The Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 12th January 2021

Appeal Ref: APP/F2605/W/20/3257503
36 Elvin Road, Dereham NR19 2DX

- 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 M Eglington against the decision of Breckland Council.
- The application Ref 3PL/2020/0536/F, dated 28 May 2020, was refused by notice dated 9 July 2020.
- The development proposed is the conversion of an existing outbuilding to a residential unit.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal on:

   - The character and appearance of the area; and
   - The living conditions of the occupiers of the converted and the host dwelling with regard to the provision of amenity space, and of the host dwelling with regard to noise and disturbance.

Reasons

Character and appearance

3. The outbuilding is set back from the road at the end of the side drive to the host dwelling, along which it is clearly visible. Whilst plot sizes in the vicinity vary, properties generally have a reasonable area of surrounding circulation space, so that a cramped appearance is avoided.

4. The appeal proposal would convert the outbuilding and part of the surrounding space to a separate residential dwelling with parking and garden. The resulting converted and existing properties would each have so limited an area of circulation space and would lie in such close proximity as to appear visually cramped.

5. Thus, the proposal would have a harmful effect on the character and appearance of the area. This effect would be limited as the scheme would concern only one modestly sized dwelling. Nevertheless, the proposal consequently conflicts with Policies COM 01 and GEN 02 of the Breckland Local Plan (2019) (the LP), which state that new development should be of a high quality design.

Living conditions

6. The proposal would result in the provision of minimal private amenity space for occupiers of the host dwelling. An area of amenity space would lie adjacent to the converted dwelling. However, this would be so small as to significantly limit its use and enjoyment by occupiers.

7. Whilst the Council does not rely on any technical space standards in refusing permission, external space for activities such as sitting out and the drying of washing is a necessary component in the provision of acceptable living conditions. The lack of such provision consequently results in unacceptable living conditions for future occupiers of the host and converted dwellings with regard to the provision of amenity space.

8. As the occupiers of the converted dwelling would be using the drive to access parking their vehicles would pass in close proximity to a number of ground and first floor windows in the side elevation to the host property. Domestic traffic associated with the converted dwelling would consequently generate greater noise and disturbance levels than are currently experienced by the occupiers of the host dwelling.

9. As the side drive lies immediately adjacent to the host dwelling's side elevation the additional vehicular noise and disturbance is likely to be highly noticeable, and this would particularly be the case during warmer months when windows are likely to be open for ventilation. Furthermore, the hard surfaces of the drive and adjacent built form are likely to give rise to an echoing effect which would exacerbate the perceptibility of vehicular noise. Additional noise and disturbance are likely to adversely affect occupiers of the host dwelling due to these factors.

10. As a result, the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of the converted and host dwelling with regard to the provision of amenity space, and of the host dwelling with regard to noise and disturbance. Thus, it conflicts with Policy COM 01 of the LP, which states that development should provide high standards of accommodation for housing in terms of external private amenity space. Further conflict exists with Policy COM 03 of the LP, which sets out that regard will be had to noise and vibration in assessing the impact of development on the living conditions of occupants.

Other Matters

11. The appeal site lies within the Dereham Conservation Area (the CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

12. The town's natural and historic environment make a substantial positive contribution to the significance of the CA. Historic buildings which are often of red brick or pale rendered, trees and areas of open space are elements of primary importance.

13. The appeal proposal would not adversely affect important views of historic buildings or open space. Its pale rendered walls would reflect the appearance of many buildings within the CA. As the building would not be increased in

scale the proposal would preserve views of mature trees behind it which contribute positively to the significance of the CA.

14. Accordingly, I conclude that the scheme reflects the relevant defining characteristics of the CA, and that its effect on its significance is one of preservation as a result.

15. My attention has been drawn to a housing scheme in the vicinity[1]. Only limited details of this scheme are before me, so that I have not been able to make a full comparison of the developments. However, it was assessed against a different policy background. Therefore differing considerations are likely to have applied at the time. Moreover, I am not convinced that the scheme provides an example which should inevitably be followed even though I have found that harm would result from the appeal proposal. Thus, I attach only minimal weight to the relevance of the other scheme to the determination of this appeal.

16. I have had regard to other matters raised, including concerns about highway safety and access for emergency services. Nevertheless, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Planning Balance and Conclusion

17. The lack of objection of the local highway authority is a neutral matter which does not carry weight in the planning balance. The proposed development would contribute to the supply of homes in a location with good access to services and facilities. However, due to the small size of the development this would form only a modest benefit, which would not outweigh the harm identified above.

18. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR

[1] Appeal reference F2605/A/10/2127083