



Appeal Decision

Site Visit made on 9 November 2021

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1ST December 2021

Appeal Ref: APP/Y2620/W/21/3275103

Linda The Street, Aylmerton, Norwich, NR11 8AA

- 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 Michael Bacon against the decision of North Norfolk District Council.
 - The application Ref PF/20/1028, dated 26 June 2020, was refused by notice dated 11 December 2020.
 - The development proposed is the demolition of existing bungalow & erection of two houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the Government has published a revised National Planning Policy Framework (NPPF) in July 2021 which I have had regard to in reaching my decision.

Main Issues

3. The main issues are:
 - Whether the proposal is in a suitable location for a new dwelling; and
 - The effect of the proposal on the living conditions of adjoining occupiers having regard to overbearing and future occupiers having regard to loss of light.

Reasons

Suitable location

4. The appeal site is a detached single-storey dwelling known as 'Linda' which is located on The Street. The area is characterised by a mix of detached single and two storey dwellings with direct road frontage.
5. Policy SS1 of the adopted North Norfolk Core Strategy (2008) (NNCS) states that the majority of development will take place in towns and larger villages and outside settlement boundaries, the countryside policy area would apply. Policy SS2 identifies the types of development which the Council would support within the Countryside policy area, to which residential development (other than affordable housing) is not included. It is not disputed that the proposed residential development would be located outside of the defined settlement

boundary, and as such, would therefore fail to accord with both Policies SS1 and SS2 of the NNCS.

6. The village contains a pub, garage (including a convenience store) and a bus stop located on the main A148 which is located a significant distance to the north of The Street. The village also contains a church and village hall, however, the majority of services or facilities that would support day-to-day living would be located in larger settlements such as Cromer. The Street does not have a footpath in the vicinity of the site nor was there evidence of streetlighting. Therefore, although there are some limited facilities in the village, the absence of a lit footpath would significantly detract from the likelihood of these facilities being accessed by non-vehicular modes of travel. In reality, most journeys to access services and facilities elsewhere in the village or to other settlements would undoubtedly result in the need to use private vehicles to travel.
7. The appellant notes that the Council's accessibility policies do not reflect the increased use of electric vehicles. Whilst the Local Plan's policies may predate the increased popularity of electric vehicles, the proposed development would nonetheless result in additional vehicle movements on the local road network. Cumulatively, the number of additional vehicle trips would cumulatively add up over the lifetime of the proposed development to a significant number of movements to which the Council's spatial strategy seeks to minimise.
8. In light of the above, I conclude that the proposed development would not be in a suitable location for a new dwelling. Accordingly, it would not comply with policies SS1 and SS2 of the adopted NNCS for the reasons set out above.
9. The proposals would also fail to accord with paragraph 79 of the NPPF which states that housing should be located where it will enhance or maintain the vitality of rural communities.

Living conditions

10. The Street is characterised by a mix of detached single and two storey properties with a range of separation distances between. The proposed dwellings would be sited in close proximity to the side boundaries of the plot which would result in limited separation distance between the two neighbouring properties known as Viscount House and Rosemary Cottage. The proposed easternmost dwelling would be two storeys in height and project significantly beyond the rear elevation of Viscount House. Due to the close proximity of the proposed easternmost dwelling to the side boundary, its flank wall would project significantly beyond the rear elevation of Viscount House adversely affecting the outlook from the rear garden of the adjacent property. I consider that the stark flank wall of the proposed easternmost dwelling would have an overbearing effect on the rear garden of Viscount House.
11. The proposed easternmost dwelling would have a first floor bedroom window in its eastern elevation in close proximity to the flank wall of Viscount House. Due to the separation distance between the neighbouring property, the proposed bedroom window would receive limited natural light during the early part of the day. As there would be no other windows serving this room, there would be no other opportunities for natural light to reach this part of the proposed dwelling. I consider this restriction to the available light would result in harm to the living conditions of future occupiers.

12. 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 overbearing and future occupiers having regard to loss of light. As such, it would fail to accord with policy EN4 of the NNCS which states that development proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

Other Matters

13. The appellant has indicated that the appeal site previously had planning permission for a shop which was not subsequently built. As this is for a different form of development than the appeal proposal and no details have been provided, it is afforded limited weight.
14. The appellant has drawn my attention to planning permissions for residential developments near to the appeal site, albeit full details have not been provided. However, my attention has been drawn to an appeal decision (Appeal ref. APP/Y2620/W/20/3266100) at Highfield Aggregates, Church Road. This decision differs from the appeal proposal as in that case, the Inspector afforded weight to a number of benefits including the cessation of the site's use for waste and recycling. As such, circumstances presented in that appeal are materially different to those before me, and as such, is afforded limited weight in my decision.
15. Although the proposed development would make use of a suitable palette of materials and would provide adequate parking and turning, this would be expected of all development, and as such, would have a neutral effect.
16. The proposed development would result in economic benefits through construction and in the accompanying supply chain. There would be some social benefits through the contribution of future occupiers to community facilities in the area. The proposed development would also provide environmental benefits through the opportunity to replace the existing low-energy efficiency dwelling with dwellings of a higher standard. Furthermore, the net gain of an additional dwelling would make a positive contribution to housing need in the area.
17. Third parties have expressed support for the proposal as it could provide a home for local people. However, the control over the future ownership of the proposed private market dwellings is not a matter that can be addressed through the planning process. As such, this has not altered my findings.

Conclusion and planning balance

18. Whilst the proposed development would result in a number of benefits as set out above, as there would only be the net gain of a single dwelling, these benefits would be limited. As such, these would not be sufficient to outweigh the conflict with the development plan when read as a whole.
19. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR