
Appeal Decision

Site visit made on 19 May 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: 15th June 2020

Appeal Ref: APP/G2625/W/20/3244919

9A Poplar Avenue, Norwich, Norfolk NR4 7LB

- 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 Graham Scott against the decision of Norwich City Council.
 - The application Ref 19/01254/F, dated 2 September 2019, was refused by notice dated 28 October 2019.
 - The development proposed is severance of side garden and erection of 1.5 storey dwelling (following demolition of existing garage block and link building).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; 1) the effect of the development on the character and appearance of the area; 2) the effect of the development on the living conditions of the neighbouring residential occupiers at 9,9a,9b, 8 and 8a by reason of over dominance, noise and light disturbance, overbearing and loss of privacy.

Preliminary Matters

3. I have been supplied with a of variety plans showing different ways the site could be developed to achieve the aim of the description of development. For the avoidance of doubt I have considered this appeal on the basis of the plans upon which the Council made its decision, in other words drawings: No 24013ea -01, 'Topographical Survey'; 5398 4 'Floor Plan as Existing'; 5398 5 'Elevation as Existing'; 5398 10, 'Proposed Ground Floor and Site Layout'; 5398 11 'Elevations and Floor Plans' and 5398 12, 'Version A Block Plan and Site Location Plan'.

Reasons

Character and appearance of the area

4. The appeal site lies at the end of a shared, single track private drive that serves two other dwellings, as well as the existing bungalow adjacent to the appeal site. The drive is accessed from Poplar Avenue. However, the existing bungalow has an elevation that faces on to Bluebell Road. There is no direct vehicular access from Bluebell Road on to the appeal site. Between the appeal site and Bluebell Road there is a tall fence that precludes views into the site.

The site is also in an elevated position above Bluebell Road. The general area is characterised by large dwellings standing in extensive grounds with substantial amounts of mature trees and vegetation, accessed from an unadopted road.

5. The site is occupied by a single storey garage which is attached to an existing bungalow. It is proposed to demolish the garage and linking block and replace it with a two-storey dwelling. The access for the new dwelling would share the private access track from Poplar Avenue with the existing bungalow. A new pedestrian access for the proposed dwelling would be created between its garden and Bluebell Road.
6. The development plan for the area includes 'Joint Core Strategy for Broadland, Norwich and South Norfolk' adopted in March 2011 and amended in January 2014 (JCS) and the 'Norwich Local Plan – Development Management Policies Plan' adopted in 2014 (LP). The policies most relevant to the determination of this appeal are Policy 2 of the JCS and Policies DM2, DM 3 and DM 12 of the LP. These policies when taken together seek to promote high standards of design which create a strong sense of place and that developments have no detrimental impact on either the character of the surrounding area or the living conditions of neighbouring occupiers.
7. The existing garage is clearly subservient to the bungalow, presenting a low-pitched roof and blank elevation to Poplar Road, punctuated by two solid garage doors. The appeal proposal would be higher than the existing garage and bungalow. It would be residential in character and appearance with large areas of glazing facing towards Poplar Avenue. Its height and fenestration would make it prominent when viewed from Poplar Avenue. It would also have a roof which would be steeper in pitch than the existing bungalow and other dwellings in the locality. The proposed dwelling would form an incongruous feature in the locality dominating the existing bungalow and have a detrimental effect on the area's character and appearance by reason of its height, pitch of its roof and fenestration. This brings the proposal into conflict with Policy 2 of the JCS that seeks to deliver a high standard of design and create a strong sense of place, DM3 of the LP which requires developments to respect the character and local distinctiveness of an area and DM12 which expects proposals to have no detrimental impact on the character or amenity of the surrounding area. Height is one element that the Policy states contributes to the character of an area.
8. The dwellings accessed by the same track as the appeal site are all in substantial plots similar to other dwellings in the locality. I note what the appellant states about the width of plots and the separation distances between the dwellings. However, the overall size of a plot is more than just its width and the distance between houses; it is the size and spaciousness of the plots themselves which give the area its character. I consider a main characteristic of the area the larger than average plots of the houses in the locality and the opportunity that affords for substantial tree and vegetation planting. The appeal proposal is located on a plot which is materially smaller than the average plot size in the area. It has a narrow frontage on to the access track from Poplar Avenue and any opportunity to increase the vegetation around the dwelling to mitigate its impact on the character and appearance of the area is limited. In these respects, the proposal would conflict with Policy DM12 of the LP which expects, amongst other things, that developments do not have a detrimental impact on the character or amenity of the surrounding area.

Living conditions of the occupiers of 9, 9a, 9b, 8 and 8a Poplar Avenue

9. I consider that given the separation distances between the appeal proposal and the dwellings and the difference in levels between 9, 9a, 9b, 8 and 8a Poplar Avenue the proposed dwelling would not result in it being over dominant in terms of the living conditions of the occupier of these properties.
10. In terms of noise and light disturbance the addition of a single dwelling in this location would not result in additional material harm being caused to the living conditions any of the neighbouring residential occupiers I have identified. Again, this is primarily due to the change in levels from the main part of Poplar Avenue to the appeal site and the orientation of the existing dwellings, as well as their distance from the appeal site.
11. In terms of overlooking and loss of privacy the proposed dwelling would have windows at the first floor which would face Poplar Road and Bluebell Road. First floor windows in its flanks would be limited to two rooflights which are proposed to be obscure glazed serving a stairwell and a bathroom. Ground floor flank windows are limited to those facing the existing bungalow, serving a proposed toilet (obscure glazed), hallway and a secondary window to the lounge. Given that the proposed dwelling is set so that its rear wall is in front of that of the existing bungalow there would be limited overlooking from the first floor of the proposed house into the bungalow's garden. The flank windows, either at ground or first floor level, would not be a source of overlooking as they would either be inaccessible, obscure glazed or behind a boundary wall. Other dwellings in the locality would either be screened from the development by existing trees and vegetation or be too far away to be unreasonably overlooked by the new dwelling.
12. I therefore find on this matter no conflict with Policy DM2 of the LP.

Conclusion on the main issues

13. Whilst I find no conflict between the appeal proposal and Policy DM2 of the LP. I do consider that the proposal conflicts with Policy 2 of the JSC and Policy DM3 and DM12 of the LP. On balance I find that the harm the proposal causes to the character and appearance of the area in terms of its height, pitch of its roof and fenestration details, as set out in paragraphs 7 and 8 above, result in the dwelling being unacceptable in this location, despite my findings on the effect of the proposal on the living conditions of neighbours.

Other matters

14. Housing land supply has been raised by the appellant. However, there is no dispute that the Council has a 5-year housing land supply at present. I therefore give this matter very little weight in this appeal.

Conclusion

15. The appeal proposal conflicts with the development plan when read as a whole. In the absence of other material considerations to outweigh that conflict, for the reasons given above the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR