

Appeal Decision

Site visit made on 3 October 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th October 2016

Appeal Ref: APP/L2630/W/16/3154754

Acorn Hollow, Chequers Road, Tharston, Norwich, Norfolk NR15 2YA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Baldwin against the decision of South Norfolk District Council.
 - The application Ref 2015/2737, dated 23 November 2015, was refused by notice dated 19 January 2016.
 - The development proposed is a new dwelling and double garage following the sub division of the existing plot 'Acorn Hollow'.
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Decision

1. The appeal is dismissed in so far as it relates to the double garage.
2. The appeal is allowed in so far as it relates to the new dwelling. Planning permission is therefore granted for the sub division of the plot and the erection of a new dwelling at Acorn Hollow, Chequers Road, Tharston, Norwich, Norfolk NR15 2YA, in accordance with the terms of the application, Ref: 2015/2737, dated 23 November 2015, subject to the conditions in the attached schedule.

Application for Costs

3. An application for costs was made by Mr Andrew Baldwin against South Norfolk District Council. This application will be the subject of a separate Decision.

Main Issue

4. Since the Council issued its decision the Long Stratton Area Action Plan has been adopted and this now places the appeal site in the settlement boundary of the town. Consequently, the principle of development is now supported by the development plan. This is the case even though the settlement boundaries are out of date due to the Council's inability to currently demonstrate a five year housing land supply. As such, the main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located in Chequers Lane, a street with a varied character. The western side of the road is a mixture of sporadic development intermingled with open farmland views. The eastern side of the road is generally built up and is predominately estate housing. Although, the properties immediately south of the appeal site are on larger more open and verdant plots. To the immediate north of the site is a housing estate currently under construction.
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6. The appeal site encompasses the side garden of Acorn Hollow, a detached bungalow set back from the road behind a generous front garden. The appeal site has been subdivided from Acorn Hollow by a close board fence. The appeal scheme is for the erection of a detached two storey dwelling with a single storey double garage erected in the front garden. The Council are concerned that the house would appear cramped and would thus sit uncomfortably next to the existing bungalow. The Council have also suggested that the siting of the garage would result in harm to the street scene.
7. The proposed garage would be conspicuous from Chequers Lane across the open driveway. The garage would span around half the width of the plot and would be located directly in front of the proposed house. This would result in it obscuring much of the front elevation. The development would therefore have the outward appearance of being cramped and car dominated. The position of the garage would also inhibit a visual interaction between the house and the public realm and would thus fail to provide an active frontage. As such, the proposed garage, by virtue of its siting and scale, would represent a discordant design that would harm the character and appearance of the area.
8. In reaching this view I note the presence of double garages to the front of Acorn Hollow and the 'show home' in the Taylor Wimpey development. However, the garage at Acorn Hollow is set behind soft landscaping and is significantly narrower than the front elevation of the bungalow. The Taylor Wimpey garage is to the side of the house it serves, thereby leaving the front elevation unobscured. Alternatively, the proposed garage would span across the majority of the front elevation of the proposed house and would be sited in an exposed and conspicuous position. It would thus be more prominent with an uncomfortable relationship with the proposed house it would serve.
9. I therefore conclude that the garage would harm the character and appearance of the area contrary to Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 (JCS) and Policy DM3.8 of the South Norfolk Local Plan Development Management Policies Document 2015 (DCP). These policies seek to secure developments that are of a high standard of design.
10. Turning to the proposed house. The dwelling would have a deep plan form and wide side gables with insufficient room for any meaningful soft landscaping to the side of the dwelling, which would otherwise soften the built form. To an extent, this would result in the property having a cramped appearance when viewed alongside the wider form of Acorn Hollow and the more verdant and spacious development to the immediate south. Although this effect would be partially tempered by the depth of the plot and the retention of existing trees.
11. Nevertheless, the effect of the proposed dwelling cannot be considered without having regard to the adjoining Taylor Wimpey development, which has significantly altered the immediate context in which the appeal site is viewed due to the absence of any significant visual buffer between the appeal site and the housing estate. The dwellings in the Taylor Wimpey development that adjoin the appeal site are large and closely spaced giving a suburban, almost urban, appearance. The proposed dwelling would be viewed from Chequers Lane against the backdrop of this development. In this respect, the width of the plot and the scale of the proposed house would be similar. Consequently, I do not consider the proposed dwelling would appear unduly cramped or incongruous.

12. I therefore conclude that the proposed dwelling would integrate with the character and appearance of the area thereby adhering to Policy 2 of the JCS and Policy DM3.8 of DPD. As I have found this part of the proposal to be consistent with the development plan, it is sustainable development that should be approved without delay. I have therefore issued a 'split decision' because the proposed dwelling, which I have found to be acceptable, can be severed from the proposed double garage, which I have found to be unacceptable.

Other Matters

13. The appellant has referred to other developments in the district where garages have been constructed in positions that obscure the host property (Photos 14, 15 and 16). Whilst it is important to be consistent in decision making, the circumstances behind these developments are not before me. Moreover, the examples referred to have enabled me to recognise the effects of such development on the street scene and therefore the likely impact of the appeal scheme. Being able to see this reinforces my conclusion on the main issue. In any event, I have considered the proposed development on its own merits.
14. The proposed dwelling would be sited closer to the Taylor Wimpy development than Acorn Hollow. As such, the extent of overlooking of the proposed new dwelling by the residents of the adjoining development would be greater, particularly the garden space. However, the distance, intervening landscaping and boundary treatment, the overall size of the garden and the provision of a decked patio partially screened by the single storey rear section of the building would, on balance and in combination, be sufficient to ensure adequate living conditions for the future occupants of the proposed dwelling.

Conditions

15. In considering possible planning conditions I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. In addition to the standard commencement condition I consider it necessary in the interests of safeguarding the character and appearance of the area, and the living conditions of neighbours, to require the development to be undertaken in accordance with the approved drawings, for levels to be approved and for the ensuite windows in the side elevations to be obscured. The landing window does not need to be obscured as it is below first floor level. Additionally, I consider it is necessary for a hard and soft landscaping scheme to be approved for the front garden of the house in light of my refusal of the proposed garage.
16. In the interests of safeguarding the living conditions of future occupants, it is necessary to attach a condition relating to land contamination. Having considered other appeals in the District I am aware that it is an area of water stress and therefore a condition is necessary to manage water consumption rates. In the interests of highway safety, it is necessary for the Council to approve details of the highway access and parking and turning areas.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed in so far as it relates to the proposed garage and allowed in so far as it relates to the proposed new dwelling.

Graham Chamberlain, INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall commence before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the following approved plans (or any approved non material amendment to these plans or any plans approved pursuant to a planning condition attached to this permission):
 - P/B047A/01D Site and Block Plan – other than the garage, which has been refused and thus omitted from the approved development;
 - P/B047A/10D Proposed ground and first floor plans;
 - P/B047A/15C Proposed elevations;
 - P/B047A/16B Proposed section and elevation - other than the garage, which has been refused and thus omitted from the approved development.
3. Notwithstanding the approved drawings and prior to the first occupation of the hereby approved dwelling, a hard and soft landscaping scheme, including a timetable for implementation, for the front garden of the approved dwelling shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved details and timetable.

If within a period of five years following the occupation of the dwelling any part of the soft landscaping scheme fails, dies or is uprooted. It shall be replaced with planting of a similar age and species in accordance with a timetable approved in writing by the Local Planning Authority.

4. The ensuite windows at first floor level on the side elevations of the dwelling hereby approved shall be obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass.
5. No development shall take place until details of the existing ground levels, proposed finished floor levels of the dwelling and the proposed finished ground levels of the site, relative to a datum point, which is to remain undisturbed during the development, have been submitted to and agreed in writing by the Local Planning Authority. Such details shall also provide comparative levels of eaves and ridge heights of adjoining properties and details of the levels of any existing or proposed boundary treatments. The development shall be carried out in accordance with the details as approved.
6. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:
 - 1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
 - 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.
7. The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day.

No occupation of the dwelling shall take place until an assessment which relates to that dwelling and which confirms that the development has been constructed in accordance the above requirement for water usage has been submitted to and agreed in writing by the local planning authority.

All completed water conservation measures identified shall be installed in accordance with the details as agreed and thereafter permanently retained.

8. Subject to Condition 3 and prior to the first occupation of the development hereby permitted, a highway access and on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

End of schedule