
Appeal Decision

Site visit made on 14 October 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/L2630/W/21/3271770

Land west of No. 4, Church Farm Close, Bramerton, NR14 7FD

- 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 D & C Murrell Ltd against the decision of South Norfolk District Council.
 - The application Ref. 2020/2049 dated 27 October 2020, was refused by notice dated 25 January 2021.
 - The development proposed is the erection of two storey dwelling and associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey dwelling and associated external works on land west of No. 4, Church Farm Close, Bramerton, NR14 7FD in accordance with the terms of the application, Ref 2020/2049, dated 27 October 2020, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue in this case is the scale of the proposed dwelling in relation to the size of the plot and neighbouring development.

Reasons

3. The application site comprises of a parcel of undeveloped land within a new residential development to the east of The Street and within the development boundary. The completed development of Church Farm Close currently comprises of 8 detached open market dwellings and 3 affordable dwellings. The appeal site is situated between No. 4 and the access/parking area serving the terrace of 3 dwellings. The application site is adjacent to the Bramerton conservation area, and there are a number of listed buildings to the west. That gives rise to a duty under S66 and S72 of the Listed Buildings Act 1990 to pay special attention to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character and appearance of the conservation area. The officer's report included the conclusion that the proposal would not adversely affect the special architectural or historic interest of the listed buildings or the character or appearance of the Conservation Area. Having given thought to this during my site visit, I find no reason to disagree.

4. The council refer to previous applications on the site, of which the application submitted under 2019/1824 is relevant. That application was for a smaller two storey dwelling, which included a flood risk assessment (FRA) and drainage strategy that were considered satisfactory. The applicant also entered into a s106 agreement to provide a commuted payment in lieu of the provision of an additional affordable unit within the larger site. This application addressed previous reasons for refusal and so was approved.
5. This appeal application now proposes a 2 storey dwelling with larger floorspace. The application included the FRA and drainage strategy approved under 2019/1824 and the signed s106 agreement securing a commuted sum in lieu of affordable housing remains in place. The highways authority has assessed the application and considers that the proposal would be acceptable in accordance with policy DM3.11 of the South Norfolk Local Plan (SNLP). Whilst the proposed layout indicates a 3 bedroom dwelling, the council considers that the dwelling could be occupied as a 4 bedroom property. On this basis, and in line with adopted parking standards, 3 parking spaces would be required within the curtilage; but the council consider that an additional space could be provided by re-designing the parking and landscaped areas to the front of the site.
6. The overall appearance of the dwelling would reflect the design of the other detached properties in the locality and so is acceptable in this respect. However, the plot is relatively narrow compared to those of other detached dwellings on Church Farm Close. The council consider that the appeal dwelling would appear cramped within its plot and so would not integrate successfully with the character of the existing development.
7. Thus there is one issue in this appeal: is the scale of the proposed dwelling excessive in relation to the size of the plot, and would it be out of character with the other development in the Close. It is clear from the layout plan of the development in Church Farm Close and what I saw at my site visit, that the recent development of detached houses opposite and beyond the appeal site consists of reasonably substantial houses on plots that provide space between dwellings and ample room for access drives and garaging/parking facilities.
8. However, the preceding part of Church Farm Close is more constrained, and in particular the 3 terraced dwellings that lie immediately to the west of the appeal site are of an entirely different character. I assume that these are the affordable houses referred to in paragraph 3 above. Therefore the appeal site could be seen as a transition from the compact terrace with small curtilages and a combined access/parking area on the boundary with the appeal site, and the remainder of the development in Church Farm Close. Furthermore, the majority of the additional floor space, compared to the previous scheme, is located within the rear element of the building, adjacent to the garage of the neighbouring property, and is thus not visible from public views along Church Farm Close.
9. My judgement is that the proposed dwelling would fulfil a role as a transition, as suggested in paragraph 8 above and in its context would not look cramped, any more than the permitted scheme on the site. I have taken account of the concerns raised by an existing resident, and all other matters raised, but I am led to conclude that the appeal proposal is of a scale in relation to the size of the plot that fits satisfactorily into the street scene, bearing in mind the totality of development in the immediate area. The appeal will therefore be allowed.

Conditions

10. The Council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text.
11. The appellant questions only 1 of the suggested conditions: that concerned with parking. The background to this is that the latest revision to the layout (revision E) shows 2 car parking spaces on the access drive, which is undesirable (leaving aside any restrictive covenant, which is a private matter), and the council's contention that the accommodation shown in the proposed dwelling could be used so as to provide 4 bedrooms, as referred to in paragraph 5 above. The appellant argues that the layout clearly shows the dwelling as having 3 bedrooms, and assessment should not be based on conjecture. It is clear to me that it would be possible to use the room, noted as 'study' on the first floor, as a bedroom, and it would be open to any future occupier to use the room in that way. I will therefore adopt the council's suggested condition.
12. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure a satisfactory appearance of the materials used; conditions 4 and 5 are to ensure satisfactory foul and surface water drainage; condition 6 is to require water conservation measures in compliance with policies 3 and 20 in the Joint Core Strategy; condition 7 is for the reasons mentioned in paragraph 11 above; condition 8 is to safeguard ecology interests during the course of the construction.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the application form and the following plans and drawings: Drawing ref: 070 rev D – site location plan, Drawing ref: 071 rev D – proposed site plan, Drawing ref: 072 rev E – amended proposed floor plans, drawing ref: 073 rev E – amended proposed elevations
- 3) Development shall not progress above slab level until details, including colours where required, of the materials used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be constructed in accordance with the approved details or materials which are visually similar to the approved details.
- 4) No development other than the works required for the laying of foundations shall take place until precise details of the means of foul water and sewage disposal have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the details as agreed prior to the first occupation and retained as such thereafter.
- 5) The development shall be carried out in accordance with the surface water drainage strategy and management/maintenance plan forming part of the flood risk assessment prepared by ASD Consultants and submitted 13 November 2020 prior to the first occupation and shall be retained as such thereafter.
- 6) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/maintained to ensure the required water consumption rate is not exceeded for the lifetime of the development.
- 7) Development shall not progress above slab level until a detailed scheme to provide three parking spaces within the curtilage of the dwelling hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling and retained thereafter available for that specific use.
- 8) Ecology mitigation measures in respect of this application site as previously approved under planning permission ref: 2020/0181 shall be in place in their entirety throughout the entire construction phase associated with the development hereby approved.