



Appeal Decision

Site Visit made on 28 September 2021

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2021.

Appeal Ref: APP/U2615/W/21/3272953

118 Lowestoft Road, Gorleston, GREAT YARMOUTH, NR31 6ND

- 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 AME Projects Development Ltd against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0452/F, dated 31 August 2020, was refused by notice dated 2 November 2020.
 - The development proposed is the erection of bungalow on obsolete garage site to rear of 118 Lowestoft Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Local Plan Part 2 was submitted for examination in 2020, and following the close of hearings, a post-hearing consultation on Main Modifications has been carried out. As such, due to the advanced stage of progress of the plan the policies referenced are afforded significant weight in this decision, albeit as it has not been adopted it does not yet have Development Plan status.

Main Issues

3. The main issues are the effects of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of adjoining occupiers having regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site comprises a small area of land containing a flat-roofed treble garage block, and the plans accompanying the appeal indicate a small amount of the rear garden land of No.118 Lowestoft Road is included within the proposal. The site is located to the rear of No.118 Lowestoft Road and to the rear of No.29 Downing Road. No.118 Lowestoft Road is a large semi-detached property whilst No.29 Downing Road is a detached single storey dwelling. The site would be accessed by vehicles via a narrow single width access track that runs between No.29 and No.27 Downing Road. Pedestrian access to the site

would be via the same access as well as a narrow unmade footpath that runs along the side boundary of No.118 through to Lowestoft Road.

5. Lowestoft Road is characterised by a mix of dwellings including detached single-storey dwellings, two-storey semi-detached dwellings and terraces of two-storey dwellings along the road frontage. Downing Road in the vicinity of the site is characterised by detached and semi-detached single storey dwellings, leading to a number of pairs of semi-detached 2 storey dwellings where it joins Albermarle Road. Whilst the area has a mixed scale of properties, the detached dwellings commonly have good separation spaces between them with predominantly long and narrow curtilages including front and rear garden space. The appeal proposal would disrupt the pattern and grain of development in the area by introducing a dwelling with very limited curtilage space to the rear of the existing properties. The backland nature of the proposal along with the extremely limited garden land would be out of keeping with the prevailing pattern of development which is for larger properties with more spacious plots. As such, I consider the proposal would adversely impact the character of the area.
6. The appeal proposal's very limited curtilage would result in future occupants having to utilise the front curtilage area for outdoor activities associated with their day-to-day living. Although the plans show bin and cycle storage, I consider that the proposal would result in the likelihood of significant domestic clutter and paraphernalia being introduced to the frontage of the proposal resulting from day-to-day activity, including items such as washing lines, ancillary storage or play equipment. Furthermore, the constrained frontage of the proposal would result in the proposed dwelling appearing unduly open to any passers-by which would be uncharacteristic of the properties in the area which are set on more spacious plots. Due to the limited frontage space, I do not consider that screening would be able to be satisfactorily secured to mitigate the effect of domestic activity and paraphernalia without further erosion to the already small plot size. Emerging policy A2(c) of the Local Plan Part 2 indicates there should be sufficient spacing and landscaping around detached homes and that buildings should face streets with private areas to the rear of the buildings, and I consider the constrained plot with only frontage outdoor space would fail to accord with its aims. Therefore, I consider the limited plot size and accompanying domestication of the frontage would be harmful to the character of the area.
7. The appeal site would not be visible from either Lowestoft Road or Downing Road, and as such, would not be apparent in the street scene. The appeal proposal would introduce a frontage development into the backland area, and whilst the redevelopment of an underutilised garage site could make some improvements to the appearance of the area, I consider that the design of the proposal with its bland approach elevation with little detailing offers only a modest improvement over the appearance of the existing garages. This would not be sufficient to outweigh the concerns I have identified in respect of the character of the area.
8. In light of the above, I conclude that the proposed development would harm the character and appearance of the area. As a result, it would fail to comply with saved policy HOU07 of the Great Yarmouth Borough-Wide Local Plan (2001) (the GYLP), and policy CS09 of the Great Yarmouth Local Plan Core Strategy (2013) (the GYCS) which respectively seek to ensure that proposals

do not harm the form, character or setting of the settlement and that all new developments should respond to, and draw inspiration from, the surrounding areas' distinctive built and historic characteristics.

9. The proposal would also fail to accord with paragraph 130 of the National Planning Policy Framework (the NPPF) which seeks to ensure that developments are sympathetic to local character.

Living conditions

10. The appellant considers that the proposal would not result in the loss of privacy or overlooking to No.29 Downing Road and there would be no harmful effects arising from lighting. As the proposal would not result in windows facing any adjoining properties, I do not consider that there would be any concerns in respect of overlooking to No.29 and the blank side elevations would limit the impact of lighting. However, the lack of curtilage of the appeal proposal would result in the limited area of frontage space being used for future occupiers' outdoor use. This would result in increased domestic activity in very close proximity to the rear of No.29. Whilst the appellant considers that other domestic activity would be at a low level due to the scale of the appeal proposal, I consider that there would likely be additional noise and disturbance which would be concentrated in the small front outdoor curtilage. Due to the limited plot size, I do not consider that there would be potential to mitigate the potential noise and disturbance from the front outdoor space through the imposition of conditions. As such, I consider that the proposal would result in harm to the living conditions of occupiers of No.29.
11. The proposal would result in vehicles utilising the access track located between No.29 and No.27 to gain access to the proposed development. As the access track is narrow, cars would not be able pass each other which would result in them having to wait at either the entrance to the access track, or to the rear of No.29 or No.27. Cars waiting at these locations with engines running would result in additional noise and disturbance in close proximity to the boundaries of No.29 and No.27. Furthermore, due to the narrow width of the access, vehicles would potentially have to reverse in very close proximity to the side windows of No.29 and No.27 Downing Road resulting in disturbance. Emerging Local Plan Part 2 policy A1(d) seeks to avoid excessive or unreasonable nuisance, disturbance and loss of tranquillity from, amongst other things, noise. I consider that the proposal would result in noise and disturbance to the occupiers of these properties contrary to the aims of the emerging policy.
12. The appellant considers that the proposed development would have a beneficial effect on reducing vehicle movements over the lawful use of the site as garages in regards to the amount of noise and disturbance generated. However, I consider that the nature of the movements associated with a dwelling would be different from the garage use and would likely occur at a wide range of times throughout the day. The introduction of a dwelling would result in the potential for more frequent movements during the day arising from future occupiers undertaking trips to local services and facilities as well as additional movements from service and delivery vehicles attempting to use the access. I consider this would result in an intensification of use of the access and the potential for an increase in larger vehicles such as delivery vans seeking access to the site that would not occur with the existing use.

13. In light of the above, I conclude that the proposed development would result in harm to the living conditions of adjoining occupiers having regard to noise and disturbance. As such, it would be contrary to policies HOU7 of the GYLP and CS09(f) of the GYCS, which respectively seek to ensure that proposals would not be significantly detrimental to the residential amenities of adjoining occupiers or users of land and protect the amenity of existing and future residents from noise and disturbance.

Other Matters

14. The site would be close to local services and facilities, however, the unmade narrow footpath that links the appeal site to Lowestoft Road is in poor condition and would be unattractive for walking, particularly outside daylight hours as no lighting was apparent along its length. As such, the benefit of the proximity to services and facilities would be moderate and would not be sufficient to outweigh the harm I have identified in respect of the main issues.
15. The proposal would result in some benefits in terms of construction and in the supply chain, social benefits through local spending on services and facilities and improvements to the security of the area through redevelopment of the garages. The proposed development would also make a positive contribution to meeting housing need in the area. However, as the proposed development is for a single dwelling, the extent of these benefits would be limited.
16. Concern has been raised by third parties in respect of the effect on trees in proximity to the appeal site. The proposal would not result in the loss of trees on site, however, as I am dismissing the appeal for other reasons it is not necessary to consider this matter in further detail.

Conclusion and planning balance

17. The proposed development would provide a number of benefits in terms of social and economic considerations as set out above. Furthermore, the redevelopment of the site would have some benefit through the redevelopment of the under-utilised garage site. However, due to the limited scale of the appeal proposal, I do not consider the extent of these benefits to be sufficient to outweigh the harm I have identified in respect of the main issues.
18. There is no dispute between the parties that the Council can now demonstrate a 5 year housing land supply, and I consider that the policies most important for determining this appeal are up-to-date and the so-called tilted balance in the NPPF would not be engaged. Therefore, as the benefits of the proposal are not sufficient to outweigh the harm I have identified, there would be no considerations that would justify a determination of this appeal otherwise in accordance with the development plan.
19. In light of the above, the appeal is dismissed.

Philip Mileham

INSPECTOR