
Appeal Decision

Site visit made on 5 August 2020

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

an Inspector appointed by the Secretary of State

Decision date: Thursday, 10 September 2020

Appeal Ref: APP/F2605/W/20/3249819

96 Richmond Road, Saham Toney, Watton. IP25 7EX

- 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 Graham Tweed against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1599/O, dated 20 December 2019, was refused by notice dated 2 March 2020.
 - The development proposed is residential development of three, 3 and 4 bedroomed self-build detached dwellings with garages and gardens. Demolition of small commercial unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal concerns an outline planning application with all matters reserved, apart from access. I note a possible layout was supplied with the planning application. I have considered this as being indicative of a possible layout.
3. The address of the site given on the application form is 94 Richmond Road. It is clear from the appeal form and from the plans supplied that the appeal site is at 96 Richmond Road. I have therefore used this as the address of the site.

Main Issues

4. The main issues are whether the proposed location of the new dwellings is suitable, having regard to the effect of the proposal:
 - on the character and appearance of the area;
 - on the living conditions of the potential occupiers of the proposed dwellings;
 - on the trees on or next to the site.

Reasons

Character and appearance

5. The area within which the appeal site is located lies on the edge of Saham Toney. It is characterised by large dwellings standing in substantial grounds with a large number of trees and vegetation breaking up the impact of the

- buildings. As well as the dwellings there are the grounds of a hotel on the southern boundary of the site towards Watton.
6. The appeal site forms part of the grounds of 96 Richmond Road, a substantial house with formal gardens, woodlands and trees and a variety of out buildings. The entrance to 96 Richmond Road is set back from the road, with a formal access of brick pillars and tall metal gates. The house is at the end of a long drive bounded by ornamental hedges and lawns. Its visibility from Richmond Road is limited.
 7. The appeal proposal would introduce three dwellings between 96 Richmond Road and the current formal entrance and necessitate the removal of the ornamental hedge. This would take development on this site significantly closer to Richmond Road. It would also break up the formal approach to the house. Whilst I understand from the appeal documentation that 96 Richmond Road is not listed, it is still an impressive building, and is complemented by its formal approach, gates and the grounds in which it stands. The formal grounds and the spacious surroundings are consistent with the character of this part of Richmond Road. The appeal proposal would disrupt this character by breaking up the formal front gardens, providing development closer to Richmond Road, consisting of housing with gardens smaller than others in the area and increasing the visibility of built development on the site.
 8. For these reasons the proposed development would be harmful to the character and appearance of the area. Consequently, in this regard, it would conflict with Policy COM01 (Design) and GEN02 (Promoting High Quality Design) of the Breckland Local Plan 2019 (LP). These policies expect, amongst other things, development to contribute to, and respect the distinctive character of the area, integrate to a high degree of compatibility with the surrounding area and reinforce positive and distinctive local character as well as completely integrating with the existing pattern of development. It would also conflict with paragraphs 127 and 170 of the National Planning Policy Framework (the Framework).
 9. I note there has been debate in the statements submitted about the proximity of the appeal site to the settlement boundary of Saham Toney and the proposal's compliance with Policy HOU04 (Villages with Boundaries) of the LP. However, whilst HOU04 allows for the development of sites 'immediately adjacent' to the settlement boundary, development also needs to comply with other policies of the development plan, with the exception of GEN05. I have found at paragraph 8 of this decision that the appeal proposal is in conflict with Policy COM01 of the LP. As a consequence of this, the appeal proposal is in conflict with Policy HOU04, as it is not supported by other policies of the development plan.
 10. In any event, the meaning of Policy HOU04 is clear, in that it supports development, subject to other considerations, that are 'immediately adjacent' to the settlement boundary. I take this to mean developments that either adjoin the settlement boundary or are very close to it. The part of the site closest to the settlement boundary is separated from it by the width of the road, which the appellant states to be about 6m. This separation does not, in my view, mean that the site is immediately adjacent to the boundary. Therefore, even if there was no conflict with other policies of the development

plan the appeal proposal would still conflict with Policy HOU04 as it is not 'immediately adjacent' to the settlement boundary.

Living conditions

11. The site is next to and contains mature trees. To the rear of the proposed dwellings is a belt of mature deciduous trees of some height, but which varies in width. These trees would restrict the amount of direct sunlight which the rear gardens, and potentially the dwellings themselves would receive. However, the orientation of the site means that the gardens and the dwellings would not lose sunlight for all of the day. The deciduous nature of the tree belt and the narrowness of its width in some places, means that even when the sun is behind them sunlight would be likely to penetrate the canopy. The gardens, and potentially the dwellings, would receive direct sunlight during the winter and during the height of the summer.
12. The loss of sunlight brought about by the proximity of the proposed dwellings to the tree belt to the rear would therefore not create unacceptably poor living conditions for the potential occupiers of the dwellings. Indeed, the trees themselves are capable of adding to the quality of the living conditions that would be experienced by the occupiers of the dwellings by mitigating the effects of direct sunlight during the summer on the gardens and, potentially, dwellings themselves.
13. Policy COM03 of the LP and paragraph 127 (f) of the Framework seek to ensure that developments provide potential residents with good quality living conditions. For the reasons given above I find no conflict with these policies.

Effect on trees

14. Part of the appeal site contains protected and significant trees and the proposed dwellings will be near these trees. The application included an indicative layout plan which showed that the development could be accommodated without the need to remove existing trees. It was also confirmed in the 'Design and Access Statement' submitted with the planning application that no trees need to be removed in order to accommodate the appeal proposal. I have also had regard to the plan supplied by the Council which shows the extent of protected trees either on or in close proximity to the appeal site.
15. The appeal proposal is in outline with landscaping, layout and scale of the proposed dwellings all reserved for future consideration. Given the evidence which has been supplied by both parties regarding the impact of the development on trees, I am satisfied the development could be implemented without unacceptably impacting on the trees.
16. Policy ENV06 (Trees, Hedgerows and Development) seeks to prevent the loss of protected and important trees through development proposals. I have set out above why I consider that the appeal proposal does not unacceptably impact on the trees on or close to the site. Therefore, the proposal does not conflict with this policy of the development plan.

Other Matters

17. The appellant has referred to a permission, within the grounds of 96 Richmond Road, for 5 dwellings. It appears the site of these dwellings is to the north of

the current appeal site and lies to the rear of other development. Whilst I have had regard to the existence of this permission, it is in a different location and has a different relationship to 96 Richmond Road than this appeal site. In any case I have to deal with the particular merits of this case before me. I therefore give this permission little weight in the determination of this appeal.

Conclusion

18. I have found that the appeal proposal could be implemented without unacceptably affecting the living conditions of the future occupiers of the proposed dwellings. Additionally, I have found that it would be possible to devise a layout that would not affect protected or significant trees on or near the site. However, I have found conflict with the policies that seek to protect the character and appearance of the area and direct development to suitable locations within the District. I do not find the compliance with the development plan, with regard to the proposal's effect on the living conditions of the future occupiers and its effect on protected or significant trees, outweighs the conflict with the policies of the development plan, which seek to protect the character and appearance of the area or prevent development in unsuitable areas.
19. Therefore, and for the reasons set out in this decision I dismiss the appeal.

Peter Mark Sturgess

INSPECTOR