
Appeal Decision

Site visit made on 9 February 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/U2615/W/16/3162996

95 Yarmouth Road, Ormesby St Margaret W Scratby NR29 3QF

- 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 Mrs Kate Skipper against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/16/0317/F, dated 18 April 2016, was refused by notice dated 1 July 2016.
 - The development proposed is sub division of garden to form plot for detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - highway safety.

Reasons

3. The appeal site forms part of the rear gardens of Nos 95 & 97 Yarmouth Road (Nos 95 & 97) which are a pair of semi-detached dwellings. They form part of a row of semi-detached and detached dwellings on the north side of Yarmouth Road.
 4. The dwellings in the row are set in reasonably sized plots with space between the buildings and positioned a similar distance back from the road with front gardens and or off-street parking. This spacing and positioning provides a relatively strong road frontage and gives the area a relatively spacious, formal character and appearance.
 5. The proposed dwelling would be set in a plot much smaller than the majority of the plots in the area. It would be positioned behind Nos 95 & 97 with no road frontage. Although it would not be significantly visible from the road the space between Nos 97 & 99 Yarmouth Road would afford glimpses of the development within the street scene. In my view, the proposed development would appear cramped and in conflict with the formal layout of development in the area.
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6. In reaching these conclusions, I note that the proposed dwelling is relatively small and has been designed to incorporate a shallow pitch roof to minimise its visual impact. However, this would not overcome the harm I have identified with regard to the positioning and space around the proposed dwelling.
7. I also acknowledge that many of the properties in the area have been extended to the rear and there are a number of outbuildings to the rear of the properties fronting Yarmouth Road. Furthermore, I have also considered the other examples of development in the district.
8. However, those examples are some distance from the appeal site such that they have no influence on the character and appearance of the area which is relevant to this case. Furthermore, the significant outbuildings are some distance away and overall the prevailing spacious formal character of the area remains. In any event, the presence of development or existence of a planning permission is not sufficient to justify a development as each case should be considered on its merits.
9. In this case, I consider that the proposed development would erode the spacious character of the area and would result in a form of development which due to its lack of a street frontage would be inharmonious with the prevailing formal layout of development in the surrounding area. Thus, it would harm the character and appearance of the area. These findings are consistent with appeal decision APP/U2615/A/08/2080335.
10. That said, the proposal is in conflict with saved Policy HOU7 of the Great Yarmouth Borough-wide Local Plan (2001) (LP) and Policy CS9 of the Great Yarmouth Local Plan: Core Strategy (2015) (CS) which seek to ensure good design and that new development is not detrimental to the character of an area. The proposal is also in conflict with the good design aims of the National Planning Policy Framework (the Framework).

Highway safety

11. The proposed dwelling would be accessed from Yarmouth Road via an existing driveway. An existing single garage serving No 95 Yarmouth Road (No 95) would be demolished and the plans show the driveway would lead to a small turning area adjacent to the proposed dwelling.
12. Based upon the submitted evidence I am not satisfied that a vehicle would be able to turn within the site. Furthermore, if two vehicles were parked off-street it clearly would not be possible for both of those vehicles to turn. Thus, vehicles would be unable to enter and leave the appeal site in a forward gear. Even though, the same can be said with regard to the existing garage, the proposed dwelling would in my view intensify the use of the access.
13. Yarmouth Road nearby is subject to a 40mph speed limit. At around mid-day on a week day I observed it to be a relatively busy road where cars travelled at speed, such that an increase in vehicle movements to and from it in a reverse gear would increase the risk of collisions in the area. This would be harmful to highway safety in the area.
14. However, even though, the proposed development would result in the loss of an off-street parking space for No 95, one off-street parking space to the front of No 95 would remain and on-street parking on Yarmouth Road is unrestricted. Moreover, Yarmouth Road is relatively straight and I am satisfied

that appropriate visibility could be achieved and such a matter could form the subject of an appropriate planning condition. However, as I am dismissing the appeal for other reasons I have not considered this matter any further.

15. For these reasons, whilst I find no harm in terms of visibility or parking to serve No 95, due to the increase in vehicle movements in reverse gear to and from Yarmouth Road, I conclude that the proposed development would be harmful to highway safety in the area. It is therefore contrary to Policies CS9 and CS16 of the CS and paragraph 32 of the Framework, which taken together, seek to ensure a safe and suitable access can be achieved to serve new development.

Conclusion

16. For the reasons set out above, I conclude that the proposal would fail to accord with the development plan. Thus having had regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR