
Appeal Decision

Site visit made on 30 July 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/K2610/W/19/3228224

1a Lilian Close, Norwich NR6 6RZ

- 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 William Harrison against the decision of Broadland District Council.
 - The application Ref 20190292, dated 18 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed is conversion of existing garage to dwelling and revised parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note the name on the appeal form is Mr William Harrison and the name on the application form is Mr Dave Harrison. Confirmation has been received that these are one and the same person.
3. I note that additional information was provided during the appeal regarding Housing Land Supply (HLS). As parties had referred to HLS within submissions, I considered it relevant to accept the information. Parties were given the opportunity to comment.

Main Issues

4. The main issues are the effect of the proposed development on the living conditions of future and existing occupiers, and the effect on the character and appearance of the area.

Reasons

Living Conditions - Future Occupiers

5. The proposal consists of converting an existing basement garage into a 1-bedroom flat comprising a bedroom, open-plan living/kitchen/dining area, bathroom, store, off-street parking and outdoor amenity area. Existing on-site parking, which currently serves 2 existing flats located in the building on the 2 floors above the garage, would be amended. The site is located within the settlement boundary of Hellesdon, where residential development is acceptable in principle.

6. Access into the flat would be provided where the existing garage door is located. A small in-set porch would be created and a door into the flat would be provided from within the porch. A glazed window, divided into 4 panels, would be inserted in most of the space created by the removal of the existing garage door. The glazed panel would serve the open-plan living/kitchen/dining area and would provide the primary means of outlook from the property. The only other window in the property would be a window serving the bedroom, which would be inserted in an elevation of the in-set porch, directly opposite the proposed door entrance, only approximately one metre from it.
7. The tarmacked area between the glazed window panels and the boundary between the site and 1 Lilian Close varies in its depth. The boundary treatment consists of brick piers with timber panels on a brick base. Due to the change in ground levels between the road and the garage, with the site sloping down from the road, the height of the piers and panels are staggered, but they are all tall. The proposal includes 2 parking spaces located on the tarmac area between the proposed glazed panels and the boundary wall/fence.
8. Hence, cars would be parked directly in front of the glazed panels, which, in effect, is the only outlook from the proposed flat. Immediately beyond the parked cars would be the boundary treatment. Overall, I consider this to be an inadequate outlook for future occupiers.
9. I note the appellant contends that Policy G4 of the Development Management DPD (2015) (DMDPD) does not state that all new development must provide multi-directional window aspects. This is factually correct. However, the policy does say that proposals should pay adequate regard to meeting the reasonable amenity needs of all potential future occupiers. While it may often be the case that flats have a single aspect, the quality of the outlook needs to be borne in mind, not just the number of outlooks. I recognise that the existing building may only allow for a single outlook, given that 3 sides of the building are below ground level. However, the constraints of the building have to be weighed in the balance against all other relevant factors.
10. In terms of outdoor space, the submitted plans do show an area designated as amenity space, bicycle and bin storage area. The area is relatively small, and it could be overlooked from windows serving the flats above. However, I consider that the proposed outdoor space is what is reasonably possible within the constraints of the conversion, and as the proposed space would at least allow for cycle and refuse storage, such provision would meet some of the essential needs of future occupants of a flat of the size proposed.
11. Notwithstanding my view about the outdoor space, I conclude that the proposed outlook would be of poor quality, not simply because there would only be one outlook, but because this primary outlook would be of cars parked on the driveway with a boundary wall/fence immediately beyond, both at close proximity to the glazed panels. As such, the proposal would not accord with Policy GC4 of the DMDPD which, as noted, requires, among other things, proposals to have adequate regard to meeting the reasonable amenity needs of all potential future occupiers. The proposal would also not accord with paragraph 127 of the National Planning Policy Framework (the Framework) which requires, among other things, developments to provide a high standard of amenity for existing and future users.

12. Policies GC4 of the DMDPD, 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) and 3 of the Hellesdon Neighbourhood Plan 2017 to 2026 (HNP) all require, among other things, development to achieve a high standard of design. I consider that the outlook available from a proposal results partly from its design. As I have concluded that the proposed outlook would be poor, the logical conclusion is that the proposed development would not, therefore, achieve a high standard of design. Thus, the proposal would not, in this respect, accord with policies GC4 of the DMDPD, 2 of the JCS or 3 of the HNP.

Living Conditions - Existing Users

13. The Council is concerned that the living conditions of the existing occupiers of the 2 flats above the proposal would be harmed as a result of increased "general activity". However, as the site is currently a double garage there will already be cars that access and exit the site in this location. I conclude that any additional other "general activity" generated from the small number of occupants that could inhabit the proposed flat, such as people entering and exiting the flat, putting refuse into the bins, etc., would not significantly harm the living conditions of existing occupiers of the flats above. In this respect, the proposal would accord with policy GC4 of the DMDPD.

Character and Appearance

14. The Council has expressed concerns regarding the design of the proposal, considering it would erode the character of the area. As regards the external appearance of the building, the only real change would be that the existing double garage door would be replaced with glazed window panels and an access porch. I conclude that such changes would not significantly alter the external appearance of the building and as such would not have any detrimental impact on the street scene or the character or appearance of the area. In this regard, the proposal would accord with policies GC4 and EN2 of the DMDPD.

Other Matters and the Planning Balance

15. The appellant contends, with reference to the Central Norfolk Strategic Housing Market Assessment 2017 (SHMA), that the proposal would contribute towards much-needed 1-bedroom properties in the area. I attribute moderate weight to this factor. I also attach moderate weight to the efficient use of this brownfield site, which is located within a built-up residential area close to services and facilities that are accessible by various modes of transport.
16. Within the initial submissions, the appellant and the Council expressed different views regarding whether or not the Council could demonstrate a five year supply of deliverable housing land (5YHLS). The appellant refers to an appeal decision at Heath Loke, Poringland, Norfolk NR14 7JU, dated 15 May 2019 (APP/L2630/W/18/3209464), where an Inspector concludes that the Council could not, at that time, demonstrate that it had a five year supply of deliverable housing land in accordance with the terms of paragraph 74 of the Framework.
17. I note that appeal APP/L2630/W/18/3209464 was successfully challenged in respect of the Inspector's interpretation of paragraph 74 of the Framework and also that the Council has provided an up-date, within the Joint Core Strategy

for Broadland, Norwich and South Norfolk: Annual Monitoring Report 2017-2018, on 5YHLS. This concludes that, as of 18 June 2019, the Greater Norwich Authorities are able to demonstrate a 5YHLS. As such, paragraph 11 'd' 'ii' of the Framework is not engaged.

18. Notwithstanding my conclusions regarding living conditions of existing users and character and appearance, I have concluded that the proposal would not provide a high standard of amenity, due to poor quality outlook, for future occupiers, and consequently would not accord with paragraph 127 of the Framework. I therefore conclude that the adverse impacts of allowing the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Conclusion

19. For the reasons outlined above I conclude that the appeal is dismissed.

J Williamson
INSPECTOR