
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/F2605/W/16/3162198
33 Dale Road, Dereham NR19 2DD

- 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 & Mrs David Burton against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0921/F, dated 28 July 2016, was refused by notice dated 28 September 2016.
 - The development proposed is described on the application form as "3 bedroom property with curtilage".
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Decision

1. The appeal is allowed and planning permission is granted for a 3 bedroom property with curtilage at 33 Dale Road, Dereham NR19 2DD in accordance with the terms of the application, Ref 3PL/2016/0921/F, dated 28 July 2016, subject to the conditions set out at the end of this decision.

Main Issues

2. The main issues are the effect of the proposed development on (a) the character and appearance of the area and (b) the living conditions of future occupants of the development with regards to outdoor space.

Reasons

Character and appearance

3. The proposed development would result in two narrower plots for the existing house at 33 Dale Road and the new house, but the plots would not be significantly narrower than most other plots along Dale Road. The gap between the existing and new house would be closer than most other houses, but wide enough to avoid an overly tight or cramped appearance when viewed from along Dale Road. There would still be a substantial gap to the properties on Dehavilland Road to the west.
 4. Despite being detached, the dwelling would have a similar scale, appearance and set back from the road to No 33 and so would not look out of keeping. The space to the rear of the existing and proposed houses would be short, but this would be offset by the open space provided by the county wildlife site to the south. Thus, any harm arising from the siting and layout of the development on the character and appearance of the area would be limited.
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5. The residents of 25 Dehavilland Road have sought assurances that a 1 metre gap would be maintained along between the proposed dwelling and the shared boundary. While this may be possible to achieve, the plans show the dwelling hard against the boundary and I have to base my decision on the evidence before me. Any material amendment to the proposals to accommodate a 1 metre gap could necessitate a fresh planning application.
6. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policies DC1 and DC16 of the Breckland Core Strategy and Development Control Policies Document 2009 ('the Core Strategy') which, amongst other things, seek to avoid unacceptable effects on the quality of the townscape with development that addresses local character and matters relating to building form and layout. It would also meet the aims of the National Planning Policy Framework in terms of avoiding poor design.

Living conditions

7. The rear garden for the proposed development would be small, but of sufficient size and regular shape to be useable by future occupants. Any negative effects arising from a small garden would be alleviated by the open space provided by the county wildlife site to the south. Furthermore, the area in front of the house would be reasonable in size and would provide additional outdoor space for the benefit of future occupants. Any harm arising from the size of outdoor space on the living conditions of future occupants would thus be limited.
8. Although not mentioned in the reason for refusal, occupants of the existing house would experience a reduction in outdoor space, with the remaining rear garden shorter due to an existing conservatory. However, as with the proposed house, the amount of outdoor space at the rear and front would be of sufficient size and shape to be useable, mindful again of the county wildlife site, and so any harm would similarly be limited.
9. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of future occupants of the proposed house with regards to private outdoor space. Therefore, it would accord with Policy DC1 of the Core Strategy which seeks to avoid unacceptable effects on the residential amenity of existing and future occupants.

Other Matters

10. Adequate distance would exist between the proposed development and the front garden and elevation of 22 Dale Road opposite to avoid any negative effects on the living conditions of occupants of No 22 in terms of privacy and light. Although the openings on the development are largely restricted to the front and rear elevations, the house and internal spaces would not be overly deep to impede natural light, with the rear elevation facing south across the county wildlife site to maximise the effects of any sunlight.
11. Sufficient space would be provided in front of the existing house at No 33 and the proposed house to accommodate two cars each, which would lessen any negative effects arising from on-street parking including within the turning point. Any disruption caused to parking during construction works is likely to be temporary, while the effect of development on property values is not a planning matter.

12. The Council has provided a statement during the appeal process which states that the Council can now demonstrate a five year supply of deliverable housing sites. The appellant, who has been provided with a copy of this statement, has made the case in their appeal statement that the Council cannot demonstrate a five year supply and has highlighted the benefits from the provision of a new dwelling. As I have found that any harm arising from the proposed development is limited and that the effects are acceptable, it is not necessary for me to reach a conclusion on the matter of housing land supply as it would not make a difference to my decision.

Conditions

13. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. Conditions concerning the materials and boundary screening to be used are necessary and relevant to ensure that the appearance of the development is satisfactory. Conditions regarding the vehicular access, parking, visibility splay and surface water drainage are necessary in the interest of highway safety and maintenance.
14. Given the small size of the rear garden, removing permitted development rights for extensions and outbuildings is necessary to better control the amount of outdoor space. However, it is not necessary to control roof alterations as this would have no effect on the amount of outdoor space. I have not been provided with any justification for a contaminated land condition. Given the nature of the site as part of an existing residential garden, I do not consider such a condition to be necessary.

Conclusion

15. The proposed development would have an acceptable effect on the character and appearance of the area and the living conditions of future occupants. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Schedule of 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 plans: BURTON-01-PL and BURTON-02-PL.
- 3) No above ground construction works shall take place until details of the colour of materials to be used in the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the development, the vehicular access and parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and shall be retained thereafter for that specific use, while arrangements shall also be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 5) Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 6) Prior to the first occupation of the development, a scheme for the provision of boundary screening shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or outbuildings carried out on the dwelling hereby permitted, as defined within Classes A and E of Part 1 of Schedule 2 of that Order, without the prior written permission of the local planning authority.