



Appeal Decision

Site visit made on 15 December 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/U2615/W/21/3271232

64 Beccles Road, Bradwell NR31 8HF

- 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 Andrew Beck, BGW Developments Ltd. against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0421/F, dated 09 September 2020, was refused by notice dated 30 October 2020.
 - The development proposed is Development of site to construct 4no. detached bungalows and garages.
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Decision

1. The appeal is allowed and planning permission is granted for Development of site to construct 4no. detached bungalows and garages at 64 Beccles Road, Bradwell NR31 8HF in accordance with the terms of the application, Ref 06/20/0421/F, dated 9 September 2020, subject to the conditions set out in the attached Schedule at the end of this Decision.

Preliminary Matters

2. Since the appeal was lodged, the Council has adopted the Great Yarmouth Local Plan Part 2 (LP2)¹. The development plan therefore comprises the LP2 and the Council's Core Strategy Local Plan Part 1 – 2015 (CS). The Council has confirmed that the Great Yarmouth Borough-Wide Local Plan 2001 has been replaced by the LP2. Therefore, Policy HOU17, as relied on in its decision, has been replaced by LP2 Policies A1, A2 and H4. The appellant has had the opportunity to comment on the newly adopted policies and I have had regard to them in reaching my decision.
3. 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.
4. The appellant submitted a 'Transport Appeal Report' with the appeal. The Council and interested parties had the opportunity to comment on this information. I am therefore satisfied that no party is prejudiced by my taking it into consideration.

¹ December 2021

Main Issues

5. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) highway safety.

Reasons

Character and appearance

6. The appeal proposal would introduce a small cul-de-sac, of four single storey dwellings, to a backland position to the northwest of Beccles Road. The appeal site comprises the original plot of the now demolished dwelling, 64 Beccles Road and incorporates parts of the rear gardens of a number of adjacent properties. There is a mix in types, size and styles of properties in the area, although the prevailing form in this part of the street is that of single storey, modest detached and semi-detached properties.
7. There is extant permission for the erection of two single storey dwellings in this location, albeit on a smaller plot. The site is situated within a busy residential area where the principle of the proposal is considered acceptable. The access proposed is the same as previously approved to serve the two dwellings. As such there would be no harmful effect on the street scene arising from the creation of the proposed access. Further, vehicles driving to and from the site would join the public highway close to the access to 62 Beccles Road. These manoeuvres which would be limited by the scale of development proposed, would not be harmful to the area's character.
8. The small-scale development would result in properties being divorced from and therefore inconspicuous in the street scene. While they would be visible from neighbouring properties, existing and proposed boundary treatments would soften their presence in such views. The scale and appearance of the proposed buildings would be compatible with surrounding built form. Having regard to the density of nearby development, along with the size of the retained gardens of the donor properties, the layout of the scheme would ensure that the development would not appear unduly cramped.
9. In the context of the wider setting and taking into consideration that permission for two dwellings in this backland position has already been granted, the appeal scheme would not appear markedly out of place. The proposed development would assimilate well with its surroundings without causing undue harm to the visual and spatial qualities of the area or appearing unduly prominent or incongruous.
10. Consequently, I conclude that the proposal would not result in unacceptable harm to character and appearance of the area. Thus, there would be no conflict with CS Policies CS3 and CS9 or LP2 Policies A1 and A2 which, together and amongst other matters, seek high quality design and developments that respond to their surroundings and make efficient use of land.

Highway safety

11. The proposed access has previously been approved by the Council to serve a development of two dwellings. The appeal proposal for four dwellings would lead to an increase in the level of vehicular and pedestrian traffic from that previously considered acceptable. However, there is limited substantive evidence that the increased movements likely to result from an additional two

dwelling, would lead to an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe.

12. The Highway Authority did not object to the proposal subject to the imposition of its recommended conditions. The proposed access would accord with all relevant standards. I acknowledge that some reservation was indicated about the scale of development in relation to the location of the proposed access with the junction of Crab Lane. Nevertheless, the traffic movements associated with a small-scale development such as this would typically be very modest, as is evidenced in the appellant's Transport Appeal Report, the conclusions of which the Council has not contested.
13. The Beccles Road is a busy main distributor route, that is subject to a 30mph speed restriction, and traffic already stops and starts or slows near to the appeal site as vehicles turn into or exit existing residential accesses and road junctions. Given the short length and configuration of the proposed access, the speed of vehicles entering and exiting would typically be low. Therefore, notwithstanding the existing proliferation of accesses present on this stretch of the highway, and the proposed access's proximity to the junction between Beccles Road and Crab Lane, I am satisfied that the level of use of the access that would be generated by the appeal proposal would not give rise to an unacceptable impact on highway safety.
14. The inclusion of a passing place within the site access would increase the available width to greater than 4.8 metres. This would facilitate a larger vehicle and a car to pass. I therefore consider the concern that emergency vehicles could not safely access the site to be unfounded.
15. I am mindful of the concerns raised regarding an accident in the vicinity of the site which tragically resulted in a fatality. However, I have no cogent evidence to lead me to the conclusion that the proposal would result in a significant change, such that the risk of accidents for road users or pedestrians close to the site or elsewhere would be materially increased by the proposal, or that the accident was a result of any existing deficiency in highway safety.
16. Overall, I conclude that the appeal proposal would not have a harmful effect on highway safety. It would not conflict with CS Policy CS16 which seeks to ensure that new development does not have an adverse impact on the safety and efficiency of the local road network.

Other Matters

Habitats Sites

17. The Habitats Regulations² require that planning permission may only be granted after having ascertained that the proposed development will not affect the integrity of the site or sites within the national site network. The appeal site is located within 2.5km of the Winterton and Horsey Dunes Special Area of Conservation, Great Yarmouth North Denes Special Protection Area, Breydon Water Special Protection Area and Ramsar site, Broadland Special Protection Area and Ramsar site and The Broads Special Area of Conservation. As a consequence, I am required to assess the implications of the proposal on the conservation objectives of the designated areas. These sites are designated for their environmental importance, including supporting nationally important

² Conservation of Habitats and Species Regulations 2017.

breeding bird populations such as Common Tern, Little Tern and Lapwing; habitats for breeding, wintering and passage birds; fixed and shifting dunes systems supporting acidic plant communities; and nutrient rich lakes and ditches which support relict vegetation of the original Fenland flora and rich assemblages of rare and local aquatic species. The overarching conservation objectives for these sites is to avoid a deterioration of habitats and minimise disturbance, thereby ensuring the integrity of the sites is maintained.

18. These sites are used for public recreation and it cannot be ruled out that the proposal, when considered alone or in combination with other schemes, would have likely significant effects on the aforementioned qualifying features of the sites due to the increased recreational use. These effects include disturbance of birds, resulting in increased stress affecting their ability to breed, risk of trampling of important vegetation and of chicks and eggs of ground nesting bird species. It is therefore necessary that I undertake a Habitats Regulations Assessment. In doing so I may consider any conditions or other restrictions which could secure mitigation of this harm and which could therefore allow development to proceed in the knowledge that the conservation objectives of the identified sites would be secured.
19. I have had regard to the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy 2021 and the Council's Habitats Monitoring and Mitigation Strategy 2019. They form agreed strategic solutions to mitigate the effects of development proposals by the provision of a mix of measures that would be secured by financial contributions from developments, based on a standard tariff. These contain a range of habitat-based measures including education, communication and monitoring and have been endorsed by Natural England (NE). At the time of the application the standard mitigation payment of £110 per dwelling was required and made. NE and the Council have advised that this has increased during the appeal to £185.93 per dwelling. I have been provided with evidence that payment of the balance of the additional contribution has been made in accordance with the agreed strategy.
20. Given the evidence before me, I am satisfied that the mitigation measures have been secured, would be used for their intended purpose and that the level of further recreational disturbance resulting from the proposed dwellings would be effectively offset by the contribution made to the strategic mitigation measures. On this basis, I am able to conclude that the proposal would not have an adverse effect on the integrity of the identified Habitats Sites. The proposal would comply with LP2 Policy GSP5 and the Habitats Regulations.
21. Concern was raised regarding potential adverse nutrient impacts on the water quality of The Broads Special Area of Conservation. However, NE has confirmed that the appeal site lies outside of the affected catchment area of this Habitats Site. I am therefore satisfied that no further action is required in respect of this matter.

Open Space

22. The Council has advised that because of the adoption of the LP2 the proposal is now subject to the requirement under LP2 Policy H4 for new residential development to make provision for publicly accessible recreational open space based on adopted Borough-wide standards. The Council has indicated that this results in the need for a financial contribution of £6,092.40. The appellant has

agreed to this requirement, and I have been provided with evidence that this payment has been made directly to the Council.

23. However, whilst I have been provided with a breakdown of the level of contribution the Council requires per dwelling and the type of open space provision that would be provided for, I have not been provided with any detailed evidence of the effect that the appeal proposal might have on the extent of local deficiencies in public open space. Nor am I provided with any explanation of why the requested contributions do not directly align with the standard costs set out in Appendix D of the LP2.
24. In the absence of specific details, including how the contribution would be spent, I cannot be certain that the contribution would be necessary to make the development acceptable or that it would be directly related to the development and fairly and reasonably related in scale and kind. Consequently, I am unable to conclude that the contribution would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010. In these circumstances, the payment has not had any bearing on my decision.

Conditions

25. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended, consolidated or omitted some of the conditions in the interests of reasonableness, precision and clarity, and in order to comply with advice in the Planning Practice Guidance. The appellant has given written agreement to the pre-commencement conditions attached to this decision.
26. In addition to the standard time limit for commencement [1], I have imposed a condition specifying the relevant drawings as this provides certainty [2]. To protect the character and appearance of the area it is necessary to attach a condition requiring the approval of materials to be used on the external surfaces of the development [7]. For the same reason, and to safeguard trees and hedgerow and to protect the living conditions of the occupiers of neighbouring properties, a condition requiring approval of landscaping details is imposed [5].
27. To ensure the construction of the access road is of a suitable standard and that surface water does not drain onto adjoining land, a condition is necessary requiring those details to be approved [3]. For reasons of highway safety, I have conditioned details of the access, including the necessary visibility splays and the provision of the parking, passing and turning areas, and the approval of a scheme to ensure adequate off-street parking for the duration of the construction phase [4, 8, 9, 10 and 11].
28. I have also included a condition relating to hours of construction work to safeguard the living conditions of adjoining occupiers from any unreasonable noise [12].
29. The Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. However, most particularly due to the relative proximity of the new dwellings to each other and neighbouring development, it is reasonable and necessary to withdraw permitted development rights with respect to extensions

and any additional window or door openings. This condition would be in the interests of safeguarding the living conditions of neighbouring occupiers [13].

Conclusion

30. For the reasons given above the appeal is allowed.

S Tudhope

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Proposed Residential Development Drawing Number 1283/2 Rev.A; and Proposed Residential Development Drawing Number 1283/5.
- 3) Development shall not commence until detailed plans for the construction and surfacing of the access road and on-site surface water drainage have been submitted to and approved in writing by the local planning authority. The access road and on-site surface water drainage shall be constructed and thereafter maintained as approved.
- 4) No development shall take place until a scheme detailing provision for the on-site parking of vehicles for site operatives for the duration of the construction period has been submitted to and approved in writing by the local planning authority. The approved scheme shall be adhered to throughout the construction period for the development.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained, which shall include the trees and hedgerow along the southern boundary of the site, as already shown to be retained on approved plan drawing number 1283/2 Rev.A, and set out measures for their protection throughout the course of development.
- 6) All work comprised in the approved scheme of landscaping, including all planting, seeding or turfing, shall be carried out before the end of the first planting and seeding season following occupation of any of the dwellings or completion of the development, whichever is sooner. Any existing tree or hedgerow shown to be retained or trees or plants which within a period of five years of the completion of the development die, are removed or become severely damaged or diseased shall be replaced in the next planting season with others of similar size and species
- 7) No above ground works shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted

have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 8) Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 1283/2 Rev.A) in accordance with highway specification (Drawing Number TRAD 1). Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 9) Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan (Drawing Number 1283/2 Rev.A). The splay shall thereafter be maintained free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 10) Prior to the first occupation of the development hereby permitted, the vehicular access, on site car parking, passing and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plans and retained thereafter for the specific uses.
- 11) The vehicular access shall be maintained in perpetuity at a minimum width of 4.5 metres for a minimum length of 10 metres as measured from the near edge of the highway carriageway and shall be constructed perpendicular to the highway carriageway for that distance.
- 12) Construction work shall not take place outside the following hours:
07:30 to 18:00 Monday to Friday
08:00 to 13:00 Saturday and no work shall take place on Sundays or Bank or other Public Holidays.

These restricted hours shall only apply to noise generating work that is audible at the boundary of the nearest noise sensitive property.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order amending, revoking and re-enacting that Order, no extensions shall be built, and no window or door openings shall be inserted into any elevation or roof slope of the dwellings (other than those expressly authorised by this planning permission), without first obtaining planning permission from the local planning authority.