



Appeal Decision

Site visit made on 14 January 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 25TH February 2022

Appeal Ref: APP/G2625/D/21/3281352

1 Fairmile Close, Norwich NR2 2NG

- 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 Chris O'Connor against the decision of Norwich City Council.
 - The application Ref 21/00277/F, dated 22 February 2021, was refused by notice dated 15 June 2021.
 - The proposed development is for two storey rear extension, single storey side extension and attached garage to front.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed single storey garage and side extension and planning permission is refused for the single storey side extension and attached garage to front. The appeal is allowed insofar as it relates to the two storey rear extension and planning permission is granted for the two storey rear extension at 1 Fairmile Close, Norwich in accordance with the terms of the application, Ref 21/00277/F, dated 22 February 2021 and the plans submitted with it, so far as is relevant to that part of the development hereby permitted and subject to the following condition[s]:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the proposed two storey rear extension: P/2353/10A, P/2353/11A, P/2353/12A and P/2353/13A.
 - iii) The development hereby permitted shall be constructed in materials to match those of the existing house.

Procedural Matter

2. The description of development in the heading above is slightly different from that given on the application form. It reflects that used by the Council in their Decision Notice and the appellant has referred to this revised description on the appeal form. In light of this and as it is a more accurate description of the proposal, I have also referred to the revised description.

Main Issues

3. The main issues are:

- a) The impact of the proposals upon the character and appearance of the area.
- b) Then impact of the proposals upon the living conditions of neighbours.
- c) The impact of the proposals upon the setting and significance of the Grade II* Listed 'Inverleith' at 13 Lime Tree Road and;
- d) The impact of the proposals upon the Cedar tree to the front of the appeal property T1.

Reasons

- 4. The appeal property is a suburban type dwelling house within this modest cul de sac of similar properties that date to around the 1960's. The appeal property is to one end of this T-shaped cul de sac and is located immediately adjacent to the boundary of the Grade II* Listed 'Inverleith' where a relatively open boundary allows the greenhouse of 'Inverleith' to be clearly seen from the approach towards the site.
- 5. To the front of the appeal property there is a very substantial and attractive Cedar Tree that, according to the Appellant's Arboricultural Statement, is over 150 years old. The plot is therefore relatively generous in this area and the perception on approach to the site from further along Fairmile Close is something like approaching a natural 'glade' of which the tree and surrounding garden is a key component. As one approaches the plot and nearer to the house, block type paving begins and leads towards the front of the property and a lightweight car port type structure is located to the side.
- 6. The appeal property is set some way forward of its other neighbour, number 2 Fairmile Close whose long low pitch and recessed front dormer feature windows give way to a full two storey elevation to the rear where extensive first floor windows look out onto the rear garden. The materials palate of both these buildings is similar with the use of concrete pantiles, brown/buff brick, render and tile hung elevations.
- 7. Fairmile Close is in many ways typical of the buildings of the time, however there are subtle differences in the architectural styling, landscape setting and fenestration of the properties and I consider that these differences offer something to set these properties apart from other similar houses of this age. What is also unique is the presence of older estate type trees and features that I assume derive from the former uses of the land that appear to have been intentionally retained within the 1960's re-development.
- 8. The result is an attractive and relatively well landscaped environment where unusual architectural details and features begin to exemplify the buildings that are present here.

Impact of the proposals upon the character and appearance of the area.

- 9. The proposals consist of two parts. Firstly the existing flat roof car port would be removed and a new pitched roof double garage extension would be built protruding some way to the front of the house and run alongside the greenhouse of 'Inverleith'. Secondly a two storey rear extension would be

constructed so as to increase living space to the ground floor and allow a new first floor master bedroom to be created.

10. In assessing this appeal, I consider that, in general, the simple forms, pitched roofs and fenestration patterns would be synonymous with the overriding architectural character of Fairmile Close and the properties therein. Whilst these extensions may not echo some of the more quirky or unusual architectural devices used by the original Architects, such as high level windows, they will, nonetheless be generally complimentary and contextual.
11. The proposed rear extension would, from some angles, encroach into a glimpse of open sky between the appeal property and number 2 Fairmile Close. However, I consider that this view is a glimpse and not a gap of sufficient importance as to make it so significant to the character and appearance of the area that would oblige me to dismiss this appeal. Moreover, I consider that there would be maintained some glimpse through a gap here and that the impact of the extension would be minimal.
12. The proposed garage extension however would encroach into the view along Fairmile Close that is currently terminated by a view of the large Cedar tree (T1) and boundary foliage associated with the gardens of the appeal property and 'Inverleith' next door. The proposal would introduce built form into this vista and important sense of arrival. I consider that, due largely to the extent of this garage extension, that this sense of spaciousness and nature would be lost and that a harmful impact upon an important characteristic of the area would occur.
13. Not only would these surrounding natural elements be lost and the tree T1 have its setting encroached upon by built form, but the replacement would result in garage doors upon a single storey building with significantly high eaves. I consider this would be much less preferable situation and would result in a poor design response.
14. As a result, I consider that, although the rear extension is larger, it would be suitably designed and located far enough to the rear of the property so as it would not harmfully impact upon such views. Whereas the garage extension would represent an unusually high garage that would encroach into the setting and view towards the Cedar Tree and the natural garden setting that surrounds it, thereby causing a degree of harm to both the garden setting of tree T1 and the sense of arrival into Fairmile Close.
15. This garage extension would therefore cause harm to the character and appearance of the area and be contrary to Policy DM8 of the Development Management Policies Local Plan (2014).

Impact of the proposals upon the living conditions of number 2 Fairmile Close.

16. The proposed rear extension would protrude by around 5 or 6 metres from the existing rear of the house. It would be located on the side adjacent to number 2 Fairmile Close and as such it has the potential to impact upon the living conditions of residents here.
17. On my site visit I noticed the bedroom/study window to the ground floor of number 2 Fairmile Close where there was currently no boundary fence between

the two properties. I understand that this room is used as a home office and contains a single full size casement window and a subsequent high level window adjacent to it. Without any boundary treatment here I consider that it would be possible for the outlook from this window to be partially of the rear garden of the appeal property.

18. In assessing the potential for harm to this window and the living conditions of residents as a result, I give great weight to the changing patterns of work and the need to more regularly work from a private space in the home. The proposed extension would increase the sense of built form here and extend into the rear garden for some distance.
19. However, I consider that there is sufficiently generous separation distance between the siting of this rear extension and the bedroom/study window of number 2 so as to greatly relieve this impact. Furthermore, I consider that whilst at the present time this window may have a wider outlook, should a two metre fence or similar be erected, as it presumably could be, such a boundary treatment would substantially lessen this outlook and sense of openness.
20. I consider therefore that the main impact would be from the first floor element of the extension where I consider there could be some encroachment into the openness of views of the sky that would be experienced from here. Despite this, I consider that the separation distance between the two properties, due primarily to the original design of the estate, is sufficient to allow the appeal site to extend in such a manner. Moreover, I consider that the slight set in of the rear extension and the proposed hipped roof would sufficiently lessen any effect of overdominance upon this window.
21. In light of this I consider that the proposal meets the requirements of Policy DM2 of the Development Management Policies Local Plan (2014)

The impact of proposals upon the setting and significance of the Grade II Listed 'Inverleith'.*

22. The appeal property is immediately adjacent to the garden of the Grade II* Listed Arts and Crafts House 'Inverleith'. Although some distance away from the main residence itself, a large greenhouse belonging to 'Inverleith' is constructed upon or very near to this boundary. This greenhouse appears to have been constructed prior to 1948.
23. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines a listed building and points out that any object of structure fixed to the building and any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, shall be treated as part of the building. In light of this I consider that the greenhouse should be considered a curtilage Listed building.
24. In considering whether to grant planning permission for any development Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF)

also states that when considering the impact of proposed development on the significance of the heritage asset, 'great weight' should be given to the asset's conservation.

25. Inverleith itself is a high grade Listed house designed in the early twentieth century by Architect Percy Morley Horder. The house is not only notable for its relatively unchanged appearance since 1911¹ but also due to its inclusion of both original eighteenth century features and decor and bespoke Arts and Crafts eighteenth century inspired interior features. The property therefore exhibits aesthetic, associative and evidential heritage values that add to the building's overall significance.
26. The existing greenhouse is located some distance from the principal listed building and is a pitched roof structure upon low walls and appears to be symmetrical in its design, presumably to maximise natural light into the structure. Presently the greenhouse abuts the boundary of the appeal site which is planted with hedges and I saw on my site visit that the glazed wall panels and roof were clearly visible, in winter at least, from Fairmile Close itself.
27. The existing greenhouse is of significance as a curtilage listed structure and reflects the associative garden use of a house like 'Inverleith' which I consider may well have been of some importance due to the size and quality of the existing greenhouse.
28. I have no evidence before me to confirm the Planning Officer's hypothesis that this building would once have had a wall behind it. Although this would be common in lean to green houses, in this case, I consider the symmetrical design would make this possibility unlikely. Therefore, I consider that some of the significance of the curtilage listed green house is also due to its double aspect roof form and its surrounding garden setting which I consider includes the presence of Tree T1 nearby.
29. The proposal would erect a pitched roof garage extension along this boundary and in doing so would obscure any views of the greenhouse from Fairmile Close itself. Whilst I do not consider that the loss of such views would be harmful to the listed building, the structure would however introduce a greater amount of built form running parallel to the greenhouse and as such the curtilage listed building would experience some enclosure.
30. The proposal would therefore introduce a relatively high built form immediately to the rear of this greenhouse structure that would extend for a considerable extent along the common boundary between the two properties. Although the proposed roof of the proposed garage slopes downwards towards the greenhouse there would still be some significant change in the building's setting and, although the enclosed daylight studies confirm that there would not be any over shadowing into the structure, the physical impact of proposed garage extension would undoubtedly have an effect.
31. In assessing the impact of this structure, I am required by the above Act to give great weight to the heritage asset and its conservation. I consider that

¹ The property has been little changed since its inclusion in Lawrence Weaver's 'The Small Country House of Today' (1911).

due to the extent, length and overall height of the proposed garage extension the introduction of such a building would cause harm to the setting and significance of the greenhouse due to this enclosure along almost the whole length of the common boundary by the proposed garage extension. This would result in less than substantial harm to the curtilage listed structure.

32. In identifying less than substantial harm to the heritage asset I am required by paragraph 202 of the National Planning Policy Framework (NPPF) to weigh such harm against any identified public benefits that may be generated through this proposal.
33. Although I consider that the removal of the existing car port structure would result in a lessening of some built form within close proximity to the greenhouse, this would be undermined by the extent along the boundary of the structure as well as the height of the proposed garage. As such any benefit would be minimal.
34. I conclude therefore that there will be a harmful impact upon the setting and significance of 'Inverleith' through development for such length, height and in such proximity to the Listed Building's curtilage listed greenhouse which would not be outweighed by any identified public benefits. As such I consider that such less than substantial harm means that Policy DM9 of the Local Plan would not be met.

The impact of the proposals upon the Cedar tree T1

35. One of the most striking and attractive features within the cul de sac of Fairmile Close is the dominance and condition of the existing Cedar Tree, tree T1. I consider that this Cedar tree is an important natural landmark feature that, being over 150 years old, would be largely irreplaceable. I also consider it important to the character and appearance of the area and to the setting of the Grade II* 'Inverleith'.
36. The proposal would introduce built form within a very close proximity to this tree that would not only result in the loss of the views identified above, but would also result in excavation and extension within its root protection area (RPA).
37. The proposed garage extension would therefore encroach by around 6m into the RPA and due to this, branches and a large bough of the tree would need to be removed in order to accommodate the large height of the proposed garage structure. Although I note the technical solutions that could be employed in order to minimise this harm, I am also aware that, despite the proposed conditions, moderate adverse impact upon this tree would likely occur according to the Appellant's Arboricultural report.
38. Paragraph 131 of the NPPF recognises the contribution that trees can have upon sustainable and attractive communities. Paragraph 175 of the same also recommends that proposals which result in the loss and deterioration of such trees should be refused planning permission. I consider that this tree, being over 150 years old, should be given suitable weight due to its landmark and aesthetic qualities. I consider that development, through its potential to cause an adverse impact to this tree would undermine this guidance.

39. As such I consider the potential for moderate adverse impact to this tree could be such as to prejudice its long term survival and this would seriously harm the character and appearance of Fairmile Close and the wider area from where this tree can likely be seen. As such the proposal runs contrary to Policy DM7 of the Development Management Policies Local Plan (2014).

Other Considerations/Matters

40. The Appellant's have brought to my attention the previous planning approvals for frontage modifications and extensions to number 2 Fairmile Close which include a single storey garage extension. Whilst I do not have all the information before me to fully judge this application, I anticipate that the principal of development to the frontage would not be inconsistent with the proposal before me and that in many ways the appeal proposal is a more contextual design when seen within the context to which it belongs.
41. However, where this previous approval differs is due to the differing site characteristics and what I consider is a notable sense of arrival towards the appeal site that is defined by the focal point of tree T1 and its garden surrounds.
42. Although I consider that the previously approved scheme to number 2 would result in further garage structures to the frontage in a similar manner to that of this appeal, I do not consider that the potential impact upon the overall streetscene as a whole would be as harmful. This is not due to the architectural style per se but due primarily to the relative lack of such a high quality natural aspect being so harmfully encroached upon by such a high and protruding structure.

Conclusion

43. Although I find no harm through the development of the two storey rear extension I consider that the harm caused through the front extending garage extension would be sufficient enough for me to conclude that this part of the appeal should fail.
44. For the reasons given above therefore I conclude that the appeal should succeed in part only, and I will grant planning permission for the two storey rear extension subject to the conditions outlined above. I will however uphold the refusal of planning permission for the single storey garage and side extension.

A Graham

INSPECTOR