The Planning Inspectorate

Appeal Decision

Site visit made on 13 January 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/Y2620/W/19/3236673
8 Heath Lane, Mundesley, Norwich, Norfolk NR11 8JP

- 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 Lees against the decision of North Norfolk District Council.
- The application Ref PF/19/0745, dated 30 April 2019, was refused by notice dated 30 July 2019.
- The development proposed is described as "demolition of existing triple garage and construction of new 1 + 1/2 storey, two bedroom dwelling".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. After the appeal scheme was refused planning permission, the appellant made a subsequent planning application (Ref: PF/19/1664, the Second Application) for a similar development at the appeal site. The Second Application, in contrast to the appeal scheme, included drawings that show two on-site parking spaces. Although, the appeal scheme does not include such details, it does state that two parking spaces would be provided. The Local Highway Authority has now confirmed that these proposed parking arrangements address previous concerns. The Council has also confirmed that it now has no objection to the new parking arrangement. Consequently, I have limited my assessment of the appeal scheme to the remaining matters of dispute between the main parties.

Main Issues

3. The main issues are (1) the effect of the development on living conditions, with regard to outdoor amenity space and the potential overbearing effect of the development on neighbouring occupants, (2) the effect of the development upon the character and appearance of the area, and (3) flood risk.

Reasons

Living conditions

4. The appeal site is a strip of land much narrower than surrounding plots. A private garden would be created between the new dwelling and the south boundary of the site. Due to the restricted space available, the new dwelling would occupy most of the plot leaving limited external amenity space,

represented mainly by the garden and the front parking space, the latter of which would serve no meaningful function as amenity space given its size, location and intended use as a parking area.

5. While well located and reasonably screened, the proposed rear garden would be extremely small such that it would offer very limited amenity value for the occupants of the proposed dwelling. Moreover, outlook from it would be constrained by the surrounding buildings and the garden would be overlooked by neighbours thereby emphasising the sense of confinement. Consequently, the living conditions of occupants of the appeal development would be seriously compromised.

6. The dwelling would occupy the eastern boundary with no space and would leave a gap of approximately 1 metre along the western boundary. Due to its size and proximity, this would appear overbearing to occupants of the neighbouring property to the east to the detriment of their living conditions.

7. For these reasons, therefore, the proposed development would not provide acceptable living conditions for its occupants and harm those of neighbours. Consequently, in that regard, it would conflict with Policy EN4 (Design) of the North Norfolk Core Strategy 2008 (the Core Strategy), as well as with Paragraph 3.3.10 of the adopted North Norfolk Design Guide (NNDG).

Character and appearance

8. The area surrounding the appeal site is predominantly characterised by dwellings set in reasonably sizable plots giving it a pleasant spacious quality with much larger external amenity space. In contrast, the appeal development would fill nearly the full width of the site leaving limited space to the front and rear, as described in the preceding section, such that it would appear cramped and at odds with the surrounding pattern of development.

9. Consequently, the appeal development would be out of keeping with and harmful to the character and appearance of the area, contrary, in that regard, to Policy EN4 of the Core Strategy.

Flood risk

10. The site is within fluvial Flood Zone 3a of the Strategic Flood Risk Assessment. Being a dwelling house, the proposal is a 'more vulnerable' development and therefore to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site-specific Flood Risk Assessment (FRA). The Sequential and Exception Tests is responsibility of the North Norfolk District Council. According to the Environment Agency, the FRA (Ref. IE19/016/FRA, dated 24 April 2019) submitted for the site fails to show that the proposed development will not result in a net loss of flood plain and reduce flood storage capacity, with the potential of increasing the risk of flooding elsewhere. The applicant disputed the concern for potential flood risk of the Environment Agency as 'significantly overstated', by claiming that an increase of about 15% of the built footprint is marginal and does not cause demonstrable harm in terms of displacing water. Taking into account the advice of the Environment Agency, a 15% increase of the built environment cannot be considered as marginal. Therefore, the proposed development would be contrary to Policy EN10 (Development and Flood Risk) of the Core Strategy.

11. On 16 December 2019, the Environment Agency (EA) has communicated that following an update of their hydraulic modelling in the area, the new draft model results show that the site would be entirely in Flood Zone 1, defined as having a low probability of flooding, where development is allowed. While it seems unlikely, the new model outputs could be subject to change. Nonetheless, as things stand the site is formally within the Flood Zone 3. However, in light of the recent advice of the EA, flood risk carries little weight in deciding the outcome of the appeal such that it has not altered my overall decision.

Other Matters

12. The appellant has referred to several matters in support of the application, such as the opportunity to providing affordable housing and housing in an area well served by services and facilities on previously developed land. However, there is no mechanism to secure the proposal as an affordable home. There is no evidence to support the claim that due to its size the proposal would deliver an affordable home. Moreover, the benefits of delivering an additional new home at the site would be modest, bearing in mind the small scale of the development proposed and significantly outweighed by the considerable combined weight of the harm and associated development plan conflict identified above.

13. In coming to this view, I have taken into account the appellant's suggestion that the Council cannot demonstrate a five year housing land supply. However, this is not supported by any evidence, while the wider evidence indicates that the Council had a 5.73 years' supply of deliverable housing land at April 2019.

14. The appellant maintains that the development plan policies cited in the reasons for refusal are out of date and the Framework should be considered as the main policy reference. However, Core Strategy Policy EN4 conforms with the current National Planning Policy Framework (the Framework) given that paragraph 127 states the importance for developments to have good layout and appropriate and effective landscaping and to be sympathetic to the local character also in terms of surrounding built environment and landscape setting. Although change in terms of increased density should be considered, the one resulting from the appeal proposal would be unacceptable for the amenities of both the occupants and the neighbours, would not improve the character of the area and does not take into account local design standards as stated in paragraph 130 of the Framework. I therefore accord Policy EN4 full weight.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR