



Appeal Decision

Site visit made on 15 December 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/U2615/W/20/3251251

21 Crab Lane, Bradwell, Great Yarmouth NR31 8DJ

- 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 D Smith (Tredwell Developments Limited) against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0003/F, dated 20 December 2019, was refused by notice dated 20 February 2020.
 - The development proposed is demolition of existing building and erection of 5 no. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 5 no. dwellings at 21 Crab Lane, Bradwell, Great Yarmouth NR31 8DJ in accordance with the terms of the application, Ref 06/20/0003/F, dated 20 December 2019, subject to the conditions set out in the Schedule at Annex A.

Preliminary Matters

2. I have had regard to my colleague's decision to dismiss an appeal¹ on this site for two detached two and a half storey dwellings with integral garages, two dwellings linked by garages and one chalet bungalow and detached garage. Since then, the Council has permitted² a scheme for two detached dwellings³ and two bungalows. The host property at No 21 has now been demolished and, at the time of my visit, the foundations for one of the bungalows to the rear of the site appeared to have been constructed.

Main Issues

3. These are the effects of the proposal on the character and appearance of the area, with particular regard to the siting of the plot 5 dwelling and to any impacts upon protected trees, and on the living conditions of the occupiers of the adjacent homes, notably those along Headington Close and with particular regard to noise.

Reasons

4. The proposal relates to a residential plot of land within a suburban housing area. The scheme amounts to a further bungalow (plot 5) within a site where

¹Appeal Ref: APP/U2615/W/17/3177754, dated 8 November 2017

² 06/18/0327/F 14 February 2019

³ Designs amended to as currently proposed under Council reference 06/20/0127/F

the other four dwellings are as already approved by the Council under separate consents.

5. I have had regard to the other back garden housing developments referred to in this part of Crab Lane, including the single bungalow at the rear of no. 15⁴ and the two allowed on appeal⁵ behind nos. 12-18. Taking these into account along with the four dwellings allowed on this site, which are scaled down compared with those before the Inspector in the previous appeal, I find this scheme to be reasonably in keeping with the prevailing development pattern. The wider central section of the site would accommodate the modestly sized plot 5 bungalow proposed without the scheme as a whole appearing unduly cramped or harming the protected pine, oak and cypress trees, all of which would be preserved.
6. I have considered the concerns raised by neighbouring occupiers at both the application and appeal stages. The scale and design of the five dwellings, subject to suitable boundary treatments and potential control over future extensions and the insertion of windows, would preserve satisfactory levels of privacy and outlook. The noise and disturbance arising from the movements and parking of vehicles associated with three bungalows would be of some harm to the living conditions of those neighbours whose gardens back onto the site. However, relative to the two already approved, the additional bungalow would not add any material degree of further harm such as might provide sufficient grounds upon which to resist this scheme.
7. The proposal would meet with the requirements set out in Policy CS9 of the Council's Core Strategy⁶, insofar as these encourage well-designed, distinctive places by promoting positive relationships between existing and proposed buildings that protect the amenity of existing residents. The scheme would also satisfy saved policies HOU07 and HOU17 of the Borough-Wide Local Plan which, respectively, resist only developments that are significantly detrimental to the residential amenities of adjoining occupiers and are out-of-keeping with their surroundings.

Conditions and conclusion

8. The Council has recommended the headings for conditions. I have considered those required to make the proposal acceptable, applying the tests set out in the National Planning Policy Framework. This states that these should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
9. In the interests of certainty, a condition is needed which specifies the plans the development should adhere to. In the interests of character and appearance, agreement over external materials, arboricultural methods and hard and soft landscaping should further be made conditional. These are also necessary in the interests of the living conditions of neighbouring residents, as are conditions that set construction times and remove certain domestic permitted development rights. Conditions are also necessary governing the provision of

⁴ Council reference no. 06/18/0448/O

⁵ Appeal Ref: APP/U2615/W/16/3160143 dated 24 January 2017.

⁶ Great Yarmouth Local Plan: Core Strategy 2013-2030 adopted December 2015.

the site access and on-site parking, to ensure these matters are adequately provided for and in the interests of highway safety.

10. Subject to these conditions, I consider that the proposal would be acceptable with regard to the character and appearance of the area and any impacts upon protected trees. It would preserve adequate living conditions for the occupiers of adjacent homes. Having taken into consideration all further matters raised, I conclude that the appeal should be allowed

Jonathan Price

Inspector

Annex A: Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: A779 002 rev E site plan and layout; A779 003 plots 1 and 2 plans and elevations; A779 004 plots 3 and 4 plans and elevations; A779 005 plot 5 plans and elevations; Arboricultural Impact Assessment by A T Coombes Associates Ltd., dated 14 October 2019.
- 2) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. A779 002 rev E for cars to be parked and those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 4) No dwelling shall be occupied until the development access road and its junction with the public highway have been provided in accordance with detailed specifications that shall have had the prior written approval of the local planning authority. These access arrangements shall thereafter be retained.
- 5) No dwelling shall be occupied until hard and soft landscaping has been carried out, including tree planting and means of enclosure, in accordance with details that shall have had the prior written approval of the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The area of driveway cross hatched pink on Appendix 4 of the Arboricultural Impact Assessment (AIA) shall be formed using a 'no dig' construction method as described in Appendix 5. The tree protection works contained in the Arboricultural Method Statement in the AIA shall be maintained during the entire course of construction.

- 7) Construction works shall take place only between 0800-1700 on Monday to Friday, between 0800-1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting the order) no extensions shall be built or windows inserted into the walls or roofs of the dwellings hereby approved.
