



Appeal Decision

Site visit made on 9 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 30 June 2020

Appeal Ref: APP/F2605/W/20/3246829

1 Vicarage Road, Thetford IP24 2LW

- 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 John Langham-Service against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1006/F, dated 23 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is new single storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the adjacent residential occupiers, with particular regard to any increase in noise, disturbance, overlooking and loss of privacy to No 1 Vicarage Road.

Reasons

3. The appeal proposal would be sited in the rear garden of No1 Vicarage Road. This is a detached dwelling surrounded by garden. To its north west is a vehicular access way, giving access to the rear of the dwellings further along Vicarage Road. To its south west lies the grounds of a school, and to the south east lies the neighbouring dwelling, Burway. North east lies Vicarage Road itself and a brick and tile outbuilding.
4. The appeal proposal would introduce vehicular traffic to the side of No1 Vicarage Road and alongside its rear garden. No1 Vicarage Road has two windows facing on to the proposed access way. These are the only windows serving the lounge of No1 Vicarage Road. The proposed access way will be 4.5m where it meets Vicarage Road and under 4m where it passes alongside the house itself, including the width of the existing path. To the rear of the existing house the proposed access way would continue alongside its garden and end at the parking and manoeuvring areas of the proposed bungalow. A proposed pedestrian access would run along the north east side of the appeal site on its boundary with No1 Vicarage Road.
5. The appeal proposal would leave the remaining rear garden of No1 Vicarage Road surrounded by either vehicular access ways or a pedestrian access. This

would adversely affect its privacy and usability to the detriment of the living conditions of its occupants. It is proposed to construct a 1.8m high fence along the boundary of the proposed access way with No1 Vicarage Road. However, the activity and noise along that route, including cars and pedestrians, would disturb the tranquillity and privacy experienced by the occupiers of the property when using their rear garden. The presence of a proposed pedestrian access along the rear of the garden would only add to this disturbance.

6. The appeal proposal would affect the side windows in the flank elevation of No1 Vicarage Road, facing the access way. The proposed access way would be less than 3m wide at this point (taking account of the appellant's suggestion that a 1.8m high fence is constructed 1m away from the flank wall of the house) and would be around 1m away from the existing dwelling. Vehicles and pedestrians will all use this narrow part of the access way to access the proposed dwelling. The hard surface of the wall of the existing house, the proposed fence and the close proximity of the neighbouring property would concentrate the noise generated by the users of the access way in this location. This would have the potential to cause noise and disturbance to the occupiers of No1 Vicarage Road. I consider that the close proximity of the proposed access way for the appeal property would give rise to noise and disturbance to the detriment of the occupiers of the house and therefore adversely affect their living conditions.
7. The appellant has suggested that the ground floor flank windows are reduced in size, triple glazed, together with the 1.8m high fence, to mitigate the potential impact of the access way on the occupiers of No1 Vicarage Road. French Doors would be added to the rear elevation of No1 to ensure that there was adequate light entering the lounge. The smaller triple glazed windows would assist in reducing the noise experienced by the occupiers of No1 Vicarage Road. However, there would still be noise and disturbance caused by the pedestrian and vehicular traffic using the access way and this would still adversely affect the living conditions of the occupiers of No 1. I do not therefore consider that the change to the windows serving the lounge and the 1.8m high fence would overcome the harm I have identified.
8. The appellant has also referred to a caravan that was located some years ago in the rear garden of No1 Vicarage Road and used the access drive adjacent to it. Apart from the photographs of the caravan supplied by the appellant, which do not show the access, and the details given on the planning appeal form I have no further information about this caravan. In particular whether it was used as a separate unit of accommodation and if so whether that use was lawful. Without further details I can give this matter little weight in this appeal.
9. Finally, the appellant has referred to recent developments that have parking to their sides, which have been allowed in the District. I consider that the site referred to by the appellant is materially different to the site at No1 Vicarage Road. The images show a parking space next to the house, and not an access drive that extends along the side elevation of the house and into the rear garden, as in the appeal proposal. Therefore, whilst there might be some noise and disturbance caused by cars parking next to these windows, there would not be the passing and repassing of vehicles which would occur in the appeal proposal. Again, I give this matter little weight in this appeal.
10. The development plan includes the adopted Breckland Local Plan 2019. Policy COM 03 of this plan seeks, amongst other things, to protect the residential

amenity of the residents of the District. I find that the appeal proposal conflicts with Policy COM 03 of the LP as it would have an unacceptable effect on the living conditions of neighbouring occupiers. This is due to the impact of the development on the privacy and usability of the rear garden and the noise and disturbance caused by the proximity of the access way leading to the proposed dwelling on No1 Vicarage Road and its garden.

Conclusion

11. I find that, having regard to all matters before me, including the policies of the development plan, when read as a whole, the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR