
Appeal Decision

Site Visit made on 21 September 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2021

Appeal Ref: APP/L2630/W/21/3271506

5 Harts Lane, Bawburgh NR9 3LT

- 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 A Parker against the decision of South Norfolk Council.
 - The application Ref 2020/1333, dated 23 July 2020, was refused by notice dated 23 September 2020.
 - The development proposed is described as 'Two new single storey dwellings between No's 4 + 5 Harts Lane, Bawburgh.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to the revised Framework in considering this appeal.
3. The appellant has submitted an amended plan¹ with this appeal. The only amendments made relate to the inclusion of illustrative dimensions on the plan. In considering the acceptability of this amended plan, I have had regard to the Wheatcroft² principles. The plan does not fundamentally alter the proposed development from that which was originally consulted on by the Council. Therefore, I have considered this appeal on the basis of the amended plan and no party is prejudiced by this approach.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the appeal site and surrounding area.

Reasons

5. The appeal site comprises part of the existing rear gardens of 4 and 5 Harts Lane (No4 and No5). These properties are both semi-detached dwellings with long rear gardens. Although both properties include single storey outbuildings to the rear, none of these are particularly prominent in the street scene.
6. The majority of dwellings on this part of Harts Lane are semi-detached and orientated in a linear manner. Dwellings are typically located towards the front of their plots, with long gardens to the rear. Semi-detached pairs are typically

¹ Reference: 1326/02 Rev B

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

separated by similar sized gaps. Whilst some of these gaps are interrupted by rear outbuildings, these buildings are predominantly single-storey structures which appear as ancillary to their host properties. As a result, the presence of these outbuildings does not diminish the linear character of development on this part of Harts Lane. This character is distinct from that of the more built-up areas to the north and south of Harts Lane, which include more development 'in-depth'.

7. The proposed development is for two semi-detached single storey dwellings, including a new single vehicular access from the highway. The proposed dwellings would be set back from the established linear building line of development on this part of Harts Lane and would be located such that they would largely fill the existing gap between the two properties when viewed within the street scene. This would result in a significant interruption to the existing pattern of development on this part of Harts Lane, which would be completely at odds with the prevailing character of the surrounding area. Despite the single storey scale of the proposed dwellings, they would be clearly visible through the existing gap between No 4 and No 5. In addition, the land rises from the highway towards the location of the proposed dwellings, which would exacerbate the visual impact of the proposed development.
8. Whilst it is acknowledged that there is variation in the architectural style of development in the surrounding area, it is not the architectural style of the proposed development which causes the harm in this instance. It is the siting of the development between the two semi-detached dwellings and the setback from the street, truncating the long gardens of the existing dwellings. This would result in an appearance which would significantly jar with the character of development on this part of Harts Lane.
9. The removal of the existing outbuildings would not sufficiently off-set the harmful impact of the proposed development, given that they are not prominent in the street scene. In contrast, the visual harm which would result from the proposed development would be far more prominent, particularly given that views would be attainable from the street across the new vehicular access.
10. The appellant has provided examples of other developments in the wider surrounding area. However, the precise circumstances of these cases are not before me and each case should be considered with regard to the relevant site-specific circumstances. Furthermore, the examples provided by the appellant are within a cluster of development to the north of Harts Lane, which has a distinctly different character to the linear development in the vicinity of the appeal site. As such, none of the examples provided would justify the visual harm caused by the proposed development.
11. The proposed development would have a significant harmful impact upon the character and appearance of the appeal site and surrounding area. As such, it would conflict with Core Strategy³ Policy 2 and Local Plan⁴ Policies DM1.4, DM3.5 and DM3.8, which require that new development is of a high-quality design which maintains or enhances existing local character.

³ Joint Core Strategy for Broadland, Norwich, and South Norfolk (March 2011)

⁴ South Norfolk Local Plan Development Management Policies Document, October 2015

12. The proposed development would also conflict with Framework Paragraph 130, which requires that new development is sympathetic to local character.

Other Matters

13. Under the Self-build and Custom Housebuilding Act 2015 (as amended) relevant authorities (including District Councils) are required to keep a register of individuals seeking self-build plots within the authority's area. Relevant authorities are also required to grant sufficient permissions to meet the demand for self-build and custom housebuilding in their area. The appellant asserts that there is no evidence to demonstrate that the Council has met its duty with regard to granting sufficient permissions to meet the registered demand.
14. The Council's appeal representations outline that sufficient permissions have been granted to meet the demand for self-building and custom housebuilding plots since 2016 (which is the first year that the self-build register must take effect). In response, the appellant has asserted that insufficient evidence has been provided to substantiate the Council's position.
15. There is insufficient evidence before me to enable a conclusion on whether or not the Council has granted sufficient permissions for self-build and custom build housebuilding. Within this context, whilst I cannot conclude on whether there is an unmet need (and if so, the extent of any such unmet need), I will consider this appeal on the basis of the appellant's position, which represents a worst-case scenario with regard to the existing supply of self-build plots.
16. The proposed development would provide two dwellings on a small site. This would result in social and economic benefits, given the increase in the housing stock. This would be consistent with the aims of Framework Paragraphs 60 and 69. Furthermore, the provision of two self-build dwellings, within the context of an identified need for self-build plots, would result in additional social and economic benefits. Within this context these benefits can be attributed significant weight. Albeit, given the limited scale of the development, the provision of these dwellings would not significantly alter the overall shortfall of self-build plots alleged by the appellant.
17. The fact that the development would constitute a 'windfall' development, is not in itself a benefit which attracts any further weight than that which I have already attributed with regard to the resultant increase in the housing stock.
18. There would also be temporary economic benefits associated with the construction of the proposed development. In addition, there would be social and economic benefits through the support provided to local services and facilities through the increase in the local population. However, these combined benefits would be limited, given the small scale of the development. As such, they can only be afforded moderate weight.
19. The appellant asserts that the proposed development would make an efficient use of land. However, the site currently comprises part of two residential gardens. Whilst the gardens are large, relative to the size of the host properties, they are clearly in use as gardens and do not comprise underutilised land in this regard. For this reason, this consideration has a neutral effect. Furthermore, Framework Paragraph 124 states that decisions should support the efficient use of land with regard to the desirability of

maintaining an area's prevailing character. Therefore, given my conclusions in relation to character and appearance, the proposed development would not accord with Paragraph 124.

20. As all new residential development is expected to take place in sustainable and accessible locations, the location of the development in relation to services and facilities does not constitute a particular benefit of the proposal. I consider this to be a neutral factor.
21. Whilst the benefits of the proposed development can be afforded significant weight, they would not be sufficient to outweigh the substantial harm which the development would cause to the character and appearance of the surrounding area.

Conclusion

22. The proposed development would conflict with the development plan taken as a whole. There are no other matters raised 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