



Appeal Decision

Site visit made on 4 December 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/G2625/W/19/3236831

18 Earlham Green Lane, Norwich NR5 8HA

- 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 Frank King against the decision of Norwich City Council.
 - The application Ref 18/01801/F, dated 30 November 2018, was refused by notice dated 13 August 2019.
 - The development proposed is described as 'rear stand alone annexe accommodation and change of use from Class C3 to Suis Generis'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development as it appears on the planning application form is not sufficiently precise to identify the exact extent of the appeal scheme. From the evidence it seems to me that planning permission is sought, retrospectively, for the use of the detached outbuilding and the existing dwelling, together, as a House in Multiple Occupation (HMO) for up to seven residents. Whilst I note that the Council's evidence and the description of development suggests the detached outbuilding was previously proposed and was intended to be used as a separately occupied unit of accommodation, it was not so at the time of my site visit and it is shown on the plans before me as a lounge area. I have considered the appeal on this basis.
3. The appellant has also provided an amended plan with the appeal documentation which shows a revised internal layout. The evidence suggests this plan was not part of those considered by the Council when the decision was made. The changes relate to moving the proposed communal lounge further back into the main body of the dwelling. All other detail remains as per the determined plan. The change is minor in the grand scheme and internal. The plan was submitted at an early stage in proceedings and thus parties have had opportunity to comment thereon. With these factors in mind, I do not feel any party would be prejudiced by my taking it into account in my deliberations.

Main Issues

4. There are two main issues. These are whether the development provides acceptable living conditions for its occupiers and its neighbours and the effect of the development on the character and appearance of the area.

Reasons

Living Conditions

5. The development provides for seven bedrooms, each of which were occupied at the time of my site visit and are within the main body of the appeal building. Each is accessed via a central 'spine' corridor. Some bedrooms are en suite and there are also three separate shower rooms accessed from communal spaces. The crux of the Council's concerns in respect of the living conditions of occupiers of the appeal building stem from the overall quality of the outlook from bedrooms and the quantity and quality of the communal living spaces.
6. As I have said, the bedrooms are arranged either side of a central corridor which means, for the most part and save for the two that face the front, their windows face the side elevations. In the case of the side elevation that presents to No 20 Earlham Green Lane, the windows directly face and are in very close proximity to a high sided close boarded timber fence. This results in an unacceptably poor standard of outlook. The windows are the only ones that serve the bedrooms concerned and the standard of outlook garners an overly oppressive and hemmed in feel to the rooms. The rearmost bedroom of the ones that feature on the No 20 side of the appeal building does have a dual aspect in that it includes a rear facing window but I share the conclusions of the Council that by virtue of the proximity and height of the detached outbuilding, the outlook from the rear window would be equally poor.
7. Whilst I acknowledge that rooflights could be added to the rooms to increase natural light, this would not make up for the poor standard of outlook. In addition, the fact that existing occupiers may either not object or indeed support the existing arrangement does not change my conclusions on this matter. Furthermore, and notwithstanding the windows into the remaining bedrooms on the opposite side elevation being stood noticeably further off the neighbour's boundary and thus the experience within the rooms being slightly less oppressive, the outlook therefrom is still less than ideal since it really only presents a blank timber fence and a hard surfaced driveway.
8. The moving of one of the communal lounge spaces further into a more central area of the dwelling would improve its usability. In conjunction with the lounge space provided in the detached outbuilding and the open plan kitchen/diner, I feel that the overall provision in terms of the amount of communal floor space available to occupiers would be acceptable. However, the utilisation of a good proportion of it in a detached outbuilding does significantly reduce its quality and overall usability. It strikes me that in inclement weather or at certain times of the year, having to go outside for communal living and socialising space would be less desirable and thus concentrate such activities in the main dwelling. With that in mind, the amount of space and how fragmented it is leads me to conclude that it would be of an unacceptable standard and size for the number of occupiers.
9. The dwelling is used as a HMO as it stands and planning permission is sought for it to change to a seven bedroom HMO since its use in planning terms, according to the evidence, appears to be a C3 dwelling. I have not been made aware of the exact ratio of HMOs to conventional family dwellings in the immediate area albeit the Council do state that the appeal building is in amongst smaller family dwellings for the most part. The appellant states that No 16 is a HMO. I note there are no third party representations in the

evidence to suggest that the occupation of the appeal building as a HMO is creating any problems.

10. That said, the number of occupiers when considering the somewhat smaller dwellings either side and to the rear does give me cause for concern. Independent occupiers such as those in HMOs generally means that they are not living together as a family unit and consequently comings and goings from the building can not only be increased but also fragmented and disjointed. In addition, activity and general busyness within and without the building can occur such as in accepting deliveries, socialising and more intensive use of shared indoor and outdoor spaces, particularly should the detached building remain as available communal space. The increased level of activity in these respects can therefore give rise to disturbance to neighbours through noise. Whilst to some extent I would be inclined to accept that the situation of the appeal building fronting a fairly busy main road would reduce the effect of the increased levels of activity, it would unlikely do so to the point that it would make the appeal scheme acceptable.
11. With the above factors in mind, I am of the view that the appeal scheme does not provide for acceptable living conditions for either its occupiers or those of immediate neighbours and as such it does not comply with Policies DM2 or DM13 of the Local Plan¹. These policies set out, amongst other things and with regard to flats, bedsits and HMOs specifically, that proposals should achieve a high standard of living conditions for existing and future residents and not result in an unacceptable impact on the amenity of the area or neighbours.

Character and Appearance

12. The appeal building is a detached gable bungalow set back from and facing the road. It is laid out as a linear building with off street parking provided to the front and a narrow driveway to one side. In the rear garden there are two detached outbuildings. The mainstay of the Council's concerns in respect of the appeal scheme and this main issue is the amount of development and the nature of its use in context.
13. The building is very long and clearly discernible as so from the street. That said, the shape and general layout of buildings in the immediate area is far from uniform. There is a substantial amount of built form for the size of the plot but there remains some spacing to the front and rear. In the same vein as my earlier comments however, the surrounding area does not necessarily exert a strong sense of spaciousness or characteristic amount of development to plot size ratio. I agree that through the erection of the outbuildings the character of the site has changed but it seems from the evidence the garage was a replacement and as such the plot has been previously host to detached development in the rear garden.
14. I cannot see anywhere in the Council's evidence as to there being a planning permission granted for the detached buildings but they do not strike me as being specifically 'out of place' given my earlier comments. The nature of the occupation of the annexe remains a matter in dispute for the main parties but I have considered it as additional communal space rather than being a self contained unit. As per how it is shown on the submitted plans. I am therefore satisfied that the appeal scheme does not seek to provide any back land

¹ Norwich Local Plan: Development Management Policies Plan 2014

development or any form of primary or independent accommodation. The Council's evidence does set out that the planning permission granted for the extension of the dwelling was not implemented wholly in accordance with the plans approved but they acknowledge the end result is not unduly harmful in character or appearance terms. I have no reason to disagree.

15. It does seem to be the case that the appeal building is in something of a minority in the street scene in the sense of the nature of its occupation. Again, based on the Council's evidence. Whilst this would change how it is used in the context of the character of the area as a residential one and would give rise to harms in the manner I have identified them in regard to the first main issue, it's appearance has not changed and it does not strike me that any such harms I have identified would extend to the prevailing character of the area. Indeed, the appeal building remains in residential use, albeit of a different tenure. This could be an issue, hypothetically speaking, for situations where there might be an over concentration of HMOs in a predominantly private residential area when considering the knock on effects thereof but that does not seem to be the case in regard to the appeal scheme.
16. Consequently, I do not find that the development harms the character and appearance of the area and thus it would not conflict with Policy 2 of the JCS² which, amongst other things, seeks to ensure that development is designed to the highest possible standards and respect local distinctiveness. I note the reference made by the Council to Policies DM2 and DM13 of the Local Plan in regard to the second main issue but on my reading they seem more applicable to the first.

Other Matters

17. The appellant has set out that a seating area and landscaping in the rear garden would improve private amenity provision. Whilst this would no doubt be of benefit to incumbent occupiers, it would not go far enough to address the problems I have highlighted above. There is also suggestion that the annexe has been developed to be a disabled friendly form of accommodation. Be this as it may, I have not considered the appeal scheme on the basis of the annexe being self contained accommodation and in any case the appeal building itself is arranged on a single level. Furthermore, there is nothing before me to suggest that the annexe would actually be used by a disabled resident. I could therefore reasonably apply only nominal weight to this matter.

Conclusion

18. Whilst I have found the appeal scheme does not harm the character and appearance of the area, this would not be sufficient to lessen the harm that it gives rise to in not providing acceptable living conditions for its own occupiers or those of neighbours and the resulting conflict with the development plan that it would lead to. It is for this reason that the appeal is dismissed.

John Morrison

INSPECTOR

² Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, amended 2014