

Appeal Decision

Site visit made on 24 January 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 21 February 2017

Appeal Ref: APP/U2615/W/16/3160143

Crab Lane (rear of 12-18), Bradwell, Great Yarmouth NR31 8DJ

- 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 James & Stephen Leighton against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/16/0445/F, dated 30 June 2016, was refused by notice dated 16 September 2016.
 - The development proposed is construction of 2 no. bungalows and domestic garages.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 2 no. bungalows and domestic garages at Crab Lane (rear of 12-18), Bradwell, Great Yarmouth NR31 8DJ in accordance with the terms of the application, Ref 06/16/0445/F, dated 30 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 17/6/16 Rev A.
 - 3) Prior to the first occupation of the development hereby permitted, the access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and shall be retained thereafter for that specific use.
 - 4) Means of access to and egress from the development hereby permitted shall be derived from the private access drive between Nos 14 and 16 Crab Lane only.

Procedural Matter

2. The site address on the original application form only referred to 16 Crab Lane, which is not particularly accurate. The address shown above is based on the decision notice and appeal form.

Main Issues

3. The main issues are:
 - (a) whether suitable access to the site would be provided; and
 - (b) the effect of development on the living conditions of occupiers of neighbouring properties.
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Reasons

Suitability of site access

4. There are presently two access routes through to the appeal site at the rear of 12-18 Crab Lane, both of which appear to be in the ownership of the appellant. A recently constructed driveway between 14 and 16 Crab Lane provides access to two new bungalows at the rear of No 16, and appears to provide access to the lock-up garages where one of the two proposed bungalows would be sited. The second access is between 10 and 12 Crab Lane which also provides access to the lock-up garages and the rear yard of the butchers at 6-8 Crab Lane.
5. The documents submitted by the appellant indicate that access to the two proposed dwellings would be via the recently constructed driveway between Nos 14 and 16. This driveway is noticeably wider than the access between Nos 10 and 12, sufficient for vehicles to travel along comfortably in single file. It is also not overly long and currently only serves 16 Crab Lane and the two new bungalows. It would thus be adequate to serve the two proposed bungalows, and preferable to the access between Nos 10 and 12 which is narrow and roughly surfaced. The visibility onto Crab Lane is satisfactory and would not be made any worse by the proposed development. I note that the Highway Authority has no objections over the use of the driveway between Nos 14 and 16, and I can envisage no material harm in terms of access issues.
6. Concluding on this main issue, the development would provide suitable access to the site. Therefore, it would accord with Policy HOU7(c) of the Great Yarmouth Borough-Wide Local Plan 2001 ('the Local Plan') as suitable access arrangements can be made.

Living conditions

7. The driveway between Nos 14 and 16 is block paved between the houses of Nos 14 and 16 and then gravel surfaced from the rear garden of No 16 northwards. This results in a degree of noise and disturbance arising from vehicles using the driveway, particularly along the gravel. However, these effects are already experienced by the occupiers of Nos 14 and 16 as well as the two new bungalows to the rear of No 16 through vehicles accessing these bungalows. The introduction of two additional bungalows as proposed would not result in a significant increase in vehicle movements along the driveway. Therefore, it would have only a minor effect on the living conditions of occupiers of neighbouring properties in terms of noise and disturbance from vehicle movements.
8. The proposed bungalow referred to as "Plot 3" on the plans would be sited close to the boundary with one of the new bungalows referred to as "Plot 2" as well as an adjoining bungalow off Beccles Road. However, the plot is wide enough to accommodate the Plot 3 bungalow comfortably and the proposed height of the building is similar to the adjoining bungalows. Furthermore, the existing and proposed boundary treatment between the Plot 3 bungalow and the adjoining bungalows would be around 1.8 metres height. There are no windows on the elevation of the Beccles Road bungalow and only one window on the elevation of the Plot 2 bungalow facing towards the Plot 3 bungalow. For these reasons, there would be little harm to the living conditions of occupiers of either adjoining bungalow in terms of outlook, privacy or light.

9. The Plot 3 bungalow would be a considerable distance from the rear elevations of the houses at 18 and 20 Crab Lane, with existing and proposed fencing of around 1.8m along the boundary of the bungalow and the rear gardens of Nos 18 and 20. Due to the height of the bungalow and fencing, and its positioning, there would be little harm to the living conditions of occupiers of 18 and 20 Crab Lane in terms of outlook or privacy, and little effect on light to the bottom of No 20's rear garden.
10. The Plot 3 bungalow would result in a change of activity from a space currently used as a garden to one used as a dwelling. However, any residential activity in terms of movement or noise is likely to be modest given it would only involve a single dwelling, and would be mitigated by the boundary fencing. Thus, there would be little effect on the living conditions of occupiers of the adjoining bungalows or 18 and 20 Crab Lane in terms of noise and disturbance arising from residential activity.
11. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of occupiers of neighbouring properties. Therefore, it would accord with Policy HOU7(e) of the Local Plan as the proposal would not be significantly detrimental to the residential amenities of adjoining occupiers or users of land.

Other Matters

12. I note concerns from the butchers at 6-8 Crab Lane about their access rights to the rear of their premises via the drive between 10 and 12 Crab Lane. The proposed bungalow on the site of the existing lock-up garages would appear to limit the current space that is provided for vehicles to manoeuvre to and from the butchers' rear yard. However, this is a civil matter regarding access rights and not something that has any bearing on the planning merits of this case. Similarly, any concerns regarding new boundary fencing along shared boundaries is a civil matter to be discussed between the affected parties.
13. The lock-up garages evidently provide space for storage and parking and appeared at my site visit to be in use. However, I have limited evidence on the level of use, and so it by no means certain that the loss of the garages would result in a significant increase in on-street parking or disadvantage to existing users.
14. I also note concerns about the effect of development on the character and appearance of the area. However, while the proposal undoubtedly represents backland development, including the partial loss of garden space, this type of development has already occurred with the new bungalows to the rear of 16 Crab Lane as well as to the north with bungalows along an access drive off Beccles Road. Moreover, the bungalows are adequately spaced apart to avoid a dense housing estate form of development and I am thus satisfied that the effect on the character and appearance of the area is acceptable.
15. I have little evidence to substantiate concerns regarding ground stability and drainage, while concerns over security to the rear of 18 and 20 Crab Lane by opening up the land for development are likely to be largely addressed by boundary fencing. Disruption arising from construction works would be temporary. Concerns about the lack of affordable housing are noted, but schemes of this scale are not required to provide for affordable housing following a written ministerial statement of 28 November 2014. Finally, I note

concerns about other development proposals in the locality and the effects on local services, but I have seen no evidence this development would cause much harm to such matters on its own.

Conditions

16. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plan are necessary for clarity and compliance. A condition regarding the access, on-site parking and turning area is necessary to ensure that adequate parking and manoeuvring space is provided in the interest of highway safety. In the absence of any details relating to site barriers, it is necessary and reasonable for highway safety purposes to limit access and egress to the development from the drive between 14 and 16 Crab Lane only. The access between 10 and 12 Crab Lane is less than adequate in terms of width and surfacing and potentially conflicts with access to the rear yard of the butchers.
17. Notwithstanding the Highway Authority's concerns regarding the size of the garages, I have not imposed a condition relating to their internal dimensions. This would alter the development by condition through enlarging what is shown on the approved plan. Interested parties would not have the opportunity to comment on the enlarged garages, which would be unreasonable. Moreover, while I have not been provided with details of local parking standards, there would appear to be enough space for parking in front of both proposed bungalows even if the garages are too small. Thus, the condition would also be unnecessary.

Conclusion

18. The proposed development would provide suitable access to the site and would have an acceptable effect on the living conditions of occupiers of neighbouring properties. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR