



Appeal Decision

Site visit made on 17 July 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 9 August 2019

Appeal Ref: APP/K2610/W/19/3227227

Land at 11 Station New Road, Brundall, Norwich NR13 5PQ

- 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 & Mrs Clarke against the decision of Broadland District Council.
 - The application Ref 20181885, dated 21 November 2018, was refused by notice dated 6 February 2019.
 - The development proposed is described as "the erection of 1 no. self build dwelling".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was in outline with all matters except access being reserved for future consideration. A site layout plan (Drawing No 031-18-02) was submitted with the application. I have taken the details shown on this plan as being indicative only.

Main Issues

3. Although privacy is not specifically referenced in the wording of the reasons for refusal, it is clear that the impact of the development upon the living conditions of the occupiers of the proposed dwelling in regard to both privacy and amenity space is a concern of the Council and the appellants have responded to this in their statement.
4. Therefore, the main issues are: -
 - The effect of the proposal on the character and appearance of the appeal site and its surroundings,
 - The effect of the development on the living conditions of the occupiers of 11 Station New Road with particular reference to noise and disturbance associated with use of the access for vehicular movement,
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to privacy and the provision of private amenity space, and: -
 - The effect of the proposal on the landscape character of the area with particular reference to trees within and adjacent to the site.

Reasons

Character and appearance

5. Houses and bungalows of varying designs front both sides of Station New Road set back in line behind large front gardens and within substantial individual plots. To the rear of the dwelling there is an area of protected woodland.
6. The land behind the dwellings and the wooded area provides the gardens for the dwellings. The structures within these gardens are typically sheds and other small structures ancillary and subsidiary to the dwellings.
7. The overall character and appearance of the site and the surrounding area is of substantial detached dwellings facing the street, with large rear gardens which define a strong pattern and grain of development. Each dwelling establishes a presence in the public realm with its own street frontage.
8. The development would introduce a building within the backland area between the dwellings on Station New Road, with no frontage on the road. The layout plan shows a building, constrained by the position of the retained trees, with a significantly smaller footprint than the dwellings fronting Station New Road. Both the plots of the proposed development and that of its host property would be smaller than is typical of the area.
9. Given the importance that I have placed on the street facing layout of development to the character and appearance of the area, the lack of street frontage to the proposed development would be out of character and incongruous with the form of existing development when viewed from the street. Further, the presence of the dwelling in the rear garden would noticeably alter the character of the area to the rear of the dwellings when viewed from nearby properties, albeit that such views would be restricted by existing planting. In this particular context that lack of conformity would be so significant as to amount to harm.
10. I note the development site for five dwellings to the west currently under construction, and that this extends to the rear of the dwellings fronting Station New Road, however, this development is accessed by a shared accessway off Station Road serving all of the plots and turns the corner between Station New Road and Station Road, relating in its principle axis to the latter. The form of this development responds to the two street frontages and therefore is not comparable to the appeal scheme.
11. My attention has also been drawn to a development to the rear of a dwelling at 6, Cucumber Lane. Although little information is available to me regarding the planning history of this development the layout of the site does not form an immediate contextual comparison to the appeal site. In any case I have determined this appeal upon its own merits.
12. I therefore conclude that the positioning of the development would result in harm to the character and appearance of the appeal site and its surroundings, contrary to Policy GC4 of the Broadland District Council Development Management Development Plan Document -2015- (the DMD) which seeks to ensure that development achieves a high standard of design, requiring that proposals pay adequate regard to the environment, character and appearance of an area and reinforce local distinctiveness. The proposal would also be contrary to Policy 2 of the Joint Core Strategy for Broadland, Norwich and

South Norfolk -2011 (amended 2014)- in as much as it does not create a strong sense of place, and the National Planning Policy Framework (the Framework) which seeks to ensure that developments are sympathetic to local character, including the surrounding built environment.

Living conditions of neighbours

13. The western side of the site contains a number of mature Douglas Fir trees, close to the boundary with 13 Station New Road. The proposed development would be accessed by a drive running between Nos 11 and 13. Whilst retaining a significant distance from No 13, the drive would, as a result of the scale of the trees, pass close to the western elevation of No 11. Further, the driveway would extend behind No 11, into the area behind the retained garden, forming a turning area. Therefore, whilst I understand from the appellants' statement that some of the rooms are not habitable rooms, the noise from vehicles passing and manoeuvring on the driveway and turning area would carry to the garden, side and rear rooms of No 11.
14. The appellants have suggested that, as the occupiers of No 11, they can foresee no impact on the amenities of their current residence. However, there is no information before me regarding how the occupation of No 11 could be limited to the current occupiers. On this basis I cannot be certain that issues of vehicular disturbance relating to the use of the access by a separate household may not arise for occupants in the future.
15. My attention has been drawn to the relationship between a nearby house and a driveway. I have limited information before me upon which to judge whether that development forms an immediate contextual comparison to the appeal scheme. In any case I have determined this appeal upon its own merits.
16. The appellants consider that a similar drive could be constructed under permitted development rights for the use of the existing dwelling. I have little evidence before me to suggest that such a drive would be constructed. In any case, such a drive would serve the existing dwelling and disturbance of one household by another would not occur, as would be the case with the proposal.
17. I therefore conclude that the development would have an unacceptable harmful effect on the living conditions of the occupiers of 11 Station New Road with particular reference to noise and disturbance associated with use of the access for vehicular movement. Consequently, the development would conflict with Policy GC4 of the DMD which requires that development should pay adequate regard to the amenity of existing properties. The proposal would also be contrary to aims of the Framework that seek to ensure that development creates places with a high standard of amenity for existing users.

Living conditions of future occupiers

18. The rear façade of No 11 contains several windows facing towards the appeal site both at ground floor level and in the roof. To the south of the site lies protected woodland with several mature trees close to the boundary. Mature trees forming part of this woodland also lie within the south-eastern corner of the appeal site. The garden slopes steeply away from No 11 towards the woodland.
19. Even though the proposal is in outline, given that there are upper windows on the existing property it would be likely that there would be overlooking of the

site. Notwithstanding the indicative details provided by the appellants, given the outline nature of the proposal I cannot be assured that this issue could be resolved through design.

20. Even taking the slope of the site into account, given their position and the orientation of the site, the canopies of the trees would cast shadow over a significant part of the site during the day.
21. Although detailed design of the dwelling, layout and planting, together with planning conditions where appropriate, may address some of these issues I am not satisfied that, in combination, they can be addressed successfully in total and therefore residual harm would remain.
22. I therefore conclude that the development would not provide acceptable living conditions for future occupants and would therefore be contrary to Policy GC4 of the DMD which aims to ensure development meets the reasonable amenity needs of all future occupiers. The proposal would also be contrary to those aims of the Framework that seek to ensure that development creates places with a high standard of amenity for future users and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Effect on trees

23. The trees to the rear of No 11 contribute to the visual amenity of the woodland. The Douglas Firs are visually prominent on the street scene of Station New Road and provide a significant visual amenity.
24. On the indicative plan the proposed dwelling is shown towards the rear of the garden of No 11, close to its boundary with the woodland. The canopy of a Category A mature oak tree is very close to the position shown on the plan. Although not so close the indicative position of the dwelling is also near the extent of the canopy of a Category A copper beech.
25. The canopies extend over the appeal site and, as these trees are deciduous, they would inevitably drop leaves over the site. The extent of leaf drop within the garden, the usable area of which is likely to be restricted by the slope of the land, would detract from the enjoyment of the outdoor amenity space. This, together with the proximity of branches of the trees to the dwelling, which future occupiers may perceive as a risk, would be likely to engender a desire to seek the removal of the protected trees or their limbs. I consider that the proposal would present an unacceptable risk to the future retention of the protected trees of amenity value in the rear garden of No 11 and adjacent to the boundary of the site.
26. The proposed driveway for the development would run over the Root Protection Areas (RPAs) for the Douglas Firs trees, removing one of the trees and covering a significant proportion of the RPAs. Since the determination of the application the Council has made a Tree Protection Order safeguarding the trees. I am satisfied that the removal of one of the Douglas Firs as indicated on the plans would not significantly undermine the contribution of the group as a whole to the street scene.
27. There is dispute between the parties as to whether, or not, an appropriate design could be achieved to protect the roots systems and the future health of the retained trees. To this end the appellants have proposed a no-dig

construction for the driveway, incorporating a porous surface. Nevertheless, from the additional information provided I am satisfied that, were I minded to allow the appeal, the future health of the retained Douglas Firs could be protected by a planning condition.

28. Whilst I have found no harm from the proposal in regard to its effect upon the Douglas Firs, I have found that the development would have an adverse effect on the landscape character of the area in regard to the trees in the rear garden of No 11 and adjacent to the southern boundary of the site. The development is therefore contrary to Policy EN2 of the DMD which aims to protect the landscape character of the area.

Other Matters

29. The development would provide benefits in the form of an additional dwelling to supplement local housing supply, albeit that irrespective of any shortfall in supply, a single home would only have a limited benefit. Further, the proposed dwelling is intended to be a self build property, the provision of which is supported in national policy and guidance. However, no mechanism is before me to secure the development as a self build. I further note the support of the local Councillor for the proposal. However, I do not consider that these modest benefits would outweigh the harm that I have identified above and so they do not alter my overall conclusion.
30. The appellants have taken an active interest in the care and maintenance of their property and have, during their occupation, planted many trees to landscape the plot. However, I have determined this appeal on its own merits and the overall effects of the development in planning terms.

Conclusion

31. For the reasons given above, and having taken into account all other matters raised, the appeal is dismissed.

I Dyer

INSPECTOR