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## Appeal Decision

Site visit made on 10 November 2024

**by A Hartley LLB (Hons) Solicitor MBA**

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

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**Appeal Ref: APP/G2625/D/24/3344608**

**1 Church Avenue, Norwich, Norfolk NR2 2AQ**

- 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 J Gwyn against the decision of Norwich City Council.
  - The application Ref is 24/00038/F.
  - The development proposed is 'replacement garage with new garage and garden room'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is within the setting of a listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies. Accordingly, I have had special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.
3. The proposal is also within the Unthank and Christchurch Conservation Area (UCCA). Section 72 of the Act applies. Accordingly, I have had special regard to preserving or enhancing the character or appearance of the UCCA.
4. The National Planning Policy Framework (the Framework) has been updated since the appeal representations were made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph references) it was not considered necessary to seek further comment.

### Main Issues

5. The main issues are the effect of the proposal on (i) the setting of the Grade II listed building (Christ Church) and (ii) the character or appearance of the UCCA.

### Reasons

#### *Designated Heritage Asset - Setting of Listed Building*

6. The appeal property is a large brick and tile end of terrace dwelling with garden to front and rear. It is situated close to the front entrance of Christ Church, a Grade II listed building and is within its setting.

7. Christ Church dates from the 1870's with additions in 1912. It is of knapped flint with bath stone dressings and red brick bands and has a slate roof. In so far as is relevant to this appeal proposal, the significance and special interest of Christ Church lie, in part, in the structure itself, its surviving fabric, form and historical development. It has a prominent position at the end of Church Avenue (a private road) and is seen through an avenue of mature trees. Within the setting, there is an existing timber garage that protrudes approximately 1.5 metres forward of the fence line at 1 Church Avenue. This creates an interruption to the otherwise consistent boundary line along Church Avenue. The private road then narrows and continues, circling the listed building.
8. Although the garage would be recessed approximately 0.5 metres within the boundary line, it would bring the proposed building close to the listed building so that the proximity in combination with its height of approximately 3.15 metres would mean it becomes a prominent feature within the setting. This would adversely affect the significance of the listed building by interrupting the existing views of the listed building, notwithstanding the mature deciduous tree screening, the fencing at 8 Church Avenue or the existing timber garage, by introducing a larger and more prominent mass of built development within its setting.
9. There is an extant permission reference 23/01062/F for the demolition of existing garage and construction of garage and garden room in which drawing number MJSM28082023DRW B was approved (the extant permission). The extant permission would allow a garage and garden room of the same design, form, details, materials and size as the appeal proposal. However, the position of the appeal proposal would be approximately four metres forward of that allowed by the extant permission and therefore it would be more harmful as it would distract from and interrupt the views of the listed building from Church Avenue and around the main entrance to the listed building.
10. The appeal proposal would demolish the existing timber garage, which presently, due to its forward position and unsympathetic form, design and materials, causes harm to the significance of the listed building through development within its setting. I find that although its removal would be beneficial to the setting of the listed building and its significance, when taken with the proposed development, the overall effect would be more harmful.
11. Consequently, the setting of the listed building would not be preserved and the proposal fails to comply with policy DM9 of the Norwich Development Management Policies Local Plan (2014) (LP) in so far as relevant.
12. I find that the identified harm to the historic and architectural significance of the listed building caused by the negative effect of the appeal proposal on the views of the frontage of the listed building through development within its setting, would by virtue of its nature and extent amount to a level of harm that in terms of the Framework would be less than substantial but nevertheless of considerable importance and weight.

#### *Designated Heritage Asset - Conservation Area*

13. A Conservation Area Appraisal has not been made available to me within the evidence. From my observations on site, the special significance of the conservation area comes from the circa late C19 and early C20 large red brick

dwelling, set in large gardens, with abundant mature trees. In the immediate area of the appeal site, a significant feature is the listed building, Christ Church. The identified harm that would be caused by the appeal proposal to the significance of Christ Church would inevitably cause some residual harm to the special interest of the UCCA as a whole, the character and appearance of which would not be preserved.

14. Therefore the proposal fails to comply with policy DM9 of the LP so far as relevant.
15. I find that the identified harm to the character and appearance of the UCCA would by virtue of its nature and extent amount to a level of harm that in terms of the Framework would be less than substantial but nevertheless of considerable importance and weight.

### **Heritage Balance**

16. In accord with paragraph 212 of the Framework, in considering the effect of the proposal on the significance of the listed building through development within its setting, and the character or appearance of the UCCA, I have attached great weight to the conservation of these designated heritage assets.
17. I find that the level of harm to each of the designated heritage assets would be less than substantial in terms of the Framework, and therefore in accordance with paragraph 215 of the Framework, I must weigh the identified harm against any public benefits of the proposal.
18. From the evidence before me, the provision of an additional private parking space that would result from the proposal does not amount to a public benefit. Even if the removal of the existing garage on its own is considered to be a public benefit, I find that this would not be sufficient to justify the identified harm caused by the introduction of the more prominent appeal development. I therefore conclude that the appeal proposal would cause unjustified harm to the designated heritage assets.

### **Other Matter**

19. The drawing I have considered in this appeal is MJSM28082023DRW D (Drawing D). There is an inconsistency within Drawing D as the front elevation is shown with oak framed timber doors but the layout details roller doors. When determining the planning application, the Council refers in its report to timber doors being proposed. The reference to roller doors on Drawing D appears to be an error. I have considered the proposal on the basis that timber doors are proposed. However, even if roller doors were proposed this would not materially alter my conclusions above regarding the harms to the heritage assets, which relate to the position of the proposed building.

## **Conclusion**

20. For the above reasons, having regard to all representations made, I conclude that the proposal conflicts with the development plan as a whole and with the provisions of the Framework in relation to heritage assets. There are no material considerations that would justify a decision other than one in accordance with the development plan. Therefore, the appeal should be dismissed.

*A Hartley*

INSPECTOR