
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: Monday, 09 November 2020

Appeal Ref: APP/F2605/W/20/3251441

29 Priory Park, Thetford, IP24 1AU

- 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 Christopher Atkinson against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1126/O, dated 5 September 2019, was refused by notice dated 25 October 2019.
 - The development proposed is new residential dwelling fronting Canterbury Way, with a maximum eave height of 3 metres and a maximum ridge height of 6 metres, with an on-plot parking space/drive and rear garden. The proposed dwelling on the rear half of the rear part of the 29 Priory Park plot.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal concerns an application for outline planning permission with all matters reserved. However, whilst I have regarded the plans submitted with the appeal documentation as being for illustrative purposes only, the description of development specifically refers to the eaves and ridge height of the proposed dwelling. I have therefore assessed the appeal proposal against the proposed eaves and ridge heights set out on the application form.
3. The Breckland Local Plan was adopted on 28 November 2019. Although the Council have used the policies of the older 2009 Core Strategy in their decision notice, I have to make my decision on this appeal having regard to the development plan adopted at the time of my decision. I have been supplied with the relevant policies of the Breckland Local Plan (2019). I have therefore determined this appeal having regard to the policies set out in the Breckland Local Plan (2019).

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings, and

- whether the proposal would adversely affect any protected species which might be present on the site.

Reasons

Character and appearance

5. The appeal site forms part of the rear garden of No 29 Priory Park. The proposed dwelling would front on to and have its access on to Canterbury Way. The rear part of the garden contains a garage and vegetation and has an existing gated access on to Canterbury Way.
6. The majority of the houses which front onto the northern side of Priory Park have rear gardens that back onto Canterbury Way. To the west of the appeal site are bungalows, which in general, have smaller rear gardens than the two storey properties to the east. Most of the two storey properties have substantial rear gardens.
7. The proposed dwelling would mainly be viewed from Canterbury Way. The southern side of Canterbury Way is characterised by the vegetation and fences and other boundary features which enclose the rear gardens of the dwellings on Priory Park. The southern side of Canterbury Way has a spacious character brought about by the undeveloped rear gardens. The difference in levels between Canterbury Way and Priory Park reinforces this spacious character by reducing the prominence of the dwellings on Priory Park when viewed from Canterbury Way.
8. The appeal proposal would introduce a dwelling into the area of rear gardens between Canterbury Way and the houses on Priory Park, in a location where there are no other dwellings. It would result in the removal of existing vegetation, flat roof single-storey garage and the creation of an open vehicular access. In this regard the proposal would not respect the pattern of existing development on the southern side of Canterbury Way, as it is characterised by low outbuildings and sheds, vegetation and a gated access. Consequently, a dwelling sited at the higher end of the garden of No 29 Priory Park, and accessed from Canterbury Way, would be prominent, standing above the existing vegetation, low outbuildings and fences, and therefore appear as an incongruous and discordant feature in the area.
9. As a result, the appeal proposal is in conflict with the Breckland Local Plan (2019) (BLP) which, at Policies COM 01 and GEN 02, requires new development to integrate with a high degree of compatibility with the surrounding area, especially in terms of its layout, form and orientation. Moreover, the policies also require development to respect and be sensitive to the character of the surrounding area. The appeal proposal is in conflict with these policies of the BLP as it fails to respect the layout, pattern of development and orientation of housing along Priory Park.

Living conditions of neighbouring residential occupiers

10. The Council regarded the proposed dwelling as single storey. However, the illustrative plans submitted with the application show some accommodation in the roof of the proposed dwelling. Moreover, the description of development defines the height of the proposed dwelling as being 3 m to the eaves and 6 m to the ridge. In assessing the impact of the proposed dwelling on the living

conditions of the neighbouring occupiers I have had regard to the heights set out in the description of development.

11. To the west of the appeal site are bungalows which have relatively short rear gardens tapering to the north. No 26 Priory Park, in particular, would be significantly affected by the appeal proposal, as it would be likely to have a gable wall with a ridge height of 6 m on, or very close to its boundary. This relationship would have the potential of affecting a large part of its rear garden. This would be accentuated by the difference in levels between the site of No 26, including its garden, and the appeal site. Consequently, this would create an overbearing relationship between the proposed dwelling and the garden of No 26 Priory Park and harm the living conditions of the occupiers.
12. I find that the appeal proposal is in conflict with Policy COM 03 of the BLP, which expects amongst other things, development proposals to not have an overbearing impact on surrounding dwellings.

Effect on protected species

13. I have had regard to the information provided by the Council in respect of this matter and the appellant's view that no protected species or their habitats would be compromised by the proposal. It appears that there is simply not enough information provided with the appeal documentation to decide whether a protected species or its habitat would be affected by the proposal.
14. Policy ENV 02 of the BLP seeks, amongst other things, to safeguard protected species from harm caused by development proposals. It sets out where the Council considers a protected species may be adversely affected by a development proposal, an ecological assessment will be required to be submitted with the planning application. Consequently, as no ecological assessment was submitted with the appeal proposal, it is in conflict with this policy of the BLP.
15. However, it is also clear that the Council did not request this information during the course of the determination of the appeal application as they considered that the proposal was fundamentally unacceptable. As a consequence, and notwithstanding the findings on the other two main issues, I find that this matter is capable of being overcome should the required information be provided, and no protected species are found.

Other Matters

16. The appellant has argued that a dwelling on this site would not be detrimental to the character and appearance of the area, as it would take its architectural cues from other buildings in the area. However, as this application is in outline with all matters reserved, including appearance, this is not a matter that is before me at this appeal.

Conclusion

17. For the above reasons the appeal is dismissed.

Peter Mark Sturgess

INSPECTOR