



Appeal Decision

Site visit made on 2 December 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/Y2620/W/19/3235076

18 Briston Road, Melton Constable, Norfolk NR24 2DA

- 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 Chris Nutkins (Dial a Worker) against the decision of North Norfolk District Council.
 - The application Ref PF/19/0481, dated 18 March 2019, was refused by notice dated 24 June 2019.
 - The development proposed is described as "demolish garage and erect two bedroom one and a half storey house".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would preserve or enhance the character or appearance of the Melton Constable Village Conservation Area;
 - the effect of the development on the living conditions of adjoining occupiers with particular regard to overshadowing and outlook to 16 Briston Road; and
 - the effect of the development on highway safety and parking.

Reasons

Melton Constable Village Conservation Area (the CA)

3. The host property sits on the corner of Briston Road and Colville Road. As the appeal site lies to the rear of the host property, it is accessed via Colville Road and forms a detached single garage and part of the property's rear amenity space. The proposal seeks to demolish the garage and erect a one and a half storey dwelling that would be set back from the road with an amenity area to the front of the building.
4. As the site lies within the CA, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.
5. The CA at the appeal site predominantly comprises terraces of red brick dwellings that are arranged in a linear manner. The rear of the properties along Briston

Road are visible from Colville Road which reveals the outrigger extensions and garden areas to the rear of dwellings that make up this part of the CA. Despite the presence of groups of terrace dwellings, there remains a spacious and open character to the area with informal alleyways that allow views across the street scape, rear gardens and domestic paraphernalia such as washing lines, sheds and other outbuildings. Across the site one can also view the rear of the properties on Melton Street. Despite the presence of terrace dwellings, I find the informal and open nature of the rear of properties to form part of the significance of the designated heritage asset.

6. The existing garage building is seen against the gable of No.1 Colville Road and the development would result in the loss of a relatively inconspicuous building that is set back from the road, to replace it with a larger building that would occupy the majority of the rear garden of the host property. The scale of the development in relation to its plot size would result in a somewhat discordant form of development that would erode the sense of openness that one experiences when viewing the rear of properties on Briston Road from Colville Road. It would also block views across the site to the garden areas and properties along Briston Road.
7. The scale of the development in relation to its plot size would also leave very little open space for the host property and proposed dwelling, resulting in an incongruous and cramped form of development, quite out of keeping with the prevailing open and spacious character. While I accept that other properties in the vicinity also have small amenity areas, these are very much in the minority and do not represent a reason to find in favour of a development that would otherwise cause harm.
8. Thus, the proposal would fail to have regard to the prevailing character of the CA as required by Recommendation CA6 of the Melton Constable Conservation Area Character Appraisal and Management Proposals, June 2008 (the MCCA). As the development would only harm part of the significance of the heritage asset, I find the harm identified to be less than substantial. Accordingly, the Framework requires at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
9. Although the harm is less than substantial it should not be treated as a less than substantial objection to the proposal. While I acknowledge that the development would provide additional housing for the District, given the harm I have identified to the setting of the designated heritage asset, the weight I accord this benefit is limited and does not outweigh the great weight that the Framework requires at paragraph 193 to be given to the conservation of heritage assets. Thus, the development would not comply with paragraph 196 of the Framework.
10. Therefore, the proposal would be in conflict with Policies EN 4 and EN 8 of the North Norfolk Core Strategy 2008 (the Core Strategy) and Chapter 3 of the North Norfolk Design Guide Supplementary Planning Document 2008 (the SPD) which seek, amongst other things, to ensure that developments respect the character of an area, preserve or enhance the character and appearance of designated heritage assets and provide acceptable residential amenity.

Living Conditions

11. The proposed dwelling would be sited on the boundary of the rear garden to No. 16 Briston Avenue which sits to the west of the appeal site. The Council calculate the eaves height of the building to be some 3.6 to 4m with an overall ridge height of

some 5.6 to 5.8m in height. Given the overall height of the proposed dwelling it would be considerably higher than the boundary wall, which includes the fence that has been erected on top of it.

12. Given the close proximity of the proposed dwelling and its overall height and massing, the development would dominate the garden area of No. 16 Briston Road and result in an oppressive and overbearing development that would be visually intrusive and harmful to the outlook of adjoining occupiers to an unacceptable level. Furthermore, given the orientation of the proposed dwelling in relation to No.16, the height of the development is also likely to affect the light that is afforded the garden area.
13. Thus, the development would result in material harm to the living conditions of adjoining occupiers. It would be in conflict with Policy EN 4 of the Core Strategy and Chapter 3 of the SPD which seek, amongst other things, to ensure that proposals do not have a detrimental effect on the residential amenity of nearby occupiers.

Parking

14. The development would result in the loss of a parking space to the front of the garage and garden area. At the time of my visit there was a number of vehicles parked along Colville Road and Briston Road. The MCCA identifies parking as a major issue in the area and provides a photograph of Colville Road to demonstrate this. Norfolk County Council as highway authority (NCC) support this position and states that it is evident that on-street parking in the vicinity is already in great demand. From my own observations during my visit, I also witnessed several cars parked on the footway along Colville Road and Briston Road.
15. The proposal would result in the loss of a parking space for the host property and no parking would be provided for the proposed dwelling. Therefore, the development has the potential to displace two vehicles onto the surrounding highway network. This would increase demand for spaces which ultimately could interrupt traffic flows by adding to congestion and reducing visibility at junctions. Moreover, parking along Briston Road and Colville Road has reduced traffic to single file and additional traffic would reduce the ability for vehicles to pass one another, resulting in harm to highway safety.
16. Although the appellant states that the space is not used for parking, at the time of my visit the space was occupied by a vehicle. A photograph from NCC also shows a vehicle parked at the site. Furthermore, while the National Planning Policy Framework (the Framework) states that developments should only be prevented where the residual cumulative impacts of a development are severe, it also states at paragraph 109 that developments that have an unacceptable impact on highway safety should also be refused, and within this context at paragraph 110 c) developments should also create places that are safe which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
17. Thus, the development would result in increased demand for on-street parking to the detriment of highway safety. It would be in conflict with Policies CT 5 and CT 6 of the Core Strategy which seek, amongst other things, that developments provide adequate parking facilities without harming highway safety.

Other Matters

18. The appellant makes reference to the dwelling opposite the site which is considered to be similar to the proposed development. However, the Council confirm that this building was a former bakery that was granted planning permission in 1988 to

change to a dwelling. Although I do not find the dwelling opposite to demonstrate sufficient similarities to the appeal proposal, in that the development was as the result of the conversion of an existing building, this particular development was also considered under a different development plan and framework.

19. Furthermore, I do not consider the current condition of the appeal site and views across the rear of Briston Road to be so harmful to the appearance of the CA that it would otherwise justify a development that in turn would be result in harm to the designated heritage asset. With regard to garden areas, while the appellant states that the occupants of the property do not use the amenity area, the reduction in overall garden space and the very small area provided for the proposed dwelling is indicative of overdevelopment of a site.
20. With regard to the status of the site as previously developed, or brownfield land, Annex 2 of the Framework specifically excludes land in built-up areas such as residential gardens. As part of the appeal site includes an area that contains a washing line and domestic paraphernalia such as garden furniture for occupants to sit out, and it is directly to the rear of No. 18, it has the appearance and function as a residential garden. This is further evidenced within the appellant's photographs of the site within his heritage statement¹. Thus, in the absence of any substantive evidence to the contrary, as the appeal site contains part of a residential garden within a built-up area, it is not considered to be a brownfield site.
21. Moreover, while I acknowledge that there are bus stops in the vicinity, there is no compelling evidence before me to guarantee that future occupiers of the dwelling would use such services, that they would always be dropped off and collected from the site or indeed, would not own a car.
22. I accept that as a windfall site the development would boost the supply of housing within the District which would support local services and facilities in accordance with paragraph 78 of the Framework. I also accept that the development would provide a smaller unit of accommodation for which there is a demand. While these matters are material considerations that weigh in favour of the proposal, I do not consider that either individually or cumulatively they outweigh the harm identified above.

Conclusion

23. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR

¹ Heritage and Conservation Area Appraisal, Jerry Stone Planning and Development Consultancy