



Appeal Decision

Site visit made on 15 July 2019

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/K2610/W/19/3226626

Woodview, Salhouse Road, Sprowston, Norwich NR13 6NR

- 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 Q Biddle against the decision of Broadland District Council.
 - The application Ref 20181225, dated 25 July 2018, was refused by notice dated 26 October 2018.
 - The development proposed is two dwellings within the existing garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved for subsequent approval. I have dealt with the appeal on that basis, and have treated the details on the submitted drawings, including MJSM03052017 'DRAW Layout 5' ('indicative layout plan'), as indicative only, in accordance with its description in the Design and Access Statement ('DAS').

Background

3. The appeal site, together with a large expanse of land to the rear and sides of it, is allocated for mixed uses, including housing, in Policy GT 7 of the Growth Triangle Area Action Plan 2016 ('GTAAP'). That policy also states that provision will be made for land adjacent to Salhouse Road, as far as is necessary, to provide a Bus Rapid Transit scheme ('BRT') and a cycle link.
4. Outline planning permission has been granted for residential and other development, and associated infrastructure, on part of that allocation (Ref: 20160498) ('OPP'). I understand that the OPP includes provision for a BRT along Salhouse Road. Although I have not been presented with any details, the appellant notes that a reserved matters application (Ref: 20190758) ('REM') has now been submitted for phase 1 of that development.
5. The appellant and the Council agree that the provision of a strip of land for the BRT may make it difficult for the existing dwelling, Woodview, to be retained. However, the dwelling is outside the application site boundary, the appellant states that it would not be economically viable to demolish it, it is described as 'retained' in the DAS, and it is depicted as such on the indicative layout plan.
6. Whilst if the BRT is implemented it would significantly change the setting of Woodview, and may mean that its current layout would no longer be practical, I have very limited information to conclude that it would render it 'unliveable',

or prone to flooding. I have therefore dealt with the scheme on the basis that the existing dwelling would be retained.

Main Issues

7. The main issues are:

- The effect of the proposal on the character and appearance of the area;
- Whether the scheme would provide suitable living conditions for the future occupants of the proposed dwellings, with particular regard to overlooking; and
- Whether the scheme would compromise the ability to deliver sustainable transport infrastructure.

Reasons

Character and appearance

8. Although the site is currently surrounded by fields, the area's character will change very significantly if, as seems very likely, a mixed use development is implemented. However, at this stage, whilst I have considered a drawing which formed part of the OPP (included at Appendix D of the Council's statement), I cannot be certain how the surrounding area will look, nor what the prevailing plot sizes will be.
9. Nevertheless, achieving a high standard of design, which makes a positive contribution to the area and avoids significant detrimental impacts, are general requirements of Policy GC4 of the Broadland Development Management DPD 2015 ('DMDPD'), Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 ('JCS') and Policy 2 of the Sprowston Neighbourhood Plan to 2026 ('SNP'). The National Planning Policy Framework ('Framework') adopts a similar approach.
10. In broad terms, the above development plan policies also require proposals to have due regard to matters such as landscaping, including avoiding harmful impacts on existing trees; and the treatment of the spaces between and around buildings.
11. As this was an outline application, with all matters reserved, I have few specific details of the proposed development. However, I observed on my visit that Woodview's garden contains a number of mature trees, particularly in a strip close to its rear boundary. The trees are depicted on drawing no. MJS03052017(B), but I have little if any specific information regarding their condition, their canopy spread, or their root protection areas. The appellant states that he intends to retain hedges to the sides of the site, is hoping to protect trees, and does not wish to go to the expense of an Arboricultural Impact Assessment ('AIA') at this stage.
12. However, the indicative layout plan shows the dwellings sited very close to some of those trees where, in my view, they would be likely to significantly damage them. Consequently, I cannot agree with the view expressed in the DAS that only the leylandii to the road frontage would be affected. Should the proposed dwellings be located further from those trees than depicted so as to ensure their survival, they would be closer to the dwelling at Woodview. That would result in a cramped relationship between it and this scheme.

13. I have no details regarding the hedgerow and trees that were lost opposite Atlantic Way as a result of application Ref: 20160498, nor details of the layout of the scheme for new houses approved under application Ref: 20142004. However, for the above reasons, and notwithstanding that landscaping is a reserved matter, I concur with the Council's Conservation Officer that an AIA is needed to inform the extent of the developable area here, including the number of dwellings that could be accommodated.
14. I am not persuaded that the proposed plot sizes, or the siting of the proposed dwellings to the rear of an existing dwelling, would appear out of place. Having regard to the indicative layout plan, there would also appear to be sufficient space within the site for the parking and manoeuvring of vehicles.
15. However, from the available evidence, I am not satisfied that two dwellings could be erected within the site without either damaging significant trees, or resulting in a cramped relationship with the retained dwelling. Consequently, I conclude that the scheme would harm the area's character and appearance, contrary to DMDPD Policy GC4, JCS Policy 2, SNP Policy 2, and the Framework.

Living conditions

16. To the rear Woodview has a conservatory, and a first floor bedroom window. Whilst the layout of the proposed dwellings is unknown, based on the indicative layout plan, the scheme would result in a degree of overlooking at fairly close quarters from the rear face of Woodview to the proposed dwellings' amenity areas.
17. Furthermore, to address my concerns regarding the need for a suitable distance to trees close to the site's rear boundary, the dwellings may need to be sited closer to the rear face of Woodview than depicted. That in turn could exacerbate the degree of overlooking.
18. Whilst the appellant refers to worse overlooking of Woodview as a result of implementation of the OPP, having regard to the site's boundaries, the proposed dwellings in this scheme would be likely to be closer to the main habitable areas of Woodview, or a broadly similar distance away, compared to the houses in that development.
19. Amongst other things, DMDPD Policy GC4 requires development to meet the reasonable amenity needs of all potential future occupiers. For the above reasons, and on the basis of the information before me, I am not satisfied that the scheme would result in appropriate living conditions for the proposed dwellings' occupants. It would thus be in conflict with that policy.

Sustainable transport

20. The Council maintains that as the scheme fails to make any provision for a 10m wide strip of land adjacent to Salhouse Road for the BRT and a cycle link, it fails to accord with GTAAP Policy GT 7; along with DMDPD Policy TS1, which states that land required for the improvement of the transport network will be safeguarded.
21. For his part, the appellant sets out that the BRT may never be provided, and states that it is not mentioned in the REM. However, irrespective of that, submitted drawing no. 'MJSM031072017 (amended 03-09-2018)' shows a strip of 'possible land for bus/cycle lane'. Although the indicative layout plan shows

a 'new access' crossing that strip of land, it also demonstrates how the proposed dwellings could be sited well to the rear of it.

22. I have been provided with very little in the way of clear or detailed information regarding the BRT and the cycle link. However, from the evidence before me, including paragraphs 5.2 to 5.6 of the Council's statement, it is unclear why it considers that the proposal would prevent the delivery of this sustainable transport infrastructure. Consequently, on this issue, and on the basis of the available evidence, I conclude that the scheme would not conflict with GTAAP Policy GT 7, or with DMDPD Policy TS1.

Other matters

23. The Council refers to the absence of details in respect of ground contamination, and potential gas migration having regard to the site's location within 250m of an area of landfill. However, given my findings on the main issues, it has not been necessary for me to consider this matter further.
24. This proposal followed a previous application which was withdrawn due to uncertainty regarding the BRT, and the appellant's hope that further detail would emerge. However, I have dealt with the scheme on its planning merits, and on the basis of the evidence before me.
25. A limited benefit in the scheme's favour would be the two additional dwellings it would provide. Whilst I have no details, they could include sustainability features in excess of statutory requirements.

Planning Balance and Conclusion

26. On the basis of the available evidence, whilst the scheme would not significantly compromise the ability to deliver sustainable transport infrastructure, it would harm the character and appearance of the area, and I am not persuaded that it would result in appropriate living conditions for the proposed dwellings' occupants.
27. The scheme would therefore conflict with the development plan and with the Framework. Its very limited benefits do not outweigh the harm that it would cause. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR