
Appeal Decision

Site visit made on 16 May 2017

by R A Exton Dip URP MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/L2630/W/17/3169587

17 & 19 (Furze Bank) Frenze Road, Diss IP22 4PA

- 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 Miss R Rackham & Mr M Wilby against the decision of South Norfolk District Council.
 - The application Ref 2016/2474, dated 18 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is erection of four new single storey bungalows, creation of new access to Frenze Road. Existing access to number 19 closed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the surrounding area, b) the living conditions of future occupants of the proposed and occupants of nearby dwellings in the vicinity with particular regard to noise, general disturbance, and amenity space.

Reasons

Character and appearance

3. Frenze Road has a varied character arising from the differing styles and layout of dwellings it accommodates. On its northern side, where the appeal site lies, it is characterised by large dwellings in correspondingly large plots. There are examples of dwellings sited in tandem on Frenze Road further to the east. One dwelling is sited behind No 23 and accessed alongside it. A further two are sited behind Nos 25 and 27, but are accessed off Willbye Avenue. On the southern side of Frenze Road, opposite the appeal site, development is of a higher density. It mainly comprises pairs of semi-detached dwellings sited relatively close and parallel to the road.
 4. The appeal site has an open character arising from the large garden of No 19 Furze Bank, its elevated position relative to the road and its gradual slope upwards towards the north. The formation of the proposed access off Frenze Road would open up a new view into the site. Although the proposed dwellings would be single storey and have relatively low ridge heights, the topography of the site would make them visible to varying extents from the road. Plot 3
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would be highly visible along the line of the proposed access. Plots 1 and 2 would be visible to a lesser extent in close proximity to the rear extensions to No 17. Plot 4 and its associated garage would be visible over the lower parts of No 19. The visual impact would be mitigated slightly by the retention of existing vegetation. Although new planting is proposed in the central area of the site this would take many years to mature to a level to provide any meaningful screening.

5. When viewed from Frenze Road, the increased visibility into the site and the close relationship between the existing and proposed dwellings, emphasised by its topography would result in a much higher density development than is characteristic on the north side of Frenze Road. I would appear cramped by comparison. I agree with my colleague in determining the previous appeal Ref 2028720 on part of this site that whilst there is higher density development in the surrounding area, it is important to maintain the lower density development along this section of Frenze Road. The proposal would be so significantly different to the established character of this part of the northern side of Frenze Road so as to be harmful to it. The proposal would therefore be contrary to the aims of Policy DM3.8 of the South Norfolk Local Plan Development Management Policies Document (local plan) in protecting locally distinctive character.
6. In coming to that view I have considered other developments and appeal decisions identified by the appellants in the vicinity, and in particular those to the rear of Nos 23, 25 and 27 Frenze Road. Whilst these developments have established forms of back land development in the area, they have a different effect on character and appearance than the appeal proposal. The development behind No 23 has a narrower frontage To Frenze Road and as a result has a less open character than the appeal site. This was reflected by the fact that neither the Council nor my colleague raised the issue of character and appearance in the consideration of the planning application and subsequent appeal Ref 2106265 on this site. The same applied in the consideration of the appeal for a dwelling adjacent to No 25. The development to the rear of No's 23 and 25 is some distance away and accessed off Willbye Avenue rather than off Frenze Road. This access arrangement results in the development being viewed in the context of Willbye Avenue which generally has a higher density of development than the appeal site and is therefore not directly comparable with it.

Living conditions

7. The garden areas of the proposed dwellings would be closest to their boundaries with Nos 15 and 21 Furze Bank, and a number of dwellings on Willbye Avenue. I consider that the size of the gardens to all these neighbouring properties and the consequent separation distance to the dwellings they serve would be sufficient to retain a reasonable standard of amenity for occupiers as defined by Policy DM 3.13 of the local plan. They would not suffer from overlooking and loss of privacy, loss of daylight, overshadowing or overbearing impact. The level of activity in the gardens of the proposed dwellings would be unlikely to result in an excessive or unreasonable impact to the occupants of these neighbouring dwellings.
8. In the absence of any specific standards relating to private space in connection with new dwellings I consider that the gardens associated with the proposed

dwelling would be adequate and provide occupiers with a reasonable standard of amenity reflecting the character of the local area. They would not suffer from any of the adverse impacts identified above that Policy DM 3.13 seeks to prevent. I can identify no issues other than those set out above where the size of the proposed gardens would affect the living conditions of neighbouring residents.

9. The occupants of Nos 17 and 19 Frenze Road are those most likely to be affected by any noise and disturbance generated by vehicles using the proposed access and driveways leading off it. The access would be closest to No 17 from which it would be separated by a substantial hedge. On my site visit I observed the rooms within No 17 closest to this boundary were a garage and workshop/store, non-habitable rooms. In addition, there would be greater separation between the access and the habitable rooms of No 19. The combination of these factors leads me to conclude that the development would not lead to unacceptable harm to the living conditions of occupants of both dwellings, as defined by Policy DM 3.13 of the local plan. This seeks to prevent excessive or unreasonable impact on neighbouring occupiers of new development.

Conclusion

10. I note the generally sustainable location of the site, the contribution the proposal would make to mix in housing stock and the economic benefits to the Council and appellant as a small builder. There would be no harm to the living conditions of future occupants of the dwellings and occupants of existing dwellings in the vicinity. However, these factors are significantly outweighed by the harm to the character and appearance of the surrounding area and the consequent conflict with the development plan. The proposal would therefore fail to represent sustainable development in accordance with the National Planning Policy Framework. In light of this and taking all other matters raised into account the appeal should be dismissed.

Richard Exton

INSPECTOR