



Appeal Decision

Site Visit made on 8 June 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/Y2620/W/21/3269544

The Old Police House, North Walsham Road, Happisburgh, Norwich NR12 0QU

- 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 Mullins against the decision of North Norfolk District Council.
 - The application Ref PF/20/0778, dated 12 May 2020, was refused by notice dated 2 September 2020.
 - The development proposed is a single storey detached dwelling and amended existing road access.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the surrounding area,
 - the effect of the proposed development on the living conditions of future occupiers in relation to outlook and the living conditions of the occupiers of the neighbouring dwellings in relation to noise and disturbance, and
 - the effect of the proposed development on highway safety.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is occupied by a detached two-storey dwelling situated within a row of dwellings, in a linear fashion along North Walsham Road. The appeal site is located within the small coastal village of Happisburgh and is rural in nature. The proposal would introduce an additional dwelling in the rear garden of the host property along with an additional vehicular access point and a driveway to the side of the existing dwelling.
 5. Due to the location of the proposed dwelling, to the rear of other dwellings on North Walsham Road, it would have limited visibility from the main road.
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However, there would still be some glimpsed views along the proposed driveway, with the addition of a separate driveway itself being an indication of the presence of another property. It would also be clearly visible from the neighbouring dwellings and the playing field to the rear of the appeal site.

6. The proposal's isolated positioning, as backland development, would wholly contrast with the current linear nature of this row of houses on North Walsham Road, to the extent that it would appear as an incongruous addition to the detriment of the grain and pattern of development in this particular location.
7. Therefore, as the proposed development would harm the character and appearance of the surrounding area, it would conflict with the relevant sections of Policy EN4 of the North Norfolk Core Strategy (2008). Although this policy makes no reference to backland development, it does require new development to reinforce local distinctiveness and be suitably designed for the context in which they are set.

Living Conditions

8. The front elevation of the proposed dwelling would be adjacent to the boundary fence between the new property and the host dwelling. There are three proposed windows on this elevation, serving the kitchen, a bedroom and a utility room. Although the proposed boundary fence is comparatively high, the submitted plans show that it would be 2 metres from the proposed windows and would therefore be a sufficient distance to ensure they receive adequate daylight.
9. The proposal would also introduce a longer driveway, running the full length of the boundary with the neighbouring property, Springfield, and past the existing dwelling. However, as the proposal is for one two-bedroom dwelling, the number of vehicles and pedestrians using this access would be limited. Therefore, any noise and disturbance to the occupiers of Springfield and the host dwelling would be minimal and would not significantly impact upon their living conditions.
10. Consequently, as the proposed development would not harm the living conditions of future or neighbouring occupiers, it would not conflict with the relevant section of Policy EN4. This states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity.

Highway Safety

11. The Council and the Highways Authority have outlined concerns regarding the number of parking spaces on the site and the suitability of the turning head, stating that two car parking spaces and a separate area for turning vehicles is required. The vehicle facilities detailed on the plans do not meet these requirements and may result in on-road parking which could harm highway safety, due to the location of the site. However, there is sufficient space on the appeal site to provide two car parking spaces and a turning area of which the provision and design could be secured by condition.
12. Therefore, subject to a suitably worded condition, the proposal would not harm highway safety and would comply with Policies CT5 and CT6 of the North Norfolk Core Strategy (2008) which require new development to provide safe and convenient access for transport with adequate vehicle parking facilities.

Other Matters

13. In their statement, the appellant indicated that personal circumstances have led to the need for the development and this particular form of accommodation. However, although reference has been made to the provision of details expanding on those personal circumstances including medical reasons, on request, these have not been provided by the appellant. Therefore, whilst I am sympathetic to these circumstances and I am aware of my duty as a decision maker under the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, as no evidence has been provided to support these contentions, I cannot afford them any significant weight.
14. The appellant has referred me to a number of other new dwellings in Happisburgh. Although the appellant has accepted that some of these developments are, in their opinion, inferior to the development proposed, they are all markedly different to the proposal before me. In particular, the nine new dwellings on North Walsham Road involve the development of a full site and is not solely backland development and the development of an additional dwelling at Happibat Cottage, Beach Road is located on a corner plot. Furthermore, many of the approved schemes pre-date the current development plan or the original National Planning Policy Framework from 2012. I am therefore satisfied that they do not set a compelling precedent for the proposed development which would outweigh the harm found.
15. Therefore, the spatial and visual harm to the character and appearance of the area would not be outweighed by these factors.

Conclusion and Recommendation

16. Although the proposed development would not harm the living conditions of the future and neighbouring occupiers or result in an adverse impact on highway safety, it has been found that the proposal would harm the character and appearance of the surrounding area. Overall, the proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR