
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: 09 December 2019

Appeal Ref: APP/L2630/W/19/3229614

Brook Cottage, Deopham Road, Morley St Botolph, NR18 9AA

- 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 Max Barnes against the decision of South Norfolk District Council.
 - The application Ref 2018/2383, dated 28 October 2018, was refused by notice dated 3 April 2019.
 - The development proposed is new single dwelling on land at the front of Brook Cottage.
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Decision

1. The appeal is allowed, and planning permission is granted for new single dwelling on land at the front of Brook Cottage, Deopham Road, Morley St Botolph, NR18 9AA, in accordance with the terms of the application, Ref 2018/2383, dated 28 October 2018, subject to the conditions listed in the attached schedule of conditions.

Procedural Matters

2. On its decision notice the Council used a description of development that differs to that provided on the application form. I have used the original description as this adequately describes the proposed development.
3. I note that additional information was provided during the appeal regarding Housing Land Supply¹ (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 proposal on the character and appearance of the area;
 - the effect of the proposal on the setting of Listed Buildings, and, therefore
 - whether or not the proposal constitutes sustainable development.

¹ It was confirmed a) that the Council successfully challenged the Inspector's understanding and application of paragraph 74 of the national Planning Policy Framework in appeal ref APP/L2630/W/18/3209464 and b) the Council published the Joint Core Strategy for Broadland, Norwich and South Norfolk: Annual Monitoring Report 2017-2018, which confirmed the Greater Norwich Area HLS to be 6.54 years.

Reasons

Character and appearance

5. In planning policy terms, the site lies within the countryside, outside the settlement boundary of the village of Morley St Botolph. The officer report states that it is around 90 m from the boundary. It comprises an area of land fronting Deopham Road, located in front of a two-storey dwelling, Brook Cottage, and positioned between a bungalow on one side and a two-storey dwelling on the other. The land is lawned with mixed hedges along the front and the side boundary adjacent to the neighbouring bungalow. There are some trees within the site, mainly positioned within the front corners behind the hedge. A narrow brook at the rear of the site divides it from Brook Cottage; there are a few trees and hedges adjacent to the brook.
6. There are 2 Grade II Listed Buildings (LBs) within proximity of the site, the former Post Office and Stores located on the corner of Deopham Road and Church Lane, and Firgrove Cottage, located within the plot opposite the site.
7. Deopham Road runs west from a staggered crossroads at the edge of the village. Brook Cottage is one of a cluster of around 12 dwellings sited either side of Deopham Road, just beyond Church Lane. To the west of this cluster the landscape opens up. The dwellings are all detached, constructed in a variety of architectural styles. There is a mix of two, one-and-a-half and single-storey units, of varying sizes with varying roof ridge and eaves heights. The general palette of external materials used is brick, render and pantiles. The properties are mainly set back from the road and there is no clearly defined building frontage.
8. Although the proposed detached dwelling would have two floor levels, one of them is in the roof. With the half-dormer style windows and relatively low ridge heights, the dwelling is more akin to a 1.5 storey unit than a traditional two-storey property. Within the context described above, I consider that, although the proposed dwelling would be higher than the bungalow immediately to the west, it would be very similar in height to the 2 neighbouring properties to the east. In addition, the access track off Deopham Road, which serves Brook Cottage, and trees sited in the south-eastern corner of the site, are features which separate the proposed dwelling from the dwelling immediately to the east.
9. The slightly staggered frontage and ridge heights would break up the mass of the front elevation and it would also have a single-storey element at the rear. Overall, I consider the siting, design, height, width, depth and footprint of the proposed dwelling would not be out of keeping with the size and scale of surrounding properties. As such, the proposal would have an acceptable relationship with the street scene and would not harm the character or appearance of the area.
10. In light of the above, the proposal would accord with Policy 2 of the Joint Core Strategy for Broadland, Norwich and Norfolk (2014) (JCS) and policies DM1.4(d, i) and DM3.8 of the South Norfolk Local Plan: Development Management Policies Document (2015) (DMPD), which collectively, and among other things, require all developments to be designed to the highest possible standards, respect local distinctiveness and positively contribute to local character, including scale, height and massing.

Effect on the setting of Listed Buildings

11. I consider that the 2 LBs within proximity of the site are both a sufficient distance from it as well as being separated from it by other buildings, the access track to Brook Cottage or Deopham road, and trees/hedges, which ensure the proposal would not harm their settings. I consider the proposal would have a neutral effect on the neighbouring LBs.

Sustainable development

12. As noted above, the site is located in the countryside just outside of the settlement boundary of Morley St Botolph. Policy DM1.3 of the DMPD states that permission will only be granted for development in the Countryside, outside of defined settlement boundaries, where specific development management policies allow for such development, or the proposal demonstrates overriding benefits in terms of the economic, social and environmental dimensions of sustainable development, as outlined in Policy 1.1².
13. I have concluded above that the proposal would not result in any environmental harm. The proposal would provide one additional dwelling, which would be a minor social benefit within the context of the Council being able to demonstrate a 5 year HLS³. There would be minor economic benefits arising from the construction of the proposal and future occupants would make a small contribution to the local economy. I note that the Council considers the all-be-it limited services and facilities available in the village to be relatively accessible from the site, and I have no grounds for disagreeing with this view.
14. Hence, the proposal would satisfy the three strands of sustainable development referred to within the National Planning Policy Framework (the Framework) and Policy DM1.1 of the DMPD, and the site is in a relatively sustainable location. Bearing these factors in mind, I consider that the proposal would constitute a sustainable form of development, which I consider amounts to overriding environmental, social and economic benefits as required by Policy DM1.3 of the DMPD for such development to be approved. The proposal therefore accords with Policy DM1.3 of the DMPD.

Other Matters

15. I note that the appellant has expressed a desire to self-build the proposed dwelling and that a self-build Community Infrastructure Levy exemption claim form has been submitted with the appeal to indicate a willingness to do this. The appellant has also indicated that he would be willing to accept a condition requiring the proposed dwelling to be self-build, if it was considered necessary. However, planning conditions must meet the '6 tests' as outlined in the Planning Practice Guidance⁴. With reference to the tests, I consider that it is

² Policy 1.1 refers to Policy DM1.1 of the DMPD. This Policy seeks to ensure that development management contributes to achieving sustainable development in the area. The policy reflects guidance in the National Planning Policy Framework, ie presumption in favour of sustainable development, working proactively to find solutions that allow developments to be approved, approving applications that accord with the Local Plan policies and, where directly relevant policies are out of date, considering the impact of the proposal in respect of the economic, social and environmental dimensions. The policy states that the Council will grant permission for development unless material considerations indicate otherwise, taking account of whether any adverse impacts would significantly and demonstrably outweigh the benefits.

³ Paragraph 73 of the National Planning Policy Framework states that a 5 year HLS is a minimum.

⁴ Paragraph 003 Reference ID: 21a-003-20190723, revision date 23 07 2019, of the Planning Practice Guidance.

not necessary for the proposal to be self-build for it to be acceptable in planning terms; consequently, it would be unreasonable to impose such a condition.

