



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: 18th January 2021

Appeal Ref: APP/F2605/W/20/3257634

21 Hingham Road, Great Ellingham NR17 1HY

- 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 Mrs Snowling against the decision of Breckland Council.
 - The application Ref 3PL/2020/0228/F, dated 2 March 2020, was refused by notice dated 1 May 2020.
 - The development proposed is described as "1no. bespoke, 3-bedroom detached dwelling".
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Decision

1. The appeal is allowed and planning permission is granted for 1no. bespoke, 3-bedroom detached dwelling at 21 Hingham Road, Great Ellingham NR17 1HY, in accordance with the terms of the application, Ref 3PL/2020/0228/F dated 2 March 2020, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. 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 proposed dwelling and surrounding properties with regard to privacy.

Reasons

Character and appearance

4. The appeal site is an area of land with a prominent position near a road junction. Whilst the surrounding residential area comprises dwellings which are generally set within slightly larger sized plots, more limited plot sizes exist at the adjacent properties at No 20a and its neighbour. Nevertheless, a characteristic spacious appearance is retained by the openness of the corner

space between the host dwelling at No 21 and the more modern property at No 20a.

5. The proposed dwelling would have a similar plot size to adjacent properties, and a similar width of road frontage. A degree of separation would remain between the proposed dwelling and No 21, so that the open appearance of the corner would be retained.
6. Furthermore, a new residential estate is currently under construction on the opposite side of Hingham Road, and its plot sizes will be similar to that currently proposed. A relatively close intervisibility would arise between the new estate and the proposed dwelling, so that the estate would form part of its visual context.
7. As a result of the above factors, the proposed dwelling would integrate acceptably with the surrounding pattern of development in terms of plot size.
8. The proposal would consequently have an acceptable effect on the character and appearance of the area. Thus, it complies with Policies GEN 02 and COM 01 of the Breckland Local Plan (2019) (the LP), which require development to be of high quality design and to integrate to a high degree of compatibility with the surrounding area. Further compliance exists with the design provisions of the National Planning Policy Framework (2019) (the Framework).

Living conditions

9. The host dwelling lies adjacent to the appeal site. Its first floor rear elevation contains two non-obscure glazed windows which would face the rear garden of the proposed dwelling. A degree of overlooking of the rear garden would be possible from both the host and surrounding dwellings.
10. The rear elevation to the proposed dwelling would accommodate two windows at first floor level, which would serve a bathroom and bedroom. Whilst obscure glazing would be likely to minimise the potential for overlooking from the bathroom window, some overlooking of surrounding rear gardens would be possible from the bedroom window.
11. Rear gardens at this location do not form part of an area of land on which complete privacy would be available due to the location of surrounding residential development. Given this existing degree of overlooking and the separation distances between current dwellings and that proposed, as one dwelling the proposal's effect on the living conditions of future occupiers of the development and existing occupiers of the estate would be so limited as to be acceptable. Furthermore, I have attached a condition in view of the potential for boundary treatments to reduce any overlooking, in order to safeguard living conditions.
12. Thus, the proposal would have an acceptable effect on the living conditions of the occupiers of the proposed dwelling and surrounding properties with regard to privacy. The proposal therefore complies with Policy COM 03 of the LP, which states that development which causes unacceptable effects on the residential amenity of neighbouring or future occupants will not be permitted. Further compliance exists with the design aims of the Framework in this regard.

Other Matter

13. Whilst I acknowledge the concerns of an interested party regarding the proposal's potential effect on daylight at their property, there is minimal evidence before me to suggest that the scheme would cause any unacceptable harm to living conditions in this regard.

Conditions

14. A condition is imposed to specify the relevant drawings, as this provides certainty.
15. I have imposed a condition which concerns ground gas protection measures in order to ensure the protection of amenity in accordance with Policy COM 03 of the LP, due to the potential for the presence of backfilled sand and gravel quarries in the vicinity. This is a pre-commencement condition in order to provide protection over the full course of development.
16. A condition in respect of materials is necessary in order to protect the character and appearance of the area, in accordance with the design provisions of Policies GEN 02 and COM 01 of the LP.
17. A condition is imposed concerning contaminated land for similar reasons to Condition 3 and in accordance with the natural environment provisions of the Framework.
18. Conditions concerning the provision of parking, access and visibility splays are imposed in the interests of highway safety and safe access, in accordance with Policies COM 01 (m) and TR 02 of the LP.
19. A biodiversity condition is imposed to ensure a net gain for biodiversity in accordance with Policy ENV 02 of the LP.
20. A boundary treatments condition is necessary to protect living conditions in accordance with Policy COM 03 of the LP.
21. I have not imposed conditions requested by the Council which would have removed certain permitted development rights associated with the proposed dwelling. I am mindful of advice in the Planning Practice Guidance and I consider that the evidence does not demonstrate why removing such rights is necessary.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed.

C Beeby

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 001 Revision A, Drawing No. 002 Revision B, Drawing No. 003 Revision B.
- 3) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - i) Details of ground gas protection measures; or
 - ii) A ground gas site investigation report providing specific site assessment to be acted on accordingly.

The development shall be carried out in accordance with the approved details.

- 4) No development above slab level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 6) The building shall not be occupied until space has been laid out within the site in accordance with drawing no. 003 Revision B for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 7) The building shall not be occupied until the vehicular access shown on the approved plan has been provided in accordance with the highway specification drawing no. TRAD 1 and has been drained and surfaced, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 8) The building shall not be occupied until a 2.4 metre wide (as measured back from the near edge of the adjacent highway carriageway) parallel visibility splay has been provided across the site's roadside frontage. This shall be permanently maintained thereafter free from any obstruction higher than 0.6 metres above the level of the adjacent highway carriageway.
- 9) The building shall not be occupied until a scheme demonstrating how net gains for biodiversity are being secured as part of the development has been submitted to and approved by the local planning authority in writing. This could include, for example, bird/bat boxes, swift bricks and hedgehog holes. The relevant works shall be carried out in accordance with the approved details.

- 10) The building shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatments/screening to be erected has been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details before the dwelling is first occupied.

End of Schedule of Conditions