



Appeal Decision

Site visit made on 3 February 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th of April 2025

Appeal Ref: APP/G2625/W/24/3355011

Unit 5B Riversway, Wherry Road, Norwich NR1 1WX

- 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 Elisabeth Pywell of HSBC C/O CBRE against the decision of Norwich City Council.
 - The application Ref is 24/00726/F.
 - The development proposed is full planning permission and advertisement consent for the erection of a freestanding Automated Telling Machine ("ATM") and associated advertisements.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a freestanding Automated Telling Machine ("ATM") at Unit 5B Riversway, Norwich NR1 1WX in accordance with the terms of the application, Ref 24/00726/F, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos;
Site Location Plan
CNX-DRW-39180-PROPOSED
CNX-DRW-39180-KIOSK-BARE
CNX-DRW-39180-KIOSK-FINAL
HSBC Hyosung MX8200SR Narrow Surround Construction Drawing Rev A
 - 3) Prior to the development hereby approved being brought into use, a 1m2 privacy box will be painted onto the ground in front of the ATM and maintained so it is discernible.
 - 4) Prior to the development hereby approved being brought into use, a white light shall be fitted to cover the front of the ATM, the light being suitable for CCTV recording as well as providing light for any ATM customer. Thereafter the light shall be retained and maintained in good working order.
 - 5) Prior to the development hereby approved being brought into use, details of a CCTV camera and CCTV recording system shall be submitted to and approved in writing by the local planning authority. The approved system shall be fitted prior to the first use of the development hereby approved and maintained thereafter in good working order.

Applications for costs

2. An application for costs has been made by Elisabeth Pywell of HSBC C/O CBRE. This is the subject of a separate decision.

Preliminary Matters

3. The provided application form related to both an application for planning permission and an application for advertisement consent, and the description of development reflected this. I understand that both applications were refused by the Council.
4. The provided appeal form indicates that the appeal only relates to the refusal of planning permission for the freestanding ATM, and does not include the refusal to of advertisement consent. Accordingly, as the scope of this appeal does not extend to the refusal of advertisement consent, which is a matter for separate consideration under different legislation, I have removed reference to the advertisement in my formal decision in order to reflect this, nor have I considered the acceptability of any advertisements in reaching my decision.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

6. The appeal site relates to an area of public realm located within a modern complex of entertainment and food and drink establishments. The proposal would be located to the south of an existing food and drink establishment (trading as 'Estábulo' at the time of my visit), close to the southern elevation of this building. To the southwest is Lady Julian Bridge which is a pedestrian and cycle river crossing. A broad pedestrian footway follows the edge of the river on its eastern side, and is accessible from between the appeal site and the bridge.
7. The immediate surroundings of the appeal site are a focal point within the wider development with the bridge providing access across to the river to a paved plaza area to the front of a cinema and entertainment venues. This paved area is populated with both hard and soft street furniture including seats, trees, bins, street lighting, standalone advertising units and directional signage. In particular, a box planter, a tree and seating can be found in the area between the southern elevation of Estábulo and the bridge. Overall, the character of the area is overtly modern and commercial in character, with the existing street furniture being interspersed within public areas.
8. The proposal would comprise a kiosk unit with canopy, providing accommodation for an ATM. It would be clad in cedar batons, with a living green wall incorporated into the western elevation and would be positioned close to the southern wall of Estábulo. The contemporary design of the proposal would assimilate with its modern surroundings, with the proposed living wall providing a degree of visual relief. The existence of other street furniture would further assimilate the structure into its surroundings, with sufficient open space remaining so that the area would not appear unacceptably cluttered.
9. The location of the proposal would reduce the amount of space between the building and the bridge. The existing external seating area of Estábulo already

restricts the space to some extent. Although the proposal would add an additional structure into the space, even if I were to agree with the Council in relation to the accuracy of the provided plans, it would not result in additional significant physical restriction due to the amount of space that would remain. Moreover, the anticipated level of use of the ATM, which is not disputed by the Council, would be unlikely to result in excessive or persistent queues that would prevent access to the riverside or the bridge.

10. The proposal would be visible in views towards the river from within the complex, however it would be positioned and be of size such that it would not unacceptably further restrict views of the river, as these are already restricted to a significant extent in this particular location by existing external seating areas and other street furniture. Alternative views of the river from within the plaza would remain and would not be affected by the proposal.
11. Overall, the proposal would not harm the character and appearance of the area. It would accord with Policy DM3 of the Norwich Local Plan which, among other factors, requires that proposals respect, enhance and respond to the character and local distinctiveness of the area.

Conditions

12. I have had regard to the conditions suggested by the Council, and have considered them in the context of the relevant tests set out in the National Planning Policy Framework ('the Framework') and Planning Practice Guidance. Where necessary I have amended conditions to meet these tests.
13. I have attached standard conditions in relation to the commencement of development and adherence with approved plans in the interests of clarity and securing a satisfactory form of development.
14. Given the nature of the proposal and its location in an area where nighttime activity and use would be reasonably expected, I have also attached conditions suggested by Norfolk Constabulary relating to the provision of a privacy box, lighting and the provision of CCTV, in the interests of preventing crime and the fear of crime.

Conclusion

15. The proposal would accord with the development plan when read as whole, and there are no considerations, including the Framework which would indicate making a decision other than in accordance with it.
16. For the reasons given above, I conclude that the appeal should be allowed.

C Harding

INSPECTOR