



Appeal Decision

Site visit made on 2 September 2020

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020.

Appeal Ref: APP/L2630/W/20/3248900

Annexe, Flax Farm, Diss Road, Scole, Diss, Norfolk IP21 4DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Stephen Alleyne against the decision of South Norfolk District Council.
 - The application Ref 2019/1983, dated 30 September 2019, was refused by notice dated 29 January 2020.
 - The application sought planning permission for the conversion of 5 bed house to 2 no 3 bedroom semi-detached houses without complying with a condition attached to planning permission Ref 2016/1982, dated 16 December 2016.
 - The condition in dispute is No 5 which states that: The existing annexe which is to be retained shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling referred to as plot 1 which it is attached to. At no time shall it be sold, leased or occupied independently from the main dwelling nor shall the common ownership or occupation of the annexe and main dwelling be severed.
 - The reason given for the condition is: To enable the local planning authority to retain control over the development which has been permitted, in accordance with Policy DM 3.7, to meet a specific personal need and where the occupation of the annexe as a separate dwelling would be in conflict with the settlement policy contrary to policy DM1.3, and result in a substandard layout of land detrimental to the amenities of neighbouring uses contrary to Policy 2 of the Joint Core Strategy and Policy DM3.13 of the South Norfolk Local Plan Development Management Policies Document 2015.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The annexe appears to be being occupied independently from the main dwelling and the Council have identified that the application is being made retrospectively. However, it is unclear when the breach of the condition may have occurred and as such, the appeal is being considered against an application being made under s73 of the Town and Country Planning Act 1990. In addition, an approximately 1.8 metre high close board fence has been erected around the annexe and its accompanying garden which I have had regard to in reaching my decision.

Main Issues

3. The main issues are the effect that varying the condition would have on:

- The suitability of the location for a new independent dwelling
- The character and appearance of the area

Reasons

Suitable location

4. The appeal building is attached to No.1 Flax Farm Cottage which is a semi-detached two-storey dwelling. The site is located off the A1066 which is the main road between the village of Scole and the town of Diss albeit it is outside of any defined settlement boundary, and in terms of the Council's policies is in the countryside. At the time of my visit, there was a relatively consistent stream of traffic passing the entrance to the site. On the opposite side of the A1066 to the appeal site is a footpath which links the aforementioned settlements.
5. The footpath is located opposite the site on the far side of the A1066 from the site access. Whilst this could be utilised by occupiers of the development to access Scole or Diss, the path is unlit and pedestrians would need to cross the road to join the path. In this part of the road the national speed limit of 60 miles per hour applies resulting in traffic passing the site entrance at speed. As such, the lack of lighting and the speed and volume of traffic would make crossing the road an unattractive prospect in anything other than in good light conditions. I consider these factors would significantly detract existing or future occupants from undertaking journeys to Diss or Scole by foot. The nature of the road in terms of traffic speeds and the absence of lighting also result in the location being less attractive for cycle trips. As such, these factors would result in journeys to access day-to-day services and facilities being made by private vehicles, which would over time, cumulatively amount to a significant number of trips.
6. The appellant has indicated that the occupation of the building as a separate dwelling would result in a similar number of occupants as it would be as an annexe. However, the condition requires the building to be retained as an annexe and used for purposes ancillary to the main dwelling. The severance of the annexe from the main dwelling and creation of a separate dwelling would result in a change in the intensity of the use of the building. This would result in occupiers of the building undertaking additional trips for essential day-to-day services and facilities than would be the case if it were remaining ancillary to the main dwelling. I consider that the removal of the condition would result in significant cumulative additional vehicle movements which results in the site being in an unsuitable location for a new independent dwelling.
4. In light of the above, I conclude that the proposal would not be in a suitable location for a new independent dwelling. As such, it would be contrary to policies DM1.3(2)(c) and (d) and DM3.10 of the DMPD which state that permission for development in the Countryside outside of the defined development boundaries of Settlements will only be granted where specific Development Management Policies allow for development outside of development boundaries, demonstrates overriding benefits in terms of economic, social and environment dimensions and maximise the use of sustainable forms of transport appropriate to the location.

Character and appearance

7. The annexe is a single storey building which is attached to the rear elevation of No.1 Flax Farm Cottage. The annexe is finished with painted render and matches the colour and finish of No.1 Flax Farm Cottage and the neighbouring dwelling at No.2 Flax Farm Cottage. The character of the area is predominantly rural albeit the presence of residential dwellings in the form of the existing semi-detached properties and the agricultural and associated activities at Flax Farm have resulted in a more domestic character to the immediate environs of the appeal site.
8. The annexe has the appearance of a single storey rear extension to No.1 Flax Farm Cottage rather than a separate dwelling due to its siting perpendicular to the main dwelling. The siting of the annexe limits the ground floor access of the main dwelling to a single patio door, and as a result, it appears subservient to No.1 by virtue of its layout covering a large proportion of its rear elevation. The removal of the condition would result in the building taking on a more independent character, leaving the main dwelling with an awkward rear layout. This would result in the building having a poor relationship to the main dwelling.
9. The appeal building is screened by a 1.8 metre close board fence and a single storey garage, and as such, is not be able to be seen from traffic using the A1066 road which passes the front of the farm. However, in the absence of such a fence, some limited glimpsed views of the building would be possible from the road. Notwithstanding this, due to its siting to the rear of No.1 Flax Farm Cottage and the building itself being single storey with a matching finish, it does not appear obtrusive or harmful in the context of the adjoining dwellings (No.1 and No.2).
10. The presence of the 1.8 metre close board fence provides a sense of enclosure to the annexe and its height increases the sense of domestication of the site. The appeal site is adjacent to two semi-detached dwellings and the presence of fences and other domestic paraphernalia would be expected. However, the fencing is not sympathetic to the predominantly rural character of the area and when considered cumulatively with the level of domestication already on the site, results in a limited adverse effect on the character of the area.
11. The views of the appeal site from the A1066 are obscured in part due to the presence of an electricity pylon which lays between the road and the site. The pylon disrupts the views available into the site and reduces the visual impact of the fence. Notwithstanding this, the fence remains visible resulting in a of harm to the character and appearance of the area. Although the level of harm is limited due to the intervening pylon, this harm nonetheless weighs against the decision.
12. In light of the above, I conclude that the proposal would result in harm to the character and appearance of the area. As such, it would not comply with policy DM3.8 of the South Norfolk Local Plan Development Management Policies Document (2015) ('the DMPD') which states that planning permission will be granted for development that has been designed to, where relevant to the proposed development that 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.

Other matters

13. The appellant has indicated that they are concerned that the Council did not appear to undertake a site visit in reaching its decision. Any further concerns in this regard would need to be addressed between the appellant and the Council and as a result, have not altered my decision.

Conclusion

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

P Mileham

INSPECTOR