
Appeal Decision

Site visit made on 21 December 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 27 January 2017

Appeal Ref: APP/G2625/W/16/3157948

1A Winter Road, Norwich, Norfolk NR2 3RR

- 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 DAV Ltd against the decision of Norwich City Council.
 - The application Ref 16/00097/F, dated 18 January 2016, was refused by notice dated 19 August 2016.
 - The development proposed is the extension of garage and conversion to dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as it appears on the appeal form as, whilst it differs slightly from that shown on the application form, it most accurately describes the development to which this appeal relates. It is clear that both parties are content with this approach since the same description appears on the Council's decision notice.

Main Issues

3. There are three main issues. These are:
 - The effect of the proposed development on the living conditions of existing and future occupiers;
 - Whether or not the proposed development would make adequate provision for off street parking, cycle and refuse storage; and
 - Whether or not the proposed development would make adequate provision for the management of surface water runoff.

Reasons

Living Conditions – Existing Occupiers

4. The appeal site comprises a semi-detached single storey painted brick garage to the south side of Winter Road. It is at the foot of and elevated from the rear garden to No 1 which is subdivided into flats. The proposed development would extend the garage to create a self-contained residential unit. It would have an open plan kitchen, dining and living space and a single bedroom with an en suite bathroom.
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5. The proposed side extension would bring built development very close to the rear elevation of No 1. Whilst neither party has confirmed the precise use of the room in the ground floor of No 1 that would be closest, it is served only by a small window and a partially (obscure) glazed single door. The proximity and finished height of the extension would all but block light into these windows and result in an oppressive and enclosing structure.
6. In addition, and whilst I accept that the expectation of outdoor garden space is different for flats than houses, the proposed extension would further erode the small area of outdoor space that No 1 has access to. It would thereby limit it to a narrow tunnel like walk way purely to provide access to the side gate.
7. Furthermore, considering the addition of the extension in the context of existing extensions and the garage itself, built form would extend along almost the entire length of the rear garden boundary shared with No 47 Edinburgh Road.
8. For these reasons, the proposed development would have an overbearing and enclosing effect on the occupiers of both No 1 Winter Road and No 47 Edinburgh Road. In the case of No 1 specifically, it would result in almost the complete removal of any form of outdoor amenity space.

Living Conditions – Future Occupiers

9. Policy DM2 of the Local Plan¹ sets out the minimum internal floor area requirements for new residential accommodation to ensure acceptable living conditions for future occupiers. Whilst I accept the stated minimums are indicative, they are minimum requirements nonetheless. The self-contained unit proposed would be below the stated minimum for a single storey, single bedroom dwelling by a more than marginal degree.
10. The proposed development makes no provision at all for outdoor space for itself and its only windows, into both the bedroom and the kitchen/living/dining space would look directly onto the street.
11. The amount of internal floor space, lack of outdoor space and the fact that there would be clear views into the only windows from public areas would all combine to result in an unacceptably poor living environment for future occupiers.
12. The proposed development would therefore be contrary to Policies DM2, DM3 and DM12 of the Local Plan. These Policies seek to ensure, amongst other things and along with one of the core principles of the Framework², new development is of a high quality and contextually appropriate design that incorporates private space, provides for an appropriate level of internal accommodation and provides a good standard of amenity for existing and future occupiers of land and buildings.
13. I note the Council's reference to Policy 2 of the Core Strategy³. However, this Policy is more relevant to detailed matters of appropriate design and character.

¹ Norwich Development Management Policies Local Plan 2014

² The National Planning Policy Framework 2012

³ Joint Core Strategy for Broadland, Norwich and South Norfolk adopted 2011, amended 2014

Off Street Parking, Cycle and Refuse Storage

14. The proposed development would convert an existing garage and whilst I have not been provided with any evidence that it is currently used to park a vehicle off street, it would nevertheless displace a potentially usable space to the highway. There would also be additional parking needs for the occupants of the proposed development.
15. However, the appeal site is located within easy walking distance of local services. Any additional parking requirement would be low and on-street parking is available nearby. I see no reason to think that any additional on-street parking would be harmful to highway safety.
16. The proposed plans do not show provision for cycle or refuse storage. Nevertheless, they do show how the front elevation adjacent to the entrance door and window to the bedroom would be stepped in to provide a covered, partially external, entrance area. Given the small scale of the unit, there is no obvious reason why this area would not be suitable for cycle parking and refuse storage.
17. For these reasons, the proposed development would not conflict with Policies DM28, DM30 or DM31 of the Local Plan. These Policies, amongst other things and along with the Framework, seek to ensure that new development encourages sustainable travel, provides for adequate car parking and servicing and does not compromise the safe use of the highway.

Surface Water Drainage

18. The Council is concerned about the lack of information relating to surface water drainage. Given the small scale of the proposal, I have come to a pragmatic view on this matter.
19. The proposed development is in part conversion of an existing building as well as the erection of an extension. The existing building is situated on solid ground, and run off from its pitched roof is collected in side guttering, and directed via a down pipe into the existing drain in the corner of No 1 Winter Road's rear yard. The proposed extension would be erected over the existing yard, which is hard surfaced.
20. I do not see any part of the proposed development that either takes up or compromises the permeability of any part the site on which it would be developed. There are existing drainage arrangements in place and I see no reason why the extended section of the proposed building could not be connected to it. There is no additional outdoor space provided and in context a small additional amount of roof area.
21. It is for these reasons that I do not consider that the proposed development would have an adverse effect on surface water management or drainage that would either cause a problem in isolation, or exacerbate an existing problem. I am satisfied that a solution to drainage is achievable and such could be secured by way of an appropriately worded planning condition.
22. As such, the proposed development would not cause conflict with Policy 1 of the Core Strategy or Policy DM5 of the Local Plan. These Policies seek to ensure that, amongst other things and along with section 10 of the Framework,

new development is not the cause of, or a contributor to, flood risk from surface, coastal or fluvial sources.

Other Matters

23. I have alluded above to the fact that the proposed development would be located in easy reach of a range of local services. The new unit would also, notwithstanding my views on its overall size, add to housing choice and mix locally. I also note the appellant's argument that the existing outdoor space is not well used by existing occupiers of the flats in No 1 Winter Road and that the new unit would provide property at an affordable rent.
24. The sustainable credentials of the location of the proposed development are noted as clearly weighing in its favour albeit not sufficient to outweigh the harm that I have identified above. However, I am not persuaded by the argument that purely because an area of outdoor space is under used by existing occupiers of the flats, it would not be valued by anyone in the future. Furthermore, I have no evidence before me pertaining to the rental value of the resulting dwelling and whether or not it would be affordable.

Conclusion

25. The proposal would be harmful to the living conditions of nearby residents and would not provide suitable living conditions for future occupiers. It would conflict with Local Plan Policies DM2, DM3 and DM12. I consider that this is an important matter, such that the proposal should be regarded as being in conflict with the development plan as a whole notwithstanding compliance with other policies which are referred to above. The benefit of providing an additional unit of housing in an accessible location is not sufficient to outweigh the conflict with the development plan. Accordingly, the appeal should not succeed.

John Morrison

INSPECTOR