



Appeal Decision

Site visit made on 15 May 2020

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2020

Appeal Ref: APP/F2605/W/19/3241987

26 Neatherd Moor, Dereham NR20 4AX.

- 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 Ben Cudden against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1010/F, dated 14 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is erection of single storey dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Breckland Local Plan (BLP) was adopted on 28 November 2019. Policies DC1 and DC16 of the Breckland Core Strategy have been replaced. The appellant has been given the opportunity to comment on the BLP policies.
3. The Council determined the application based on Drawing No 1 Block Plan, Floor Plan and Elevations dated June 2019. The appellant has also provided plan 10196 Drawing No 2A dated June 2019. For the avoidance of doubt, I have considered the determined plan in reaching my decision.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area and on the living conditions of future occupiers, with particular regard to outlook, privacy and amenity space.

Reasons

Character and appearance

5. Located within Dereham's settlement boundary, Neatherd Moor has an open expanse of green space to the north and groups of houses of different designs, heights and plot sizes to the south. On this part of the road, there are houses situated adjacent to the road, with further houses located behind the frontage houses. 24 Neatherd Moor fronts the road, while the chalet bungalow at 26 Neatherd Moor is accessed via a gravelled track adjacent to No 24. Beyond No 24's rear garden, the access continues alongside the appeal site, presently a grassed area with hedges, prior to reaching the dwelling at No 26. There is a playing field to the west.

6. The proposed development would comprise a single two-bedroom bungalow with Hardie plank, a red brick plinth and black tiled roof. It would have parking for two cars and external amenity space.
7. Despite existing backland housing development adjoining the site and nearby, the gaps between existing dwellings are generally greater than the gaps to be retained between existing and proposed development. It would therefore appear cramped. The increased proximity of built form would be worsened by its location, as it would be possible to view the incongruous arrangement of dwellings from the road and across the playing field. This would erode the area's open and fairly rural nature.
8. Concluding on this main issue, the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with BLP policies COM 01 and GEN 02 and paragraph 127 of the National Planning Policy Framework (the Framework), which deal with design, and amongst other things, require development to respond to and respect its surroundings and consider layout, form and density.

Living conditions

9. The dwelling at No 26 faces the appeal site, with a number of windows at ground and first floor level and a large glazed window over two floors facing northwards. The proposed development would have external amenity space sited north, south and east of the proposed dwelling.
10. The proposed external amenity space would be narrow, particularly along the site's southern edge. Given the proposed dwelling's location relative to its external amenity space and to the front elevation of No 26, the amenity space would be unduly constrained and would be overlooked by No 26's first floor windows. While these windows serve bedrooms, they are habitable rooms with capacity for overlooking. Furthermore, as a result of the restricted nature of the proposed external amenity space, the scale and proximity of the dwelling at No 26 would be particularly overbearing and would provide a negative outlook for future occupiers of the proposed development. The site's location adjacent to the access and playing field would not acceptably mitigate these concerns.
11. Concluding on this main issue, the proposed development would have a harmful effect on the living conditions of future occupiers, with particular regard to outlook, privacy and amenity space. It would conflict with BLP Policy COM 03 and paragraph 127(f) of the Framework, which respectively address the need for adequate areas of usable private amenity space for future occupiers and avoidance of overlooking and overbearing impacts, and the provision of a high standard of amenity for existing and future users.

Other matters

12. I acknowledge that there would be adequate parking and amenity space retained for No 26, and that new housing can assist in meeting the needs of a range of people, including those seeking smaller and easily maintained housing. Additionally, the Highway Authority has not objected to the proposed development in relation to the number of transport movements or parking spaces, and wear and tear to the access road would not be likely to rise significantly due to one additional dwelling. However, these matters would not overcome my concerns about the other effects of the proposed development.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Joanna Gilbert

INSPECTOR