16. I note that other matters have been raised by local residents during the course of the application and as part of the appeal, relating to drainage and water run-off, residential amenities, highway safety, effect on wildlife and the effect on local infrastructure. With respect to drainage and surface water run-off, I note that the site is in a low flood risk area. In addition, the application details indicate that the appellant proposes to deal with surface water run-off via a sustainable drainage system, existing water course and soakaway, and foul drainage via a package treatment plant. Such details shall be secured by conditions. With regards to residential amenities, my conclusion is the same as that of the Council, ie given the size of the proposal, the layout, positioning of windows and the distances from respective neighbouring properties, the proposed dwelling would not result in any harmful impact on the living conditions of existing adjacent occupants. Conditions will be attached to ensure the vehicle access is widened, appropriate levels of on-site parking and turning are provided and retained and any gates or similar are set back a suitable distance within the site. I consider the provision of one dwelling would not result in any significant impact on the surrounding highway network. I also consider that one additional dwelling would not result in any significant effect on local infrastructure, such as the Primary School. I acknowledge that some trees and hedges would be removed. However, most of the trees are to be retained as is the hedge along the front boundary. I consider the approved development would therefore have a limited and short-term effect on wildlife and biodiversity.
17. Finally, I note that other matters raised, such as the future occupants of the property, where the appellant chooses to live in the future and which schools the appellants children attend, are matters that carry no weight in determining the outcome of the appeal.

Conditions

18. Suggested conditions have been considered in light of advice contained in the Planning Practice Guidance and the tests within the Framework. Some have been amended or amalgamated for clarity, precision, elimination or duplication taking account of policy and guidance.
19. I have attached conditions related to plans, materials, tree protection, surface water run-off and foul drainage, access, parking and turning and water consumption. I have specified the plans for the avoidance of doubt, as revised plans were submitted during the application. Materials details are required to protect the character and appearance of the area. Tree protection measures are to be implemented to protect the well-being of the trees to be retained, in the interests of the character and appearance of the area and to maintain biodiversity. Details of surface water run-off and foul drainage are required to protect against flooding and in the interests of public health. Implementation of access, parking, turning and any means of access enclosure are required in the interest of highway safety. Water consumption is restricted in the interest of using water efficiently and to assist in reduced energy consumption.

Conclusion

20. For the reasons outlined above, I conclude the appeal is allowed, subject to the conditions listed in the attached schedule of conditions.

J Williamson

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 plans: 304614-IW-XX-XX-DR-A-1100 Rev P8, and 304614-IW-XX-XX-DR-A-1001 Rev P4.
3. The development hereby approved shall not progress above slab level until details of the materials to be used for the external elevations and roofs have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained as such thereafter.
4. The development hereby permitted shall be carried out in accordance with the Tree Protection Plan and Arboricultural Method Statement (drawing number 28-1038.03) provided in Appendix 5 of the Tree Survey & Arboricultural Implications Assessment, dated 24 October 2018, completed by Lightwoods Green Ltd.
5. No development other than the works required for the laying of foundations shall commence until details of the means of sustainable surface water drainage have been submitted to and approved in writing by the local planning authority. The details shall include the results from percolation tests, if appropriate, and incorporate installation of water efficiency and water saving devices. Details shall also be provided to ensure surface water does not discharge onto the highway. The development shall be carried out in accordance with the approved details prior to the dwelling hereby permitted being first occupied and retained as such thereafter.
6. Prior to installation, details of the foul drainage package treatment plant referred to in the application, or a suitable alternative foul drainage system, shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the development hereby approved being first occupied and retained as such thereafter.
7. Prior to the development hereby permitted being first occupied, the vehicular access shown on approved plan 304614-IW-XX-XX-DR-A-1100 Rev P8 shall be widened to a minimum width of 4.5 metres for the first 6 metres, as measured back from the near channel edge of the adjacent carriageway. The access shall be retained as such thereafter.
8. Prior to the development hereby approved being first occupied, the driveway, turning and parking areas shown on approved plan 304614-IW-XX-XX-DR-A-1100 Rev P8, shall be laid out, available for use and retained as such thereafter without impediment to their designated uses.

9. Should any gates, bollards, chains or other means of enclosure be erected across the access track, they shall be positioned a minimum distance of 5 metres from the near channel edge of the adjacent carriageway and open inwards only.
10. The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres per person per day. All required water conservation measures installed to achieve this rate shall be retained and upgraded as required to ensure the required water consumption rate is not exceeded for the lifetime of the development.

End of schedule.