

The report fails to assess the proposal on its own merits, relying entirely upon the 2016 appeal decision by selectively repeating the text verbatim, even referring to the ‘*the appeal site*’, as if it were the same proposal, accept conveniently overlooking paragraphs 10 and 11 that addresses the size of the gaps to the east and west of the hotel. The panoramic views shown below demonstrate how the massing and the proximity of the nearest house (within 10m) impacted upon the spacious setting of the listed building. Whereas, the second panoramic view demonstrates how the present proposal maximises the gap, thus minimising any harmful impact upon the hotels spacious setting.

Panoramic views from point 'A' Aldwick Road (south) at right angles and centered on the hotel

Previous 2016 appeal proposal



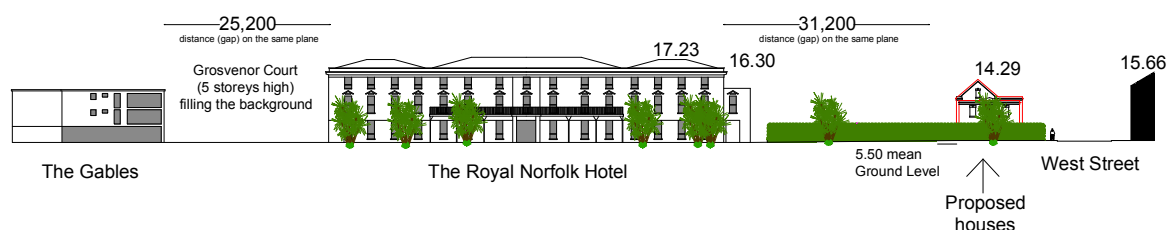
Paragraph 11 - 2016 appeal decision:
Whilst the more recent development to the west of the hotel intrudes upon its setting, it is separated from the hotel to a greater extent and does not justify the harm to the setting of the listed building that would arise from the appeal proposal.

Paragraph 10 - 2016 appeal decision:
The detached dwelling closest to the hotel would be located within 10m of the listed buildings ... be prominent in views from Aldwick Road etc ... The proposed dwelling would considerably diminish the spacious setting of the hotel which is integral to its significance

The application proposal seeks to take account of the Inspector's view that because the more recent development has a greater separation, it does not justify the development at the time. The application proposal now has a greater separation than the more recent development to the west and no longer considerably diminishes the spacious setting by being separated by over 31m thus maintaining the hotel's spacious setting which the Inspector considered is integral to its significance.

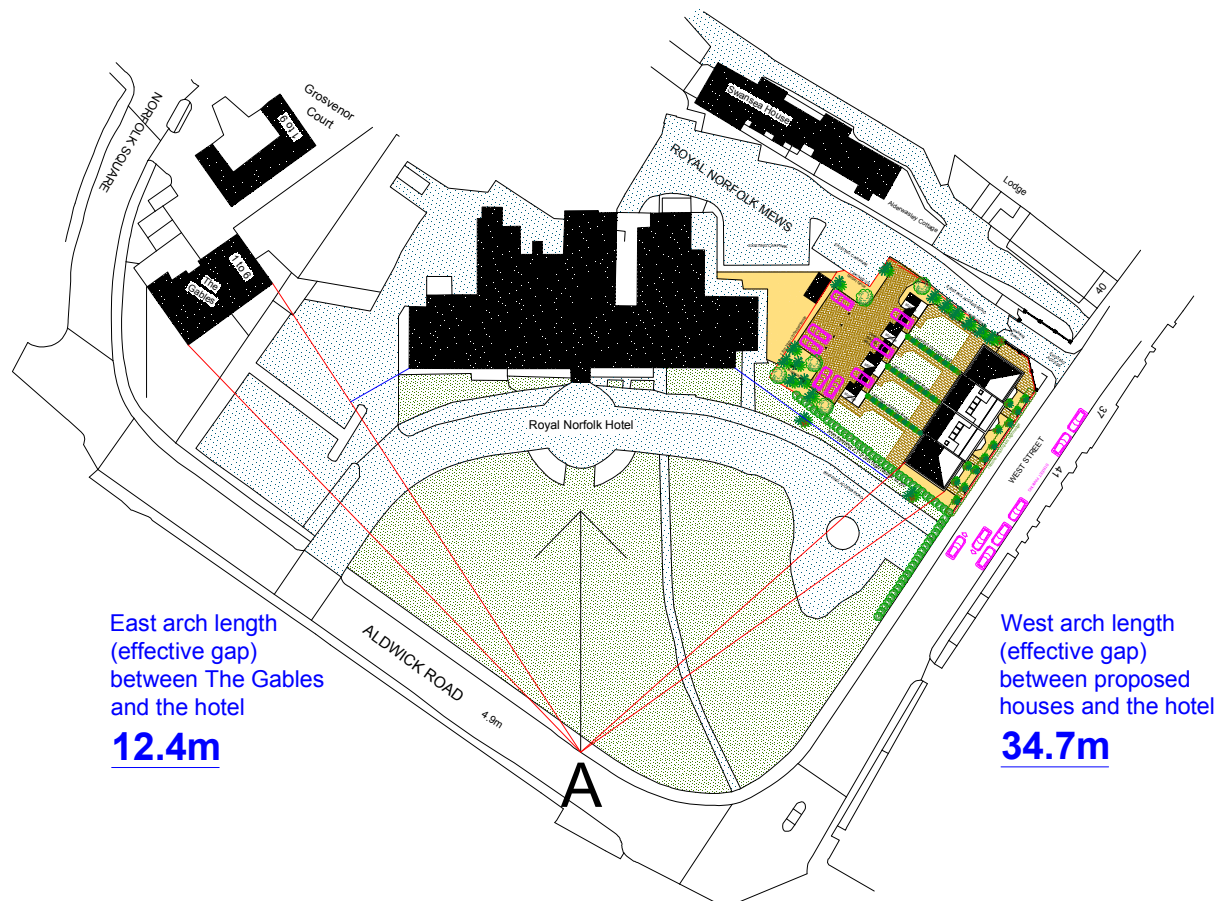
In other respects, the view from Aldwick Road demonstrates how diminutive the **application proposal** is compared with the **previous appeal proposal** and how subservient or subordinate the scale, massing and bulk of the proposal is compared with the hotel and surrounding buildings.

Application proposal



The photograph and plan projected from a point 'A' centralised and perpendicular to the diagonal setting of the hotel building, demonstrates the impact of the more recent building of 'The Gables'

and the earlier building 'Grosvenor Court' dominating the space to the west of the hotel compared with the open space to the east, which will remain open with the proposed houses being out of shot.



The open spaces of 'The Steyne' and 'Waterloo Square' are purposely planned formal gardens, square onto the seafront with houses arranged around the 'square'. The 'Royal Norfolk Hotel' is a

prominent landmark building with purposely planned spacious grounds. But, unlike the formal squares of The Steyne and Waterloo, it relates to the hotel only and the context of the sea front and the southern end of West Street. The open area (application site) to the east of the hotel was first used as a kitchen garden and latterly as tennis courts, demonstrating that it was never intended to form part of the formal garden seafront area, being historically and physically separated by a tall dense hedge.

For heritage policy, 'significance' relates to the value of a heritage asset to this and future generations because of its heritage interest, deriving from its physical presence and its setting.

Annex 2 of the NPPF defines the setting as: 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Paragraph 13 of the 2016 appeal decision acknowledges that the site does not make a positive contribution to the conservation area. It should also be noted that the boundary hedge can be removed at any time, revealing not only an unkempt state, but also making invitingly accessible an unused piece of land available for unauthorised occupation that would be impossible to control, causing significant harm to the setting of the listed building and the conservation area in general.



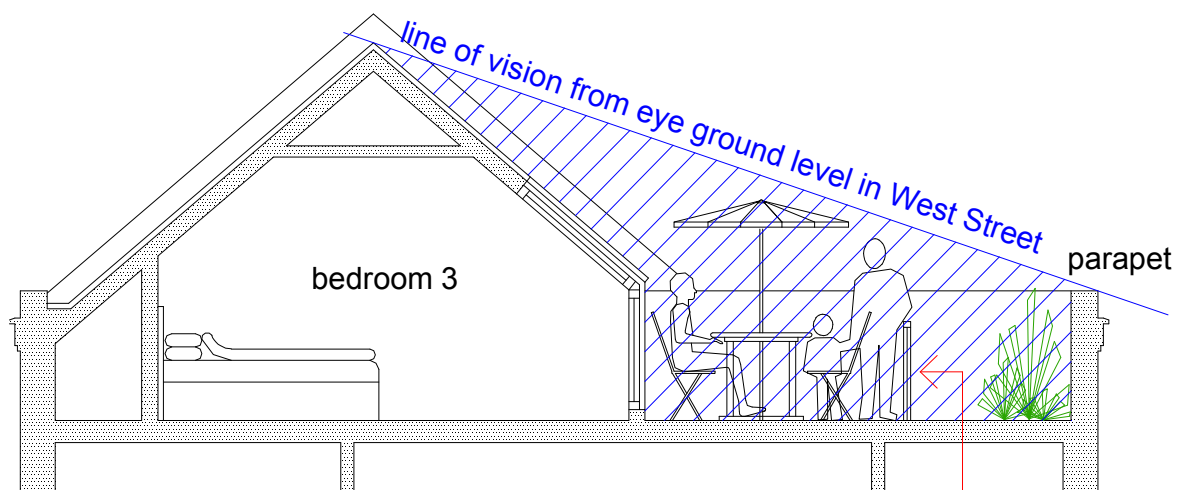
The photograph above also demonstrates that removing the hedge would further reveal the east elevation of a later appendage to the hotel that does not make a positive contribution to the listed building or the conservation area. Accordingly, unless a viable use can be found, the site will remain unkempt and potentially harmful to the conservation area and the community at large.

While planning decisions cannot be determined under the threat of potential unauthorised activities, that could otherwise be corrected by enforcement, the potential harmful impact of maintaining the status quo cannot be ignored. The framework recognises this by requiring LPA's to secure, not just a use, but the optimum viable use to help make communities economically sustainable and make a positive contribution to local character and distinctiveness.

Whether the site was ever built on and the fact that the proposed development would continue further towards the seafront is immaterial, either way, it does not preclude development. More importantly in policy terms, the site relates to being 'brownfield' and located in the built-up part of the conservation area. The proposal would extend the existing linear pattern of road front development intrinsically characteristic of West Street and this part of the conservation area, stopping short of any intrusion or views of the formal seafront hotel garden or listed building.

The '*close proximity*' of the nearest house in the 2016 appeal, within 10m of the listed building, cannot describe the nearest house in the present scheme located in excess of 30m distance. The hedge screening on the southern boundary of the site is read in the context of the listed building and will remain intact thus preserving a prominent physical separation between the site and the formal hotel garden.

The parapet conceals the roof of the houses viewed by an average height person standing in West Street. The south elevation showing two blue sight lines, the lower relating to the outer houses and the upper relating to the middle houses. Accordingly, both sight lines are correct.



Section through inner plots 2 and 3 upper bedroom 3 and hidden (blue hatched) roof terrace with 'garden furniture etc'

Please note, the roof terrace will not be prominent, but totally concealed from public view. The upper projected blue site line shown on the section demonstrates that the parapet and the set-back restricted area will prevent the terrace and any clutter from garden furniture etc ever being seen. Either way, if its inclusion causes such concern to justify refusal, it can be omitted from the proposal.

The photograph below and a cursory glance at the buildings within the conservation area will demonstrate that the report's contention that *such a feature is not prominent in the local area*, is altogether misguided. Every seaside resort, including the entire conservation area feature prominent elevated balconies and roof terraces with accompanying *clutter in the form of garden furniture etc*.



The planning balance:

The NPPF sets out a presumption in favour of sustainable development, requiring LPA's to approach proposed development in a positive and creative way by working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions in a way that:

- i. giving substantial weight to make as much use as possible of previously-developed or 'brownfield' land;
- ii. support appropriate opportunities to remediate despoiled, degraded, land;
- iii. promote and support the development of under-utilised land; and
- iv. allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.

Decision-makers should seek to approve applications for sustainable development where possible. Sustainable development relates to three overarching objectives applied mutually to secure net gains across each of the different objectives, in this case, the development would meet with:

- a) the economic objective by contributing to the supply of land in the right place, providing short term jobs and support local retail, growth and the vibrancy of the local
- b) the social objective by delivering four new homes to meet the needs of present and future generations within easy walking access to all services and open spaces and
- c) the environmental objective by:
 - i. making effective use of previously developed (brownfield) land which is surrounded on three sides by built development within the built-up part of the conservation area;

- ii. contribute to protecting and enhancing the built and historic environment by seeking the optimum viable use of a site that is and will remain unkempt and under-used in a conservation area with the potential to cause significant harm unless a viable use can be found; and
- iii. any adverse impacts of doing so must significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Apart from the roof terrace, the report raises no objection or concern relating to the design of the houses, but refuses to support the development in principle for two reasons, namely:

- 1) *the development of the land would lead to the loss of the open space to the east of the hotel; and*
- 2) *would harm the character of the conservation area.*

Contrary to the report's conclusion, past Inspectors, being minded of the requirements of the framework, have been careful not to preclude development of the site per se, with some eluding to its development potential. Past appeals have been dismissed for inappropriate design reasons or a resulting loss of spacious setting, such as the last appeal proposal, where the nearest house was in front and within 10m of the listed building.

While considering the potential harmful impact of a proposed development, LPA's must also consider the impact of refusing development. Refusing any development of the land, as the report suggests, abdicates the Council's requirement to look for opportunities for new development within the conservation area and within the setting of heritage asset. In this case, the site has remained unused for decades, failing to meet the needs of the past, present and future generations. Maintaining the status quo only maintains the threat of unauthorised activity and resultant significant harmful impact on the conservation area, the listed building and the community at large, unless an optimum viable use can be found.

Every material planning policy within the framework supports development of this site. LPA's are required to take a balanced judgement regarding the scale of any harm or loss and the significance of the heritage asset weighed against the public benefits of the proposal. In this case, the question now lies in whether the gap, now over 31m between the listed buildings and the back of the proposed houses is sufficient to *maintain the spacious setting of the hotel*, or whether it would result in significant harm of such magnitude that it would outweigh the benefits, including securing its optimum viable use.

Continuing to refuse any planning permission on this site is an unsustainable option and contrary to planning policy. The applicants have taken into consideration that the site lies within the residential built-up part of the conservation area together with the form and pattern of surrounding built development in West Street. In terms of working proactively with the Council, despite raising no design concerns, the applicants are willing to amend the design concept if it would help secure permission or enter into dialogue to seek a viable alternative use.

Bank Details: Metro Bank Sort Code: 23-05-80 Account Number: 18220385