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# Appeal Decision

Site visit made on 1 February 2022

**by Philip Mileham BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>ST</sup> February 2022**

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**Appeal Ref: APP/U2615/W/21/3279327**

**Land at Plane Road, Gorleston, Great Yarmouth, NR31 8EG, 651939, 304882**

- 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 B Smith against the decision of Great Yarmouth Borough Council.
  - The application Ref 06/20/0113/F, dated 6 March 2020, was refused by notice dated 5 February 2021.
  - The development proposed is a new dwelling on land at Plane Road.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the appeal was lodged, the Council has adopted the Great Yarmouth Local Plan Part 2 in December 2021 (the GYLPP2), which has replaced the policies previously cited on the original decision notice. The appellant has had the opportunity to comment on the newly adopted policies and I have had regard to them in reaching my decision.

## Main Issues

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the area;
  - the suitability of the proposed parking area having regard to its usability and effects on crime and disorder; and
  - the effect of the proposed development on the provision of open space.

## Reasons

### *Character and appearance*

4. The appeal proposal is sited at the end of a row of terraced properties on an area of grassed land at the corner of Plane Road and Beccles Road. The area of Plane Road in the vicinity of the appeal site has a mixed character of detached, semi-detached and terraced dwellings albeit they are predominantly set-back from the footway. The existing area of grassed land makes a positive contribution to the character of the area by providing separation between the

adjacent footpaths and the dwellings in this part of Plane Road giving the area a pleasant sense of openness.

5. The proposed development would introduce a further two storey detached dwelling at the end of the existing row of dwellings. The existing terrace of properties are positioned at angle in relation to Plane Road, and the siting of the appeal proposal would visually extend the dwellings closer to the footpath. This would reduce the separation distance to the footpath and erode the space between the footpath and residential development, harming the openness of this part of the site.
6. Directly opposite the appeal site are a pair of semi-detached properties which are also set back from the corner of Place Road and Beccles Road. These properties have a similar set-back distance from the footpath as the terrace of dwellings described above. In combination with the appeal site, their siting contributes positively to the sense of openness which is mirrored at this part of Plane Road. The siting of the appeal proposal is such that it would erode the undeveloped corner of Plane Road, resulting in the loss of symmetry to the corner of Plane Road and Beccles Road.
7. The appeal proposal would include a small area of garden land to the north-west of the site. This would be bounded by fencing which would be necessary to provide future occupants with private outdoor space. However, the presence of a fence of a height necessary to provide adequate privacy for future occupiers would further erode the space surrounding appeal site and result in an increased sense of enclosure. This would detract from the positive contribution the site makes to the wider character of the area.
8. In light of the above, I conclude that the proposed development would result in harm to the character and appearance of the area. As such, it would fail to accord with policy A2 of the GYLPP2 which seeks to ensure that development should, amongst other things, reflect and have regard to local context, including the surrounding built environment and take advantage of opportunities to enhance the immediate street scene.
9. The proposal would also fail to accord with paragraph 130 of the National Planning Policy Framework (NPPF) which states that planning policies and decisions should ensure that developments are, amongst other things, sympathetic to local character.

#### *Parking*

10. The appeal proposal includes provision for 2 parking spaces which would be located towards the southern part of the site adjacent to an existing single storey block of garages that serve nearby dwellings.
11. The parking spaces would be accessed from the proposed dwelling via a pathway which runs in front of the adjacent row of terraced properties. Whilst the parking spaces would not be directly adjacent to the proposed dwelling, they would nonetheless be positioned close to existing garages. Although their position would not be as convenient for future occupiers than if the spaces were adjacent to the proposed dwelling, I do not consider them to be sufficiently distant to be unattractive for use.
12. The pathway accessing the parking spaces is not lit, however, as it runs directly in front of the existing dwellings this would provide some opportunity

for surveillance when gaining access to and from the proposed dwelling from the parking area. Furthermore, the pathway accessing the parking is not obstructed by any significant vegetation or landscaping and has good lines of sight from Plane Road. As such, I consider that notwithstanding the absence of lighting, their location is such that they would not be unattractive for use. Furthermore, the unobstructed views of the access to the spaces would not in my view have an adverse effect on crime and disorder in the area. Any residual concerns in respect of crime and disorder could be addressed through the imposition of a condition to secure the provision of a Closed Circuit Television (CCTV) system.

13. In light of the above, I conclude the proposal would accord with policy CS9 of the adopted Great Yarmouth Core Strategy (2015) (GYCS) and A2(F) of the GYLPP2 which seek to ensure that new development provides parking suitable for the use and location of the development, and that homes and external areas should be designed to be secure and reduce the risk and fear of crime.

#### *Open space*

14. The appeal proposal would be located on an area of grassed open space at the end of a row of terrace properties. The open space surrounding the terrace is made up of a number of small parcels of land which are visible from the adjacent footpath. The site makes a positive contribution to the character of the area by providing an undeveloped setting to the terraced properties as well as providing a degree of openness to this corner of the street between Plane Road and Beccles Road.
15. Policy E3 of the GYLPP2 seeks to retain open space for visual amenity purposes subject to criteria. Criterion a) requires proposals to be ancillary to the space and will add to its function for the benefit of amenity or the community. As the appeal proposal is for residential development, this would not be a form of development that would be ancillary to the open space.
16. Criterion b) of Policy E3 indicates that the loss of open space will be resisted unless it can be demonstrated it is no longer required for open space use or an alternative open space use. Whilst the appellant has indicated that the land was previously purchased from the Council as the Council no longer wished to fund its maintenance, there is no evidence before me to indicate that the open space is no longer required for its intended purpose.
17. Criterion C) of Policy E3 requires any loss of open space to be replaced by equivalent or better replacement provision in terms of quantity and quality. Whilst the proposed development would, according to the appellant, occupy a proportion of the open space, there is no evidence before me to indicate that any alternative open space would be provided as part of the proposed development. Although the appellant has indicated that qualitative improvements could be made to the remaining area of open space, the policy nonetheless requires replacement with both equivalent quality and quantity. As such, the proposal would not accord with criterion c) of Policy E3.
18. As indicated above, the land makes a positive contribution to the area through maintaining the openness of the site. I consider that the proposed development would not fulfil any of the criteria which allow for the redevelopment of open space.

19. In light of the above, I conclude that the proposal would fail to accord with Policy E3 of the GYLPP2 for the reasons set out above.
20. The proposal would also fail to accord with the requirements of paragraph 99 of the NPPF which states that existing open space should not be built on unless it is surplus to requirements, that the loss would be replaced by equivalent in terms of quantity and quality and where the development is for alternative sports and recreation, the benefits would outweigh the loss.

### **Other Matters**

21. The proposed development would provide economic benefits as a result of its construction in terms of labour supply and through the materials supply chain. The proposal would also provide a social benefit through the creation of a new dwelling which would make a positive contribution to meeting housing needs in the area. The proposal would also have the potential to provide some environmental benefit through local biodiversity enhancement on the remaining open space.

### **Conclusion and Planning Balance**

22. As set out above, although the proposal would accord with adopted policies in relation to parking, I have identified harm to the character and appearance of the area and a failure to accord with adopted policy in relation to open space. Therefore, I conclude that the proposal would fail to accord with the Development Plan when read as a whole.
23. Whilst the proposed development would result in a number of benefits identified above, as the proposal is for a single dwelling these benefits would be limited and would not be sufficient to outweigh the harm I have identified.
24. In light of the above, the appeal is dismissed.

*Philip Mileham*

INSPECTOR