The Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2019

Appeal Ref: APP/G2625/W/19/3224084
22 North Park Avenue, Norwich, Norfolk, NR4 7EF

- 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 George Warren against the decision of Norwich City Council.
- The application Ref: 18/00979/F dated 22 June 2018 was refused by notice dated 11 September 2018.
- The development proposed is described as single storey rear extension to create bedroom, bathroom, utility area and change of use to large HMO (7-beds) Sui Generis.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - the effect of the proposed development upon the living conditions of occupiers of neighbouring properties with particular reference to noise and disturbance; and,

   - the effect of the proposed development upon the character and appearance of North Park Road.

Preliminary Matters

3. The appellant has questioned whether installing the dropped kerb and increasing the width of the vehicle cross-over/access requires planning permission. In the context of an appeal under section 78 of the Town and Country Planning Act 1990 this is not a matter for me to determine. It is open to the appellant to have the matter determined under sections 191 or 192 of the Act, and any such application would be unaffected by the determination of this appeal.

Reasons

Living conditions

4. The appeal site comprises the eastern end of a terrace of four properties, which has been extended on the ground floor to the side. It is understood that the appeal site has been operating as a six-bedroom House of Multiple Occupation (HMO) for a number of years, so the change to a large HMO represents an increase in one bedroom. The appeal site is surrounded by and in close

proximity to other dwellings to its rear and sides. This sense of closeness is particularly noticeable from the rear garden of the appeal site.

5. By increasing the occupancy of the appeal site, the proposal would further increase the level of activity at the property above that of a typical residential dwelling. This cumulative impact would be likely to include further comings and goings by private car and taxi, the delivery of meals and other purchases, and people visiting for social events and other reasons. It is indicated in letters of representation, that there are already some noise impacts experienced by surrounding properties. The position and proximity of the surrounding dwellings, together with the increased and focused area for activity, is likely to have a significant adverse impact upon the occupants of neighbouring properties in respect of noise and disturbance.

6. I note the appellant's view that there has been fewer representations to the application than set out in the Council's report and that 'noise and general disturbance' is not defined in Policy DM2 as a land use impact. In deciding this appeal regard is had to the likelihood and magnitude of impacts taking place, which in this case includes the cumulative impacts of the existing use and proposed development giving rise to noise and disturbance. The appellant has explained that he has received few noise complaints directly and referenced a press article about noise complaints. This cannot (as implied) provide sufficient reassurance that no noise complaints or impacts would be likely to result from the development.

7. For the reasons set out above the proposed development would result in increased noise and disturbance to neighbouring properties, such that it would be contrary to Policies DM2 and DM13 of the Norwich Development Management Policies Local Plan (2014) (the DMPLP), which require that development should have an acceptable impact upon neighbouring occupants in respect of living conditions and noise. The development would also be contrary to the National Planning Policy Framework, which (amongst other things) expects development should create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127) and seeks to avoid development which would give rise to significant adverse impacts on health and quality of life.

Character and appearance

8. North Park Avenue has a spacious feel because of the building lines, wide grass verge, and Eaton Park on its southern side. The sections of grass verge vary in length. There are short sections either side of the appeal site, but the verge increases in uninterrupted length in a westerly direction. In proximity to the appeal site the verge is already interrupted by a cross-over serving the appeal site, as well as one almost the full width of number 24 North Park Avenue, and a narrower cross-over serving number 22A North Park Avenue. A short distance further to the east there is a break in the verge for the junction with Fairfax Road. Therefore, a number of cross-overs are already present, and in my view the removal of the verge section would not be readily noticeable in this location.

9. When viewed from the east and the west, there would be very little perception of the loss of the section of verge, particularly with increasing distance and the change of visual perspective. The verge would still retain its green linear rhythmic perception when walking or driving along North Park Avenue.

Therefore, the increased width of the access and loss of verge would not have a harmful impact upon the character and appearance of the area.

10. For the reasons above the proposed development is considered compliant with the provisions of Policies DM3 and DM12 of the DMPLP, and Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) (the JCS) which seeks to ensure development respects and enhances the local distinctiveness and does not have a detrimental impact upon the character and amenity of the area. However, this does not outweigh the harmful impacts upon living conditions set out above.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR