
Appeal Decision

Site visit made on 24 March 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 May 2021

Appeal Ref: APP/F2605/W/20/3263806

Development Plot at 2 Middlemarch Road, Dereham NR15 1EQ

- 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 and Mrs B Sutton against the decision of Breckland Council.
 - The application Ref 3PL/2020/0971/F, dated 8 September 2020, was refused by notice dated 19 October 2020.
 - The development proposed is the erection of single storey detached retirement bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - The character and appearance of the area; and
 - the living conditions of future occupants in terms of access to private garden space and layout.

Reasons

Character and appearance

3. The appeal site is a vacant parcel of land located along Middlemarch Road, a residential area which contains a number of detached dwellings which appears to have been constructed in the mid-late twentieth century, as well as a recently constructed dwelling next to the appeal site. Development surrounding the dwelling is aligned on both sides by two storey and single storey modest sized dwellings with a similar setback from front and side boundaries with gardens to the rear. Visual gaps are located between buildings which together with vegetated setbacks gives an open, leafy and spacious feel in and around the dwellings. Along with the similar designs, massing and materials of the dwellings, these elements contribute positively to the local character and distinctiveness of the locality.
4. The appeal site is located to the front of 2 Middlemarch Road, which unlike the surrounding development is set back considerably further from the road. The appeal site appears to be formerly part of the front garden of this property which appears to predate the remainder of the residential development in this area.

5. The proposed scheme would be constructed so that the rear and side walls of the dwelling would be very close to the boundary with much of the front of the property of gravel for vehicular parking. A small area of grass would be placed next to the driveway leading to 2 Middlemarch Road.
6. The proposed scheme would be at odds when considering the surrounding character and local distinctiveness of the area, particularly with regards to the lack of space in and around the dwelling, the proximity to property boundaries and the dominance of a gravelled area to the front and lack of garden space. The proposal would present as a discordant appearance when taking into account the positive characteristics of the surrounding area.
7. I acknowledge comments in the applicant's Statement of Case (SoC) with regards to the recent development at the neighbouring site at 2A, however this dwelling does have a larger rear garden space and spaces in and around the dwelling compared to the appeal site. Whilst I acknowledge that the spaces are smaller than its surrounding neighbours, it is more in keeping with its surroundings when compared to the appeal site. I note that the applicant has mentioned two further applications¹ which the applicant believes are similar. I have not been presented with any plans showing the comparisons between the approved applications and the appeal site, however I have made my judgement on the merits of the case as a result of the information submitted with the appeal and from my site visit.
8. In conclusion of this matter, the proposed development would not embrace the qualities of local distinctiveness and result in a cramped and overdeveloped site which would be harmful to the character and appearance of the area. The proposed scheme would therefore be contrary to Breckland Local Plan (LP) Policy CM01 which seeks that new development integrates to a high degree with the surrounding area, in terms of layout, form, massing and scale, amongst others; and Policy GEN02 which promotes high quality design that respects and is sensitive to the character of the surrounding area.

Living conditions of future occupants

9. The proposed Site Plan shows a small rectangular area of grass approximately the depth of the bedroom which is located to the end of the car parking area of the proposed dwelling and bordering the driveway of No.2 Middlemarch Road. I appreciate that the Council does not have any space standards, however LP Policy COM03 seeks that considerations are given to whether the private garden space has an adequate area of useable and secluded space that is in keeping with the character of the surrounding locality; overlooking from habitable room windows, overshadowing, daylight, sunlight; odour; noise; amongst other considerations.
10. The thin strips of land to the side and to the rear of the dwelling are not of a sufficient depth to be useable areas of private garden space, which leaves the small rectangular space which has a courtyard-like appearance next to the driveway. I am not of the same opinion of the applicant who considers that the garden space provided to the newly constructed dwelling adjacent is similar to the appeal proposal. This adjacent dwelling has a larger private garden located to the rear which stretches the width of the plot as well as having depth to the space which enables it to be useable.

¹ Council planning reference 3PL/2019/0650/F and appeal ref: PP/F2605/A/10/2127083/NWF

11. In consideration of the proposed scheme against LP Policy COM03, the small courtyard area is restrictive in terms of its useability; and the garden space would be situated in front of a car parking area as well as a driveway running to the side. I appreciate the level of traffic entering the neighbouring drive would be low, however would cause some disturbance to the useability of this space. Given the proximity of the space to No.2 behind, there would also be some overlooking from the first floor window of No.2 Middlemarch Road; as well as an amount of overshadowing of the space by boundary fencing.
12. Together, these factors contribute to generating poor living conditions for future occupiers of the proposed dwelling. In conclusion of this matter, the proposal causes unacceptable detriment to the living conditions of the future occupiers and would be contrary to LP Policy COM03 which seeks that new developments have adequate levels of amenity for future occupiers.

Other Matters

13. I note a representation from an interested party that is in support of the proposed development. Whilst I have given consideration and weight to these comments, this does not outweigh the harm I have found in terms of character and appearance and living conditions to future occupiers.
14. I note discussion with regards to an objection to the proposed scheme in the planning application stage which is mentioned in the Officer's Report, however the objection is disputed by the applicant who comments that the objection was not actually made by the neighbour who is said to have made the objection. I have not taken this into account in my determination and have made my decision on the basis of the information before me.

Conclusion

15. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR