
Appeal Decision

Site visit made on 16 August 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 25 August 2017

Appeal Ref: APP/F2605/W/17/3172502
19 Hoe Road, Longham, Dereham NR19 2 RP

- 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 P Reddington against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0936/F, dated 1 August 2016, was refused by notice dated 15 November 2016.
 - The development proposed is to demolish dwelling and erect new dwelling and cart lodge.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are;
 - (a) Whether the proposal would be of an appropriate scale and design having regard to the site's location within the open countryside;
 - (b) The effect on trees and hedgerows within and adjoining the site; and
 - (c) The effect on biodiversity and protected species.

Reasons

Scale and design

3. The appeal site lies outside the defined settlement boundary of Longham and, although it adjoins a small cluster of dwellings fronting Hoe Road, should be regarded as being within the open countryside. Policy DC 3 of the Breckland Core Strategy and Development Control Policies DPD (2009) (CSDCP) supports the replacement of existing dwellings in the countryside subject to a number of criteria including a requirement that the scale of the replacement is not disproportionate to the original dwelling.
4. Paragraph 4.18 of the Reasoned Justification to the policy states that the Council's Strategic Housing Market Assessment identified that the greatest need for housing in the district is for smaller properties and that the policy seeks to give protection to traditional smaller properties in the countryside in order to help meet that need. Paragraph 4.20 advises that, in determining what constitutes "disproportionate" in the application of the policy, account will

- be taken of the extent to which the dwelling has previously been extended or could be extended under permitted development rights.
5. The existing, fire-damaged dwelling is a relatively modest, single storey building with a total footprint and floor area of about 72 square metres (sq. m). It appears not to have been extended beyond its original floor plan. The 1½ storey replacement building would have a footprint of 198 sq. m (excluding the proposed cart lodge) and a total floor area of 313 sq. m. On either measure the proposal would be disproportionate in relation to the existing building.
 6. The appellant asserts that the existing dwelling could be extended under the permitted development rights available under the Town and Country Planning (General Permitted Development) (England) Order 2015 such that its total floorspace could be increased to 156 sq. m. If an application for prior approval was made a larger rear extension may be possible, potentially resulting in a total floor area of 204 sq. m. The appellant argues that this would be very similar to the proposed 198 sq. m footprint of the replacement house. However, clause (a) of Policy DC 3 is concerned with the scale of the proposed replacement and, given that the purpose of this part of the policy is to give protection to smaller homes in the countryside, it seems to me that this cannot be assessed simply by reference to the building footprint.
 7. In this case the total floorspace of the proposed replacement (excluding the cart lodge) would be 313 sq. m which is more than 4 times that of the existing dwelling. This would also represent an increase of more than 100% over and above what might in theory be achieved by extending the existing dwelling under permitted development rights. Given this level of increase the proposal would be disproportionate and does not meet the requirements of clause (a). It therefore conflicts with Policy DC 3. Neither would the replacement of the existing very modest dwelling with a substantial 4 bedroom house with a large cart lodge meet the objectives which this part of Policy DC 3 seeks to support.
 8. With the exception of the 2 storey farm house at Hoe Farm, most of the immediately adjacent dwellings are single storey with some having modest single storey extensions. I saw that one bungalow has been extended upwards but this has been done by means of relatively small dormer additions that have resulted in a significantly lower overall height than that proposed in the appeal scheme. There are, however, other larger properties further from the site which also contribute to the overall character of Hoe Road.
 9. Given this variation, and the degree to which it would be set back and screened from public view, the size and design of the proposed dwelling would not be so out of keeping as to result in harm to the wider character and appearance of the location. There would be no conflict with clause (d) of Policy DC 3 and no significant intrusion into the rural setting of the locality. Accordingly, I find no conflict with the requirement in CSDCP Policy DC 16 that development proposals should be of the highest standard of design and should preserve or enhance local character.

Trees and hedgerows

10. There are no trees within the area of the site proposed for built development but both the dwelling and cart lodge would be close to the boundary with the adjacent residential property. The garden to that dwelling does have extensive vegetation and trees in close proximity to the site boundary. The potential

effect of excavation and foundation works on these trees should be subject to an appropriate level of assessment before planning permission can be granted but no such assessment has been carried out.

11. The hedge to the roadside boundary was assessed in the Preliminary Ecological Appraisal (PEA) as species poor but does contribute to the landscape character and visual amenity of the area. Its removal would cause some detriment in that respect. As no detailed plan showing the visibility splay required by the Local Highway Authority has been submitted it is not possible to assess either how much of the boundary hedge would need to be removed or the potential for achieving a successful replacement hedge behind the visibility splay.
12. For these reasons I agree that there is a need for a more detailed survey of the trees and hedgerows forming the northern and western boundaries of the site so that the effects on the proposal on these features can properly be assessed. In the absence of that assessment and of any detailed proposals for replacement planting I am unable to conclude that the proposal would not have an unacceptable effect and would not conflict with CSDCP Policy DC 12 which seeks to protect against the unnecessary loss of such landscape features.

Biodiversity and protected species

13. The likely effect on Great Crested Newts (GCN) has been assessed but the Council asserts that a Method Statement setting out an appropriate mitigation strategy is required before planning permission can be granted. A Method Statement has now been submitted and, although this has been reviewed by the Council, neither the document nor the accompanying plan have been seen or commented on by the Parish Council who appear to have relevant local knowledge and have commented on these matters. As that interested party has not been consulted it would not be appropriate, in the interests of fairness, for me to give this new document weight in my consideration of the appeal or to reach any firm conclusion as to whether it would provide an appropriate level of mitigation against the potential risks of harm to GCN and their habitat.
14. The PEA identified foraging and potential roosting habitats for bats and that the scrub and tall ruderal habitats within the site provide potential habitats for reptiles and for breeding and, possibly, nesting birds. The proposal would result in the total loss of some parts of these habitats albeit that the loss would be small in area. The PEA outlines a number of measures which it states have been incorporated in the scheme to minimise the effect on protected species and their habitats and recommends other mitigation and enhancement measures.
15. The PEA accepts that there will be some permanent loss of these habitats. However, the mitigation measures it identifies do not appear to be reflected in the Design and Access Statement or the appeal drawings, which are devoid of any detail as to proposals for the protection of existing habitats or for mitigation or enhancement works. Some of this information could be secured by means of a condition but, at this stage, I do not have sufficient information to enable me to come to a clear view as to the nature and extent of the effect on protected species and their habitats.
16. For this reason, and in the absence of an agreed GCN Method Statement, I am unable to conclude that no harm would be caused to protected species or their habitats. I therefore find that the proposal conflicts with CSDCP Policy CP 10

which seeks that protected species and their habitats and areas of biodiversity interest should be protected from harm.

Other Matters

17. The existing dwelling is unusable following the fire and the proposal would have some environmental and social benefit by bringing the site back into use. It would provide a new home for the appellants but this would be a wholly private benefit. Although some weight should be given to these benefits they would not outweigh the harm that I have identified above and would not justify a grant of permission contrary to the provisions of the development plan.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR