
Appeal Decision

Site visit made on 22 November 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 9th December 2016

Appeal Ref: APP/K2610/W/16/3154969

Limanda, 15 Norwich Road, Strumpshaw, Norwich NR13 4NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Kevin Bayes against the decision of Broadland District Council.
 - The application Ref 20151961, dated 25 November 2016, was refused by notice dated 4 April 2016.
 - The development proposed is an outline planning application for a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved. Indicative drawings of the proposed access, appearance, layout, scale and landscaping have been provided. I have had regard to these in my determination of the appeal.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - (a) The character and appearance of the area, including its effect on protected trees.
 - (b) The living conditions of future occupants and neighbouring occupants at Limanda in respect of privacy and outdoor amenity space.

Reasons

Character and Appearance

4. The appeal site currently forms part of the rear garden to Limanda, a large detached bungalow which is located at right angles to Norwich Road and is served by a private driveway. This property is currently bounded by a tall close boarded fence. There are three Birch trees within the appeal site. A large oak tree is also situated just outside of the boundary fence at the south-western corner of the appeal site. These are all protected by a Tree Preservation Order (TPO)¹.
5. The site is surrounded by detached dwellings along Norwich Road. These are in a variety of architectural styles and include both single storey and 2-storey

¹ Reference: 2011 No 69

- dwellings. While the overall character of the area is mixed, there is a sense of unity in that development is of a relatively low density with properties generally set within large plots.
6. The proposed development would subdivide the rear garden of Limanda to create a small infill plot between this property and No 11, a modern bungalow. Although the application is in outline, the submitted plans suggest that the proposed development would be a 2-storey dwelling with a private access leading from Norwich Road.
 7. I consider that the appeal site is particularly constrained in terms of its overall size and I saw there are no properties in the locality with a comparable plot size. The drawings indicate that the dwelling would be of a modest scale, reflective of the size of the plot, and that the development would be set back from Norwich Road, leaving a reasonable open area to the front. Nonetheless, I find that the proposed dwelling would give rise to a cramped form of development and would diminish the overall sense of spaciousness between properties, causing harm.
 8. Furthermore, this effect would be particularly noticeable as I saw that clear views of the proposed development would be gauged from Norwich Road, particularly when travelling east along this highway, looking across the car park of the nearby public house, located to the west of No 11.
 9. The appellant has suggested that the Council has sought to focus too much on streetscape, rather than taking account of all the wider surrounding developments within Strumpshaw. I have found that the overall character of the area is mixed, and I acknowledge that there are examples of development which are of a higher density. However, the appeal site is located in an area of the village where there is a general consistency in plot size giving a spacious and open character. It is in this context that I find that the scale of the appeal site would be significantly at odds with this character and would be incongruous in this respect.
 10. I note the development at Hemblington Road. While I have no details in terms of the balance of planning considerations which led to the approval of the scheme, from the site plan provided, the size of the plot appears to be similar to the plots serving Magnolia and The Cottage. In any case, I have determined the appeal on its own merits.
 11. I am also mindful that the existing protected trees would be affected by the development. Specifically, the Arboricultural Impact Assessment (AIA) indicates that one of the Birch trees (T3) would be felled.
 12. The AIA also recommends that the Oak Tree (T4) would require crown lifting and some level of pruning on the north side of the tree to reduce the asymmetrical crown. It is understood that there is a separate live permission for remedial works to be carried out to this tree.
 13. By reason of their location in proximity to Norwich Road, these protected trees are attractive and, visually, make a significant contribution to the street scene. Therefore the loss of T3 in combination with the additional work which would to T4 would cause harm to the character of the area.
 14. It has been put to me that the work to T4 is remedial and should have not been included within the report to support the application, however the AIA is

explicit that the works would allow access for development. Therefore, even if it were found to be possible that no crown lift would be necessary, given the size of the tree and its proximity to the area which is indicated on the plans to be used as a driveway and for parking, it is likely that there would be pressure to cut back this tree.

15. I note that the AIA states that none of the trees should prevent development, however the report does recommend that tree T3 is felled due to its condition and consent was sought on that basis. While the appellant has indicated that T3 could be retained, given the recommendations of the report, there is no evidence to suggest that this tree would not be adversely affected by the proposed access which would be within the root protection area. Even if this tree were to remain, again, there would likely to be pressure in the future for the felling of this tree as a direct result of the development.
16. The Council would retain formal control over any such requests in respect of T3 and T4, however in practice I consider that it would be likely to be difficult to resist in the long term.
17. I therefore conclude that the development would adversely affect the character and appearance of the area in terms of the size of the appeal plot and due to impacts upon protected trees. The proposals would therefore be in conflict with Policy GC4 of the Broadland District Council Development Management Development Plan Document 2015 (LP) which requires proposals to have regard to the character and appearance of an area and reinforce local distinctiveness through the careful consideration of the treatment of space and Policy EN2 in respect of the protection of landscape features. The development would also fail to accord with Policies 1 and 5 of the Strumpshaw Parish Council Neighbourhood Plan 2014 (NP) which seek to ensure that development reflects the existing form and structure of the settlements and allow adequate space between buildings to retain the character of the Parish.

Living Conditions

18. The proposed dwelling would front Norwich Road and would therefore be situated at right angles to Limanda. Given the small size of the proposed plot, the separation distance between the proposed dwelling and this property would be minimal.
19. There is a dormer window built into the roof of Limanda which serves a habitable room. Based on the indicative drawings, this would look across onto the appeal site and, into the rear garden area of the proposed dwelling. This effect would not be obscured or minimised by the positioning of the proposed dwelling at right angles to the window and I find that direct views into the proposed garden would be gauged. I find that this would compromise the privacy of future occupants of the proposed dwelling to an unacceptable degree.
20. While it is proposed that this room could be obscure glazed to prevent overlooking, the addition of this would compromise its use and any restriction on outlook would harm living conditions of occupants of Limanda. The appellant also indicates that this room would not be used for extended periods of time and as such loss of privacy would be limited. However, it would not be possible to predict or control behaviours of occupants in the long term in respect of the use of the room.

21. While it may be the case that under the General Permitted Development Order (GPDO), properties can be extended up to a distance of 7 metres from the boundary of a neighbouring property opposite the rear wall of the dwellinghouse, I do not accept that this indicates the acceptability of such a separation distance in the proposals before me for an entirely new dwelling. In determining the appeal on its own merits, due to the particular circumstances of the appeal site, I consider that the development would be overlooked by Limanda. Given the harm I have identified, the distance between the window and the rear garden of the proposed dwelling is not reasonable in this case.
22. The Council consider that the private amenity space serving both Limanda and the proposed dwelling would not be sufficient. Notwithstanding the harm I have found to the character of the area in respect of the overall cramped appearance of the plot within the street scene, with specific regard to the living conditions of future occupants of the proposed dwelling, I consider that the amenity space provided would be adequate and would allow for outdoor domestic use of this area due to the modest scale of the dwelling.
23. However, I consider that the remaining private rear garden area serving Limanda would be disproportionately small in comparison to the size of the dwelling. I find that this would be inadequate for existing and any future occupants. I note the other examples of developments with small amenity spaces put forward, but I have no evidence in respect of the overall size of dwellings in which these gardens serve. I also note that the remaining rear garden area serving the existing dwelling 'Newhaven' in the Hemblington Road scheme also appears to be proportionate in respect of the size of this property.
24. I therefore conclude that the development would adversely affect living conditions of future occupants in respect of privacy and neighbouring occupants at Limanda due to a lack of outdoor amenity space. The development would therefore conflict with LP Policy GP4 which requires developments to pay adequate regard to meeting amenity needs of existing properties and future occupants.

Other Matters

25. There is no objection in respect of the suitability of Strumpshaw to accommodate additional development and other such modest benefits in support of rural growth are recognised. However, I have identified significant harm in respect of character and appearance and living conditions and the resultant policy conflict with the adopted development plan for the area. The proposals cannot therefore be considered sustainable for which the Framework carries a presumption.

Conclusion

26. For the reasons above, taking into account all other matters raised, the appeal should be dismissed.

C Searson
INSPECTOR