



Appeal Decision

Site Visit made on 17 May 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Thursday, 08 July 2021

Appeal Ref: APP/F2605/W/20/3263720

Garage Site Off Spinners Lane, Swaffham, PE37 7LR

- 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 Grief of MG Property Developments Ltd against the decision of Breckland Council.
 - The application Ref: 3PL/2020/0374/F, dated 6 April 2020, was refused by notice dated 13 July 2020.
 - The development proposed is a proposed change of use from a domestic garage to a one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council had initially indicated a likelihood that it would grant planning permission for the proposal, it ultimately decided to refuse to grant for the reasons set out in its formal decision notice. I have therefore determined the appeal on its merits on that basis.

Main Issue

3. The main issue is whether the proposal would achieve satisfactory living conditions for future occupiers with regard to outlook, privacy and outdoor amenity space.

Reasons

Living conditions

4. The appeal scheme is intended to maximise the use of the space, however, its proposed layout, limited number of external openings and the position of the door and windows within a single elevation to the front of the proposed dwelling would unacceptably limit the outlook from the single aspect living space. Furthermore, to minimise the potential for unacceptable overlooking of neighbouring properties, the submitted plans indicate that obscured glazing would be installed to all windows at first floor level. This would further adversely affect the outlook of future occupiers.
5. Notwithstanding the submitted plans, the appellant refers to the inclusion of obscure glazing as being unreasonable. I have therefore given consideration to the inclusion of clear glazing rather than obscured glazing. Reference is made to neighbouring trees which I acknowledge could limit the potential for overlooking towards the neighbouring dwelling. However, I am not persuaded that the existence of these trees justifies the inclusion of clear glazing. There is

no guarantee that these trees will survive for the lifetime of the appeal proposal and their potential to screen the development is likely to be considerably limited during the winter months when foliage is less dense.

6. Whilst I acknowledge that the proposed accommodation would be of a size that exceeds the minimum amount of space within new dwellings as set out within the Nationally Described Space Standards, the kitchen/dining area would be largely reliant on roof lights to provide light into these areas. There is no substantive evidence before me to demonstrate that this area would be adequately lit. Furthermore, the proposed accommodation would include an area of restricted height and taking everything into account, I find the layout would not be efficient or useable and the contrived form of accommodation would be detrimental to the living conditions of future occupiers.
7. It has not been put to me that the proposed outdoor amenity space would contravene any minimum space standard. Nonetheless, the private amenity space would be shared with bin storage and parking for a motor vehicle. As a result, this constrains and limits the useable area available. In the absence of any form of adequate screening, the privacy of future occupants whilst using the outdoor space would be unduly compromised as a result of overlooking from neighbouring dwellings and their gardens, together with views from persons travelling along the shared access. By reason of its position to the opposite side of the shared access, this further limits its quality.
8. The appellant has suggested a willingness to erect screening. However, there is no detail before me regarding the type, extent and location of the screening that could be used. I am therefore unable to assess its effectiveness or any impact arising from its use.
9. A market town location is not a substitute for an acceptable standard of outdoor amenity space and the presence of a nearby development that does not provide any outdoor amenity space does not provide adequate justification for poor design.
10. Taking everything into consideration, I conclude that the proposal would result in a significantly unacceptable standard of living conditions for future occupiers of the proposed dwelling. Therefore, the proposed development would conflict with Policy COM03 of the Breckland Local Plan (2019) insofar as it seeks to protect residential amenity of future occupants of new development.

Other Matters

11. The appeal site is located within the settlement boundary of Swaffham where the principle of a dwelling is acceptable. The appeal scheme would generate some improvements to highway safety. There is little information before me regarding the health and environmental benefits of rooflights. Overall, the benefits of the appeal scheme are limited and they do not outweigh the significant adverse harm that would arise from the poor living conditions of future occupants of the proposed dwelling.
12. Reference has been made to the adjacent Cateryne Court development. However, there is little information before me regarding that scheme and whether the circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance and I have determined the appeal before me on its individual planning merits.

Conclusion

13. For the reasons given above, I find that the appeal proposal would conflict with the development plan. There are no material considerations of sufficient weight to outweigh that conflict and therefore, I conclude that the appeal is dismissed.

E Brownless

INSPECTOR