
Appeal Decision

Site visit made on 7 January 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/U2615/W/19/3231265

1 Links Road, Gorleston, Norfolk NR31 6JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Lee Goodchild against the decision of Great Yarmouth Borough Council.
 - The application Ref: 06/19/0170/F, dated 4 April 2019, was approved on 7 June 2019 and planning permission was granted subject to conditions.
 - The development permitted is proposed erection of log cabin.
 - The condition in dispute is No.3, which states that: The hereby permitted development shall be set a minimum distance of 1 metre from the boundary at any point.
 - The reason given for the condition is: In the interests of the residential amenities of the occupiers of nearby dwellings.
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Decision

1. The appeal is allowed and the planning permission Ref: 06/19/0170/F for proposed erection of log cabin at 1 Links Road, Gorleston, Norfolk NR31 6JP, granted on 7 June 2019 by Great Yarmouth Borough Council, is varied by deleting condition No.3 and substituting for it the following conditions:
 - *Notwithstanding condition No.2, no development shall commence until there shall have been submitted to and approved in writing by the local planning authority a specification for a fire-retardant treatment to the cabin, which is demonstrably sufficient to prevent the spread of fire to the neighbouring boundary. The measures implemented as approved shall be maintained in effective condition thereafter.*
 - *Notwithstanding condition No.2, the cabin shall be constructed to a height of 2.92m.*

Background and Main Issue

2. The appeal site is the rear garden of a dwellinghouse, which is located within a row of dwellings in a residential area. The proposal is for a log cabin at the bottom end of the garden, near its rear boundary.
3. The necessity of a 1m gap between the proposed cabin and the side boundary fence which separates the bottom of the rear gardens of the appeal site and the neighbouring residential property, is a matter of dispute between the main parties. Within this context, the main issue is the effect that removing condition No.3 would have on the living conditions of neighbours, with particular regard to fire safety.

Reasons

4. The proposed cabin would be located towards the bottom of a row of reasonably spacious rear gardens. It would be situated slightly obliquely in relation to the side fence, with a tapered gap of between approximately 0.4m and 0.8m between the cabin and fence. The fence has timber panels and concrete posts. A gravel boundary strip separates the proposed base of the cabin and the fence.
5. The proposed cabin would be situated near the end of the rear garden, around 20m from the house on the site, and further away from dwellinghouses on adjacent plots. The existing permission entails a comparative increase in the separation gap to the side fence of between around 0.2m and 0.4m, without requiring fire-retardant treatment of the log cabin.
6. Within this context, the protection of amenity of neighbouring properties through preventing the spread of fire could be achieved through the combination of the proposed separation gap - which would, alongside the south-eastern part of the cabin, be close to 1m - and the added protection of suitable fire-retardant treatment of the building.
7. Therefore, the proposed variation of condition would not harm the living conditions of neighbours, in respect of fire safety. As such, it would not conflict with Policy HOU18 of the Great Yarmouth Local Plan (2001), which, amongst other things, seeks to ensure that development safeguards the amenities of neighbouring residents. In this case, for the reasons described above, I find that retention of existing condition No.3 is not necessary and reasonable.

Other Matters

8. The increased height of the proposed cabin, amended from 2.8m to 2.92m, in line with the manufacturer's specification, would be proportionately minor. As such, it would not harm the character and appearance of the area or living conditions of neighbours, in respect of outlook and light. A condition in respect of the cabin height dimension is attached, in the interests of accuracy.

Conclusion

9. For the reasons given above I conclude that the appeal should succeed.

William Cooper

INSPECTOR