



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: 21 August 2019

Appeal Ref: APP/F2605/W/19/3226744
69 The Oaklands, Swaffham PE37 7EL

- 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 David Cornwell against the decision of Breckland District Council.
 - The application Ref 3PL/2019/0013/O, dated 8 January 2019, was refused by notice dated 22 February 2019.
 - The development proposed is a residential development for a single dwelling.
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Decision

1. I dismiss the appeal.

Preliminary Matters

2. The planning application is submitted in outline with all detailed matters reserved. An indicative layout accompanies the application and I have taken this into account insofar as establishing whether it would be possible, in principle, to erect a dwelling on the site.
3. A copy of the Swaffham Neighbourhood Plan 2016 – 2036 (NP) was submitted by the Local Planning Authority (LPA) with the appeal questionnaire. The NP is denoted as being 'for referendum' in May 2019. However, neither the LPA nor Swaffham Town Council have referenced the NP in their objections submitted to the appeal.
4. The LPA was approached seeking confirmation of the NP's status and any relevant policies to this appeal. In the absence of a response, I have proceeded to determine the appeal on the evidence before me. Given the advanced stage of preparation for the NP, I attach significant weight to its policies, having had regard to the provisions within the Neighbourhood Planning Act 2017.

Main Issues

5. The main issues for the appeal are the effect of development upon:
 - the character and appearance of the area
 - living conditions of existing occupiers of No 69 The Oaklands and the future occupiers of the development, with regard to adequate garden space, privacy and outlook.

Reasoning

Character and Appearance of the Area

6. The area consists predominantly of semi-detached two storey dwellings with hipped roofs in a suburban setting. Dwellings are set back from the highway by modest distances, with parking to the front or to the side accordingly. Plot size is equally varied in terms of depth. Spaces between buildings are generally regular. The NP describes Oaklands as a small estate of 1950's council housing with wide roads and verges in a square layout.
7. In contrast the proposed dwelling would have a very tight relationship with both the flank of No 69 and the northern boundary. By virtue of being closer than any other dwelling to the public highway, without a wide margin typical of the estate, it would be starkly out of character with the surroundings. It would be visually prominent and incongruous as a result, appearing cramped in the street scene. This would cause harm to the character and appearance of the area. In addition, the proposals would fail to reflect the local distinctiveness of Oaklands and would not assimilate as comfortably as the other examples identified.
8. Planning permission was granted on appeal for a detached dwelling on a corner plot to the south, sitting on a prominent bend within the square layout of the estate. The dwelling has been constructed and occupied. I also note that there is an un-implemented planning permission for another similar detached dwelling to the southwest of Oaklands on another corner plot. I did not see evidence of any commencement on my site visit but note the permission is extant.
9. Both of these dwellings were approved prior to the NP. However, the two detached dwellings do respect the prevailing pattern of the area by retaining a wide gap to the roadside edge and reasonable dwelling-to-dwelling spacing that reflects the local area. Therefore, despite being detached in area dominated by semi-detached dwellings, the development of the respective corner plots has a limited effect on the overall character of the estate.
10. I conclude that the erection of a dwelling on this site would harm the character and appearance of the area. The development would thus be contrary to Policy DC16 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document 2009 which seeks the highest standards of design. It would also be contrary to policy HBE2 in the NP that requires proposals to reinforce local development patterns.

Living Conditions

11. The size and depth of the plot is not dissimilar to other dwellings within the Oaklands Estate. The proposals allow for a front garden of comparable depth to the nearest neighbours and, albeit limited in size, an area of garden between the west-facing elevation and the proposed parking space.
12. The two detached dwellings approved within the estate reported above have plot sizes broadly comparable to the appeal development. I observed on my visit that the implemented permission has a layout whereby the rear garden is parking-dominated but a front garden acts as the dwelling's sole amenity space. This arrangement is not too dissimilar to the appeal proposals.

13. In terms of privacy and outlook, from the limited evidence before me, it is probable that a dwelling could be designed on the appeal site so as to avoid overlooking of No 69 even at two storeys in height. No 69 would retain a wide and significant private rear garden so as to limit any potential reduction in outlook.
14. By virtue of the layout and orientation of No 69, future occupiers of the development would not be significantly overlooked and, subject to design, would not have their outlook adversely affected.
15. I conclude that the development would not give rise to unacceptable living conditions to existing or future occupiers with regard to adequate garden space, privacy and outlook. There is no conflict with policy DC1 of the BCS nor policy HBE2, which, amongst other matters, seeks to prevent unacceptable effects on amenities.

Other Matters

16. Residents have raised concerns regarding highway safety. The Highways Authority has not raised an objection, recommending conditions to ensure safety of all highway users. I have no formal evidence before me to suggest that conditions could not be used to make the development safe.
17. The proposal would lead to the relocation of a bus stop but, subject to satisfactory reinstatement in accordance with Highway Authority guidance, I do not consider this to be harmful to highway safety.
18. In addition, residents raise concern about the developer's motives, but such are not for the S78 appeal to consider. Instead I have focused this decision on the planning merits of the case.
19. The LPA acknowledge that a five-year housing land supply cannot be demonstrated. The Framework clarifies that where an NP is in effect, any conflict found with the NP is likely to significantly and demonstrably outweigh the benefits provided that, amongst other things, the LPA can demonstrate at least a 3-year supply of deliverable housing sites.
20. My attention is drawn to the Annual Monitoring Report April 2017 – March 2018 in which it is reported only a 2.75-year supply can be demonstrated.
21. I recognise the site is within a built-up area that is accessible to services and facilities. The benefits of the proposals to the local economy and housing supply are positive matters arising from the development. However, given the small-scale nature of the development only limited weight can be given to such benefits.
22. In respect of the planning balance, whilst the proposal does have economic, social and environmental benefits, there is clear conflict with the Development Plan, which includes an up-to-date NP and this conflict carries significant weight. There is a shortfall in housing supply, but this is not so significant as to reduce the weight given to the NP.
23. I therefore conclude that the harm of the proposals significantly and demonstrably outweigh the benefits.

Conclusions

24. The appeal is dismissed.

David Wallis

INSPECTOR