



Appeal Decision

Site visit made on 16 July 2019

by David Wallis Bsc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Appeal Ref: APP/F2605/W/19/3224681

No 3 Fengate Drove, Weeting IP27 0PW

- 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 and Mrs A Betts against the decision of Breckland District Council.
 - The application Ref 3PL/2018/1373/F, dated 31 October 2018, was refused by notice dated 2 January 2019.
 - The development proposed is a replacement dwelling with integral garage.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling with integral garage at No 3 Fengate Drove, Weeting IP27 0PW in accordance with the terms of the application Ref 3PL/2018/1373/F, dated 31 October 2018, and the plans submitted with it, subject to conditions set out in the attached schedule.

Main Issues

2. The main issues for the appeal are the effect of the development upon:
 - the character and appearance of the area
 - the living conditions of No 4 Fengate Drove with regard to privacy.

Reasons

3. There is a predominance of two storey dwellings in the area, including a limited number on the northern side of the highway adjacent to the bungalows that enclose the appeal site. The pairs of semi-detached bungalows are of charm, albeit with no common style, roof form or character. With other land uses and buildings in proximity, the street scene has a mixed appearance.
4. The appeal development would be seen in conjunction with the prevalent two storey dwellings on Fengate Drove and Boundary Close. Whilst intervening within the short succession of bungalows on the northern side of Fengate Drove, the appeal development would not appear out of keeping with the character of the area taken as a whole in terms of height or scale. The layout of the proposals respects the prevailing pattern of development in the area.
5. For these reasons I conclude that the development would not harmfully affect the character or appearance of the area. The proposal would be compliant with policy DC16 of the Breckland Core Strategy and Development Control Policies

Development Plan Document 2009 (BCS) that seeks to ensure design proposals preserve or enhance the existing character of an area.

6. The appeal development is orientated with the principal windows serving habitable rooms facing north and south, as are the nearest dwellings on the northern side of Fengate Drove. The proposals incorporate first floor windows looking northward over the appeal site's own private garden, within a rear elevation that is broadly in line with the rear elevations of neighbouring properties.
7. No direct views would be afforded from these proposed bedroom windows towards the private garden, flank or rear elevations of No 4 Fengate Drove. Oblique views over No 4's northernmost section of garden would occur, though not to a degree whereby privacy would be significantly harmed.
8. I conclude that the appeal development would not cause harm to the living conditions of No 4 Fengate Drove. It would be acceptable in light of policy DC1 of the BCS that seeks to prevent unacceptable effects on the amenities of neighbouring occupants.

Other Matters

9. Reference has been made to an earlier planning permission for a chalet on the appeal site. Whilst having regard to this, I have concluded the appeal to be acceptable on its own merits.
10. A neighbour has raised the issue of a gable wall being affected by earlier demolition works. However, this is a private matter outside of the jurisdiction of a section 78 appeal.

Conditions

11. In terms of conditions, it is necessary to require details of external materials to be provided in the interests of preserving local character. It is also necessary in the interests of highway safety for conditions ensuring the access and visibility splays are provided to an appropriate standard. Given the site's position within designated areas of ecological value, it is not unreasonable to require ecological enhancement measures to be provided within the development. Finally, a condition is required for certainty on the relevant plans for the development.
12. It is not necessary to remove permitted development rights and I am presented with no exceptional circumstance to impose. There is no evidence that suggests a likelihood of contamination at the site requiring express conditions to resolve.

Conclusion

13. I conclude the development will not cause harm to the character or appearance of the area, nor will it adversely affect the living conditions of No 4 Fengate Drove. The appeal is therefore allowed.

David Wallis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: TL-2905-18-1A.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the development hereby permitted, the vehicular access crossing over the footway shall be constructed in accordance with a detailed scheme to be submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented and thereafter shall be retained at the position shown on the approved plan.
- 5) Prior to the first occupation of the development hereby permitted, a 2.4 m wide parallel visibility splay (as measured back from the near edge of the highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be retained at all times free from any obstruction exceeding 0.6 m above the level of the adjacent highway carriageway.
- 6) Prior to the first occupation of the development hereby permitted the proposed access and parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use.
- 7) No development shall commence until a scheme of ecological enhancement measures, including two integrated bat boxes, shall be submitted to and approved in writing by the local planning authority. The measures shall be implemented prior to the first occupation of the dwelling hereby permitted and retained thereafter.