
Appeal Decision

Site Visit made on 14 September 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/U2615/W/21/3269868

Land off Jew's Lane, Bradwell, Great Yarmouth

- 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 & Mrs Alan Edwards against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0445/F, dated 26 August 2020, was refused by notice dated 16 October 2020.
 - The development proposed is One bedroom bungalow with Sedum roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Both parties have been provided with the opportunity to make representations in relation to the revised Framework. I have therefore had regard to the revised Framework in considering this appeal.
3. At the time that the planning application was determined, the Council could not demonstrate a five-year supply of deliverable housing sites. However, the Council has since published a Position Statement¹, which confirms a current housing land supply (HLS) position of 6.51 years. There is no evidence before me to suggest any deviation from this position. As such, the HLS position does not trigger the presumption in favour of sustainable development set out at Framework Paragraph 11d.
4. Framework Paragraph 219 states that development plan policies should not be considered out-of-date just because they were adopted prior to the Framework. It also states that the weight to be afforded to the relevant development plan policies depends upon their consistency with the policies contained within the Framework. As such, I have taken this approach in considering the appropriate weight to be afforded to the relevant development plan policies.
5. The Council's representations state that the Local Plan Part 2² has been examined and that minor modifications are currently subject to public consultation. The Council suggests that the Local Plan Part 2 will be adopted shortly. The Council also asserts that there is conflict with Local Plan Part 2 Policies A1 and A2 and that significant weight can be given to these policies. However, the Council has not provided details of the proposed modifications

¹ Great Yarmouth Borough Five-Year Housing Land Supply Position Statement As at 1st April 2020

² Great Yarmouth Local Plan Part 2 – Final Draft 1 February 2020 (Regulation 19)

and whether or not these include alterations to the cited policies. As such, I can only attribute these policies limited weight on the basis of the evidence before me. The appellants have been provided with an opportunity to comment on these draft policies.

Main Issues

6. The main issues are as follow:

- The effect of the proposed development upon the character and appearance of the appeal site and surrounding area.
- Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook.
- The effect of the proposed development upon the living conditions of the occupiers of Tudor Lodge on Marguerite Close, with particular regard to outlook.

Reasons

Character and Appearance

7. The appeal site comprises land to the rear of Tudor Lodge, which is a two-storey residential property on Marguerite Close. The site is physically separated from this property by a close-boarded fence and is currently overgrown.
8. The site is located adjacent to Jew's Lane, which is a residential street comprising predominantly single storey residential properties. The design of these properties varies in terms of architectural form. However, the vast majority of the properties on Jew's Lane have wide primary frontages which face the street. These properties are also typically set back from the highway with driveways or residential gardens to the front.
9. The proposed development is for a single storey dwelling with a flat roof, with parking proposed to the side. The dwelling would be located in close proximity to the adjacent footway. Due to the location on a corner, only a small proportion of the dwelling would front the road. These characteristics are such that the dwelling would appear as a cramped form of development which would jar with the more spacious character of properties in the surrounding area. Indeed, the appearance of the frontage would be completely at odds with the wider frontages of properties on Jews Lane. As a result, there would be a harmful visual impact upon the character of the appeal site and surrounding area. The erection of boundary treatments adjacent to Jews Lane would not overcome this harm and would further exacerbate the uncharacteristic appearance of the development within the street-scene.
10. I acknowledge that the site is currently overgrown and comprises a disused swimming pool. However, the removal of these features would not outweigh the harm which would be caused by the visual impact of the proposed dwelling, given that the dwelling would have a far more prominent impact. The appellants have provided examples of development elsewhere. However, the precise circumstances of these cases are not before me. Every case should be treated on its own merits with regard to the relevant site-specific considerations. As such, the examples provided do not justify the harm which

the proposed development would cause to the character and appearance of the surrounding area.

11. The appellants refer to the parking arrangements of properties opposite the appeal site. However, it is not the parking layout in isolation which causes the harm which I have identified. Rather, it is the cramped layout and awkward orientation of the proposed dwelling which would cause the harm.
12. For these reasons, the proposed development would have a harmful impact upon the character and appearance of the appeal site and surrounding area. As such, it would conflict with Core Strategy³ Policy CS9 and saved Local Plan⁴ Policy HOU7, which both require in part that development is in keeping with local character. Insofar as these policies relate to this main issue, they are consistent with Framework Paragraph 130, which requires that development is sympathetic to local character. As such, these policies are not out-of-date and I afford substantial weight to the conflict with them.
13. The proposed development would also conflict with draft Local Plan Part 2 Policy A2, which requires development to reflect local distinctiveness. However, for the reasons outlined in relation to 'preliminary matters', this policy can only be afforded limited weight.

Living conditions of future occupiers

14. The outlook for future occupiers of the proposed dwelling would be significantly constrained. This is due to the cramped nature of the site and the proposed location of the dwelling in very close proximity to the boundaries of neighbouring properties and the adjacent highway. These impacts are particularly harmful to the east and west of the dwelling. To the east, the dwelling would be directly adjacent to the existing boundary fence of Tudor Lodge. This boundary fence and the close proximity of this neighbouring two-storey dwelling would result in a harmful overbearing impact upon future occupiers. In addition, there would be a harmful oppressive impact on outlook to the west, given that the site slopes down from Jew's Lane.
15. The proposed dwelling would therefore provide inadequate living conditions for future occupiers, given the constrained nature of the site and the close proximity of the proposed dwelling to surrounding development. As such, the proposed development would conflict with Core Strategy Policy CS9, which requires in part that new development protects the living conditions of future residents. This policy is consistent with Framework Paragraph 130, which requires that development provides a 'high standard of amenity' for future users. As such, it is not out-of-date, and I afford this conflict substantial weight.
16. The proposed development would also conflict with draft Local Plan Part 2 Policy A1, which states in part that development should protect the 'amenities' of occupiers of 'anticipated development'. However, for the reasons outlined in relation to 'preliminary matters', this policy can only be afforded limited weight.

³ Great Yarmouth Borough Council Local Plan: Core Strategy (Adopted December 2015)

⁴ Great Yarmouth Borough-Wide Local Plan (2001)

Living conditions of neighbouring occupiers

17. The proposed development would be located within very close proximity to the neighbouring boundary of Tudor Lodge. The rear elevation of this neighbouring property is currently in close proximity to the boundary fence separating this dwelling from the appeal site. It is understood that the height of the proposed dwelling and distance from this neighbouring property has been altered from that proposed in an application previously refused by the Council. Nonetheless, the appellants accept that the proposed dwelling would be higher than the existing boundary fence. Despite the single storey design, the close proximity of the development to this neighbouring dwelling would result in a harmful overbearing impact upon its occupiers.
18. For these reasons the proposed development would conflict with Core Strategy Policy CS9 and Local Plan Policy HOU7, which require in part that new development protects the living conditions of neighbouring occupiers. These policies, insofar as they relate to this main issue, are consistent with Framework Paragraph 130, which requires that development provides a 'high standard of amenity' for future users. As such, they are not out-of-date and I afford substantial weight to the conflict with them.
19. The proposed development would also conflict with draft Local Plan Part 2 Policy A1, which states in part that development should protect the 'amenities' of occupiers of existing development. However, for the reasons outlined in relation to 'preliminary matters' this policy can only be afforded limited weight.

Other Matters

20. The Council has referred to two additional issues which were not included within their original reasons for refusal. They relate to the provision of private outside space and the effect of the development upon natural light. Given that I have dismissed the appeal on other grounds it is not necessary for me to consider these issues.
21. The appellants allude to the prospect of the development being constructed under permitted development rights in the event that the land is sold. However, it is not clear which permitted development rights are being referred to and no evidence has been provided as to the prospect of any such development being implemented. As such, this is a consideration to which I can not afford any significant weight.
22. The proposed development would result in an increase of one dwelling. This would have social and economic benefits given the resultant increase in the Borough's housing stock. This would be consistent with the emphasis in the Framework on significantly boosting housing supply. However, given the small scale of the development, these benefits can only be afforded moderate weight. The proposed dwelling also includes a sedum roof. There would be some environmental benefits associated with this. Including, benefits associated with drainage, carbon reduction and biodiversity. However, again, given the small scale of the proposed development these benefits can only be afforded moderate weight. The benefits of the proposed development, combined, would not be sufficient to outweigh the harm that I have identified in relation to each of the main issues.

Conclusion

23. The proposed development conflicts with the development plan taken as a whole. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. As such, the appeal is dismissed.

Luke Simpson

INSPECTOR