



Appeal Decision

Site visit made on 2 August 2022

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1ST September 2022

Appeal Ref: APP/U2615/W/21/3281548

54 Beach Road, Scratby, Great Yarmouth, Norfolk NR29 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Cooke against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0655/O, dated 25 November 2020, was refused by notice dated 25 February 2021.
 - The development proposed is subdivision of the existing curtilage to allow the erection of one detached chalet bungalow and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with details of means of access and layout submitted and all other detailed matters reserved.
3. When the Council made its decision, the saved policies of the Great Yarmouth Borough-Wide Local Plan (LP) (2001) formed part of the development plan. Since the Council's decision, it has adopted the Great Yarmouth Local Plan Part 2 (LPP2) (December 2021). Its policies supersede policies HOU7 and HOU10 of the LP. My decision shall be on the basis of the policies in LPP2.
4. The appellant has submitted plans with his final comments which show a reduced site area for the proposal. I shall base my decision on the plans that were before the Council when it made its decision, as the amended plans have not been subject to consultation.

Main Issues

5. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect on the living conditions of adjacent occupants from increased use of the private drive; and
 - iii) the effect on trees and biodiversity.

Reasons

Character and Appearance

6. The existing pattern of development along the southern side of Beach Road is of linear frontage development of detached and semi-detached dwellings of single and two storeys. To the rear of Nos. 50 and 56 two dwellings have been built which are accessed via a gravel drive between the properties. Number 54 is the southernmost of those two dwellings and has a large garden extending to the rear. The appeal site forms part of that garden and extends up to its rear boundary.
7. The development limits of Scratby are defined in the development plan. The limits are drawn tightly around the rear of the properties fronting Beach Road in the immediate locality and numbers 52 and 54 are excluded. Those properties together with the appeal site fall within the countryside for planning purposes.
8. Policy CS2 of the Core Strategy (CS)¹ states that, in the countryside, development will be limited to conversions, replacement dwellings and schemes that help to meet rural needs. The types of development that can be allowed to meet rural needs are set out in Policy H5 of LPP2, and the proposal does not fall within any of those categories. Policy GSP1 of LPP2 restricts housing development outside development limits. The proposal would not accord with those policies.
9. The site and the remainder of the garden adjoin fields which extend towards Scratby Road. There is a large holiday park to the east. Notwithstanding that the site forms part of a residential garden, it is visually part of the open countryside. The proposed dwelling would be to the south of the two existing dwellings. In this context the proposal would be visually intrusive in the open countryside. The character of the site would be changed in terms of the intensification of residential use.
10. There are existing hedges to the east and south of the site and to the western boundary of no. 54, the latter being of some height. These features together with trees within the garden would provide some visual screening. Nonetheless, it is likely that the upper parts of the dwelling would be visible above these boundary features from the south and east.
11. The proposal would also depart from the predominant linear pattern of development along the road frontage. Notwithstanding the two existing dwellings off the private drive, the proposal would be a piecemeal form of development that would not be integrated with the predominant pattern.
12. Policy A2 of LPP2 requires housing to be of high quality design, to reflect local distinctiveness and to create attractive and functional environments. Development should have regard to local context and reflect or complement the urban grain. Policy CS9(a) of the CS similarly requires high quality and distinctive places which respond to the area's characteristics and reinforce local identity. The proposal would not accord with those policies for the reasons given.
13. I saw on my visit that residential developments have taken place at the western end of Beach Road where it joins Scratby Road. Although there is housing to the rear of frontage dwellings this, together with an adjoining area of land is within the development limits and any future development in that

¹ Great Yarmouth Local Plan Core Strategy 2013-2030 (2015)

area will be comprehensive in nature. This therefore differs from the proposal for these reasons.

14. For the reasons given I conclude on the first issue that the proposal would unacceptably harm the character and appearance of the area.

Living Conditions

15. The existing drive is surfaced with gravel and vehicles travelling along it would result in some noise and disturbance to adjacent occupants. The appellant has offered to re-surface the drive in a different material, but there would still be some disturbance from vehicle movements. However, I noted on my visit that the houses at numbers 50 and 56 are separated from the drive by attached garages. This separation would, in my view be likely to be sufficient to ensure that any disturbance is minimised. Disturbance in the rear gardens of those dwellings would be more likely however the hedge and fence along the garden boundaries may provide some mitigation.
16. The dwellings at 52 and 54 face the drive and are closer to it than Nos. 50 and 56, but the volume of traffic that would travel past those dwellings would be limited.
17. The proposal would result in a total of three dwellings off the private drive and there are garages at the rear of No. 56. Taking into account the likely numbers of vehicles that would use the drive, the degree of separation from it of the frontage dwellings and the potential for re-surfacing I find that there would not be an unacceptable adverse effect on the living conditions of adjacent occupants.
18. For these reasons the proposal would accord with Policy CS9(f) of the CS which requires protection of residents' amenity, and Policy A1 of LPP2 which requires a high standard of amenity.

Trees and Biodiversity

19. The plan indicates that three trees would be removed to facilitate the development. I saw on my visit that these consist of a mature tree within the boundary hedge and two smaller trees within the site. The appellant states that one of the trees is diseased but no further evidence has been provided and there is no arboricultural impact assessment. While the loss of existing landscape features would affect the character and appearance of the area, the appellant intends to plant 5 new trees, and this would compensate visually for the loss of the trees.
20. However, the Council's Ecologist has identified that the trees could potentially provide bat roosts. No ecological survey has been carried out to show whether this is the case. The Planning Practice Guidance² advises that an ecological survey will be necessary in advance of a planning application if the development could have a significant impact on biodiversity. Given the Ecologist's comments, such a survey would appear to be justified.
21. Policy CS11(g) of the CS requires all new development to take measures to avoid or reduce adverse impacts on existing biodiversity assets. It has not been demonstrated one way or the other whether the development would

² 8-018-20190721

adversely affect bats. Nonetheless, on the basis of the limited information before me there is a possibility that there would be an adverse impact on biodiversity unless adequate mitigation measures could be provided.

Conclusions

22. My findings on the second and third issues are not determinative in my decision. For the reasons given above in respect of the first main issue I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR