
Appeal Decision

Site visit made on 20 March 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 29th March 2017

Appeal Ref: APP/F2605/W/16/3164194

Land rear of 90 Stone Road, Toftwood, Norfolk NR19 1LJ

- 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 and Mrs K Mason against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0367/F, dated 23 March 2016, was refused by notice dated 18 November 2016.
 - The development proposed is erection of detached single storey dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The location of the appeal site as described on the planning application form is set out above. The plans show the proposed buildings would be positioned behind No 90 and No 88 and I have considered the appeal on this basis.

Main Issue

3. The main issue for this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a rectangular piece of land, currently unused and overgrown. It is beyond the car park and turning area behind two small blocks of flats at Nos 88 and 90 Stone Road. It is surrounded by leylandii hedging and there is a group of trees towards the north-eastern corner of the site. To either side are the extensive back gardens of neighbouring dwellings.
5. To the north is Potter's Fen a designated Site of Special Scientific Interest (SSSI); the Norfolk Valley Fens Special Area of Conservation (SAC) and an area of Lowland Fens Habitat of Principal Importance (HPI). There are also a number of other sites of ecological interest nearby¹. These sites contain sensitive wetland features and are exceptional in terms of vegetation habitats and the range of species supported. The proposal includes drainage infrastructure to prevent runoff from the site damaging these areas and Natural England have no objections on this basis. Precautionary measures could be put in place to protect against harm to water vole and hedgehog, as it is apparent these species have been found in the vicinity, and measures could be

¹ Ecological Survey June 2016

introduced to supplement biodiversity and habitats for birds. On this basis I find there is no evidence to suggest the SSSI, the SAC, the HPI or protected species would be directly affected to the extent that would justify withholding planning permission.

6. The Settlement Boundary of the Toftwood part of Dereham excludes a large part of the land behind the properties on Stone Road including large parts of their gardens. The evidence indicates this was done to preserve the rural setting of the town and to provide a buffer zone between existing development and the open land of Potter's Fen beyond. The appeal site is outside but adjacent to the Settlement Boundary.
7. The character of Stone Road in the vicinity, particularly on the same side of the road as the appeal site, is predominantly that of a ribbon of dwellings in large gardens directly fronting the highway. Even the blocks of flats at Nos 88 and 90 have the appearance of modest two storey houses within a spacious setting. The design of the proposed bungalow would not be out of character with other nearby bungalows. However, the footprint would be substantial and the relatively short rear depth of garden that would be available, notwithstanding its width, would be out of character with the spacious surroundings of other properties.
8. There are some out buildings in some of the rear gardens of the Stone Road properties but I saw no evidence of recently developed residential property on either side of the appeal site as described by the appellants. The proposed development would introduce obtrusive development into this otherwise largely undeveloped buffer of open land even if it were not particularly prominent from public vantage points. Moreover, whilst every application and appeal must be considered on its own merits, I consider allowing this appeal might well make it more difficult for the Council to resist pressures for further incremental development in this buffer zone, even if it required demolition to enable access, which would further erode the character and appearance of the area.
9. I have seen the development on Fen View, which comprises dwellings fronting a short cul-de-sac. This was developed many years ago and different planning policies may have applied at that time. I therefore do not consider it to be a precedent which would allow the piecemeal development of a part of the open buffer as proposed.
10. None of the trees on the site are subject to a Tree Preservation Order or are in a conservation area. The accompanying Tree Survey identifies trees in the north-eastern part of the site that could be retained with suitable protection measures during construction. Whilst some trees would be removed I do not consider the effect of the proposed development on trees would be so significant as to justify withholding permission.
11. Although the land is overgrown at present lack of maintenance would not be sufficient reason to allow an otherwise unsatisfactory proposal. There are some indications in the evidence that the appeal site should provide amenity space for the flats at Nos 88 and 90 and there is a pedestrian gate which gives access from the car park to the site. However, I have seen no detailed evidence in this respect. Similarly I have seen no detailed evidence to suggest that when the flats were developed there was an intention that the appeal site would also be developed. None of these matters lead me to any different conclusions.

12. For the reasons set out above I conclude that the proposed development would have a harmful effect on the character and appearance of the area. Accordingly it would conflict with those parts of Policy DC16 of the Core Strategy and Development Control Policies Development Plan Document 2009 (the DPD) and those principles of the National Planning Policy Framework (the Framework) that seek good design that respects the character of the area. For these reasons it would also fail to satisfy the environmental dimension of sustainable development as described in Paragraph 7 of the Framework.

Other considerations

13. Dereham provides a range of services and there is a bus route along Stone Road. I therefore consider the proposed dwelling would be in a sustainable location. The proposal would provide a very modest but positive addition to the supply of housing in the District. It would also provide short term employment during construction. These benefits would satisfy the social and economic dimensions of sustainable development as set out in Paragraph 7 of the Framework and weigh in favour of the proposal.
14. However, as set out above, I have found that the proposal would harm the character and appearance of the area and would not satisfy the environmental dimension of sustainable development. On balance I conclude that although the location is a sustainable one the erosion of the open buffer behind existing development would outweigh the benefit of one additional house.
15. Paragraph 8 of the Framework requires that the three dimensions of sustainable development are taken together. In failing to meet the environmental one I conclude that the proposal does not amount to sustainable development as defined in the Framework. Accordingly, whether or not the Council can demonstrate a five year supply of deliverable housing land as required by Paragraph 49 of the Framework, the proposal could not benefit from any presumption in favour of sustainable development as set out in Paragraph 14 of the Framework.
16. I acknowledge there would be limited effects on the living conditions of occupiers of nearby properties in respect of noise, disturbance or overlooking from the proposed single storey dwelling. Whilst intruding into views from the garden of No 86, due to the distance from that property it would not be so dominant or overbearing as to justify refusal on these grounds. The site is of sufficient size to provide satisfactory living conditions for future occupiers.
17. An existing access would be used and the turning movements arising from the occupation of one additional dwelling would be unlikely to harm the efficiency or safety of the highway. The plans do not show how the parking for the flats would be satisfactorily accommodated. Whilst not a determinative matter in this appeal the matter remains unresolved. There would be likely to be a financial benefit to the owner arising from the proposed development which would be appropriate were other planning considerations satisfactorily addressed. However, none of these matters lead me to any different conclusions.

Conclusion

18. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise². There would be some benefits arising from the proposal. However, in conflicting with Policy DC16 of the DPD the proposal would not comply with the development plan taken as a whole. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be dismissed.

SHarley

INSPECTOR

² Section 38 of the Planning and Compulsory Purchase Act 2004
