



## Appeal Decision

Site Visit made on 1 December 2020

**by L Fleming BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 December 2020**

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**Appeal Ref: APP/K2610/W/20/3256020**

**Land to the rear of 116 Fakenham Road, Taverham, Norwich, NR8 6QH**

- 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 Atashkadeh against the decision of Broadland District Council.
  - The application Ref 20200135, dated 17 January 2020, was refused by notice dated 30 April 2020.
  - The development proposed is new single storey 3 bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on the:
  - character and appearance of the area
  - living conditions of the occupants of nearby dwellings and future occupiers with particular regard to noise and disturbance and privacy

### Reasons

#### *Character and appearance*

3. No 116 Fakenham Road (No 116) is a detached single storey dwelling which forms part of a linear row of dwellings, facing and set a similar distance back from the road in large plots with spaces between the buildings. To the west these dwellings are set behind a private drive and mature landscaping, whereas the appeal property and the other dwellings in the row to the east have front gardens directly adjacent to Fakenham Road. Overall, the area has a linear, spacious and verdant character and appearance.
4. I acknowledge the mature trees and landscaping would limit views of the proposal from Fakenham Road. However, the proposed dwelling would still be visible through the point of access when passing by on Fakenham Road or the private drive. I also accept that the proposed outside space serving the proposed dwelling and No 116 would be sufficient.
5. However, whilst I acknowledge the proposed dwelling would be similar in size and design to other properties nearby, it would occupy a much smaller plot. Furthermore, it would be positioned behind No 116 with no road frontage.
6. Therefore, the proposed dwelling through its positioning and the space around it and the reduced space around No 116, would lead to an overall comparatively cramped form of development which would be at odds with the

prevailing pattern of development in the area. This would harm the linear and spacious character and appearance of the area.

7. For these reasons, the proposal would conflict with Policies 1 and 2 of the Greater Norwich Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk (2011 amended 2014) (CS) and Policies GC4 and EN2 of the Broadland District Council Development Management Policies Document (2015) (DMPD) which taken together require good design and seek to ensure new development protects, maintains or enhances the character and appearance of an area or the built environment.
8. For the same reasons it would also conflict with the good design aims of the National Planning Policy Framework (the Framework). However, although referenced in the reasons for refusal I find no conflict with Policies 4 or 6 of the CS or Policy GC2 of the DMPD which relate respectively to housing delivery, access and transportation and the location of new development.

#### *Living conditions*

9. The proposed dwelling would share the existing access to No 116. However, a new driveway would be created running between No 116 and No 118 Fakenham Road (No 118) leading to a parking area in front of the proposed dwelling and behind the private outdoor area of No 116.
10. I acknowledge, the proposed dwelling would be located where public transport, walking and cycling opportunities are reasonably attractive alternatives to travel by private car. However, some car trips would be inevitable and likely to be significant, particularly as the proposed dwelling would include parking spaces for at least two vehicles. These spaces would be directly behind the private outdoor space of No 116 and accessed only by driving directly alongside the side elevation of No 116 and close to the side elevation of No 118 which has a window in it.
11. I note the comments about whether or not parking or a garage could be positioned in the same location as the proposed dwelling. However, there is no substantive evidence before me which suggests this would occur should the appeal fail or that it would generate the same amount of vehicle movements as the proposal. I also accept a planning condition could be imposed which could control the driveway surfacing material to limit noise and vibration.
12. However, car headlights, engine noise and opening and closing of car doors would still be noticeable above and through fencing and hedging and on any surface. Given the proximity of significant vehicle movements to the side elevations of No 116 and No 118 and turning and entering and leaving vehicles next to the private outdoor space of No 116, I find the level of noise and disturbance likely to be generated would lead to harmful living conditions.
13. However, the proposed dwelling would be single storey and set some distance away from No 116 and the dwellings on Withy Way. Views to and from the proposed front and rear elevations would be restricted by the proposed hedging and fencing.
14. Therefore, even acknowledging the change in levels and the advice contained in the Council's Design Guidance<sup>1</sup>, due to the proposed boundary treatment

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<sup>1</sup> Design Guide, Broadland District Council Supplementary planning Guidance, 1997

and the separation distances any overlooking to and from the proposed dwelling to neighbouring dwellings and associated outside spaces would be limited.

15. All that said, whilst I find no harm to living conditions with particular regard to privacy, I find the proposal would harm the living conditions of the occupants of nearby dwellings with particular regard to noise and disturbance. In this regard the proposal would conflict with Policies 1 and 2 of the CS and Policy GC4 of the DMPD which taken together require good design and seek to ensure new development does not unacceptably impact upon the amenity of existing occupiers. For the same reasons it would also conflict with the good design aims of the Framework. However, I find no conflict with Policies 4 or 6 of the CS or Policies GC2 or EN2 of the DMPD which relate respectively to housing delivery, access and transportation, the location of new development and character.

### **Conclusion**

16. I acknowledge a new dwelling would be provided within the defined boundary of a settlement identified in the development plan as a sustainable location for such. I note the proposal would rapidly assist in meeting the housing needs of the area, the economic benefits associated with construction and the contribution to the labour force and the local economy.
17. However, for the reasons given above, on balance having had regard to all other matters raised, these matters would not outweigh the harm I have identified. Consequently, the scheme would not amount to sustainable development within the terms of the development plan or the Framework taken as a whole. I therefore conclude that the appeal should be dismissed.

*L Fleming*

INSPECTOR