
Appeal Decision

Site visit made on 29 November 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 11th December 2017

Appeal Ref: APP/K2610/W/17/3181597
97 Low Road, Hellesdon, Norwich NR6 5AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs B & T Belshaw against the decision of Broadland District Council.
 - The application Ref 20170363, dated 2 March 2017, was refused by notice dated 21 April 2017.
 - The development proposed is the demolition of outbuilding for the erection of a two storey dwelling with associated access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Between the time of the Council issuing their decision on the planning application and the appeal scheme coming before me, the results have been received concerning the referendum to the Hellesdon Neighbourhood Plan (HNP). As a result of this referendum, the Council have advised that the plan is likely to be adopted at a full Council meeting on the 19th December. There is no indication the adoption is subject to amendments. Whilst still emerging policy given that it is not yet adopted, it is for this reason as well as its stage that I ascribe more than moderate weight to its policies. Both the Council and the appellant have made comment on the HNP and I have taken these into account in my findings.

Main Issues

3. There are two main issues. These are a) the principle of the proposed development with specific regard to its location; and b) the effect of the proposed development on the character and appearance of the area.

Reasons

Principle of Development

4. The appeal site is located outside of the settlement limit; in planning terms therefore it is in the countryside. Policy GC2 of the Local Plan¹ sets out, amongst other things, that new development will be accommodated within settlement limits. In so doing, the development plan seeks to direct new

¹ Broadland District Council Development Management DPD 2015

- development to those areas that are well related and well linked to existing development, services and facilities.
5. By definition and with due regard to its location, the proposed development would fail to accord with this policy. The principle of the proposed development would therefore be unacceptable; it would not fulfil the objectives of promoting sustainable patterns of new development as asserted by the development plan.
 6. Whilst there is an argument to suggest that with the site being immediately adjacent to the settlement limit, access to services would not be materially different in distance terms to a site that is within, I am minded to suggest that this is an argument that could be used too often to justify single dwelling sites on the edge of or a short distance away from well serviced settlements.
 7. In terms of safeguarding the strategic aims of the development plan through the appropriate spatial distribution of new housing, it is important the proverbial line in the sand therefore exists. There would therefore be some harm arising out of the development of the appeal site for a single dwelling and the resulting conflict with the development plan. Harm which I shall place in the wider context and return to below, with due regard to the current housing supply situation.

Character and Appearance

8. The appeal site is an elongated and open parcel of land that stretches a considerable distance southwest from the rear of the dwelling. It is fenced off from what appears on site to be used as the garden to the dwelling and has a gated access onto Wensum Crescent. There is a Nissen Hut style building on the site, as well as another flat roofed timber storage building. Substantial, narrow and noticeably elongated plots define the area with regard to the dwellings that front Low Road. The plots are largely undeveloped and run down a gradual slope to the banks of the River Wensum. What appears to be the flood plain of the River Wensum, the open, undeveloped and gradual sloping plots, the informal footbridges and tributaries all combine to reinforce the positive contribution the landscaped setting of the river makes to the character of the area.
9. The more informal and clustered development around Wensum Crescent to the northwest is visually distinct and bears no clear relationship to that fronting Low Road. The proposed development seeks outline planning permission with consideration of access.
10. The establishment of what would in effect be a wholly new tier of development to the rear of the existing dwelling would be noticeably alien to the character of development that fronts Low Road. I acknowledge that it would be close to the development around Wensum Crescent and in line with the front of a new dwelling currently being constructed at the termination of the cul de sac. Nonetheless, it would be beyond the end of the existing road and within the plot width of Number 97. Consequently, it would be more readily identified as a back land development than part of Wensum Crescent. In essence, it would be visually distinct, in character and appearance terms, from Wensum Crescent despite access being from it.
11. In addition and by definition, the erection of a dwelling and creation of a distinct residential curtilage would also have an intrusive and disruptive effect

on the open and undeveloped setting of the river and the land around it as a positive landscape feature that strongly defines the character of the area.

12. For these reasons, it is my view that the proposed development would be harmful to the character and appearance of the area and whilst some gardens have substantial outbuildings some distance away from their host, their character relationship and effect on the area is substantially different to that of an independent dwelling which would have its own curtilage and access.
13. The proposed development would therefore fail to accord with Policy 2 of the Joint Core Strategy² and Policy GC4 of the Local Plan. Amongst other things and along with section 7 of the Framework³, these policies seek to ensure that new development is of a high quality and contextually appropriate design and appearance, having regard to local distinctiveness, the environment and the character and appearance of areas.
14. Emerging Policy 3 of the HNP also sets out that development proposals are encouraged to respect the scale and character of existing local neighbourhoods. The appeal scheme would be contrary to this approach for the reasons I have set out above.

The Balance

15. The evidence sets out that the Council are currently unable to demonstrate the supply of housing sites as required by the Framework. This therefore engages the tilted balance advanced by paragraph 49, and explained by paragraph 14. With regard to the relevant tests, Policy GC2 is considered out of date.
16. The appeal scheme is for new housing development and as such should be viewed positively in isolation. However, it is a single dwelling and consequently the contribution it, and its other associated benefits would make to the undersupply, would be contextually small in the grand scheme. When this is placed in the context of the environmental harm that would be caused by the effect it would have on the character and appearance of the area, I can only conclude that the benefits of the proposed development, in this particular case, would be significantly and demonstrably outweighed. With this in mind, the appeal scheme would not constitute sustainable development for which the presumption in favour applies.

Other Matters

17. I acknowledge, through the exercise of rights under permitted development, land to the rear of Number 97 Low Road could be developed. This would however be for purposes incidental to the enjoyment of the dwelling, outbuildings in essence. I have drawn a distinction between the character effects of this vs that of an independent dwelling in my findings. In any event, I have not been provided with precise detail as to where the garden to No 97 ends and as such to where rights under permitted development would duly apply. Such detail is not for me to determine as part of this appeal. Nor is a proposal for the erection of an outbuilding the subject of it.

² Greater Norwich Development Partnership: Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, amended 2014

³ The National Planning Policy Framework 2012

18. The erection of a dwelling on the appeal site would, I have little doubt, be something of an improvement in visual terms over the existing structures. Be this as it may, this forms only one part of an assessment of the appeal scheme's effects and it alone would not be sufficient against the harm that I have identified.

Conclusion

19. It is for the reasons I have set out above, whilst having regard to all other matters raised that the appeal is dismissed.

John Morrison

INSPECTOR