
Appeal Decision

Site visit made on 7 April 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/K2610/W/21/3266196

25 Holman Road, Aylsham, Norwich NR11 6BY

- 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 L Baker against the decision of Broadland District Council.
 - The application Ref 20201649, dated 28 August 2020, was refused by notice dated 7 December 2020.
 - The development proposed is described as Sub-divide existing garden / Demolish detached garage / Create new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area; (ii) the living conditions of the occupiers of neighbouring properties, with particular regard to privacy; and (iii) highway safety.

Reasons

Character and appearance

3. The appeal site comprises part of the rear garden of 25 Holman Road (No 25) which backs onto an unclassified road, Foxes Loke (the Loke). The appeal site would be situated centrally within and fronting the Loke, flanked by the rear gardens and associated outbuildings of neighbouring properties. This section and side of the Loke is characterised by vehicular access points to rear gardens and domestic outbuildings, mostly garages, which front the Loke. Opposite the site there are single storey dwellings set back from the road frontage.
4. The appeal proposal would result in a sizeable one and a half storey dwelling, together with integral car port, parking and garden areas situated to the rear of No 25. Despite the high quality design of the building, its layout sited to the rear of existing dwellings, positioned hard up against its eastern boundary and very close to its western boundary, with only a small frontage dominated by parking, would result in the proposal appearing out of character with the prevailing rhythm and pattern of development. In this context, notwithstanding the overall size of the plot, the proposed dwelling would also appear unduly cramped within its plot.

5. Although a building currently occupies part of the appeal site, the proposal would be significantly taller, and it would occupy a much larger footprint than the garage it would replace. Other buildings within similar positions along the row are ancillary single storey buildings and therefore the scale and impact of their use is not directly comparable to the appeal proposal. The proposed dwelling would in part be positioned closer to the road than the existing garage which would further increase its prominence in this location. The proposed development would dominate the space and it would be visually conspicuous from within the Loke and from neighbouring properties, where it would appear significantly at odds with its surroundings.
6. There would be extremely limited space available in front of the building for the provision of landscaping. As such, whilst the appearance of the frontage space could be softened by landscaping, it would not be sufficient to integrate the proposed built form into its surroundings. In any case, planting is not a means of hiding development that is otherwise unacceptable. Consequently, a condition requiring landscaping would not mitigate the harm I have identified.
7. I saw the examples of similarly designed buildings in the wider area, provided either as newly erected dwellings or from the modernisation of existing properties. Whilst the contemporary appearance of the proposed dwelling would not, on its own, jar with the existing diversity of building types in the immediate area, it is the principle of the proposed development on this site and its relationship to its surroundings that is central to the issues raised by this appeal. In this respect the scheme is unacceptable.
8. Consequently, I conclude that the proposed development would unacceptably harm the character and appearance of the area. Thus, it would be contrary to Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 (CS), Policy GC4 of the Broadland District Council Development Management Development Plan Document 2015 (DMP) and Policy 2 of the Aylsham Neighbourhood Plan 2019 which, together and amongst other matters, require development to be of a high quality that respects and contributes to the character of the surrounding area. The proposal would also conflict with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) in this regard.

Living conditions

9. The first floor windows in the rear elevation of the proposed dwelling would result in increased overlooking of the garden areas of Nos 21, 25 and 27 Holman Road (Nos 21, 25 and 27). Whilst some overlooking is to be expected in residential areas, the proposal, by virtue of its position to the rear of Nos 21, 25 and 27, would result in overlooking towards the most private areas of their gardens and the rear elevation windows of the properties. However, because of the separation distance between the proposed and existing buildings of some 20 metres, and because of the effect of intervening features, including boundary fencing and vegetation and the position of existing outbuildings, there would not be any direct views into habitable rooms, or of the most private external areas close to the rear elevations of Nos 21, 25 and 27. I therefore consider that the additional impact would not result in an unacceptable loss of privacy for the occupiers of these properties.
10. Similarly, by virtue of the separation distance, angle of view, intervening boundary features and, bearing in mind the already public position of the front

garden areas of the opposing bungalows on the Loke, I am satisfied that the proposal would not introduce an unreasonable loss of privacy to the occupiers of those properties.

11. Consequently, I conclude that the proposal would not result in unacceptable harm to the living conditions of the occupiers of neighbouring properties with particular regard to privacy. I therefore find no conflict with DMP Policy GC4 where it requires adequate regard to be given to the amenity of existing properties.

Highway safety

12. The Loke passes between Pound Lane and Cawston Road. The Cawston Road junction provides satisfactory visibility, although this can be restricted by vehicles parking close to this junction. The intersection with Pound Lane has restricted visibility in both directions and as such is considered to be severely substandard. However, the proposed development would not likely result in any increased vehicle movements within the Loke. This is because the existing access would solely serve the proposed development, replacing the vehicular movements of No 25, which would then be limited to a recently provided vehicle access and parking area at the front of that property. Although the Highway Authority does not consider that arrangement to be satisfactory in highway safety terms, the Council has advised that its creation does not require planning permission and it raises no objection in respect of this matter.
13. I accept that overall, the proposal would result in a doubling of traffic movements from the wider site. However, the frontage parking area for No 25 appears to have been in use without incident for some time. I have no substantive evidence before me that suggests that the appeal proposal would increase the highway safety impact of the use of that access. Whilst I acknowledge the narrow width and lack of dedicated passing spaces and pedestrian refuge space along the Loke, it appears to satisfactorily serve, without incident, around 16 individual vehicular access points. The proposal would not introduce an additional access within the Loke, nor would it be likely to increase vehicle movements to and from the Loke.
14. In light of these matters, I conclude that the proposed development would not result in any significant adverse impact on the satisfactory functioning or safety of the highway. Thus, it would comply with DMP Policy TS3.

Other Matters

15. The appellant has drawn my attention to other developments in the area, including those on White Hart Street, the Loke and Holman Close, which they consider offer support to the acceptability of the appeal scheme. However, from the details provided, it is clear that these developments, by virtue of their site specific circumstances, do not represent direct parallels to the appeal proposal and I, therefore, necessarily reach my own conclusions on the proposal before me.
16. I have had regard to the personal circumstances of the appellant. I do not consider these matters are sufficient to outweigh the harm that I have identified.

17. I note other concerns raised by third parties, however, given my findings in relation to the main issues I have not needed to consider these matters further.
18. The proposal would provide an additional dwelling thereby making a small contribution to the supply of housing and self-build plots in a location accessible to services. The building would be of high quality design and would incorporate a range of environmental measures, including solar panels and an electric vehicle charging point. I attribute modest weight to these benefits because of the scale of development proposed.
19. I have found the proposal to be acceptable in respect of its effect on the living conditions of neighbouring occupiers and highway safety. However, the absence of material harm is not a benefit that weighs in favour of the development. In seeking to make effective use of land the Framework makes clear that this should be balanced with safeguarding and improving the environment.
20. I have found that the proposal would give rise to unacceptable harm to the character and appearance of the area. This is a matter I give significant weight. Overall, the modest benefits would be outweighed by the harm that I have identified. The proposal would conflict with the development plan as a whole and there are no other considerations including the provisions of the Framework which outweigh this finding.

Conclusion

21. For the reasons given above the appeal is dismissed.

S Tudhope
Inspector