within the CA or its significance. As already explained, they add texture and depth to the view of the Cathedral from the north and therefore enhance the aesthetic quality of CA. In fact, during the winter, when the trees are not in leaf, the Cathedral is better revealed. This adds a pleasing dynamic quality to the street scene. Thus, removing the trees would have a serious overall negative visual impact.
17. In respect of the Bishops Palace, removing the trees would allow partial distant views of an attractive building in the CA. However, the more important view of this building is from within the appeal site and the proposal would harm this for reasons I will go into. In any event, historic maps suggest the Bishops Palace was located within an intimate and private landscaped setting behind the Precinct Wall and therefore generally had a limited interface with the streets to the north. As a result, opening views of this building by removing important trees would not result in a net benefit to the CA.
18. In conclusion, the character, appearance and significance of the CA as a whole would not be preserved due to the serious harm caused by the proposal. In so

doing, the visual amenity of the area would also be harmed. The proposal would therefore be at odds with Policies DM1, DM3 and DM9 of the DMP. These policies seek to secure development that preserves the significance of heritage assets and that of local character more generally. The proposal would also be at odds with Policy DM7 of the DMP as, for reason I go into, the loss of the trees would not be justified by exceptional and overriding benefits.

Whether the proposed works would preserve the Precinct Wall

19. The archaeological assessment submitted by the appellant, which is not disputed by the Council, demonstrates that the Precinct Wall was originally constructed in the 13th Century. Over time, the wall has been subject to major repair including the addition of brick piers and areas of rebuilding. Nevertheless, the structure is of considerable historic and evidential value as a surviving medieval feature, the purpose of which was to distinguish the Cathedral Close from the wider city.
20. The wall is not devoid of minor openings with some examples in Palace Street and St-Martin-At-Palace-Plain. Nevertheless, the wall has an overriding sense of solidity with the section generally visible from Whitefriars being well preserved and uncluttered by buildings rising above it. The solidity of the wall is therefore part of its significance and is important to how it is experienced.
21. The insertion of a new door into the wall would erode the sense of solidity. Therefore, I share the view of the Council that there would be harm to the significance of the structure. In coming to this view, I accept that the new entrance would be making use of a previous blocked-in doorway that was probably once used to access the garden of the Bishops Palace. This would lessen the impact. However, the fact this historic entrance was blocked in is of some interest in understanding the evolution of the wall. Moreover, the new entrance would be wider and would have an atypical off-centre door opening. As a result, it would be unlike other openings⁷.
22. In conclusion, the proposal overall would result in some minor harm to the special interest and significance of the Precinct Wall. In so doing it would fail to preserve it, contrary to the expectations of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') and Policy DM9 of the DMP in so far as relevant.

Whether the proposal would preserve the setting of other listed buildings

23. The Heritage Statement (HS) submitted by the appellant has methodically identified the designated heritage assets that would be affected by the proposal and then assessed the impacts of it upon them. For the reasons already given, I do not share the conclusions reached regarding the impact on the CA. However, there seems to be agreement between the Council and appellant as to the impacts of the proposal on the other designated heritage assets identified, save for The Cathedral of the Holy and Undivided Trinity. I have summarised my assessment below.
24. Bishops Palace – This is a high status building experienced within a verdant setting and the remnants of its historic grounds. Its setting therefore contributes to its historic and aesthetic value/significance. The proposal would

⁷ The intention is also to stain the oak door and its surround, which could appear discordant. The finish of the door could, however, be controlled through a condition.

reduce the spatial separation between the Bishops Palace and the existing refectory and diminish the depth of views currently available from the historic grounds. The siting of the proposed dining hall would push built form towards the northern elevation of the Palace and change the nature of available views to and from it. The impact would be mitigated to an extent by the good design⁸ evident in the carefully considered interface and the intervening landscaping. That said, the proposal would have a notably greater presence than the existing, albeit mediocre, refectory building. Overall, there would be limited harm to the setting and significance of the Palace.

25. The Precinct Wall – As already explained, the significance of this heritage asset is largely derived from its role as a continuous barrier between the Cathedral Precinct and the rest of the city. The section of wall visible from the direction of Whitefriars is intact and relatively uncluttered. This setting adds to the understanding and experience of the wall. The proposal would result in structures being visible almost directly above the wall. The new teaching facility would be reasonably stark given the loss of the trees and the proposed height. This would harmfully erode the baseline setting and significance of the wall. That said, the impact would be along a short section of the wall and the new dining hall would not be visible from the immediate street level. The proposal would also allow the inside of the wall to be better appreciated. In this respect, aspects of the significance would be better revealed. As a result, there would be limited overall harm to the Wall’s setting and significance.
26. Bishops Salmons Porch – This structure is the only remaining element of Bishop Salmon’s state hall and derives historic, architectural, and archaeological significance as a result. It’s interrelationship with other associated buildings such as the Bishop’s Palace is an important part of how it is experienced and understood. The new dining hall would encroach into the currently undeveloped space between the porch and Palace and would therefore be historically incongruous. The presence of the proposed dining hall would also disrupt views between the two assets, but not entirely block them due to the height and position of the proposal. The proposal would therefore cause limited harm to its setting and significance.
27. Bishop Reynold’s Chapel - The principal heritage significance of this asset is largely derived from its historic, architectural and archaeological interest. It’s physical and historic setting, due to an interrelationship with other associated buildings, also adds to its significance. The chapel’s historic and visual relationship to the Bishop’s Palace and Cathedral from locations where they can be seen in views together are of particular note. The proposal would have a harmful effect on the setting of the Chapel because it would reduce the spatial separation with modern buildings and the depth of views from the north-west. However, the main views toward the Chapel from within the site would be retained, although the width would be narrowed. Overall, the proposal would cause limited harm to the setting and significance of the Chapel.
28. Bishop’s Gate - This asset is an historic gateway that formed an entrance into the Bishop’s precinct, State Hall and palace. The principal heritage significance of this asset is largely derived from its historic, architectural, and archaeological interest. It’s physical and historic setting and interrelationship with the wider cathedral complex is also of significance, especially the

⁸ I share the view of Historic England that the proposed buildings would be of good rather than exceptional quality.

relationship with the Precinct Wall and Bishop Salmon's Porch. The eastern elevation of the proposed dining hall would be located close to the gate. This would result in visual intrusion. The impact would not be extensive, but views of the gatehouse would nevertheless be partially interrupted or obscured. Views of the proposed refectory would also be likely in elevated views from the gatehouse. That said, the proposal would have little impact on the main approach to the gate from the north. As a result, the proposal would cause only limited harm to its setting and significance.

29. The Church of St Martin-at-Palace Plain - The principal heritage significance of this asset is largely derived from its historic, architectural, and archaeological interest as an early Parish church. It's physical and historic setting and interrelationship with the wider cathedral complex is also of significance, in particular its relationship with the precinct wall and Bishop's Gate. The proposal would clutter views of the church to a minor extent when looking south along Whitefriars or east along Palace Street. However, there is already a built context, including Centenary House. Intervening mature planting in the church yard means views are partial and filtered from these directions in any event. Thus, there would be no harm⁹ to the setting of the Church.
30. The Cathedral of the Holy and Undivided Trinity – Given its status as a landmark, the Cathedral's setting contributes greatly to the asset's significance. The presence of mature trees around the Cathedral provides an attractive and verdant composition. I share the view of the Council that the trees offer interest, richness, and depth to the view of the Cathedral from Whitefriars. The felling of twelve trees on the application site and the development of the dining hall and teaching block would change views of the Cathedral from Whitefriars and Palace Street. Removing the trees would result in an adverse impact because the richness of the view would be diminished. However, it can also be said that a clearer view of the spire would be achieved. The visualisations in the Townscape Assessment demonstrate that the impressive grandness of the spire would be very evident, and this would assist in reinforcing the landmark status of the structure. However, the spire is very visible from several other locations within the Cathedral Close and city centre more generally. On balance, the overall effect would be neutral resulting in no harm to the Cathedral's setting and significance.
31. The six listed buildings on St Martin at Palace Plain – The principal heritage significance of these assets is largely derived from their historic, architectural and group value as a group of largely 17th and 18th Century houses. Their visual and historic interrelationship with one another and St Martin-at-Palace Plain also adds to their significance, as does their relationship to the Cathedral Precinct, the Precinct Wall and the Church of St Martin-at-Palace Plain.
32. The contribution of their setting to the significance of these assets is largely derived from their visual and historic relationship to each other, the square around which they are located and related roads - Palace Street and Whitefriars. The HS explains that the Precinct Wall and nearby green space, in particular the trees planted in front of it and immediately to its rear, also add significantly to the setting of the listed buildings as a group. It is therefore difficult to understand why the author of the HS concluded that removing twelve trees would not harm the setting of these buildings. However, the

⁹ The HS has found negligible to no harm, which is imprecise as negligible harm could be conceived as being a very low level of harm. Nevertheless, following my assessment I have adopted the position of no harm.

Council has not disputed this point and therefore I am content to adopt the position set out in the HS that there would be no harm¹⁰ to their setting.

33. In conclusion, the proposal would result in limited harm to the setting and significance of five high grade listed buildings. As a result, the proposal would be contrary to Policy DM9 of the DMP, which seeks to preserve the significance of designated heritage assets. As a result, the proposal would fail to preserve the setting of listed buildings contrary to the expectations of the Act.

Other Matters

34. The appellant states that the Council's Design and Conservation Officer, Historic England, the Norwich Society, and the Norfolk Historic Environmental Services have not objected. That is not entirely accurate though, as Historic England identified harm and left the heritage balance to the Council. I am also aware that there have been extensive pre application discussions and that Officers recommended approval to the planning committee. I have carefully considered their reasons for doing so and note that it was a finely balance recommendation. There was also support from several interested parties. Nevertheless, I have come to my own conclusions for the reasons given after considering all the evidence submitted, including the Council's submissions. I understand that mature trees have been removed from the Tombland area, but the full details of this are not before me and therefore it is not a matter that alters my findings.

Other Considerations

The public benefits of the proposal

35. Policy DM7 requires additional planting to compensate for the biomass that would be lost from felling the existing trees. It has been calculated that 682 trees are required to be planted as compensation. The proposal would result in 21 trees being planted within the appeal site and 62 in the wider conservation area. A further 688 trees and 130 hedging plants would also be planted across two further sites outside the city. As a result, there would be a moderate uplift in biomass beyond policy requirements upon planting.
36. The planning obligation commits the appellant to the maintenance of the trees for 40 years and therefore the benefit would grow significantly as the trees and planting matures. The proposal therefore allows for replacement biomass to be secured now, which may not be the case when the existing trees ultimately die. Thus, in terms of biomass there would be a notable and measurable improvement upon a 'do nothing' scenario.
37. The proposal, including the blue-green roof to the kitchen facility, would result in biodiversity net gain. The evidence before me¹¹ suggests the net gain would be greater than 10% and could even be as high as around 40%. There would also be qualitative gains such as faunal enhancements. However, this uplift would be from a low baseline on a small site as the existing trees, especially the non-native London Plane, are of limited biodiversity value. As a result, the benefits to biodiversity would be moderate.

