



Appeal Decision

Site visit made on 7 October 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/D1835/W/24/3346167

Grosvenor Arms, 21 Henwick Road, Worcester, WR2 5NP

- 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 Peter Styles against the decision of Worcester City Council.
- The application Ref is 24/00178/FUL.
- The development proposed is retrospective application for a ground floor extension and first floor terrace.

Decision

1. The appeal is dismissed insofar as it relates to the first floor terrace. The appeal is allowed insofar as it relates to the ground floor extension and planning permission is granted for a ground floor extension at Grosvenor Arms, 21 Henwick Road, Worcester, WR2 5NP in accordance with the terms of the application, Ref 24/00178/FUL, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Preliminary Matter

2. At the time of my site visit, I saw that the development of the ground floor extension and first floor terrace was already carried out. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the living conditions of neighbouring occupiers, with particular regard to noise;
 - the character and appearance of the host building and the surrounding area, with particular reference to the impact on the significance of a non-designated heritage asset; and,
 - archaeological remains.

Reasons

Living conditions

4. The appeal site is a public house on the corner of 2 streets with flats either side of it. The development includes an outdoor terrace on top of a roof which covers

an existing rear yard, creating a ground floor extension used as a pool room. The appellant has referred to the public house previously having an extensive garden area which would have created more noise than the current roof terrace, and to outdoor seating in the rear yard prior to its being covered to form the extension. However, the garden area pre-dated the construction of the neighbouring flats. Also, the plans indicate that the terrace area is larger than the covered area below. Therefore, there is the potential for more customers to use the terrace than would have been the case for the outdoor yard area. Moreover, the terrace is accessed via external metal stairs giving rise to noise from customers climbing up and down them throughout the evening when ordering and collecting drinks or using other facilities on the ground floor, which would not have been the case for customers using the ground floor yard.

5. The wooden screen surrounding the terrace will reduce some of the noise associated with its use. However, the terrace is close to the garden and rear windows of Nos 2a and 2b, off Grosvenor Walk, only separated from them by the access road to the rear. The terrace also faces the rear garden of the neighbouring flat, 21a Henwick Road. In my view, the outdoor terrace is sufficiently close to neighbouring flats that the level of noise associated with it will be harmful to the occupants of the flats living conditions.
6. The appellant has referred to a lack of objections from neighbours, and the Council's Regulatory Services, to the planning application. However, the application followed an enforcement notice being issued, following a noise complaint from a neighbour, which confirms my view that noise levels would adversely affect neighbours. Also, the appellant has not submitted evidence, such as a noise impact assessment, that would indicate that the development is acceptable. I therefore conclude on this main issue that the development conflicts with Policy SWDP 21 of the South Worcestershire Development Plan (2016) (SWDP) which seeks to protect neighbouring amenity.

Character and appearance

7. According to the Council's Archaeological Consultee, the appeal property is a non-designated heritage asset (NDHA) recorded on Historic England's Historic Environment Records (WCM99258). Although no details have been provided to me from its listing, it is an attractive well maintained painted brick building with interesting characteristics on its main elevations which contribute to its significance. They include pediments above ground floor windows and recessed doors with round door arched porches with keystone features.
8. The rear of the building, including the yard at the back of it, sits below an access road behind it, which leads to a parking area behind the neighbouring flats and a doctor's surgery. The walls surrounding the yard have been raised and covered with a fibre glazed roof with windows facing directly onto the rear access. Consequently, the extension roof, which forms the floor of the terrace, is raised above the access road and the 2m high wooden screen that surrounds it rises from above the rear ground level.
9. The Council's Officer's report and the enforcement notice attached its Statement of Case (SoC) indicates that its concern, in terms of the design of the development, is primarily over the use of timber cladding on the extension, and the wooden screen surrounding the terrace.

10. There are wooden fences along the side and rear of neighbouring flats and the nearby doctor's surgery which surround the rear access and parking area and thus form the backdrop to the development. Nonetheless, because of the height above ground level, the wooden screen appears significantly higher and more visually intrusive than the other fences, which extend from the ground up. Despite only being visible in glimpses from Henwick Road and when approaching the rear access along Bromyard Terrace and Grosvenor Walk, it dominates the rear of the appeal property.
11. Although the wooden screen does not directly affect those features which contribute to the significance of the NDHA it nonetheless detracts from the overall appearance of the building and thus conflicts with Policies SWDP 21 and SWDP 24 of the SWDP which require development to integrate with its surroundings and conserve heritage assets.

Archaeology

12. According to the Council, the building is within an area of archaeological potential and the development may therefore have affected sub surface archaeology. However, the appellant confirmed in his SoC, and my observations on site indicated, that there would have been no excavation as part of the development, which involved raising existing walls rather than constructing new ones. Therefore, whilst I accept that a Heritage impact Assessment should have been submitted with the application and would normally be expected to include an assessment of the impact of development on archaeological remains, in this case the development would not have harmed any archaeological remains and in this regard it did not conflict with Policies SWDP 6 and SWDP 24 of the SWDP and paragraph 200 of the NPPF which require an appropriate desk-based assessment where development might affect heritage assets with archaeological interest.

Other Matters

13. The ground floor extension described above is subservient to the main building. The only part of it visible from outside the property is the raised section of wall containing windows, which runs along the side of the rear access road. It is only slightly higher than the adjoining rear wooden fence, in the context of which its wooden cladding does not appear out of keeping. As it is physically and functionally severable from the wooden screen attached to its roof, and the use of the roof as a terrace, I consider a split decision would be appropriate to allow planning permission for this element of the proposal.
14. I have had regard to matters in support of the development, including the economic benefits described by the appellant and the difficulty pubs have in maintaining viability. The ground floor extension should to some extent improve the pub's facilities and assist in this matter. The extension roof should also reduce the noise associated with the use of the former yard. However, the benefits associated with the outdoor seating on the terrace do not outweigh the harm that I have identified.

Conclusion and Conditions

15. For the reasons given above, I conclude that the appeal should succeed in relation to the single storey rear extension. However, in relation to the use of the roof as an outdoor terrace the appeal should be dismissed.

16. Planning permission is sought retrospectively therefore no time limit for commencement is required. Because the development has already been constructed, there is no need to specify the plans to be followed or the materials to be used in construction. No other conditions are necessary.

P D Sedgwick

INSPECTOR