
Appeal Decision

Site visit made on 7 October 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/K2610/W/19/3228010

26 Rosemary Road, Sprowston, Norwich NR7 8ER

- 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 J Cole against the decision of Broadland District Council.
 - The application Ref 20181082, dated 28 June 2018, was refused by notice dated 8 November 2018.
 - The development proposed is described as 'outline application for single new detached dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved.
3. Proposed Plans (MJSM02052019) were submitted after the Council had determined the planning application. However, the Council has had the opportunity to consider these plans as part of its submissions and therefore there is no prejudice to the main parties in my acceptance of these plans as part of the appeal scheme. The Proposed Plans and the Proposal Indicative Design (MJSM270620) show matters which are reserved for future consideration therefore I have regarded the contents of these plans solely on the basis that they have been submitted for illustrative/indicative purposes.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the site and the surrounding area.
 - Whether the development would provide appropriate living conditions for future occupants with particular regard to overshadowing and private amenity space.

Reasons

Character and appearance

5. 26 Rosemary Road (No. 26) occupies a comparatively large corner plot within an established residential area. The surrounding area is characterised by

- detached and semi-detached houses which face the road and have a regimented appearance arising principally from their relationship with each other and the street.
6. A group of mature trees runs around the side and rear boundaries and within the garden serving No. 26 which are visible from a wide area including from Allerton Road and Allerton Close which run roughly parallel to Rosemary Road. These and other mature trees are also visible above the houses fronting parts of Rosemary Road, which provides the houses and bungalows in the area with a striking woodland backdrop.
 7. The appeal scheme involves the subdivision of the garden serving No. 26 and the formation of a plot for one house. The proposed site would be smaller than other plots in Rosemary Road and a large portion of the site for the new dwelling would be beneath the canopy spread of mature trees. Consequently, although layout is a reserved matter, the trees would constrain the location of the house. Furthermore, the need to retain access to No. 26 provides a further limitation on where a dwelling could be positioned on the site and the parking/turning area.
 8. The indicative design shows that as a consequence of the size and shape of the site, the position of mature trees and the need to accommodate access and turning space, the new dwelling would appear both cramped and constrained on the site. Thus, the new dwelling would have a markedly different relationship with the street than is typical of the area. Given the importance I have placed on the relationship of existing buildings to one another and the street, the development would have a harmful impact on the street scene.
 9. My attention has been drawn to other development at 9 Lowry Road, Sprowston (Council Ref. 20181069) and 45 Tills Road, Sprowston (Council Ref. 20180789). However, save for the layout plans I have very limited information before me regarding these schemes. Thus, I am unable to conclude that they are directly comparable to the appeal scheme and these references do not outweigh the harm which I have identified in relation to this main issue.
 10. I conclude that the appeal scheme would be harmful to the character and appearance of the site and the surrounding area. The development is therefore contrary to Policy 2 of the Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk (2011 amended 2014), Policy GC4 of the Broadland District Council Development Management DPD (2015) (the DM DPD) and Policy 2 of the Sprowston Neighbourhood Plan (2014) (the Neighbourhood Plan). These policies jointly require that new development respects local distinctiveness and pays adequate regard to the environment, character and appearance of an area and its landscape character. For similar reasons the development does not accord with the National Planning Policy Framework (the Framework) as it relates to achieving well-designed places.

Living conditions for future occupiers

11. The houses in Rosemary Road have gardens which are generally longer than they are wide and have principal windows facing the road and the rear gardens. The size and shape of the appeal site is such that it could be laid out to follow a similar format particularly having a rectangular garden overlooked by rear windows.

12. As a result of its height and spread an existing Beech tree on the site would significantly dominate and overshadow the rear garden and could, on the basis of the evidence before me, cast a shadow as far as the rear wall of the dwelling. Furthermore, the proposed front garden area whilst clear of the tree canopies would not present a realistic alternative private space given the proximity of the driveway serving No. 26 and the driveway and garage to No. 28.
13. Notwithstanding that the layout of the site and the appearance of the proposed house are reserved matters, the presence and size of the Beech tree is such that it would significantly affect the use of the rear garden and overshadow any rear windows leading to a gloomy outlook. Given the size and shape of the site and the need to respect the privacy of neighbours, the location of private amenity space and rear facing windows would be constrained and this would result in the future occupiers experiencing a poor standard of living conditions.
14. The Beech tree is a mature specimen and visible from a wide area around the site. Consequently, were it to be removed in response to concerns by future occupiers regarding the safety or practicality of use of the rear garden or the poor living conditions arising from overshadowing, this would have a significant adverse impact on the visual amenity of the surrounding area.
15. I conclude that the appeal scheme would not provide appropriate living conditions for future occupants with particular regard to overshadowing and private amenity space. The development is therefore contrary to Policy GC4 of the DM DPD and Policy 2 of the Neighbourhood Plan. These policies jointly require that development achieves a high standard of design including meeting the reasonable amenity needs of all potential future occupiers and that harmful impacts on existing trees are avoided. For similar reasons the development does not accord with the Framework as it relates to providing a high standard of amenity for future users of new development.

Conclusion

16. For the reasons set out above, the appeal is dismissed.

Sarah Dyer

Inspector