
Appeal Decision

Site visit made on 19 May 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2020

Appeal Ref: APP/L2630/W/19/3240707

26 Station Road, Aslacton NR15 2DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alistair MacKay against the decision of South Norfolk District Council.
 - The application Ref 2019/1711, dated 22 August 2019, was refused by notice dated 17 October 2019.
 - The development proposed is erection of new dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of new dwelling and garage at 26 Station Road, Aslacton NR15 2DU in accordance with the terms of the application, Ref 2019/1711, dated 22 August 2019, subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. Outline planning permission is sought with the matters of access and landscaping to be determined at this stage and I have had regard to the access and landscaping details provided and have determined the appeal on that basis. I have treated all other submitted information as indicative.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises the front garden of an existing single storey detached dwelling, 26 Station Road (No 26). The site is situated on the western side of Station Road. The existing dwelling sits some distance back from the road frontage and is accessed via Newport Drive, an access road which runs alongside the north boundary of the appeal site and further leads to a commercial unit.
5. The appeal site lies within the development boundary of Aslacton which is identified as a Service Village within the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 (JCS). The development is acceptable in principle under Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document 2015 (LP).

6. With the exception of No 26, the dwellings along the western side of Station Road are built towards the front of their plots, following a general but not entirely uniform building line.
7. The proposed dwelling would have a frontage and access to the street similar to the predominant pattern of development. The rear garden of the proposed dwelling would be smaller than that of its immediate neighbours, however, the street accommodates a variety of dwelling types and styles and differing plot sizes. These differences are not wholly obvious when viewed from the street. Therefore, I do not consider that the proposal would appear at odds with its surroundings.
8. Furthermore, a number of dwellings are set back from Station Road, albeit on its eastern side; for example, on the spur roads of Meadow Close and Gytons Loke. Dwellings are visible behind those with a street frontage from a number of public vantage points. I acknowledge that the proposal would result in a form of tandem development, whereby the donor property would be situated to the rear of the proposed dwelling. However, as there is already some variation in layout within the street and No 26 is accessed from Newton Drive rather than directly from Station Road, the proposal would not be out of character in this respect. Therefore, the proposed development would be neither uncharacteristic nor detract from the established form of the street scene.
9. While all matters other than the access and landscaping are reserved for future consideration, from the indicative drawings before me, and having regard to the above context, I conclude that the proposed development would not harm the character and appearance of the area.
10. I therefore find no conflict with JCS Policy 2 and Policies DM3.5 and DM3.8 of the LP. Together these policies seek to ensure development proposals are of high-quality design and avoid harm to the character and appearance of an area.

Other Matters

11. The Council, in its officer report, made reference to a refused planning application that was dismissed at appeal that it considers supports dismissal of this appeal. The Council states that that case involved a tandem form of development on a site also within the development boundary. The Inspector found that proposal to *"...be[ing] an anomaly within the existing pattern of development and uncharacteristic of the area"*. However, in the absence of any further details, and noting that the site was in a different settlement, albeit within the Council's administrative area, I cannot be certain that the circumstances are the same as the appeal before me. I have determined the appeal on its own merits.
12. Concern has been raised with regard to the obstruction and/or potential diversion of the Public Right of Way (PRoW) that runs along the south boundary of the site. The Council has referred to the need to protect the use of the PRoW during the construction phase and thereafter. The Council considers this could be secured by imposition of a condition. However, a condition has not been suggested in the appeal documents. Nevertheless, the grant of planning permission does not authorise any obstruction to or interference with any

PRoW, this is covered within other legislation.¹ Moreover, the matter of layout, (and those of scale and appearance), is reserved for subsequent approval and therefore, details relating to the PRoW can be resolved at reserved matters stage and an appropriate condition could be applied at that stage if necessary.

13. Concern has been expressed about the adequacy of water pressure in the area and whether the existing water main is fit for use. However, in the absence of any substantive evidence relating to this matter, it does not alter my conclusions on the main issue.
14. The parties are in dispute over whether the Council can demonstrate a five-year supply of deliverable housing sites. However, I have not found that the proposal conflicts with the development plan as a whole and equally, do not find conflict with the National Planning Policy Framework (the Framework). Accordingly, as there is no clear reason to refuse the development, I do not consider this matter further.

Conditions

15. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance. Where necessary, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance. In addition to the standard outline conditions dealing with reserved matters and time limits, a condition regarding the identification of the approved plans is required for the avoidance of doubt. To ensure proper drainage of the site, conditions relating to surface water and foul drainage are also necessary. For reasons of highway safety, I have conditioned details of the access including the necessary visibility splays and the marking out of the highway boundary.
16. The Council's second suggested highways condition relates to the internal access, including parking provision and turning arrangements. As layout is a reserved matter, I do not consider it necessary to condition these matters at this time as they should be dealt with at reserved matters stage.
17. Water consumption is restricted in the interest of using water efficiently and to assist in reduced energy consumption. A condition is necessary to ensure adequate measures for dealing with contamination are in place.
18. Although landscaping is for determination at this stage, and the appellant has provided a landscape and ecology management plan, the Council has not requested the imposition of a condition in this respect. As the proposal is for a single dwelling, I do not consider it necessary to condition the landscaping of a private garden.

Conclusion

19. For the reasons given above the appeal is allowed.

S Tudhope
Inspector

¹ S257(1) of the Town and Country Planning Act 1990 (TCPA90)

Schedule of Conditions

- 1) Details of the appearance, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for the approval of the reserved matters must be made before the expiry of three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: 5851-01-A, but only in respect of those matters not reserved for later approval.
- 5) There shall be no works beyond the laying of foundations on site until full details of the means of surface water drainage have been submitted to and agreed in writing by the local planning authority. The details shall include the results from percolation tests if appropriate and incorporate installation of water efficiency and water saving devices such as rain saver systems, and the management and maintenance details. The development shall be carried out in accordance with the agreed details prior to the first occupation of the development and shall be retained as such thereafter.
- 6) No foul drainage from the development hereby approved shall be discharged other than to the main sewer. The foul water disposal shall be implemented prior to the first occupation of the dwelling and retained as such thereafter.
- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 8) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.
- 9) Prior to the first occupation of the development hereby permitted the vehicular access/crossing over the verge shall be constructed in accordance with the highways specification (TRAD 5) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 10) Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of

the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

- 11) The highway boundary shall be marked out on site prior to commencement of construction of any part of the development fronting the highway.