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# Appeal Decision

Site visit made on 15 August 2017

**by Richard Aston BSc (Hons) DipTP MRTPI**

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

**Decision date: 31<sup>st</sup> August 2017**

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**Appeal Ref: APP/U2615/W/17/3171126**

**46 Mill Lane, Bradwell, Norfolk NR31 8HH**

- 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 S Boucher against the decision of Great Yarmouth Borough Council.
  - The application Ref 06/16/0449/F, dated 4 July 2016, was refused by notice dated 10 November 2016.
  - The development proposed is described as 'new single storey dwelling attached to the existing double garage to the rear of 46 Mill Lane Bradwell and associated works'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - The effect of the proposal on the character and appearance of the area.
  - The effect of the proposal on the living conditions of the occupiers of No. 46 Mill Lane, with particular regard to noise and disturbance.

## Reasons

### *Character and appearance*

3. The appeal site is formed by No. 46 Mill Lane, a single storey residential property with a large double garage and its associated curtilage. The surrounding area is residential in character with a prevailing built form of single storey and chalet bungalows on small plots, set behind small front gardens and parking areas. Some incidental outbuildings exist within rear gardens, including double garages and sheds but other than those rear gardens are free from significant development.
4. Despite the retention of the double garage, the proposal would be of a contemporary design that would be quite unlike surrounding properties. In particular, the flat roof form would be a wholly uncharacteristic one for the area, with simple gable ended and hipped roofs forming the prevailing vernacular that positively contribute to the character and appearance of the area.
5. Although the double garage would limit views from Mill Lane the proposal would be conspicuous from neighbouring properties in Larch Drive, the small

rear gardens of which adjoin the appeal site. In both spatial and visual terms it would be a jarring and incongruous addition that would sit in stark and harmful contrast to the prevailing spatial pattern of development and character and appearance of surrounding properties. In its context it would not therefore represent a high quality of design.

6. For these reasons, the proposal would cause significant harm to the character and appearance of the area and would conflict with saved Policy HOU17 of the Great Yarmouth Borough Local Plan 2001 ('LP') and Policy CS9 of the Great Yarmouth Borough Council Local Plan Core Strategy 2015 ('CS'). Amongst other things these state that the sub-division of plots will be resisted where it would be likely to lead to development out of character and scale with the surrounding and encourage well designed, distinctive places.

#### *Living conditions*

7. The proposed access would run to the side of No. 46 with a timber fence proposed to separate the rear garden of the host property with the access. Despite there being no windows in the flank elevation of No. 46, windows serving bedrooms are sited in the front and rear elevations and floor to ceiling windows in the side elevation of the rear extension, serving the lounge.
8. The likely levels of comings and goings associated with a 2 bedroom dwelling would not be insignificant. Moreover, because of the narrow width of the access vehicles would pass in such close proximity to these windows that it would cause an unacceptable level of noise and disturbance to these habitable rooms from engine noise and vibrations of vehicles passing the windows and from the opening and closing of vehicle doors and manoeuvring within the proposed turning and parking area. This could be at any time during the day, evening or night, the latter being a time when residents could reasonably expect a level of peace and quiet.
9. For these reasons, the proposal would harm the living conditions of the occupiers of No. 46 Mill Lane in terms of noise and disturbance. Accordingly, it would conflict with Policy HOU7 of the LP which, amongst other things requires suitable access arrangements to be made and that a proposal should not be significantly detrimental to the residential amenities of adjoining occupiers.

#### **Other Matters**

10. My attention has been drawn to other examples of what the appellant contends are similar backland developments<sup>1</sup>. However, I have not been provided with the full details and cannot therefore be certain that they are directly comparable to the appeal proposal before me. Consequently, they do not alter my views in relation to the main issues and in any event each case must be considered on its own merits.
11. I note the appellant's reference to the proposal being sustainable development in terms of the National Planning Policy Framework ('the Framework'). In this particular case and on the evidence before me, the development plan is not absent, nor is it silent, relevant policies are not out of date and the proposal would not accord with it. As such it would not be the sustainable development for which the Framework indicates a presumption in favour. In the normal balancing exercise, the minimal benefits of one additional dwelling within a

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<sup>1</sup> Apple Acre, Mill Lane, 37 and 60 Mill Lane and 15 Crab Lane.

settlement would not outweigh the harm that I have identified in relation to the main issues.

12. The second reason for refusal cites conflict with Policy CS16 of the CS. However, the Council's submissions do not detail how the proposal conflicts with this policy and I find this to be of limited relevance to this case because, this policy appears to relate to improving accessibility and transport. I have not therefore considered this matter any further.

### **Conclusion**

13. For the reasons set out above the proposal would conflict with the development plan, when read as a whole. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR