



Appeal Decision

Site visit made on 26 August 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/L2630/W/21/3283713

Land north of 12 Stafford Avenue, Costessey NR5 0QF

- 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 William Clark (Teddy Clark Ltd) against the decision of South Norfolk District Council.
 - The application Ref 2021/0893, dated 16 April 2021, was refused by notice dated 26 August 2021.
 - The development proposed is the erection of a building to be used as a care facility (Use Class C2) with associated landscaping scheme and car parking, for children with autism, mental health conditions and learning difficulties.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of neighbouring occupants.

Reasons

Character and Appearance

3. The appeal site is a vacant plot of land in a presently overgrown state within the residential street of Stafford Avenue. The street is characterised mainly by modest detached and semi-detached bungalows of individual designs, including both hipped and pitched roof forms, some with small dormer windows. The dwellings to the adjacent side of the street to the appeal site occupy deep, narrow plots. Some neighbouring dwellings have extended rearward.
4. The proposed building is designed to appear as a pair of modest, dormer bungalows to the front, with low eaves and a long, shallow roof pitch rearward. These two elements would be joined by a central link structure set behind the front elevations. At the rear, a first floor, flat roofed dormer-type feature would extend across the full width of the building. The ground floor would extend significantly rearward into the site in an L-shape, wrapping around the side and rear of a proposed courtyard garden.
5. The design of the front elevation seeks to reflect the prevailing scale and character of surrounding dwellings, with the recessed central link enabling the frontage to appear as two distinct buildings. In this respect the proposal would relate well to its surroundings.
6. However, the scale and massing of the building to the rear would be substantial. The first floor section would have a single façade across the full

width of the building, lacking the articulation provided at the front by the recessed link building. As a result, this element would form a dominant and overbearing feature, overpowering the bungalow scale of the front of the building. This would be seen most clearly from the gardens of neighbouring dwellings, but the massing of the rear first floor section would also be visible from the street in views of the sides of the building, which I saw on site would be more open than suggested by the appellant, particularly as the plans show the side boundaries would have fencing, above which the side elevations would be visible.

7. Other dwellings have extended rearward along the street; however, I saw this has tended to be either at a single storey scale or, if two storeys, the extension has integrated into the roof shape of the dwelling in a considered manner. The proposed flat roof element would appear incongruous in this context, failing to reflect the surrounding scale or form of development. Moreover, the depth of the rear single storey element would significantly exceed the depth of other neighbouring dwellings to this side of Stafford Avenue. It would add to an excessive overall scale of development that would dominate in views from the gardens to Nos 12 and 18 to either side of the site.
8. The appellant points out that the size of the building has been dictated by internal space requirements for a care facility. I am not provided with full details of these requirements, but even so, it has not been shown that this is the only design and layout that could achieve the necessary internal arrangements. Indeed, planning permission has subsequently been granted for an alternative care home facility¹ which would occupy a more compact footprint more in line with that of surrounding dwellings. In this respect, the fall-back position of the permitted scheme would not be more harmful than the proposal before me. Therefore, as a material consideration, it does not weigh in favour of the proposal.
9. For the reasons set out above, I conclude that the proposal would cause significant harm to the character and appearance of the area, in conflict with Policy 2 of the Joint Core Strategy (March 2011)² and Policies DM1.4(d, i) and DM3.8 of the South Norfolk Local Plan Development Management Policies Document (2015) (the DMPD), which together require high quality development that makes a positive contribution to local character and distinctiveness; and which respects adjoining structures, spaces, routes and local landscape, having regard to criteria including scale, height, massing, form, appearance and materials.

Living Conditions

10. The Council's concern relates to the massing of the building, in particular that it would have a dominant and oppressive effect on neighbouring dwellings. As set out above, the massing of the rear first floor element and the elongated ground floor extension would form imposing structures in clear view from the rear windows and garden of No 12 to the south. The overall scale would be significantly greater than that established in this residential area, and I agree with the Council that it would have an overbearing presence that would harmfully diminish the outlook for neighbouring occupants.

¹ Council Ref 2021/2410, granted 21 December 2021

² The Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011, Amendments adopted January 2014)

11. With respect to No 18 to the north, the structure would be partially concealed by an existing detached outbuilding on the boundary. However, the scale of the proposal is such that it would still extend well beyond this outbuilding, and the height of the first floor element would still loom over the outbuilding. The side elevation would also extend in a long, unbroken line close to the boundary and would have a more immediate presence compared to the effect on No 12. These factors in combination would create a harmful sense of enclosure and loss of outlook for neighbouring occupants.
12. For these reasons, I conclude that the proposal would cause significant harm to the living conditions of neighbouring occupants, contrary to Policy DM3.13 of the DMPD, which requires development to ensure a reasonable standard of amenity reflecting the character of the local area, with particular regard paid to, among other things, avoiding overshadowing and overbearing impacts.

Other Matters

13. The Council indicates that the appeal site lies within the Broads Special Area of Conservation (SAC). In March 2022, Natural England issued advice in respect of the adverse effect of nutrient pollution on the integrity of protected sites, including those in South Norfolk, which are regarded as being in unfavourable conservation status. Development may create additional nutrient loads which would have a further adverse effect, which should be carefully considered and mitigated to ensure no adverse effects and to meet the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended).
14. In addition, the Council advises that, from 1 April 2022, the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has been introduced, requiring developments which would create additional residential impacts on habitats sites to pay a one-off tariff of £185.93 per unit. The Council indicates that these tariffs would be used to fund mitigation measures, which would enable a conclusion that there would be no adverse impact on the integrity of the protected sites as a result of the proposal.
15. The proposed development has the potential to result in an effect on this designated site and a Habitats Regulation Assessment is required before any planning permission is granted. Beyond the limited evidence above from the Council, I have no information from the appellant, nor is there any planning obligation before me which would secure any required mitigation. However, as I have already identified harm in respect of the main issues, it is not necessary for me to undertake an appropriate assessment, as even if no harm was identified or any harm successfully mitigated, these would be neutral considerations at best and therefore would not alter the outcome of the appeal. Consequently, in these circumstances, it is not necessary to consider these matters further for the purposes of my decision.
16. The appellant refers to a development nearby on, I understand, Grove Avenue, which was granted planning permission in 2019. The evidence before me is limited to selected excerpts from the Council's report, a number of drawings and an aerial photo. Despite some similarities in the type of development and its general form, it is not possible to glean from this evidence whether the two proposals are in fact comparable. In any event, there are inevitably differences between sites which entail a site-specific approach, particularly in respect of character and appearance and neighbours' living conditions. Consequently, I

afford limited weight to this other development as a material consideration and I have considered the appeal scheme before me on its own merits.

17. The appellant refers to the 'high demand' for this form of specialist care service in the area, and to the suitability of the location, and I note the support for the proposal from Norfolk County Council's Adult Social Care department. I recognise that the proposal would provide a specific service to the community, and the specific provision of services for children with autism, mental health conditions and learning difficulties can only be regarded as an important benefit of the scheme meriting considerable weight in its favour.
18. There would also be economic benefits arising from the construction of the facility, though these would be temporary, and subsequently in terms of the employment it would provide. However, given the scale of the proposal, these benefits would attract limited weight in the planning balance.
19. The Council did not refuse the proposal in respect of highway safety or drainage. I note concerns raised by local residents as to the exact nature and intensity of the use of the building, and by extension the demand for parking. The local highway authority indicated similar concerns, but concluded that the level of parking would be suitable for the stated number of staff and residents. Were the appeal to be allowed, the overall number of staff and/or residents could be limited by condition to address any potential for parking overspill or traffic generation. Consequently, this is not a matter that weighs against the proposal.
20. I have also had regard to other concerns raised by interested parties beyond those encapsulated by the main issues. I do not dismiss these concerns, but on the evidence I have, they do not appear to raise matters of such significance that would alter the overall balance of considerations in this case.

Conclusion

21. The proposed development would cause harm to the character and appearance of the area, and the living conditions of neighbouring occupants, resulting in conflict with the development plan, taken as a whole. I afford significant weight to this conflict. Material considerations in this case, in particular the delivery of specialised care services to the community, weigh in favour of the proposal but, taken together, are not sufficient to outweigh the identified conflict with the development plan.
22. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR