



Appeal Decision

Site visit made on 11 August 2020

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/L2630/W/20/3249453

26 West End Avenue, Costessey NR8 5BA

- 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 J Green against the decision of South Norfolk District Council.
 - The application Ref 2019/2269/O, dated 11 November 2019, was refused by notice dated 31 January 2019.
 - The development proposed is for outline planning permission for a single retirement bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal has been made in outline form with all matters reserved for future consideration. Notwithstanding, the application is accompanied by an indicative plan showing the layout of the proposed dwelling and I have had reference to this in the determination of this appeal.

Main Issues

3. The main issues in are the effect of the proposed development on the:
 - Character and appearance of the area;
 - Living conditions of adjoining occupiers having regard to overbearing.

Reasons

Character and appearance

4. The appeal site comprises an area of garden land to the rear of No.26 West End Avenue which is predominantly characterised by detached single and one and a half storey dwellings. West End Avenue itself slopes down towards the north east, and as such, the adjacent dwelling (No.27 West End Avenue) sits lower than the appeal site. As the site is a corner plot, the proposed development would also relate closely to the pattern of development in Breydon Drive North which also contains a mix of single, one and a half and two storey dwellings.
5. The proposal seeks to develop a single storey dwelling in the rear garden of the appeal site. The predominant character of the area is for properties with more spacious plots. The indicative plan shows that a dwelling could be located

directly adjacent the existing garage of the appeal property. The appeal site is small and square in proportion, and as a result, the siting would result in a dwelling being close to the boundary fence between the appeal site and No.27.

6. An electricity sub-station lays directly adjacent to the plot and is separated from the appeal site by an approximately 1.8 metre close board fence. The presence of the sub-station narrows the available width of the plot which would result in a very limited plot size and restricts the possible options for the siting of a dwelling on the land. As such, the indicative siting of the proposed dwelling would appear cramped when considered against the general pattern of development in the vicinity. The appellants have indicated that there are no detailed policy requirements setting out the minimum amount of garden space. However, this does not alter the visual effect of the cramped plot which would appear incongruous in the street scene having regard to the more spacious pattern and grain of development in the area. As a result, it would adversely affect the character of the area.
7. It has been brought to my attention that opposite the appeal site a dwelling was developed in the rear garden of No.25 West End Avenue which the appellant considers is relevant to this appeal. However, the plot on which that particular dwelling (known as No.2a Breydon Drive North) is sited differs from the appeal site by virtue of being a significantly larger plot than the appeal proposal with a wider frontage. This results in it assimilating well into the street scene. Furthermore, due to the gradient of West End Avenue, No.2a West End Avenue sits slightly lower than the rear gardens of the dwellings it adjoins, significantly reducing any effects on the rear gardens of those properties.
8. In light of the above, I consider the proposal would result in harm to the character and appearance of the area. As such, it would be contrary to policies DM3.5 and DM3.8 of the South Norfolk Local Plan Development Management Policies Document (2015) (the DMPD) which state respectively that the sub-division of existing residential plots and gardens to create new dwellings will be permitted provided that it incorporates a good quality design which maintains or enhances the character and appearance of existing buildings, street scene and surroundings, and the scale, height, massing, form and appearance of development is designed with a satisfactory relationship of structures, spaces and routes within the site and a successful integration into the surroundings.
9. The proposed development would also fail to accord with paragraph 130 of the Framework which permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area.

Living conditions

10. The site has an approximately 1.9 metres tall boundary fence along the border with No.27 West End Avenue which provides screening between rear gardens. As set out above, the small plot size would result in the proposed development being located close to the rear boundary fence. The adjacent property (No.27) and its accompanying garden land is set lower than the appeal site due to the fall in the land. As such, the proposed development would result in a development set significantly higher than the adjacent dwelling. This would result in the proposed development dominating the rear garden of No.27 due to a significant sense of enclosure created by the presence of a dwelling and the change in site levels. As a result, I consider it would have an adverse effect

on the living conditions of the adjoining occupiers having regard to overbearing.

11. The appellant has indicated that future reserved matters details could ensure a design would not result in harm to the living conditions of the adjoining occupiers and protect their privacy. Paragraph 54 of the National Planning Policy Framework ('the Framework') indicates that unacceptable development could be made acceptable through the use of conditions. Due to the small plot size and the effect of site levels between the appeal site and the adjoining property on West End Avenue, whilst conditions could be imposed to restrict any windows that may overlook the adjoining property, I do not consider that in this instance the overbearing effect of the proposal could be adequately addressed through the imposition of conditions. This is due to the fact that detailed design, siting and levels would be necessary in order to establish whether the principle of the proposed development would be acceptable. As such, these matters could not in this case be left to be dealt with via planning conditions.
12. In light of the above, I consider that the proposed development would result in harm to the living conditions of adjoining occupiers having regard to overbearing. As a result it would be contrary to policies DM3.5 and DM3.13 of the DMPD which state respectively that the sub-division of existing residential plots and gardens to create new dwellings will be permitted provided it does not have an unacceptable impact on the amenities of neighbouring occupiers and development should avoid loss of day light, overshadowing and overbearing impact.
13. The proposal would also fail to accord with paragraph 127 of the Framework which indicates that planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

Other Matters

14. The appellant has indicated that the proposed development would provide a dwelling for persons over the age of 65 thereby making a positive contribution to meeting the need for housing for a specific demographic. Whilst this would provide a benefit of the proposal, as the scheme is only for a single dwelling the contribution of this benefit is minimal and there afforded limited weight. As such, this is not sufficient to outweigh the harm I have identified in the main issues.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR