
Appeal Decision

Site visit made on 17 November 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/U2615/W/20/3256446

Land at High Street, Gorleston NR31 6RT

- 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 Harrison against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/19/0614/F, dated 8 October 2019, was refused by notice dated 23 January 2020.
 - The development proposed is the erection of 1no. 2 bed dwelling at land at High Street.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would provide suitable living conditions for future occupiers; and
 - the effect of the development on the living conditions of neighbouring residents.

Reasons

Living conditions of future occupiers

3. The appeal site is located off High Street and sits adjacent to a public footpath. It is currently overgrown and is bounded by fencing and a gate. The proposed development would provide a two-bed dwelling which would be set over three floors in total, with the uppermost floor being recessed to give a stepped effect.
4. The proposed dwelling would provide two bedrooms to the top floor which would be small in size. The larger of the two bedrooms would be around 8.4 square metres and the smaller bedroom approximately 6.4 square metres. I note the guidance contained within the Technical housing standards – nationally described space standard (March 2015) and that there are no specific sizes given for a 2 bed 3 storey dwelling. However, the guidance gives an overall indication of suitable minimum room sizes and the proposed development would not provide a suitable level of accommodation in this regard. This is not sufficiently mitigated by the level of storage space proposed or the use of the second bedroom for storage, which is not indicated on the proposed plans.

5. The development, as a result of the steep land levels, would not provide an accessible bathroom at entrance level which would not provide suitable accessibility for some occupiers, such as the elderly or people with disabilities. Whilst bathroom facilities on the entrance level would provide a better level of facilities for some occupiers, the internal layout has been designed to respond to the site's context. As such, whilst this would not wholly comply with Building Regulations and the Equalities Act 2010, I do not find this element of the proposal to be unduly detrimental in the context of the overall scheme.
6. The proposed layout would result in a restricted area of outdoor space for the property. I note that in the surrounding area some of the properties do have limited outdoor space. Directly to the rear of the appeal site is the Sea Cadet premises and I understand that they use their outdoor space for some activities. The proposal would include the provision of an acoustic fence to the boundary with the Sea Cadet building which would be secured by condition. However, I have limited details of this before me and as such it has not been adequately demonstrated that a suitable type of acoustic fence could be installed which would satisfactorily mitigate the noise from the adjacent site and would not impact on the living conditions of future occupiers of the proposed dwelling.
7. Whilst the appeal site is in proximity to a number of parks and gardens, as well as the beach, these would not provide suitable private areas of garden space. I find therefore that the proposed development would not provide an acceptable area of outdoor space for the future occupiers of the development, and this would not be suitably mitigated through the use of public areas of open space in the vicinity.
8. Accordingly, I conclude that the proposed development would not provide suitable living conditions for future occupiers. It would therefore fail to comply with Policies CS03 f) and CS09 f) of the Great Yarmouth Local Plan: Core Strategy 2013 – 2030 (2015) (Core Strategy). These policies seek to protect the amenity of future residents and ensure that new housing incorporates a range of different tenures, sizes and types of homes, amongst other things. It would also fail to comply with paragraph 127 of the National Planning Policy Framework (2019) (the Framework) which requires development to provide a high standard amenity for existing and future users.

Living conditions of neighbouring occupiers

9. The land levels of the appeal site and its surroundings drop significantly to the east, resulting in the properties to the rear being set lower than the site. Directly to the rear of the site is the Sea Cadet building and adjacent to this is a row of terraced properties which have rooflights in their rear roof planes. The property would be visible from the rear rooms of these properties. The proposed property would have narrow, angled windows to the upper floors that would direct views away from these properties in the main. As such, I find that levels of overlooking and loss of privacy would be low and would not be unduly harmful to occupiers of these buildings.
10. On the opposite side of the public footpath, in proximity to the appeal site is a row of dwellings. The closest property, No 19, has a number of windows facing directly onto the appeal site. Some of these windows already look on to the boundary fencing which runs along the footpath. Despite the fence, due to the drop in land levels there is a relatively open outlook for No 19 currently.

11. The upper floor of the proposed dwelling has been reduced in height and set back from the previous scheme to reduce the impact on No 19. However, whilst the overall bulk has been reduced, the development would still introduce a property in proximity to No 19 which would be highly visible above the fencing. I find therefore, that this would result in an overbearing presence and a harmful sense of enclosure from a number of the windows in No 19.
12. As such, the proposal would adversely affect the living conditions of the neighbouring occupiers at No 19 and would therefore fail to comply with saved Policy HOU07 (E) of the 2001 Great Yarmouth Borough-Wide Local Plan (saved 2016) and Policy CS09 f) of the Core Strategy. These seek to ensure that proposals for new residential development would not be significantly detrimental to and would protect the residential amenities of adjoining occupiers or users of land. It would also be at odds with paragraph 127 f) of the Framework.

Other Matters

13. The appeal site is located within the Gorleston Conservation Area, identified as No. 17. The Conservation Area is characterised predominantly by relatively high-density residential development. The proposal would not detract from the existing form and density of the surroundings. The proposed dwelling would be of a contemporary design, and whilst the designs found within this part of the Conservation Area are of a more traditional appearance, there is nevertheless a variety in building designs present. As such, there is little uniformity and the introduction of the proposed dwelling would not negatively affect the area. As such, the proposed development would preserve the character or appearance of the Gorleston Conservation Area.
14. The Appellant has highlighted that the Council cannot currently demonstrate a 5 year supply of housing land. The Council do not dispute this, however they have highlighted that as of December 2020, the Council have a supply of around 7 years as a result of the use of the local housing need figure and the progress of the updated 5 year supply document in relation to the emerging local plan. Notwithstanding this, were I to conclude that the Council could not demonstrate a 5 year supply of deliverable housing land, the provision of one dwelling would make a limited contribution towards any shortfall and accordingly, even if the tilted balance were to be applied, this would not be sufficient to outweigh the harms I have identified above.
15. The appeal site is located within the settlement boundary of Gorleston and would support local services and facilities. It is also within walking distance of a number of these facilities. The site also comprises brownfield land. As such, in relation to these matters the proposed development would comply with the aims of the Framework. However, the benefits to local facilities and the reuse and tidying up of brownfield land on such a small scale would be limited in this instance and therefore would not outweigh the harms identified above.
16. A local objection has been received concerning, in addition to the above matters, the condition of the site, access to the rear of their property and safety. However, it is not necessary for me to conclude on these matters as they would not alter my overall findings in this instance.

Conclusion

17. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR