



Appeal Decision

Site Visit made on 7 July 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2021

Appeal Ref: APP/U2615/W/20/3265462

Farewell Hales, Stepshort, Belton, Great Yarmouth NR31 9JS

- 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 Leon Rouse against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0468/F, dated 21 September 2020, was refused by notice dated 10 November 2020.
 - The development proposed is Construction of 2 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 20 July 2021 a revised National Planning Policy Framework was issued. The main parties were given the opportunity to comment on the implications of the resulting changes for this appeal. The references to 'the Framework' made within my decision are to this revised version.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is part of the rear garden of Farewell Hales, a sizeable two storey detached dwelling that fronts Stepshort. The appeal dwelling would front a private unsurfaced road that passes the side boundary of the donor property and serves several existing dwellings and leads to commercial premises. This part of Stepshort is predominantly characterised by sizeable dwellings set within regular sized plots. Although the private road accommodates a variety of dwelling types and sizes, these are largely screened from direct view by mature hedgerow and other planting. A small, wooded area lies part way along the private road; trees and other greenery also border its opposite side. This adds to the sense of spaciousness surrounding the appeal site.
5. The appeal dwelling would be single storey and of hipped roof form. It would be positioned close to the private road and to one of its side boundaries. There would be space to its other side for the parking of two vehicles. Its external amenity space would be short in depth and although it would be adequate in terms of overall size of provision, its size and shape would be at odds with the prevailing pattern of development.

6. The proposal would result in the garden of the donor property being considerably shorter in depth than its neighbours. Whilst adequate external amenity space for the donor property would be retained, there would be a conspicuous disparity in size, of both the proposed dwelling and its plot and the resultant plot size of the donor property, that would be discordant and out of keeping with the surrounding established pattern of development.
7. Although the proposed dwelling would not be obvious in the Stepshort street scene, it would be prominent in views from the private road and from the rear gardens and windows of the neighbouring properties. Having regard to the context of its surroundings, the proposed dwelling would appear cramped and constrained within its plot and would fail to reflect the sense of spaciousness currently experienced in this location. This would be to the detriment of the character and appearance of the area.
8. The appellant asserts that the proposal would utilise an excess of garden, thereby making efficient use of land. I note that the full extent of the neighbouring rear gardens appear to be in active use by the occupiers of those properties. Therefore, underuse of the appeal site by the current occupiers does not persuade me that this space is fundamentally surplus to the expectations or requirements of occupiers of properties of this type. Moreover, that a dwelling could be accommodated within the space does not of itself mean that its form would be satisfactory. Subdivision of the garden in the manner proposed would result in an unacceptable spatial relationship with existing residential properties. The proposal would introduce an inappropriate feature to the site that would fail to integrate effectively with the spatial pattern and character of the surrounding built form.
9. Consequently, I conclude that the proposal would result in unacceptable harm to the character and appearance of the area. This would be contrary to Policies CS01 and CS09 of the Great Yarmouth Local Plan Core Strategy 2015 (CS) and saved policies HOU07 and HOU17 of the Great Yarmouth Borough-Wide Local Plan 2001 (LP) which require, amongst other matters, that all new development appropriately responds to the local context and creates attractive places.

Other Matters

10. The appellant suggests a fallback position to support the appeal proposal, being that permitted development rights could be used to erect a garage or other outbuilding of the same footprint, albeit with a lower ridgeline, and subsequently to apply for a change of use of that building to a dwelling that would be akin to the appeal proposal. The appellant considers that the impacts would, therefore, be similar. However, despite some parallels in the extent of the built form possible, I consider the erection of a new dwelling, or the change of use of an ancillary residential building to a dwelling, to be significantly different, in terms of the effect on the character and appearance of the area, than that of ancillary residential development.
11. Furthermore, planning permission would be required for a change of use of an ancillary outbuilding to a dwelling. There is no evidence to suggest that any potential future planning application for a change of use of an outbuilding to a dwelling in this location would be approved. Consequently, I do not consider that the fallback position amounts to a greater than theoretical possibility and the weight I afford it is very limited. Accordingly, it is not a material

consideration of such weight that it amounts to a sufficient justification to outweigh the policy conflict and harm that I have identified.

12. The evidence indicates that the proposed development would be likely to effect one or more European sites¹. However, given my overall conclusions it is not necessary that I consider the effect of the proposal on European sites, as such an assessment would have no bearing on my decision.
13. The parties disagree about the Council's housing land supply situation, with the appellant asserting that the Council can only demonstrate just over 3 years supply. The appellant also suggests that the impacts of the current pandemic will result in a worse situation in relation to housing land supply. However, the Council has provided its latest housing land supply position statement which concludes that the Council can demonstrate a 6.51 year supply. This has not been disputed by the appellant. I have no substantive evidence before me to indicate that the Council's housing land supply position is in jeopardy, even in the face of the impacts of the pandemic. Therefore, based on the evidence before me, I am satisfied for the purpose of this appeal, that the Council can demonstrate a deliverable supply of housing sites.
14. Nevertheless, the appellant considers that because the CS and LP were adopted prior to the Framework their policies are out of date and should be given little or no weight in the determination of this appeal. However, the Framework makes clear at paragraph 219 that existing policies should not be considered out of date simply for that reason. Due weight should be given to them, according to their degree of consistency with the Framework.
15. I consider that the policies most important for determining the appeal, namely CS Policies CS01 and CS09 and LP Policies HOU07 and HOU17 are generally consistent with the aims of the Framework and should therefore be afforded significant weight. The so-called tilted balance in the Framework is not therefore engaged.
16. The proposal would provide an additional dwelling thereby making a small contribution to the supply of housing and self-build plots in a location accessible to services. The proposal would provide a limited amount of short-term employment during the construction phase and by the support for services from future occupiers. I afford these benefits modest weight because of the scale of development proposed. It would provide a single storey dwelling in an area where there may be a need for this type of property. This could result in the release of a larger property for occupation by a family. However, I have not been provided with any substantive evidence of these potential benefits and they therefore attract only very limited weight.
17. Although paragraph 69 of the Framework states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly, windfall sites, such as the appeal site are required to be 'suitable'. For the reasons I have identified, the appeal site does not represent a 'suitable' site and the benefits of its development therefore attract limited weight.
18. In taking account of the benefits, I do not consider that they outweigh the harm and policy conflicts that I have identified and to which I attribute

¹ Now the 'national site network' when referring to the network of European sites in the UK, following the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

considerable weight. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which indicate a decision should be made other than in accordance with it.

Conclusion

19. For the reasons given above the appeal is dismissed.

S Tudhope

INSPECTOR