
Appeal Decision

Site visit made on 4 August 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/F2605/W/20/3251208

Land to the south of 31 Rye Lane, Attleborough NR17 2JH

- 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 Moss Razavi against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1341/F, dated 18 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is a new single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the banner is taken from the Council decision notice as it describes the proposal more concisely.

Main Issues

3. The main issues are the effect of the development (i) upon the character and appearance of the area and (ii) on living conditions of current and future occupiers of both properties, with regard to private outdoor space and quality of accommodation space.

Reasons

Character and appearance

4. The appeal site is a plot of land that is part of the host property at 31 Rye Lane. The site is surrounded by other dwellings in a residential area where properties are mostly characterised by large plots of land that contribute to the open character of the area. Such plots allow for outside amenity space with several layouts, which are dictated by the configuration of the roads in this area of Attleborough. In the case of the host site, the main garden is along Rye Lane. Hargham Road to the northwest of Rye Lane has mainly two-storey dwellings, while Ollands Road to the south and Rye Lane are mainly characterised by bungalows.
5. The principle of development in this area of the village is not disputed as the appeal site is within the settlement boundary of Attleborough. The location is also sustainable in terms of accessibility, given the wide range of services and facilities offered by Attleborough and the availability of public transport with

- bus stops within walking distance from the appeal site and a rail station, which can be reached by bus or bicycle.
6. The proposal is to build a single storey dwelling on land adjacent to 31 Rye Lane and includes the subdivision of the existing plot and the creation a separate access with front parking space off road.
 7. In terms of design and scale, the proposed single storey building would be in keeping with the one storey residential units in the area. However, following the subdivision of the plot both host and appeal sites would be much smaller than surrounding properties. As such, given the size of the two sites, both buildings would be confined within their respective boundaries, leaving an amount of outdoor space at odds with the prevailing character of larger private gardens and outdoor amenity space in the area.
 8. Furthermore, given the irregular shape of the appeal plot, the verge of the building would abut the highway in a way that would be inconsistent with the prevailing line of development along Rye Lane and neighbouring roads. As the outside amenity space of 31 Rye Lane, the appeal site contributes positively to the open character of the area along Rye Lane and Ollands Road.
 9. The appellant contends that the appeal site would characterise as a windfall site and that the proposed building ratio between dwelling footprint and site area of the scheme would compare favourably amongst other properties in the neighbourhood. However, the properties mentioned by the appellant with building ratios closer to the host and appeal sites have gardens and outdoor private spaces much larger than the appeal site.
 10. The appellant has also referred to properties in Dodds Road to support the proposal. However, those properties are not in the immediate vicinity of the appeal site and I have considered this proposal on its own planning merits, taking into account the character and appearance of the immediate area.
 11. For the above reasons, I conclude that the proposal would result in a form of development detrimental to the character and appearance of both host property and proposed development, as well as erode from the open character of the surrounding area. Furthermore, the proposed development would conflict with the prevailing balanced ratio between dwelling footprint and outdoor space of the surrounding area.
 12. Therefore, the proposal would be contrary to Policies GEN02 and COM01 of the Breckland Local Plan (2019) (BLP), both requiring high quality design in all development, and to the section of Policy HOU06 of the BLP concerned with optimising the density of development to a level which is appropriate and justified for the locality. Amongst other points, Policy GEN02 requires all development to be of a high-design and to respect and be sensitive to the character of the surrounding area, and to contribute positively to the public realm, protecting the high level of amenity and quality of life of the District for residents, workers and visitors. Policy COM01 requires that new developments respond appropriately to, and are completely integrated with, the existing layout of buildings and patterns of development.
 13. For the reasons set out above, I also conclude that the proposal would be contrary to paragraphs 127 and 130 of the National Planning Policy Framework (2019) (the Framework), because it would result in a development that is not

sympathetic to the local character of the surrounding built environment and landscape setting and fails to take the opportunities available for improving the character and quality of an area and the way it functions, respectively.

14. With regards to windfall sites and achieving appropriate densities, paragraphs 70 and 122 of the Framework state that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area, as in this case, and that the desirability of maintaining an area's prevailing character and setting, including residential gardens, should be part of planning policies and decisions aiming towards an efficient use of land, respectively. Therefore, I conclude that the proposal would be contrary also to paragraphs 70 and 122 of the Framework.

Living conditions

15. The proposal would result in a significant reduction of private outdoor space and in poor outlook towards the fence at the rear of the dwelling for the occupiers of the existing dwelling. While the poor outlook at the back of the existing property would be compensated by the availability of the property private garden, this would not be possible once the proposed dwelling is built. Although more private space has been designed at the rear of the proposed dwelling, the narrow garden would still result in poor outlook towards the fence, due to the one storey nature of the dwelling. Therefore, the scheme would result in lower living conditions for both existing residents and future occupiers of the proposed accommodation than the existing dwelling.
16. The appellant contends that both properties would have a level of private outdoor space that would be more than adequate, but there is no evidence before me to suggest that the proposed outdoor private space would meet the Council's policy requirements. On the contrary, for all new development, Policy COM3 of the BLP requires both the protection and the provision of adequate areas of usable and secluded private space for the occupiers of existing and proposed dwellings, respectively, in keeping with the character of the immediate surrounding areas, which is not the case for the proposed scheme.
17. To improve the level of outside private space for the host dwelling as well as the character and appearance of the street scene, the appellant would accept conditions to secure the provision of the outside private space as well as details of boundary treatments and a landscaping scheme. With regards to third party's representations, the appellant pointed out that appropriate boundary treatments might be necessary to overcome current issues related to living conditions and any future issues in terms of overlooking, loss of light for current and future occupiers arising by possible extensions.
18. I do not consider the issue of overlooking, loss of light and overbearing to be a material consideration for this planning application due to the plans submitted and the single storey design of both host and appeal dwellings. Furthermore, the conditions suggested by the appellant would not counterbalance the harm identified above to both the character and appearance of the area and the living conditions of residents.

19. Therefore, I conclude that the proposed development would result in inadequate level and poor quality of private outdoor space for both dwellings and, consequently, the scheme would be contrary to Policy COM3 of the BLP.

Other Matters

20. I have noted that the appellant would accept a condition suggested by the Council to comply with policy ENV02 of the BLP to demonstrate that the proposed scheme would result in a net gain in terms of biodiversity. However, as I am dismissing the appeal for other reasons, the decision does not turn on this matter.
21. The proposal would result in a modest contribution to the supply of housing and some economic benefits particularly during the construction period. Future residents would make use of the services and facilities available in Attleborough. However, these benefits would be significantly and demonstrably outweighed by the detrimental effects identified above in terms of the environmental and social dimensions of sustainability.

Conclusion

22. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR