
Appeal Decision

Site visit made on 30 June 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/L2630/W/19/3240048

Land to the rear of 25 Norwich Street, Hingham, Norfolk NR9 4LJ

- 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 Neil Chilleystone against the decision of South Norfolk Council.
 - The application Ref 2019/1267, dated 18 June 2019, was refused by notice dated 13 August 2019.
 - The development proposed is erection of one dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the dwelling would provide acceptable living conditions for its future occupiers, with particular respect to the quality of outlook and the privacy of the proposed garden area, and preserve those of existing occupiers, with particular regard to the amount of outside space allocated originally to the adjacent four residential flats.

Reasons

3. The proposal is for a two-bedroomed bungalow of a square plan with a pyramidal roof. It would be sited in a small, roughly rectangular area of overgrown land at the rear of the two-storey building converted to provide four flats at 25 Norwich Road. This building is within the built-up village, set back from the road in line with the adjacent Co-op food store and behind a car parking area. Two car parking spaces would be allocated here for this proposal.
4. The food store is a deeper building than that housing the flats next to it, extending to the rear along one side of the appeal site. Other than the flats and food store, the new dwelling would be adjacent other plots with detached dwellings. The private drive to these runs along the other side of the appeal site. However, the new bungalow would have no access onto this, just a footway link to the front car park via the side of the flats. The appeal site was shown as communal garden in the approved plans for the four flats but has not been provided as such. This scheme follows an earlier one, also refused by the Council, for two semi-detached bungalows on this site.
5. Regarding the living conditions for occupiers of the new bungalow, the appellant refers to most habitable room space being orientated to maximise the enjoyment of the garden, with the living area opening up onto the south

eastern aspect. However, the plans show the French doors to the living room opening out toward the garden area adjacent to the visually dominant side wall of the food store, with another two windows also facing in this direction. The proximity of the food store wall would create a rather enclosed outlook from this part of the garden and the adjacent rooms. The location of the French doors would indicate this area of garden being relatively well-used, where the food store would comprise an oppressive feature and there would be overlooking from the rear windows in the adjacent first floor flat.

6. Regarding the living conditions of the existing flats, I noted the two two-bed ground floor flats have rear private amenity spaces, with the two two-bed first floor flats each having a balcony, one located to the front and one located to the rear of the building. Therefore, each existing flat has some private outdoor amenity space, but significantly less than if the appeal site had been included to provide a communal garden as had originally been proposed. The Council does not have any space standards in relation to garden size/external amenity space. Although each flat retains some modest outside space, the proposal would still have a harmful effect on the living conditions offered to these units, through removing the potential for a shared back garden.
7. The proposal would not provide good quality living conditions for its future occupiers, due to a lack of privacy within the garden leading out from the French doors and the overbearing impact the food store would have on this area and the outlook from the windows to adjacent habitable rooms. The scheme would also deprive existing occupiers of the flats the shared back garden originally planned. Consequently, this proposal would conflict with Policy 2 of the Joint Core Strategy¹ and Development Management² policies DM3.5(b), DM3.8 and DM3.13. This is insofar as these promote good design through sub-divided plots within development boundaries preserving acceptable living conditions for existing occupiers and providing reasonable living conditions for future occupiers, including in respect of outlook and privacy.

Conclusion

8. The benefits of a single dwelling towards meeting housing supply needs within a built-up part of a settlement providing good access to services and facilities by sustainable modes of travel would be outweighed by the harm identified. Therefore, the proposal would conflict with the development plan when considered as a whole. Having taken all further matters raised into consideration, I thus conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

¹ Joint Core Strategy for Broadland, Norwich and South Norfolk. Adopted March 2011, amendments adopted January 2014.

² South Norfolk Local Plan Development Management Policies Document – Adopted Version October 2015.