



Appeal Decision

Site visit made on 2 April 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Appeal Ref: APP/K2610/D/24/3336625

6 Mill Lane, Aylsham, Norfolk NR11 6WA

- 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 Mr R Hunt against the decision of Broadland District Council.
- The application Ref is 2023/2653.
- The development proposed is described as 'New roof terrace with associated second floor area'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the area, including but not limited to the setting of the Grade II Listed 'St Michael's Hospital'; and
 - (ii) the living conditions of occupiers of No 4 Mill Lane with particular regard to privacy.

Reasons

Character and appearance

3. No 6 Mill Lane is situated within a residential estate mainly characterised by two-storey and three-storey dwellings with similar materials and design features. There is a prevalence of steep angled pitched roof forms covered in pantiles or slate. The two-storey dwelling at No 6 reflects this unified character.
4. The estate sits adjacent to St Michael's Hospital, a grade II listed building, which has been converted to residential use. I understand that before being a hospital the listed building was a mid-nineteenth century workhouse. It has a distinctive cruciform plan with a prominence of simple pitched roof forms extending from a central octagon. The buildings historic use and attractive architecture contribute towards its significance.
5. The architecture and form of the listed building can be appreciated from within the neighbouring estate including through gaps between the buildings on Mill Lane. The order and consistency of the local vernacular makes for a high-quality built environment which is sympathetic to the traditional aesthetic of the listed building and makes a neutral contribution to its setting.
6. The proposal's mansard style profile would be at odds with the cohesive appearance of roof forms within the estate. The incongruous design would be

compounded by the pergola structure which would give the west and east elevations of the roof a disjointed appearance. Together with its prominent elevated position within the street scene, the proposal would have a conspicuous presence which would detract from the estate's unified character. The use of slate on the enclosed sections of the roof would not overcome my overall design concerns.

7. The appellant suggests that some aspects of the design take inspiration from the listed building. However, the uncharacteristic mansard form and integral terrace with pergola would unacceptably distract from the simple traditional architecture of the listed building, such as in shared views of the host dwelling and the listed building's west wing down the access drive which fronts No 6. Even if there are mansard roofs elsewhere in Aylsham, the proposal would not sit comfortably amongst the architecture of its immediate surroundings.
8. Having regard to the requirements of the National Planning Policy Framework (the Framework), I find that the proposal would not preserve or enhance the listed building's setting and would result in less than substantial harm. The Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. There would be a private benefit for occupiers of the host property through the provision of additional private outdoor space. The 'greening' of the roof area would result in a very limited ecological benefit. However, there are no public benefits before me sufficient to outweigh the identified harm in this instance.
9. I conclude, the proposal would result in significant harm to the character and appearance of the area, and this includes harm to the setting of the Grade II listed St Michael's Hospital. In that regard it would conflict with the design, character and appearance, local distinctiveness and conservation requirements of Policy 2 (Improving the Design of Development) of the Aylsham Neighbourhood Plan (2019), Policy GC4 (Design) of the Broadland District Council Development Management DPD (2015) (DPD), Policy 1 (Addressing climate change and protecting environmental assets) and Policy 2 (Promoting good design) of the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2011 amended 2014) (JCS) and the Framework.

Living conditions

10. The position of the proposed terrace within the roof would align closely with the side boundary of the rear garden serving No 4 Mill Lane. The south sectional elevation provided does not provide certainty that the top of the terrace walls would be above eye level. Indeed, the appellant suggests it would be at 'roughly shoulder height'. Therefore, there is the potential that users of the terrace would be able to obtain elevated views into the garden of No 4.
11. I accept that there are already first floor windows on the west elevation of the host dwelling facing No 4 which offer a similar view. However, the width and open nature of the terrace would provide an extended panorama which would result in a greater perception of being overlooked for occupiers of No 4 than is presently the case. Furthermore, the former water tower is located further away from No 4 with intervening buildings. Therefore, views from there are not the same as the more intimate relationship between No 4 and the host dwelling.

12. The appellant suggests that they would reluctantly accept a condition requiring the terrace walls to be of a height that would preclude overlooking. However, I cannot be certain that the appellant would accept the precise terms of such a condition in terms of increasing the height of the perimeter wall, noting their desire for sunlight to reach the terrace. It has not been necessary to explore the terms of such a condition in any further detail as the resolution of this matter would not in any case overcome my concerns under the first main issue.
13. I conclude, on the basis of the drawings before me, the proposal would have a detrimental effect on the living conditions of occupiers of No 4 Mill Lane with particular regard to privacy. In that regard, it would conflict with the requirements to pay adequate regard to the impact upon the amenity of existing properties in Policy GC4 (Design) of the DPD. It would also be contrary to paragraph 135 of the Framework which states that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Conclusion

14. The proposal would result in significant harm to the character and appearance of the area and would not preserve the setting of the Grade II Listed St Michael's Hospital. The proposal would also have an unacceptable effect on the privacy of occupiers of No 4 Mill Lane. The proposal therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR