



Appeal Decision

Site visit made on 10 February 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/U2615/W/19/3239443

70 Marine Parade, Gorleston, Great Yarmouth NR31 6EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Hendry against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/19/0188/F, dated 26 March 2019, was refused by notice dated 7 June 2019.
 - The application sought planning permission for "Demolition of existing residential dwelling and replacement with two new residential dwellings at 70 Marine Parade, Gorleston, Great Yarmouth NR31 6EZ in accordance with the terms of application, Ref 06/17/0585/F, dated 18 September 2017" without complying with a condition attached to planning permission Ref 06/17/0585/F, dated 5 September 2018.
 - The condition in dispute is No 2 which states that: "The development hereby permitted shall be carried out in accordance with the following approved plans: 215-P-001 Rev 1 block plan, 215-P-002 Rev 2, 215-P-003 Rev 2 and 215-P-004 Rev 2".
 - The reason given for the condition is: "conditions are necessary to establish the approved drawings, in the interests of certainty".
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Decision

1. The appeal is dismissed.

Procedural Matter and Background

2. The appellant is seeking a variation of condition 2 to substitute a suggested new set of approved plans to allow an alternative design.
3. The new sought condition was included in the application form Ref 06/19/0188/F to take account of the proposed alternative plans. The suggested new condition would be: "The development hereby permitted shall be carried out in accordance with the following approved plans: 215-P-001 Mk.2 block plan, 215-P-002 Mk.2, 215-P-003 Mk.2 and 215-P-004 Mk.2".

Main Issue

4. The main issue is the effect of the proposed alternative design on the character and appearance of the surrounding area.

Reasons

5. The appeal site is within Marine Parade, a road running along the coastline, characterised by residential dwellings in sizeable plots. The planning permission

- was granted for the demolition of the current detached dwelling and the construction of two detached dwellings. The dwellings along the Marine Parade, including the one to be demolished in the appeal site, are characterised by pitched roofs and facades of a mixture of designs, some of a contemporary style. The original approved design for the proposed dwellings shows curved roofs of a contemporary fashion. Although different from the surrounding pitched roofs, the curved lines of the approved roofs would have helped harmonise with the surrounding building forms and, therefore, would not be detrimental to the character and appearance of the area.
6. The proposed alternative design in this appeal would consist of similar but slightly larger facades, with flat roofs. According to the appellant, the new roof design is required to improve structural issues intrinsic in the original design. Although apparently minimal in form, the transition from a curved roof to a completely flat roof would represent a drastic change in terms of design in the context of the prevailing roof style in the surrounding area. While the departure from a pitched roof form would still be acceptable for a curved roof in the context of the surrounding area, a flat roof would represent a contrasting element in the street scene that would harm the character and appearance of the area. It would also harm the originally approved contemporary design of the dwellings themselves.
 7. Although I understand the desire to simplify the structural issues of the proposed dwellings, I have no substantive evidence before me to demonstrate that the approved roof design could not technically be implemented. The appellant has also referred to the presence of dwellings with flat roofs in the surrounding area. However, those examples are not in Marine Parade and therefore the context is not directly comparable. In any event, I am required to determine this appeal on its own merit. Furthermore, the slightly wider buildings now proposed would detract from the quality of the scheme and the spacious qualities of the area.
 8. The proposed alternative design would harm the character and appearance of the surrounding area and therefore be contrary to Policy HOU07 of the Great Yarmouth Borough Wide Local Plan and to paragraphs 124 and 127 of the National Planning Policy Framework. These policies, collectively, seek amongst other things good design which is sympathetic to the character of the area.

Conclusion

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

S A Schinaia

INSPECTOR