



Appeal Decision

Site visit made on 6 December 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2024

Appeal Ref: APP/Y2620/W/23/3317580

44C/44D Station Road, Sheringham NR26 8RG

- 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 and Mrs Paul and Julia Moss against the decision of North Norfolk District Council.
 - The application Ref PF/22/1377, dated 26 May 2022, was refused by notice dated 1 September 2022.
 - The development proposed is erection of second floor above 44c/44d Station Road to create 2 no. one-bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. Both parties have had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. I have therefore had regard to the latest version of the Framework.

Main Issue

3. The main issue is the effect of the proposal on the character or appearance of the existing building and surrounding area, including the Sheringham Conservation Area (CA).

Reasons

4. The appeal site is located in the southern part of the CA, along a short pedestrianised street leading off Station Road. It comprises part of a two-storey brick L-shaped building with commercial space at ground floor. The evidence indicates that the appeal building was constructed in the 1970s. It is of a simple design, with the principal part facing Station Road and featuring a dual pitched roof with side facing gables. The rear part is a more subservient offshoot, of the same style but with a flat roof. It is finished in a red brick with shopfronts at ground floor and large horizontal windows above.
5. Station Road is predominantly lined by traditional two storey buildings with various commercial uses at ground floor. These are interspersed by alleyways and side-streets that break up the continuous frontage and provide views to courtyards and ancillary structures to the rear. There are also examples of more contemporary development along the street, of varying degrees of aesthetic integration, including several other infill developments and single storey front extensions that provide additional commercial space.

6. In the vicinity of the appeal site, dual-pitched roofs with side facing gables are common. Finishing materials include a combination of brick in various colours, flint, and red or grey roof tiles. Traditional features include gable chimneys, brick detailing and a vertical emphasis to windows. These traditional forms and features add charm and frame the bustling commercial activity at ground floor.
7. In so far as it relates to this appeal, the significance of the CA in this area is therefore derived from its busy commercial character and the traditional appearance of the buildings, their complementary forms and features, and the contribution this makes to the character and appearance of the area.
8. The proposal would introduce a second-floor level above the host building spanning two of the units within the central part of the rear offshoot. It would be only modestly set back from the edge of the roof at the front and rear. The external walls would rise vertically and be capped by a shallow dual pitched roof. Overall, this would add appreciable height to the central portion of the rear offshoot and would not appear subordinate to the levels below. The height of the extension would be accentuated by the flat roof either side.
9. Externally, the walls and roof would be clad entirely in zinc with comparatively small windows, creating expansive areas of cladding, in addition to blank gable ends. The appeal proposal would thus appear top heavy and would be an unduly dominant and incongruous addition to the host building.
10. Though the proposal is located off Station Road, the width of the pedestrian alleyway it sits on provides views of the front of the appeal site in passing, sufficient that the appeal proposal would have an impact on the street scene. Likewise, the vehicular access at the other end of the appeal building and gap to neighbouring development provides views to the rear. The site can also be glimpsed in the gaps between buildings on Waterbank Road. The prominence of the appeal proposal would be further emphasised by its isolated position within the centre of the building and the lack of similar development either side.
11. Though the contribution of the appeal building to the prevailing character and appearance of the area is limited, the subservient and unassuming form of its rear offshoot ensures that it is not a detracting feature. The appeal proposal would change the building hierarchy by creating an incongruous 3 storey structure to the rear that would be unduly dominant and visible from Station Road. This would have a deleterious effect on the prevailing character and appearance of the area, thus would fail to preserve the significance of the CA.
12. While some neighbouring properties may have rear storage units, and there is an extensive industrial warehouse style roof adjacent to the private car park to the rear of the appeal site, these are not prevailing characteristics of the area and do not lead me to conclude that the appeal proposal would preserve or enhance the significance of the CA. Notably, I did not observe any second-floor structures like the appeal proposal on neighbouring buildings.
13. In the above context, I find that the proposal would harm the character and appearance of the area, including the CA, the preservation or enhancement of which I apportion great weight to. It would therefore not accord with the clear expectations of statute in this respect¹.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14. The proposal therefore also does not comply with Policies EN4 and EN8 of the Core Strategy Incorporating Development Control Policies September 2008. These policies, among other provisions, seek to ensure all development is designed to a high quality that is suitable for the context within which they are set, reinforces local distinctiveness, and preserves or enhances the character and appearance of designated heritage assets.
15. I recognise that the proposal would provide additional housing on a previously developed site, within an existing settlement, and of a housing mix supported by local policy. The Framework acknowledges that small sites can make an important contribution to meeting the housing requirement and are often built-out relatively quickly. Paragraph 70 indicates that great weight should be given to the benefits of using suitable sites within existing settlements for homes. However, given the harm identified, it has not been demonstrated that the appeal site is suitable for the development proposed.
16. Paragraph 124(e) indicates that decisions should support opportunities to use airspace above existing residential and commercial premises for new homes. More specifically, it supports well-designed proposals that are consistent with the prevailing height and form of neighbouring properties and the street scene. Given my findings, this would provide limited support to the appeal proposal.
17. The proposal would provide a temporary boost in employment during construction, and additional residents may contribute to the local economy and vitality of the community. The Planning Statement also alludes to an extended food offering within the existing commercial space, however limited information pertaining to this or how it relates to the appeal proposal has been provided.
18. Work that improves the thermal and energy efficiency of the existing building would also be beneficial. However, measures that would simply mitigate environmental impacts of the proposal would be neutral factors, as would compliance with regulatory regimes such as Building Regulations. Likewise, while I have not identified any additional harm other than that set out above, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.
19. With respect to paragraph 208 of the Framework, less than substantial harm would be caused to the significance of the CA, which is a designated heritage asset. Paragraph 205 of the Framework is clear that great weight should be given to the asset's conservation. Having regard to the above matters and given the scale and context of the proposal, I consider the public benefits before me are modest and insufficient to outweigh the identified harm.
20. The proposal would also conflict with paragraph 135 and 139 of the Framework which, among other provisions, seek to ensure that developments are well designed, visually attractive, add to the overall quality of the area and are sympathetic to local character and history.

Other Matters

21. Paragraph 11(d) of the Framework indicates that the presumption in favour of sustainable development is engaged where the policies which are most important for determining the application are deemed out-of-date. This includes, for proposals involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply (or a four year

supply, if applicable) of deliverable housing sites (5YHLS) or the Housing Delivery Test (HDT) indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

22. Paragraph 11(d) stipulates that planning permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework confirms that such policies include those relating to designated heritage assets. Heritage asset policies within the Framework provide a clear reason for refusing the development, and thus the proposal cannot benefit from the presumption in favour of sustainable development in this case, irrespective of the district's 5YHLS or HDT position.
23. The appeal site falls within the Zone of Influence for several European sites scoped into the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS). The alleged effects relate to increased recreational pressure as a result of the increased population associated with the proposed development. The Council state that payment of a Recreational Avoidance Mitigation tariff is required and that this has been secured via a Section 111 payment. However, given that I am dismissing this appeal on other grounds it is not necessary for me to consider this matter any further.
24. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits the construction of new dwellinghouses immediately above the topmost storey on a terrace building subject to various limitations and conditions. While this form of development is therefore supported by the GPDO in principle, this provision does not extend to buildings in conservation areas. Greater control over this type of development is exercised in these areas. Though this does not mean planning permission is automatically refused, it also does not in itself weigh in favour of the proposal.
25. My attention has been drawn to another development within the CA which the appellant indicates was approved despite its location and objections from Historic England. No further details of this have been provided however and so I cannot draw any meaningful comparisons to the appeal scheme before me.
26. The Planning Practice Guidance and the Framework encourage local planning authorities to take a positive approach and work proactively with applicants. While I note the appellant's frustrations with the level of engagement offered by the Council during the application process, this cannot lead me to a different conclusion. Though the plans had been amended having taken account of pre-application advice from the Council, this matter does not indicate that the proposal before me is acceptable with respect to the main issues.

Conclusion

27. The proposal would be contrary to the development plan, taken as a whole. There are no material planning considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR