



Appeal Decision

Site visit made on 7 March 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/D1835/W/22/3303394

7 Newport House, Newport Street, Worcester WR1 3NG

- 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 T Johal of Squared Capital against the decision of Worcester City Council.
 - The application Ref 21/01121/FUL, dated 16 December 2021, was refused by notice dated 20 June 2022.
 - The development proposed is described as "demolition of existing building and replaced with a three storey residential development".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the Riverside Conservation Area;
 - the living conditions of future occupiers, with particular reference to outlook and light; and
 - flood risk.

Reasons

Character and Appearance

3. The appeal site is located within the Riverside Conservation Area (CA) therefore I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
4. The CA covers an extensive area encompassing the River Severn and the land along either side, which is mixed in character and appearance. The significance of the CA is its links to the river. The appeal site falls within 'Character Area 4 – Quayside' of the CA which has experienced a lot of clearance. However, some traditional warehouse buildings have been retained as well as parts of the historic street pattern. Within the area surrounding the appeal site, the buildings tend to align with the back edge of the pavement, have a tight urban grain, are typically Georgian and of 3 or more storeys in height.
5. The appeal site is located on the southern side of Newport Street. A part two-storey, part single storey detached building occupies the entire site. The building is currently vacant and in a dilapidated condition. It is proposed to

demolish the existing building and erect a three-storey building with a mono-pitch roof containing six residential flats. From the evidence before me and from my own observations during my site visit, I am satisfied that the loss of the building would not result in harm to the significance of the CA; a view that is also supported by the Council's Conservation Officer.

6. The existing buildings along this part of Newport Street abut the pavement and comprise older properties as well as more recently constructed buildings. The predominant walling material is brick and there is a mixture of roof shapes. In respect of the traditional buildings, their main openings front towards the road, while the modern residential apartment building opposite the appeal site, has numerous openings fronting onto the road, with grills at street level that reduce the solid-to-void ratio of brickwork. Windows are generally large and include sash windows, a shop front and floor-to-ceiling glazing and are predominantly arranged in a regular pattern. The entrances of these buildings are accessed directly from Newport Street.
7. The proposed building would abut the back edge of the pavement and would have a similar footprint as the building to be demolished. It would have a contemporary design, constructed of brick with brick detailing and a mono-pitch roof. The building's openings would be largely restricted to the western side elevation of the proposed building and would be arranged haphazardly, while the windows would be smaller than those typically found in the surrounding area. The building's entrance would be via an existing narrow passageway towards the rear of the site and the elevation fronting Newport Street would have an almost completely blank façade. Consequently, the building would appear incongruous and jarring in the surrounding area.
8. The proposed development would therefore cause less than substantial harm to the character and appearance of the CA. In accordance with paragraph 202 of the National Planning Policy Framework ('the Framework'), I must weigh the harm against the public benefits of the proposal. In doing so, paragraph 199 of the Framework explains that great weight should be given to the conservation of the designated heritage asset.
9. The provision of six residential flats weighs in favour of the proposal and would make a contribution, albeit limited to the Government's objective of significantly boosting the supply of new homes. I recognise that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. I therefore attach moderate weight to these benefits. The appellant suggests that the proposal would have a positive impact upon the economic, social and environmental objectives of sustainable development detailed within the Framework. However, this has not been substantiated with evidence.
10. The harm I have found in respect of the effect of the proposal on the significance of the CA would not be outweighed by the modest public benefits identified. Accordingly, in reference to the first main issue, the proposed development would harm the character and appearance of the surrounding area, including the CA, contrary to the aims of Policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan, adopted 2016 (LP). These policies, amongst other things, seek to ensure that developments are of a high design quality, integrate effectively with its surroundings in terms of form and function, reinforce local distinctiveness, and conserve, and where

appropriate, enhance heritage assets. It would also be contrary to the South Worcestershire Design Guide Supplementary Planning Document Overarching Design Principles, adopted 2018 (SPD) and the Framework.

Living Conditions of Future Occupiers

11. Windows would be limited to the western elevation of the proposed building and therefore would be single aspect. Each bedroom would be served by one window that, given the design of the external façade of the building, would be positioned towards one end of the room. The siting of the window would therefore restrict future occupiers' outlook and light levels within the room, while the outlook from, and light into, the bedroom of flats 1, 3 and 5 would be further compromised by their recessed design. The open-plan living room of each flat would be served by patio doors leading to a recessed balcony within the western elevation. However, the recessed design of the balconies would restrict future occupiers' outlook and impede light levels within these rooms. Accordingly, the positioning and design of the proposed windows and balconies would result in a substandard outlook and light levels for future occupiers of the proposed development.
12. I acknowledge that the flats would comply with the Nationally Described Space Standards¹ and there is no policy restricting flats with single aspect windows however, this would not overcome the harm I have found in this respect.
13. Therefore, in reference to the second main issue, the proposed development would have an adverse effect on the living conditions of future occupiers, with particular reference to outlook and light. It would therefore be contrary to Policy SWDP 21 of the LP which, amongst other things, seeks to ensure that developments provide an adequate level of outlook, sunlight and daylight. It would also be contrary to the SPD and the Framework, which seek to create places with a high standard of amenity for existing and future users.

Flood Risk

14. According to the Environment Agency's (EA) Flood Map, the appeal site falls wholly within Flood Zone 1 and is adjacent to Flood Zones 2 and 3. However, the published flood maps are not necessarily precise and do not include an allowance for climate change. Therefore, locations that are currently within Flood Zone 1 could be within Flood Zone 2 or 3 in the future.
15. According to the South Worcestershire Land Drainage Partnership, reference to the EA modelled flood level data for the River Severn shows that the 100-year flood level for the appeal site would be above the ground floor level of the existing building, which puts the appeal site within Flood Zone 3. From the evidence before me, there is nothing to dispute these findings. Paragraph 167 and Footnote 55 of the Framework details when a site-specific flood risk assessment (FRA) should support a planning application and includes land identified in a strategic FRA as being at increased flood risk in future.
16. Consequently, a FRA is required for the proposed development. No FRA has been submitted and therefore it is not possible for me to determine whether the proposed development is appropriately flood resistant and resilient or that flood risk would not be increased elsewhere.

¹ Technical housing standards – nationally described space standard, published 27 March 2015

17. A Water Management Statement (WMS) accompanies the planning application. However, according to the South Worcestershire Land Drainage Partnership, the WMS is inaccurate. This has not been disputed by the appellant. The appellant suggests that drainage details could be agreed by condition. However, the appeal site is at risk from fluvial flooding and therefore it is important to understand the ability of the proposal to provide adequate drainage prior to determination. Therefore, a condition would not be appropriate in this instance.
18. In reference to the third main issue, insufficient information has been submitted to enable an assessment to be made as to whether the proposed development or the surrounding area would be at risk from flooding. The proposal would therefore be contrary to Policy SWDP 28 of the LP which, amongst other things, requires a site-specific FRA to include appropriate allowances for climate change. Furthermore, the proposal would conflict with the South Worcestershire Water Management and Flooding Supplementary Planning Document, adopted 2018 and chapter 14 of the Framework that seeks to meet the challenge of flooding.

Other Matters

19. The appeal site is located within the setting of two Grade II listed buildings; 2 North Parade and John Gwynn House. Therefore, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the setting of these listed buildings. 2 North Parade formerly comprised a hop warehouse now converted into flats. It was constructed circa 1880 and is four storeys with an attic to the front gable. It is constructed of brick with a slate roof. The list entry states that it is the most elaborate warehouse in Worcester associated with this significant regional industry. The significance of this building comes from its aesthetic value and its past use. John Gwynn House comprises a terrace of nine Georgian houses, now flats and a shop, constructed circa 1780 and comprising four storeys to one end but predominantly three storeys with attics when viewed from Bridge Street and abutting the back edge of the pavement. It is constructed of brick with a hipped slate roof and is likely to have been designed by John Gwynn who was the architect of the adjacent Worcester Bridge. The significance of this building comes from its aesthetic value and its links to the architect John Gwynn.
20. The appeal site is located to the rear of these buildings which are much more unassuming than their front elevations; would be constructed in place of a dilapidated structure in an area with a predominantly dense urban grain; and would be adjacent to buildings of modern construction, including a substantial apartment building on the opposite side of Newport Street. Therefore, I do not find that the proposed development would harm the setting of these listed buildings.
21. The Council's Archaeology and Planning Advisor has made a fleeting reference to the existing building comprising a non-designated heritage asset (NDHA). I have not been provided with evidence that the building is on a local list of NDHAs or that it is included in the historic environment record. The Planning Practice Guidance (PPG) states that irrespective of how NDHAs are identified, it is important that the decisions to identify them are based on sound evidence. Limited information has been advanced regarding the significance of the

existing building. But I note that the Council's Conservation Officer considers it likely that there is not much originally surviving fabric, particularly inside. Although obviously of some age, from the evidence before me, I do not agree with the Council's Archaeology and Planning Advisor that the building is of sufficient architectural or historic significance to be considered a NDHA. On this basis, paragraph 203 of the Framework is not engaged and therefore I am not required to undertake a balanced judgement regarding the loss of the building.

22. According to the Council's Archaeology and Planning Advisor, the appeal site comprises a non-designated heritage asset of archaeological interest due to a stretch of Roman road identified on the opposite side of Newport Street and the site appearing on the First Edition Ordnance map. This is not disputed by the appellant. Paragraph 203 of the Framework states that when determining applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. However, as I am dismissing the appeal, I do not need to consider this matter further, as it could not lead me to a different conclusion.
23. Concern has been raised regarding the Council's pre-application advice and a lack of communication regarding the deficiencies of the submitted WMP. However, these have no bearing on my consideration of the planning merits of the development.

Conclusion

24. For the reasons given above, having considered the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR