
Appeal Decision

Site visit made on 1 November 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 14th November 2017

Appeal Ref: APP/F2605/W/17/3179578

Land at 2 Middlemarch Road, Toftwood, Norfolk NR9 1EQ

- 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 Ms C Sutton against the decision of Breckland District Council.
 - The application Ref 3PL/2017/0208/F, dated 17 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of future occupiers.

Reasons

Character and Appearance

3. The appeal site is a vacant, roughly square and flat parcel of land to the front of Number 2 Middlemarch Road and to the side of No 2A. The latter, from the evidence, is a dwelling developed in part of the front garden of No 2 by virtue of a planning permission granted in 2014. It is separated from the frontage of No 2 by a trellis style timber fence and from the back edge of the highway by a brick and breeze block wall. Plot sizes do vary in the immediate area but there is a sense of spaciousness to them with generous frontage setbacks and linear gardens to the rear.
4. The proposed development would insert a new dwelling into a wider plot of land which has already been sub divided. Whilst therefore not introducing a tier of development that would be alien, the scheme would somewhat shoe horn a dwelling into an available space. This would result in a contextually very small residential curtilage where the building would be close to its boundaries and thus appear cramped and restricted. This is unreflective of the prevailing sense of spaciousness to the street scene and wider area.
5. My concerns in this respect would be exacerbated by the fact that the overall plot that would have once consisted of only No 2 would accommodate three detached dwellings as a result of the scheme. They would be squeezed

together forming an overly dense and compact cluster of buildings. The proposed dwelling would be noticeably small in itself when viewed in a wider context, which is a further indication of the limited available space within the plot.

6. I acknowledge that this sense of spaciousness has been eroded to some degree by the development of No 2A. However, this is not sufficient justification to my mind for further loss by virtue of what would be uncharacteristic development akin to driving a pin into a visible gap.
7. For these reasons, the proposed development would be harmful to the character and appearance of the area. This harm would result in conflict with Policy DC 16 of the Local Plan¹. Amongst other things and along with section 7 of the Framework², this Policy seeks to ensure the highest standards of design that has regard to local character and reinforces distinctive patterns of development.

Living Conditions

8. The vehicular access for the proposed dwelling would be via the same connection to the highway as currently serves both Nos 2 and 2A. It appears from the plans that the parking for the new dwelling would be provided between its eastern elevation and the front of No 2. It looks to provide four spaces, two for the proposed dwelling and two for No 2. There is no indication on the plans as to where parking would be provided for 2A.
9. Whilst this arrangement in itself would not be unduly harmful, it would mean that all vehicles for Nos 2 and the proposed dwelling would pass what seems to be the only area of usable private garden space for it. The plans show a timber fence of some 1m tall demarcating the boundary which would not be sufficient in my view to mitigate the general disturbance effect of passing vehicles. The number and frequency of vehicles using the access may be small. However, what I have identified to be a very small private garden area would be less private by virtue of where it would be not only in relation to the shared vehicular access but also its juxtaposition with the back edge of the public highway.
10. The Council do not appear to have any adopted minimum standards for garden sizes in new dwellings and as such I am unable to form a definitive view as to whether the amount of space is sufficient, restrictive though it seems to be. Of primary concern to me in this respect is how unacceptably poor a quality the space would be by virtue of the above factors.
11. With this in mind, the proposed development would be harmful to the living conditions of future occupiers. Such that it would fail to comply with Policy DC 1 of the Local Plan which, amongst other things and along with one of the core principles of the Framework, seeks to protect the amenities of future occupants of a development site and ensure that they provided with a good standard of amenity more generally.

¹ Core Strategy and Development Control Policies Development Plan Document 2001-2026 (2009)

² The National Planning Policy Framework 2012

Other Matters

12. Whilst not set out as a reason for the refusal of planning permission on their decision notice, the Council have expressed other substantive concerns over the outlook for future occupiers as well as existing dwellings. The Council have not been explicit in their precise reasoning for this alleged harm save for mentioning it in the context of how close the new dwelling would be to the others occupying the wider plot. I have found harm in terms of how the addition of a new dwelling would affect the character and appearance of the area and how the location of the private garden space would not be acceptable.
13. I do not have an indication of the internal layout of the existing dwellings before me. Nevertheless Nos 2 and 2A would be separated from the proposed dwelling by virtue of a parking area and a private driveway respectively which would go some way to mitigating any undue harm to their outlook. I do have some reservations about the proximity of the main windows of the new dwelling to its own boundaries and how they would limit the outlook from habitable rooms. Whilst the proposed low fence to the 'front' of the new dwelling would not mitigate the harm arising out of the quality of the proposed garden space it would lessen how restrictive the outlook from main windows would be. The bedroom would look towards the road.
14. Taking all of these matters together I do not consider that they would be sufficient reasons to withhold planning permission on their own. My findings on the main issues aside.

Conclusion

15. Be this as it may and whilst also having regard to all other matters raised, it is for the reasons I have set out above in response to those main issues that the appeal is dismissed.

John Morrison

INSPECTOR