
Appeal Decision

Site visit made on 27 January 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/L2630/W/19/3238592

1 Birchfield Lane, Mulbarton NR14 8BS

- 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 Giuliano Korosec against the decision of South Norfolk District Council.
 - The application Ref 2019/1447, dated 12 July 2019, was refused by notice dated 6 September 2019.
 - The development proposed is described as "The proposal is to erect a two storey detached dwelling house to land to the side".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the appeal site and of the surrounding area and with particular regard to siting.

Reasons

3. The site is a corner plot between Birchfield Lane and Cuckoofield Lane. Currently the land is part of the garden of the dwelling at 1 Birchfield Lane. The proposal involves the erection of a two storey detached dwelling with an oblique layout compared to the line of adjacent houses, which follows the corner character of the plot. Birchfield Lane and Cuckoofield Lane are characterised by blocks of semi-detached houses within sizeable plots of land and large front gardens. There are corner plots dwellings in the area with oblique layouts, such as the two properties to the opposite side of Birchfield lane.
4. A previous planning permission for a different layout of the dwelling was refused and a subsequent appeal dismissed on the basis that the dwelling would be set back from the established building line and would result in a form of development discordant to the established character of the surrounding area. The Inspector also found the proposal to result in an unusually constrained form of development for the area, due to the dwelling being too close to its front and rear boundaries. A similar scheme for development of a corner plot adjacent to 86 Cuckoofield Lane was refused planning permission and an appeal was dismissed due to the impact that the development would have on the established character of the area.

5. Due to the shape, position and size of the corner plot, it would be difficult if not impossible for any dwelling to follow the building line in either lanes. The proposed oblique layout, although more suited for the corner plot and not out of character with the surrounding area, due to the presence of other dwellings with similar oblique position, would still deviate from the building line in Cuckoofield Lane and therefore be unsympathetic to the character and appearance of the houses in the surrounding area.
6. The new design layout at angle would improve previous concerns regarding the dwelling being too close to its boundaries or having negative impacts on the amenities of the neighbouring property at 65 Cuckoofield Lane. However, due to the smaller size of the plot in comparison with adjacent plots, the ratio between the built environment and the amenity space would be unusual for the area characterised by properties with much larger amenity space. Therefore, the proposal would still present itself as a constrained form of development when compared to the established pattern of the surrounding area.
7. Currently the plot is undeveloped and used as a residential garden and therefore provides a green gap between dwellings as well as a green amenity to the occupants of 1 Birchfield and other local residents. The proposed development would affect the existing spacious qualities of the surroundings and therefore fails to improve the existing character and qualities of the area. Furthermore, paragraph 70 of the National Planning Policy Framework (2019) (the Framework) states that policies should resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
8. The corner plots dwelling in Birchfield Lane/Cuckoofield Lane are in much larger plots and their positions follow the building lines of the adjacent lanes. Their large front gardens contribute positively to the spacious qualities and verdant character of street scene. The residential garden in the appeal site also counter-balances the almost total absence of green space in the opposite side of Cuckoofield Lane occupied by a supermarket and its car-park.
9. The presence of the supermarket to the opposite side of Cuckoofield Lane represents an anomaly and does not contribute positively to the character and appearance of the area, due to its massing, appearance and the large parking space. However, its presence is socially and economically beneficial to the community. Its anomalous appearance cannot be used as a reason to justify other developments detrimental to the character and appearance of the area.
10. I conclude that the proposal is therefore contrary to section 12 and paragraph 70 of the Framework, Policy 2 of the Joint Core Strategy (2011) as amended (JCS) and Policies DM3.5 and DM3.8 of the South Norfolk Local Plan (2015) (SNLP) that seek to improve the character and quality of an area and the street scene and promote good design

Other Matters

11. The following are matters raised by the appellant to justify and support the appeal.
12. The appellant mentions paragraph 118 of the Framework on development of brownfield and under-utilised land to provide further reasoning in supporting the appeal. However, as the Council pointed out, in the Glossary of the

Framework, the definition of “previously developed land” excludes “land in built-up areas such as residential gardens”. In the chapter on achieving appropriate densities, paragraph 122 states that the planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area’s prevailing character and setting, including the presence of residential gardens. The appeal site is currently and undoubtedly a residential garden and as such it cannot be considered underused, but rather in beneficial use as mentioned above to the residents of the area.

13. To support the appeal, the appellant has suggested that the proposal might be for a self-build dwelling, but there is no mechanism as part of the proposal to ensure that the development would be self-build housing. However, even if there was such a mechanism, the benefit in terms of housing would not outweigh the harm identified above.
14. The appellant argues that the proposed development for a small size dwelling would contribute to the housing requirement of the area and comply with paragraphs 68 of the Framework, which is supportive of small and medium size housing. According to the Council, a range of small and medium sized sites and Development Boundaries for over 80 settlements for suitable windfall development were allocated to align with Paragraph 68. The proposal would represent a small contribution to the current provision of small size housing. Furthermore, as mentioned above, paragraph 70 of the Framework seeks to resist inappropriate development of residential gardens, and therefore, the benefits of an additional housing would not outweigh the harm caused to the character of the area.

Conclusion

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

S A Schinaia

Inspector