



Appeal Decision

Site visit made on 21 February 2022

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 02 March 2022

Appeal Ref: APP/F2605/W/21/3278696

53 Yaxham Road, Dereham, NR19 1AJ

- 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 Karl Fitt against the decision of Breckland Council.
 - The application Ref: 3PL/2021/0515/F, dated 6 April 2021, was refused by notice dated 26 May 2021.
 - The development proposed is the demolition of existing outbuilding and erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - i) the effect of the proposed development on the character and appearance of the area; and
 - ii) whether the proposed development would provide adequate living conditions for future and existing occupiers with regards to internal space and outlook.

Reasons

Character and appearance

3. The appeal site comprises land within the curtilage to 53 Yaxham Road (No 53), a detached dwelling positioned with its side elevation facing the highway. Dwellings along Yaxham Road are varied in terms of their type, architectural style and form. However, a pattern of gaps between the existing built form together with open frontages with reasonably sized and landscaped front and rear gardens provides the area with a pleasantly spacious and attractive appearance.
4. The proposed dwelling would be single storey with living space contained within the roof structure to reduce its overall size and mass. However, it would nonetheless introduce a sizeable dwelling with a small front and rear garden area. The resultant front garden for No 53 would be almost non-existent and mostly set aside for the parking of vehicles. Despite its single storey height and a small gap between the proposed and existing dwellings, it would appear very close to the front elevation of No 53 and there would be a significant loss of open space around the host property with a narrow strip of garden land remaining to its side and rear. The consequential plot sizes for the retained and

proposed dwelling would be substantially smaller and narrower than those prevailing within the area. The development would result in a contrived layout with an unduly cramped appearance within the streetscene. It would be read as a dominant and incongruous feature that would be out of keeping and at odds with the more spacious pattern of development within the area, particularly given its prominent position adjacent to the highway.

5. Therefore, I conclude that the proposed development would have an unduly detrimental effect on the character and appearance of the area. It would be contrary to policies GEN02, COM01 and COM03 of the Breckland Local Plan (2019)(LP) insofar as these policies require development to be of a high quality design which respects the character of the area. In addition, the appeal scheme would be contrary to the aims of the National Planning Policy Framework which requires development to be sympathetic to local character and to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Living conditions

6. It has not been put to me that the size of the proposed accommodation would fall below any minimum space standards. However, the first-floor bedroom would be reliant upon rooflight windows for its light and outlook and access to it from the ground floor would be via a staircase from the kitchen. I note the Council's concerns regarding the risk of fire being greater within a kitchen area. Reference is also made to the opening of the bathroom door into the hallway which, is stated to be narrow, and having the effect of blocking the hallway. Although these matters would not merit a refusal of planning permission on an individual basis, when taken cumulatively, they compromise the layout of the internal space and reduce its useability and safety to the material detriment of future occupiers of the proposed dwelling.
7. Reference is also made to issues of overlooking from the first-floor windows with the side elevation, however, these appear to serve a void space within the shared kitchen/diner/lounge area, and the submitted plans do not show an access doorway from the landing area. As such, as a void space serving the shared use ground floor living area, I am not satisfied that there would be any overlooking from these windows given their height from ground floor level.
8. My attention is also drawn to living conditions of neighbouring occupiers. Whilst the proposed dwelling would be positioned in close proximity to the front elevation of No 53, the outlook from windows within this elevation is already towards the substantial wall of the outbuilding. Albeit the proposed dwelling would include a greater height and mass, I am not satisfied on the evidence before me that there would be a materially harmful effect on the living conditions of No53. Albeit positioned in close proximity to the boundary of No 53A Yaxham Road, as a side boundary delineated by a substantial height close boarded fence, I am not persuaded that the appeal scheme would unduly harm the living conditions of the neighbouring occupier. However, the absence of harm from these matters does not alter my findings with regards to the overall quality of the living space.
9. Overall, the proposal would fail to provide an adequate standard of living conditions for future occupiers with regards to the layout of the internal space and this would conflict with Policy COM03 of the LP insofar as it seeks to

protect amenity. It would also conflict with the Framework which requires development to include a high standard of amenity for future users.

Other Matters

10. The appeal site is sustainably located with access to the market town of Dereham and the appeal scheme would have no adverse impact in terms of highway safety. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
11. Reference has been made to the Council approving similar applications for development, including one example where there was no provision for amenity space. However, little information has been provided to me with regards to these developments and, in any event, each proposal needs to be determined on its individual planning merits.
12. One additional dwelling would make a negligible contribution towards the government's aim to boost housing supply. Whilst there would be economic benefits arising from the construction phase and through spending in services and facilities within the area, the benefits associated with the provision of one additional dwelling are very limited.

Conclusion

13. Although the appeal proposal has been revised to seek to overcome the reasons for refusal of a previous application, s.38(6) of the Planning and Compulsory Purchase Act requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a proposal conflicts with an up-to-date development plan, planning permission should not usually be granted. The proposed development would be contrary to LP Policies GEN02, COM01 and COM03. The benefits of the proposed scheme would carry very limited weight and they would not be sufficient to outweigh the conflict with the development plan.
14. For the reasons given above, I conclude that the appeal is dismissed.

E Brownless

INSPECTOR