¹⁰ Ibid

¹¹ Ecology Statement and Hopkins Ecology Note

38. The submissions of the appellant demonstrate that the facility would benefit the operations of the school by providing a dining hall at the minimum size recommended by the ISCC¹². The need has arisen because the school has been allowed to grow rapidly in recent years¹³. The size of the existing dining hall is below the best practice guidance¹⁴ and alternative solutions to the current scheme have been explored and discounted. This matter is aggravated by the desire to prepare meals on site, which is an important part of the school's offer.
39. The growth in pupil numbers is also putting pressure on teaching facilities, especially the maths classrooms. The proposal would remedy this by providing additional classrooms of uniform size with appropriate IT facilities. Moreover, there is a longstanding connection between the school and the Cathedral Quarter and its presence there adds to this local sense of place.
40. The Headmaster is concerned that dismissing the appeals could affect the pre-eminent position of the school in the region, but there is nothing before me to demonstrate the school would have to close if the appeals failed or that the education offered to the pupils would be below any required standard. Thus, the evidence before me does not indicate the proposal is essential to the survival of the school. The appellant suggests that the health, well-being, and education of the pupils is suffering due to the current arrangements. But the school is apparently well attended and popular, and children perform highly within the current set up.
41. Accordingly, the proposal would address logistical challenges and improve facilities at the school. The effect of this would be to make a very good school better. The proposal would not however, lift a poorly performing school above a relevant performance threshold or address a defect that the school is required to. As a result, the educational benefits would be a matter of great rather than substantial or overruling weight.
42. The local community would be able to use the new buildings as part of the School's Reaching Out Programme. In so doing they would be able to experience the heritage of the site and its surroundings from a well-designed building. However, the outreach programme already exists and is already extensive. The proposal would nevertheless facilitate some additional outreach, increase capacity, and improve facilities. As a result, this would be a moderate benefit. There would also be some limited economic benefits from constructing the proposal. Moreover, traffic movements into the Cathedral Close would modestly reduce if the proposed new access from Palace Street is used and the new building would have a better environmental performance than the existing.
43. The existing school dining hall dates from the mid-20th Century and is a relatively low building tucked below the precinct wall with a simple form and glazed frontage. This affords it a light weight and unassuming presence in the CA. The CAA reasonably describes it as mediocre in appearance, but it is not identified as a negative building. As a result, its removal would be only a minor benefit to the CA and a limited benefit to the setting of nearby listed buildings. However, this benefit would be undone by the insertion of a much larger and more imposing new building with greater adverse impacts.

¹² Independent Schools Catering Commission

¹³ From around 800 pupils in 2008 to around 1155 by 2018. The current dining hall was designed to accommodate around 700 meals a day but currently delivers about 1400.

¹⁴ DfE Area Guidelines for Mainstream Schools BB103 2014

44. Similarly, the new teaching block would partially mask views of Centenary House from within the site, but to do so it would project above the Precinct Wall at a point where its original uncluttered composition is positively experienced. Accordingly, the partial screening of Centenary House, and the Fleming Building, would not result in a net benefit to the character or appearance of the CA. The proposal would result in the removal of an unsightly storage/yard area adjacent to the existing refectory. However, this has an informal and transitory appearance and is not visible from beyond the school grounds. Its loss would be a very minor benefit. There would also be a minor benefit in facilitating local art from the wood recovered from the felled trees

The heritage balance

45. The harm that would occur to the setting and significance of listed buildings and the character, appearance and significance of the CA would not be severe and would therefore be 'less than substantial' within the meaning of the National Planning Policy Framework (the 'Framework'). Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
46. Designated heritage assets are an irreplaceable resource. As a result, considerable importance and weight must be given to the special regard I must give to the desirability of preserving the setting of listed buildings¹⁵ and the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA¹⁶. This does not amount to a direction to refuse proposals that harm CA's or the setting of listed buildings, but it provides a strong weighting in favour of preservation.
47. The proposal would result in limited harm to the setting of Grade I and Grade II* listed buildings. Paragraph 202 of the Framework states that great weight should be given to the conservation of each of these designated heritage assets and the more important the asset the greater the weight should be. The proposal would also result in serious harm to the CA. Weighed against this, the public benefits of the proposal, especially those to education, cumulatively carry weight of a high order.
48. When balancing these matters, the benefits of the proposal would outweigh a notable portion of the harm identified¹⁷. However, the public benefits would not be of sufficient magnitude to outweigh the totality of the harm. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.
49. The parties appear to agree that the harm to the listed Precinct Wall would only be acceptable if it was required to facilitate the wider proposal under Appeal A. As Appeal A has failed, the benefits of inserting the door would not outweigh the harm to this Grade II* listed building when affording considerable importance and weight to the duty under s16(2) of the Act.

¹⁵ See Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

¹⁶ See Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

¹⁷ The Council seem content that the benefits of the scheme would outweigh the identified harm to the setting of the listed buildings

Conclusions

50. In conclusion, the proposal would fail to preserve a listed building, the setting of others and the character or appearance of the CA. There would also be harm to the general visual amenity of the area from removing the trees. There would be a conflict with the development plan as a whole. For the reasons given, the public benefits of the proposal would not outweigh the harm to heritage, or the totality of harm identified. The proposal would therefore fail to satisfy the requirements of the Act, the Framework and the development plan insofar as relevant. Accordingly, for the reasons given, the appeals have failed.

Graham Chamberlain
INSPECTOR