



Appeal Decision

Site visit made on 8 January 2026

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 26th January 2026

Appeal Ref: APP/G2625/W/25/3372889

22-22A Prince of Wales Road, Norwich, Norfolk NR1 1LB

- 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 Imran Younis against the decision of Norwich City Council.
 - The application reference is 25/00388/F.
 - The development proposed is change of use to provide mixed-use development including existing commercial (Class E) at ground floor and basement and six No. one-bed flats above, including front and rear mansard roof additions and external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal site lies within the Norwich City Centre Conservation Area (the CA) and close to several Listed Buildings I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the Council made its decision the Government has, on 16 December 2025, published a consultation document regarding proposed changes to the National Planning Policy Framework (the draft Framework), together with proposed reforms and other changes to the planning system. This document was accompanied by a Written Ministerial Statement.
4. The consultation and draft Framework do not constitute Government policy or guidance, although they may be treated as material considerations in appeals. The proposed reforms are in draft form and therefore may be subject to change before the final document is published. Thus, the draft Framework carries limited weight in my deliberations.
5. There is, within the draft proposals, little change to the thrust and direction of the National Planning Policy Framework (the Framework) and Government policy remains substantially unaltered in regard to the matters in dispute in this appeal. It has, therefore, not been necessary to consult the parties concerning the documents.
6. The appellant has submitted a completed Planning Obligation, in the form of a Unilateral Agreement (UU). The Council have had the opportunity to comment on the UU, and I have taken their comments, along with the contents of that planning obligation, into account in my decision.

7. Whilst the effect of recreational disturbance is not cited as a reason for refusal in the Council's Decision Notice, when making their decision, the Habitats Regulations require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of a protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal and so I have considered this matter further within my decision. The parties have had the opportunity to comment on this matter and so no party would suffer injustice by my so doing.

Main Issues

8. The main issues in this case are: -
- The effect of the proposal on the character and appearance of the site and the surrounding area, with particular reference to the CA;
 - Whether the proposal would provide suitable living conditions for future occupiers;
 - Whether the proposal makes suitable provision for cycle parking and servicing;
 - The effect of the proposal on biodiversity, with particular reference to Protected Sites; and: -
 - The effect of the proposal on biodiversity, with particular reference to protected species.

Reasons

Character and appearance

9. The appeal building lies within the CA and is a locally listed building. It also lies within Norwich's Late-night Activity Zone (LAZ). It is currently vacant but was last used as a restaurant and karaoke bar with associated residential use. It lies within a cluster of commercial uses associated with the LAZ.
10. 22-22A Prince of Wales Road (No22-22A) fronts onto Prince of Wales Road, from which it gains access. It has two entrance doors, giving separate access to the upper floors and to the ground floor commercial unit.
11. The CA covers an extensive area encompassing the whole of the area within the medieval city walls. It contains several distinct 'character areas'. The appeal site lies within the 'Prince of Wales' character area (the POWCA).
12. The significance of the POWCA is derived from the contribution that it makes to the historic development of the city in providing a link between the city centre and the railway. In this respect the architecture of the buildings fronting onto Prince of Wales Road reflect the period of redevelopment of the city following the introduction of the railway. This is reflected in the number of locally listed buildings fronting onto Prince of Wales Road, including the appeal building.
13. Given the above, I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the period design of buildings fronting onto Prince of Wales Road.

14. There are a number of nearby Listed Buildings (the LBs) lying to the rear of the site and to the west. However, as the proposals are some distance from these, separated by interposing development, the proposal would not appear prominent in any views encompassing the listed buildings, and thus their settings would not suffer detriment.
15. The appeal building is a Locally Listed Building, which is a non-designated Heritage Asset and dates from the 1860s. The interior of the building and its ground floor shopfront have, over time, been extensively altered. However, externally, the upper part of the frontage onto Prince of Wales Road and roof retain their original form and features.
16. No22-22A exhibits features typical of those in fashion at the time of construction, matching closely its next-but-one neighbour at 18 and, to a lesser degree, the intervening 20 Prince of Wales Road. The architectural design of the building typifies design of the period and makes a significant contribution to the visual interest of the terrace.
17. On this part of Prince of Wales Road, whilst roof heights vary to a degree, the slate roofs, with their ridges parallel to the road, form a prominent, consistent feature. This is clearly visible when passing along the road and adds to the prominence of the buildings.
18. Given the above, I find the special interest of the building, insofar as it relates to this appeal, to be primarily associated with its architectural design and the contribution it makes to the street scene.
19. The building is part of a group of three exhibiting similar design features and contributes to the wider, continuous terrace along the northern side of Prince of Wales Road. The group forms a prominent feature within the street scene.
20. The proposal would replace the building's existing, simple pitched roof with a mansard roof. This would feature three dormers to each of the front and rear faces.
21. The proposed mansard would be an incongruous, complex feature of overtly modern design, replacing the simple slated pitched roof which I have found above to be a positive feature of the building.
22. Whilst set back from the edge of the roof, the proposed mansard would not be placed behind a parapet wall. This, together with the incongruity of the materials, contrasting markedly with the slated roofs that form such a feature of the roofscape, would emphasise its incongruous nature and draw the eye of passers-by.
23. The proposed roof form would thus have a harmful effect on the architectural design of the Locally Listed Building, undermining its historic interest that I have identified above.
24. Given its prominence in the street scene, the mansard roof would, by virtue of its conspicuity and incongruity, result in harm to the important features of the CA that I have previously identified.
25. The appellant identifies that there are examples of mansard roofs in the wider vicinity of the proposal site. However, these are terraces and buildings associated

with a consistent mansard roof form. The introduction of a single mansard roof into the roof form of the group of three buildings would, therefore, have a disruptive effect not seen in the examples cited.

26. Whilst, at 54 Prince of Wales Road, there is a mansard roof on an individual building which forms a part of a wider terrace, that site does not have a corresponding, contiguous roof form with its neighbours and I do not consider that it is so similar to the proposal before me as to justify the harm that I have identified above to No22-22A or the appearance of the CA.
27. In seeking to encourage the best use of land, the Framework, at Paragraph 125, supports upwards extensions, including the installation of mansard roofs. However, I note that the guidance provided in the Framework qualifies this support, requiring such proposals to be “consistent with the prevailing form of neighbouring properties and the overall street scene, and well-designed. That would not be the case here.
28. Given the above, I find that the proposal would fail to preserve the special historic interest of a non-designated heritage asset and significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
29. Paragraph 216 of the Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
30. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
31. Given that the proposal would not involve the complete demolition of a building that makes a positive contribution to the street-scene, I find the harm to be less than substantial in this instance. However, given the prominence of the building and its roofscape in the street scene, the harm would be towards the upper limit of less-than substantial harm, and, notwithstanding that the harm remains less than substantial, of considerable importance and weight.
32. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal would be beneficial because it would provide an additional six residential units to the Council’s housing supply in a location with excellent access to goods and services by more sustainable modes of transport. The Council is currently unable to identify a five-year supply of housing land in accordance with Government expectations. This is identified by the Council as being, in large part, due to the effects of nutrients on the ability of developers to proceed. This is anticipated to result in a significant shortfall in housing delivery. This notwithstanding the current lack of supply of housing land, the benefits of six additional dwellings would be modest.

33. There would also be minor short term public benefits through increased activity in the local construction industry and the supply chain, and longer-term benefits though the increase in population locally and their use of shops and services.
34. The appellant also considers that, as the proposal would bring a derelict building back into beneficial use there would be further public benefit. In support of this the appellant has provided a Financial Viability Appraisal Report, prepared by DC Development Consultancy.
35. However, this identifies that the proposal would not make a sufficient return on investment and would not be viable. It has not been demonstrated, therefore, that, if granted permission, the proposal would secure the future of the building.
36. The Council has identified that the site is not in a location identified for residential development as it is located in an area designated for late-night activity. The existing use, as an entertainment venue is, however, supported in policy.
37. Whilst it would be advantageous to reinstate an active frontage in an area identified as experiencing significant levels of antisocial behaviour, this could equally well be achieved through its existing use.
38. Paragraph 129 of the Framework advises that higher densities can be achieved in city centre and highly accessible locations. However, all require regard to be had to the area's prevailing character and setting and I have found that the proposal would be harmful in that regard. The site has been previously developed and is currently vacant. The Framework encourages the use of previously developed land. However, in this case, the site has an existing lawful use that is compatible with land uses identified as suitable for the location within the development plan, whilst local policy does not support the location for the provision of residential uses.
39. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve the significance of the LLB or the appearance of the CA.
40. This would fail to satisfy the requirements of the Act, paragraph 213 of the Framework and conflict with Policies DM3, DM9 and DM12 of the Norwich Development Management Policies Local Plan (2014) (the NLP) and Policy 2 of the Greater Norwich Local Plan (2024) (the GNLP) that together seek, among other things, to ensure that new development respects, enhances and responds to the character and local distinctiveness of the area and that all development has regard to the historic environment and take account of the contribution heritage assets make to the character of an area and its sense of place. The policies further require that where locally identified heritage assets are affected by development proposals, their significance should be retained within development wherever reasonably practicable, identifying that development resulting in harm to or loss of significance of a locally identified asset will only be acceptable where there are demonstrable and overriding benefits associated with the development and it can be demonstrated that there would be no reasonably practicable or viable means of retaining the asset within a development. As a result, the proposal would not be in accordance with the development plan.

Living conditions of future occupiers

41. There is no dispute between the parties that the proposed flats would all meet the minimum space standards set out in the Technical Housing Standards.
42. The application lies within the City's "Late Night Activity Zone" which contains entertainment and hospitality uses that would generate noise throughout the day and night.
43. The application was supported by a noise impact assessment which identified proposed mitigation and this demonstrates that, with regard to noise impact upon future occupiers, the proposal could be soundproofed to achieve a suitable sound environment through the windows being kept shut, linked to the provision of mechanical ventilation to provide fresh air. This could be secured through the imposition of a suitably worded planning condition.
44. All of the flats would be single aspect. Flats 02, 04 and 06 would all have windows facing north. The appellant has provided, to accompany his application, an Internal Daylight Assessment by T16 Design. The Council has, during the course of the appeal, had the opportunity to comment on this. This assessment concludes that the proposals meet the guidance levels for daylight and no substantive evidence has been provided to contradict this.
45. The windows that would serve Flat 02 currently look out over a flat roof containing plant associated with the ground floor use. Currently this plant is very intrusive in views from the windows that would serve Flat 02 and provides these with a poor, congested enclosing outlook of industrial plant. Whilst no plant is shown on the plans, it is unlikely that an entertainment or commercial use occupying the ground floor would be able to dispose of the need for external plant completely and, given the proposed layout of the ground floor, it is likely that that flat roof will be used to provide for the external plant requirements of any future use on the ground floor. It is, therefore, likely that the outlook of occupiers of Flat 02 would be undermined by the presence of plant. This would have an unacceptable enclosing effect and give a poor-quality outlook for future occupiers which would harmfully undermine their wellbeing.
46. The appellant has suggested that some occupiers may prefer the additional privacy and protection of a building located nearby. However, it will be seen that my concerns relate to the effect of plant on the roof, rather than the existing roofscape of the area per se.
47. The appeal site lies in a location where car free development is acceptable in accordance with the development plan.
48. The proposal would provide six cycle parking spaces in the entrance hallway to the flats, two being located under a flight of stairs. The remaining four spaces are provided in two tiers. Whilst I will consider the adequacy of such provision below, there is a need to consider the practicality of its use and how this will affect the lives of residents. In association with this the implications of the bin-storage must be considered, as there is considerable potential for interaction between occupiers of the flats and their visitors, and persons accessing the cycle storage and bin store.

49. The available space is limited, and it would be likely that accessing the cycle parking, particularly those on the upper tier, would take up much of this space. If it were necessary to enter or leave the building, particularly with a bicycle, the manoeuvre would be constrained were anyone to be accessing the cycle stores or the bin store at the same time. If the bins were being removed, at that time it would not be possible, from the information provided showing how the bins would need to be manoeuvred, for anyone else to enter or leave. Given the complexity of manoeuvring shown, taking the bins out or in of the building may take some time and it would not be possible for anyone to enter or leave the building whilst this happens.
50. This situation is made more complex by the implication that, at some point, two of the cycle storage places may be replaced by a wheelchair stairlift. The needs of a wheelchair user would place additional demands on the available space and interactions with other access needs.
51. I therefore find that the proposed layout of the hallway and lobby would lead to conflict between occupiers, and create a cramped, unsatisfactory and impractical entrance to the residential units, which would undermine their enjoyment of their homes.
52. The Council identifies that the proposal would provide no outdoor amenity space for future occupiers and, whilst this is acceptable in policy terms, any implications of this on the quality of life of future occupiers still needs to be considered.
53. In the absence of external amenity areas, it is likely that laundry drying will take place within the flats themselves. As there is a need to keep windows shut this has potential to create a dismal, damp, claustrophobic environment for the future occupiers.
54. Whilst non-openable windows may be acceptable in some developments, and the Council have in some cases, approved such arrangements¹, I have found that, in this case the combined effect of such a restriction with the overall layout of the proposal and needs of future occupiers would be harmful. Whilst each of these individual matters can be resolved in isolation, taken together they indicate the cramped nature of the proposal.
55. The appeal building has a previous planning permission² granting consent for residential use. However, that residential use was linked to occupants with a close connection to the use of the main part of the building by virtue of employment or ownership. Thus, they would have a higher degree of input into how the building and the uses within it operated. No such control would exist with occupancy independent of the operators of the other uses of the building.
56. The appellant suggests that the Council have, in Paragraph 5.9 of their statement, introduced a new reason for refusal. In reading this paragraph I understand the Council's concerns as relating to potential complaints from future occupiers impacting on local businesses. Those concerns are linked to the measures proposed for mitigation of the effects of the development, such as noise insulation and the requirement for windows to be fixed shut. As such, the Council appear to be setting out the background of their concerns with reference to Reasons for

¹ Council Refs: 09/00495/F; 19/00875/F and 24/01342/U

² Council Ref: 12/01239/U

Refusal 2 and 3. It will be seen that I have not, in any case, considered these concerns outside of the Reasons for Refusal as set out in the Council's Decision Notice.

57. Bringing these matters together I find that the proposed development would create a cramped, unwelcoming environment for future occupiers with a poor outlook from one of the flats, and that this would unacceptably undermine their wellbeing.
58. I therefore conclude that the proposal would fail to provide suitable living conditions for future occupiers. It would therefore be contrary to the aims of Policies DM2, DM12 and DM23 of the NLP in as much as, together, these seek, amongst other things, to ensure that new development provides a high standard of amenity, satisfactory living conditions, adequate protection from noise and adequate levels of outlook for future occupiers; and the proposal achieves sustainable development, including the combatting of the effects of climate change by ensuring ease of access to facilities and services for all users both now and in the future.
59. For similar reasons, the proposal would be contrary to those parts of the Framework which aim to ensure that new development achieves well designed places and promotes healthy and safe communities.
60. I will address compliance with DM31 of the NLP below.

Provision for cycle parking and servicing

61. It will be seen above that I have found the bicycle parking to be provided cramped and impractical. Two cycle spaces could be lost if the wheelchair stairlift were provided.
62. Whilst the appellant has identified that two spaces could be provided on-street, these would not be for the sole use of residents of the proposed development and so such provision could not be counted as meeting the needs of future residents. There is, therefore, doubt as to whether cycle parking in accordance with the requirements of the development plan can be provided in perpetuity.
63. There is no dispute between the parties that the indicated bins satisfy policy requirements in regard to volume. There is dispute, however, as to the practicality of their use.
64. The appellant has provided a tracking diagram for manoeuvring the bins, seeking to demonstrate that each could be moved to take them into and out of the building. However, the tracking diagram is very simplistic and omits certain features that could, in such a limited space, constrain movement further, such as bin store doors and the physical presence of the person moving the bins. It has not, therefore, been demonstrated that the layout would provide a practical solution to bin storage for the proposal.
65. The appellant states that the bins would have castors at each corner, increasing their mobility. However, that does not appear to be reflected in the manoeuvring diagram provided.
66. The appellant identifies that the building is old and this is a constraint on the layout of the bin and cycle storage. However, the appellant is proposing to refurbish the building, and this entails significant internal alterations. There is no evidence

before me to demonstrate that the proposed layout before me is the only possible layout.

67. The site is only accessed from Prince of Wales Road. This is a busy, city centre road and is a bus route. In this location the frontage is covered by a no stopping zone. However, in terms of access for servicing and deliveries, the building has an existing use for business/entertainment with associated residential use, and this would generate some demand for servicing and deliveries.
68. At the time of my site visit Prince of Wales Road appeared to have been recently resurfaced and missing road markings. The nearby pedestrian crossing would have associated zig-zag lines which would legally prevent parking on the frontage. Nonetheless, loading is permitted outside of those restrictions. There are paid parking bays on the opposite side of the road from the site, but these are unlikely to be used as they are some distance away and across a busy carriageway. It is likely that delivery drivers would seek to find a space at the kerbside. Whilst kerb space may be difficult to find during peak hours, opportunities to stop are available in line with current restrictions. It has not been shown that the proposal would generate demand above and beyond that existing to such a degree as to justify refusal of planning permission.
69. Whilst concerns have been voiced about disruption on the highway network during the construction period, I noted that Prince of Wales Road has a generous footway and a carriageway of two traffic lanes. Whilst the construction phase may result in disruption, this could be managed through the imposition of a suitably worded planning condition requiring that a Construction Method Statement be secured prior to commencement. I note that the Council have considered this and stated that such a condition would be appropriate, were I minded to grant planning permission.
70. Bringing these matters together I find that the proposal would not make practicable provision for the parking of cycles or servicing the proposal, having regard to the storage of waste bins. Further, it has not been demonstrated that sufficient cycle parking would be provided to satisfy the needs of future occupiers of the proposal.
71. I therefore find that the proposal would not make suitable provision for cycle parking and servicing and would, therefore, be contrary to the aims of Policies DM2, DM12 and DM31 of the NLP Plan. This is because the policies, together, seek, amongst other things, to ensure that appropriate cycle parking is provided; it is demonstrated that adequate provision has been made for servicing of the proposed development, and in particular, that adequate and appropriately designed provision has been made for the storage of refuse; that future occupiers are provided with a high standard of amenity and satisfactory living conditions; and that sustainable development is achieved, including the combatting the effects of climate change by ensuring ease of access to facilities and services for all users both now and in the future.

Protected Sites

Policy

72. Policy 3 of the GNLP confirms that all new developments should avoid harm to designated assets of the natural environment, having regard to their level of significance (local, national, and international) in accordance with the requirements

of the Framework and relevant policies in other Development Plan Documents and Neighbourhood Plans.

73. The policy further requires that all residential development that results in an increase in the level of overnight stays will address the potential visitor pressure caused by residents of the development that would detrimentally impact on sites protected under the Habitats Regulations through the payment of a contribution towards the cost of mitigation measures at the Protected European Sites.
74. Policy DM6 of the NLP seeks to ensure that development takes all reasonable opportunities to avoid harm to and protect and enhance the natural environment of Norwich and its setting, including both sites and species, taking particular account of the need to avoid harm to the adjoining Broads Authority area and other identified areas of natural environmental value immediately adjoining the City.
75. When making their decision, the Habitats Regulations require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of a protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal. An Appropriate Appraisal (AA) must contain complete, precise and definitive findings which are capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of a protected site.

Recreation

76. There is no dispute between the parties that the site is located within the zone of influence of one or more of the European Protected Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). The relevant sites in Norfolk are identified by the Council as the Wash SPA, Wash and North Norfolk Coast SAC, Wash Ramsar, North Norfolk Coast SAC, North Norfolk Coast SPA, North Norfolk Coast Ramsar, Norfolk Valley Fens SAC, Winterton – Horsey Dunes SAC, Great Yarmouth North Denes SPA, Broadland SPA, Broadland Ramsar and Breydon Water SPA.
77. The development would increase the number of residents in the district, and so the development would, when considered in combination with other development, result in a likely significant effect on the integrity of the protected sites as a result of recreational pressures.
78. Jointly the local authorities within Norfolk have, in consultation with, and with the agreement of, NE, adopted the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) which incorporates strategic mitigation measures to be delivered to avoid adverse impacts where appropriate.
79. This provides a strategic, county wide approach to mitigating recreational pressures on the protected sites through the securing of financial contributions for access management schemes and monitoring proposals. As this is an agreed approach with NE the proposed development can be assessed within the context of the GIRAMS. On this basis I consider that this is an appropriate approach to mitigating identified harms.
80. The UU submitted by the appellant makes provision for the payment of the appropriate financial contributions and it is a matter of agreement between the

parties that the UU satisfactorily addresses this matter. I have no reason to disagree.

Nutrients

81. NE has advised the Council that nutrient pollution is having an adverse effect on habitats sites within the district, namely River Yare SAC and the Broads and River Wensum SAC which are protected European sites.
82. The Council has advised that the site is within the catchment of the Broads and River Wensum SAC. NE's 'Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites' (16 March 2022) (NE's advice) confirms the Broads and River Wensum SAC is in unfavourable condition due to excessive nutrients, namely Nitrogen and Phosphorus.
83. NE's advice also confirms, 'In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition.
84. The Government's Chief Planner has also advised that where habitats sites are in an unfavourable conservation status and additional nutrient loads, such as from development, may have an adverse effect, proposals affecting such sites should be carefully considered and mitigation should be used to ensure that there are no adverse effects.
85. In addition to the above, the evidence provided indicates that new overnight accommodation has the potential to have an adverse impact on nutrient levels.
86. There is no dispute between the parties that the proposed development would generate additional nutrients and that these would discharge into the Broads and River Wensum SAC catchment. The appellant has worked with the Council to agree the quantum of pollutants that would be generated, together with the quantum of Nutrient Credits required to offset that harm.
87. Whilst the appellant has expressed willingness to purchase nutrient credits, they have not yet done so at the time of determination of this appeal. As no mitigation has been secured at this point, I am unable to conclude that no harm would result. I am therefore unable to complete the AA favourably.
88. Given the above I am unable to conclude that there would be no adverse effect of the proposal, alone, on the Broads SAC.

Conclusion regarding effect on European Sites

89. I conclude that the proposal would adversely affect the integrity of the European sites and that this would not be suitably mitigated. The proposal would conflict with the requirements to ensure that there will be no adverse impacts on European sites in Policy 3 of the GNLP and Policy DM6 of the NLP as well as the nature conservation requirements of the Framework and the Habitats Regulations.

Protected Species

90. The proposal would involve structural works to roof spaces within the building.
91. Subsequent to the Council's determination of the application, and to accompany this appeal, the appellant engaged 'Biome Consulting' to prepare an Ecological Impact Assessment. However, no such document has been put before me.
92. In its absence it has not been demonstrated that the proposal would not harm bats, a protected species.
93. I therefore find that the proposal would have an adverse effect on biodiversity, with particular reference to protected species and complies with Policy 3 of the GNLP and Policies DM1 and DM6 of the NLP. This is because these, together, seek, amongst other things, to ensure that, through its design, new development enhances the natural environment, to respect, conserve and enhance natural assets, avoid harm to and protect and enhance the natural environment of Norwich and its setting, including both sites and species.

Other Matters

94. There is no dispute between the parties that the Council is unable to demonstrate a five-year supply of housing land. I have, however, found harm to heritage assets and protected habitats, and these provide strong reasons for refusing the development proposed. For this reason, the presumption set out in Paragraph 11 of the Framework does not apply.
95. It will be seen that I have found that the harm to heritage assets resultant from the proposal is not outweighed by the public benefits that would accrue, were I to grant planning permission.
96. Subsequent to that conclusion, I have found that the proposal would not provide adequate living conditions for future occupiers and would harm biodiversity, including protected habitats. No additional public benefits have been identified to offset this harm and therefore I find that the benefits of the proposal do not outweigh the harms resultant from the proposal.

Conclusion

97. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal is, therefore, dismissed.

I A Dyer

INSPECTOR