
Appeal Decision

Site visit made on 30 October 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 29th November 2017

Appeal Ref: APP/L2630/W/17/3180087

184 Yarmouth Road, Broome NR35 2NZ

- 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 Darren Broughton against the decision of South Norfolk District Council.
 - The application Ref 2017/1035, dated 1 May 2017, was refused by notice dated 13 June 2017
 - The development proposed is "Demolish existing building (garages) and replace with a pair of semi-detached properties".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the area; and
 - The living conditions of future occupiers with particular regard to the provision of private amenity space and noise and disturbance and the living conditions of adjoining occupiers with particular regard to overlooking.

Reasons

Character and Appearance

3. The site forms a parcel of land that was formerly occupied by garages associated with the main dwelling. The area is mainly residential in character and there is a variety in the age and style of dwellings which mainly face onto the road. On the whole the area retains a pleasant rural and open character which is reinforced by the presence of mature trees and landscaping. The Council confirm that the site lies within the development boundary, whereby the principle of housing development is acceptable.
4. The proposal seeks to erect a pair of two storey dwellings that would face onto Yarmouth Road. The development would be the first properties when entering the village from the north. Parking areas would be provided to the front of the dwellings and a private amenity area to the rear. The Council consider the design of the proposed development to be "plain" which fails to improve or enhance the locally distinctive characteristics that can be found in the immediate vicinity. The Council cite the lack of chimneys and ornate detailing

that can be found elsewhere in the vicinity. Moreover, the proposal would be a cramped, tight form of development.

5. In considering the design, the Council acknowledge that the submitted plans indicate that the dwellings would incorporate architectural detailing such as brick arches over windows, dentil courses along the verges of the gable wall with corbels at eaves level and a pitched porch roof over the main entrance doors. The plans also indicate that the dwellings would be constructed using multi-red facing bricks and terracotta clay pantiles, which is similar to other properties along Yarmouth Road. While there are examples of other “plain” developments in the immediate vicinity, which also lack architectural detailing and chimneys, the appearance of the dwellings would generally be in keeping with other properties in the locality, and is acceptable in this regard.
6. Turning to layout and scale, the proposed dwellings would sit forward of an existing bungalow at 186 Yarmouth Road. The Council consider the location of the dwellings would create a cramped and overbearing development. The appellant makes reference to an extant permission¹ on the site for a bungalow which would be sited on a similar footprint to the proposed dwellings. However, the bungalow would have a large amenity area to its rear and retains a larger amount of spacing about and between the buildings, similar to other properties in the area. The building would also be a single storey development that would have a materially different impact on the character and appearance of the area than the dwellings proposed.
7. In contrast, while the site area is similar to the extant permission, the scale of the proposed dwellings would dominate this part of the village, resulting in an overbearing and incongruous development which would be particularly noticeable due to the highly prominent location of the site as one enters the village. The size of the rear gardens for the dwellings would be rather small and is a reflection of the higher density of the development. This is further compounded by the limited space about the buildings and suggests a cramped form of development, out of keeping with the prevailing character of the area.
8. On the first main issue, while I find that the design of the development is acceptable, I conclude that the development would harm the character and appearance of the area. The development would conflict with Policies DM 3.5(a) and DM 3.8 of the South Norfolk Local Plan Development Management Policies Document (2015) and the aims of sustainable development in the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that development proposals incorporate a good quality design which maintains or enhances the character and appearance of existing buildings, street scene and surroundings.

Living Conditions

9. The proposed dwellings would be set back into the site with bedroom windows at first floor level. The windows would face onto the side elevation of 186 and the concern is that they would overlook the property. The appellant has provided photographs which show two windows on the side elevation which serve a kitchen. There is also a change in levels between the site and an existing fence on the western boundary, which I viewed during my site visit.

¹ 2016/1332 dated 16 August 2016

10. Consequently, the bungalow at 186 is on lower ground than the appeal site. The appellant confirms that the fence at the bungalow is some 10' (3.5 m) from its rear elevation which, in his opinion, would effectively shield the bungalow from any overlooking. However, notwithstanding the presence of the fence, the first floor windows in the rear elevation of the proposed dwellings would be very close to the fence and would allow overlooking onto the neighbouring property which would be materially harmful to the living conditions of the occupiers of 186.
11. In addition, the development proposes three bedroom dwellings which are likely to be occupied by families. While I accept that there is no minimum standard for garden areas set by the Council, the size of the gardens nonetheless appear insufficient to meet the needs of future occupiers of the three bedroom dwellings for a family home for children's' play, sitting out, drying clothes and gardening, amongst other activities. I find the proposed level of private amenity space inadequate which would be harmful to the living conditions of future occupiers.
12. Turning to noise and disturbance, the Council argue that as a result of the close neighbouring vehicular movements immediately to the south and east of the site, the living conditions of future occupiers would also be affected. However, the accesses to the south and east serve single dwellings. I am not persuaded that the level of vehicle movements associated with the dwellings would result in harm to the future occupiers of the proposed dwellings.
13. On the second main issue I conclude that the development would have an adverse effect on the living conditions of adjoining occupiers having regard to overlooking and the living conditions of future occupiers of the proposed dwellings having regard to the lack of private amenity space. The development would conflict with Policies DM 3.5(a) and DM 3.13 of the South Norfolk Local Plan Development Management Policies Document (2015) and the aims of sustainable development in the Framework which seek, amongst other things, to ensure that developments ensure a reasonable standard of amenity with particular regard to avoid overlooking and poor levels of amenity space.

Other Matters

14. The appellant has referred to the Government White Paper 'Fixing our broken housing market' which supports the redevelopment of previously developed sites and seeks to amend the Framework so that great weight should be attached to the appropriate re-use of brownfield land within settlements for suitable housing. While I acknowledge that the site is within the settlement, and the principle of the development is acceptable, I do not find the development to be suitable for the reasons set out above. Moreover, the whiter paper does not suggest that the impacts of a development should be disregarded.
15. The appellant also maintains that "market forces" will dictate whether the development is acceptable and will be reflected in the price of the properties. Notwithstanding this, the development would still need to provide a development that is acceptable when considered against both national and local plan policies. Moreover, I accept that there is a demand in the area for a development of this type which could be affordable for young people. However, neither this nor any other material consideration that has been advanced outweighs the identified harm and conflict with policy.

Conclusion

16. I have found that the design of the proposed dwellings would be acceptable and that the living conditions of future occupiers would not be materially affected by vehicle movements associated with adjoining properties. However, I have found that the development would result in material harm to the character and appearance of the area, the living conditions of adjoining occupiers through overlooking and that the development provides inadequate amenity space for future occupiers.
17. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR