
Appeal Decision

Site visit made on 4 July 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/U2615/W/17/3167326

15 Belstead Avenue, Caister-on-Sea, Norfolk

- 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 Andrew Beck (BGW Development Ltd) against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/16/0200/F, dated 22 February 2016, was refused by notice dated 24 August 2016.
 - The development proposed is alteration to 15 Belstead Avenue Caister-on-Sea and 3 new build bungalows in the rear garden with associated access road.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andrew Beck against the decision of Great Yarmouth Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the area;
 - living conditions of the occupants of No 15 Belstead Avenue (No 15) with particular regard to noise and disturbance.

Reasons

Character and appearance

4. No 15 is a detached bungalow located in a residential area characterised by mainly detached bungalows set in reasonably sized plots with space between them and set a similar distance back from the road with front gardens and or off street parking. This spacing and positioning provides a strong road frontage and gives the area a spacious, formal character and appearance.
5. The proposal would result in three new dwellings set in plots much smaller than the majority of the plots in the area. Furthermore, the proposed dwellings would be set behind the appeal property with no road frontage. Although the proposed dwellings would not be significantly visible from the road the space between No 15 and No 13 Belstead Avenue would afford glimpses of the

development within the street scene. In my view, the proposed development would appear cramped and in conflict with the spacious and formal layout of development in the area.

6. In reaching these conclusions, I acknowledge that the proposed dwellings would be similar in design to other dwellings in the area. I also note that they would be constructed from materials which would match those used on other dwellings nearby. However, this would not overcome the harm I have identified with regard to the positioning and space around the proposed dwellings.
7. I have also had regard to the other examples of similar developments in the area. However, the majority of those examples are not on Belstead Avenue and thus do not have any impact on the character and appearance of the area relevant to this case. Furthermore, the example opposite the appeal site involves one dwelling set behind a dwelling fronting Belstead Avenue whereas the appeal proposal would involve three new dwellings. In any event this is just one example in a much wider residential area such that the prevailing spacious formal character of the area remains. In any event, notwithstanding the full details of these examples the presence of development or existence of a planning permission is not sufficient to justify a development which is inherently harmful, as each case should be considered on its merits.
8. 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.
9. Thus, the proposal harm the character and appearance of the area and is therefore in conflict with saved Policies HOU07 and HOU17 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).

Living conditions

10. An access drive would run between Nos 13 & 15 Belstead Avenue to serve the three proposed dwellings and a garage for No 15. No 15 has two windows in its side elevation adjacent to the proposed access drive. Even though these would be raised in height and fixed shut the proposed access drive would run almost directly adjacent to the side elevation of No 15.
11. I acknowledge that good public transport links and services are within walking and cycling distance and this would have the potential to reduce the number of vehicle movements. However, even so, in my view the movements associated with three new dwellings would be significant. Even with windows shut, raised and triple glazed, engines running and vehicles passing over the surfacing, irrespective of the surfacing material used, so close to the side elevation of No 15, would inevitably result in significant amounts of noise and disturbance within the main living areas of No 15.
12. In my view, the frequency of these movements and the disturbance generated by them would lead to harmful living conditions for the occupants of No 15 with

particular regard to noise and disturbance. Thus, the proposed development would be in conflict with saved Policy HOU07 of the LP and the Framework which, taken together, aim to ensure new development does not harm the living conditions of nearby residents and good design.

Other Matters

13. In reaching these conclusions I have considered the Appeal Decision referenced by the Council¹. However, the full details of that case are not before me and I note it relates to a case some distance from the appeal site. I have therefore afforded it limited weight
14. I also acknowledge that the appeal site is located where services and facilities can be easily accessed by walking or cycling and which benefits from good public transport. I also note that the proposal would involve an efficient use of land. I have also noted the benefit of the provision of three new homes which would be delivered in the short term and would be targeted towards the needs of the local community. There would also be economic benefits associated with construction and the occupants of the proposed dwellings may work locally and use local services further benefiting the local economy. However, these matters or any others raised do not outweigh the harm I have identified.
15. I have also considered the comments with regard to the Council's handling of the planning application. However, I have determined the appeal on its planning merits.

Conclusion

16. For the reasons given above, having had regard to all other matters raised, I conclude that the proposal would not accord with the development plan and thus the appeal should be dismissed.

L Fleming

INSPECTOR

¹ Appeal Reference APP/U2615/W/16/3153087