



Appeal Decision

Site visit made on 4 February 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/U2615/W/19/3237083

166 Church Road, Gorleston, Great Yarmouth NR31 6NN

- 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 Jay Formosa against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/19/0019/F, dated 2 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is sub division of garden to form plot for an attached 2 bedroom dwelling. Revised layout to include car parking space and relocation of proposed building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposed development on (i) the character and appearance of the area, including on protected trees and (ii) the living conditions of the occupiers of 166 Church Road with regard to outlook.

Reasons

3. The appeal site is the side garden of an end of terrace, two storey modern dwelling, 166 Church Road (No 166). The terrace comprises 5 dwellings set in a staggered arrangement. The frontage of No 166 aligns with its immediate neighbour and together they are set back approximately 5 metres from the next two dwellings in the terrace. The properties at either end of the terrace have side gardens which provide some separation from other residential developments. The side boundary of the plot comprises the side boundary wall of 167 Church Road (No 167). No 167 is a two-storey detached dwelling with a driveway that runs between the dwelling and the boundary with the appeal site.
4. Since the refusal of the planning application the Council has agreed revised plans for the planting of replacement protected trees. The agreed planting positions for the three new trees are outside of the appeal site. Therefore, I am satisfied from the evidence provided that the proposal would not prevent the required planting of these protected trees.
5. Despite the intention to replicate the staggered line of the terrace, by positioning the front elevation of the proposed dwelling in line with the existing

foremost elevations, the narrower width of the plot would result in an unbalanced appearance to the wider terrace. The difference in wall to window ratio between the new dwelling and the existing dwellings, coupled with the prominent forward position would highlight the variance in width. This would not be ameliorated by the use of matching materials. In addition, the loss of space at one end of the terrace would further upset its overall visual balance, resulting in a dwelling that would appear out of character with its host terrace. This would be to the detriment of the street scene.

6. Although the submitted plans only include one side elevation drawing, it is clear from the floor plans that the flank wall adjoining No 166 would be without openings. Whilst this would ensure no overlooking of existing properties from this elevation, the proposal would nevertheless result in a large expanse of stark brick wall in very close proximity to the front elevation windows of No 166. This would appear overbearing and obtrusive, creating an unacceptable sense of enclosure for the occupiers of No 166, seriously harming their outlook. The sense of enclosure would be greater than that experienced between 165 and 164 Church Road (No 165 and No 164) because of the tunnelling effect that would result from Nos 165 and 166 being sandwiched between two flank walls rather than set back from one.
7. In conclusion, I have found that the proposal would not, in relation to trees, conflict with Policies CS9 and CS11 of the Great Yarmouth Local Plan Core Strategy 2015 (GYCS) or emerging Policy H11-dp of the Great Yarmouth Draft Local Plan Part 2 (DLP). Together, and amongst other matters, these policies seek to conserve and enhance landscape features and character.
8. However, I have also found that the appeal proposal would have a significantly harmful impact on the character and appearance of the area and on the living conditions of the occupiers of No 166. Thus, it would conflict with GYCS Policy CS9 and Policies HOU7 and HOU17 of the Great Yarmouth Borough-Wide Local Plan 2001 which require, amongst other things, for new development in the Borough to promote positive relationships between existing and proposed buildings and to protect the amenity of existing and future residents.
9. It would also fail to accord with paragraphs 124 and 127 of the National Planning Policy Framework (the Framework) which emphasise the importance of securing well-designed places, including a high standard of amenity for existing and future users.

Other Matters

10. The appellant has drawn my attention to other examples of staggered dwelling arrangements in the locality which they consider offer support to the acceptability of the appeal scheme. However, where these exist, they are not directly comparable to the appeal proposal. In any case, I have considered this appeal on its own merits.

Planning Balance

11. On 13 February 2020 the Government published the 2019 Housing delivery Test results which identify Great Yarmouth Borough Council as an authority where a buffer is to be applied. I have had regard to this information, but as it is undisputed that the Council cannot demonstrate a five year supply of deliverable housing and therefore paragraph 11) d of the Framework is

engaged, it has not been necessary for me to seek further comments on this matter.

12. I acknowledge that the proposal would make a small contribution to the supply of housing in a sustainable location. The proposal would provide a limited amount of short-term employment, likely to be by small building companies, during the construction phase and by the support for services from future occupiers. I also note that the proposed development would create a smaller dwelling which, by virtue of its size, has greater potential to provide entry level housing for first time buyers. These are benefits which weigh in favour of the proposal.
13. However, I have concluded that the proposal would be unacceptably harmful to the character and appearance of the area and to the living conditions of the occupiers of No 166, and therefore contrary to the environmental and social objectives of planning. I find the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This is the case even when taking into consideration the significant housing land supply shortfall. The proposal would be contrary to the development plan and this conflict is not outweighed by other material considerations including the Framework.

Conclusion

14. For the above reasons the appeal is dismissed.

S Tudhope
Inspector