The Planning Inspectorate

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: 20 October 2022

Appeal Ref: APP/F2605/W/22/3295285
Development Plot At 2 Middlemarch Road, Dereham NR19 1EQ

- 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 and Mrs B Sutton against the decision of Breckland Council.
- The application Ref 3PL/2021/1443/F, dated 21 October 2021, was refused by notice dated 6 December 2021.
- The development proposed is the erection of a single storey detached retirement bungalow.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council issued its decision, Natural England (NE) has updated its advice in relation to nutrient level pollution in a number of existing and new river basin catchments, which includes the River Wensum Special Area of Conservation (SAC) and the Broads SAC, in the catchment areas of which the appeal site is located. I sought comments from the main parties in this matter address its implications below.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal relates to an area of land to the front of the dwelling at 2 Middlemarch Road, indicated to have previously formed part of the front garden of this property. A single storey dwelling is proposed on the site, with an L-shaped footprint and shallow pitched roof.

5. The surrounding area is residential in character. There is variety to the size of dwellings, with small, single storey dwellings on the opposite side of the road, but also larger detached and semi-detached dwellings to the north. What is generally consistent, however, is the sense of spaciousness to the plots, with dwellings set back behind front gardens and having similar or greater space to the rear.

6. The existing dwelling at No 2 is something of an anomaly within the street as it is set significantly further back from the highway compared to the general building line. Another dwelling (No 2a) has recently been constructed to the front of No 2, on the other side of the central driveway to the dwelling at the rear.

7. However, although the appeal site forms a gap in the built form when one views up or down Middlemarch Road, the proposed dwelling would result in the former plot of No 2 containing three dwellings, each smaller than the one before and sitting in a more confined plot. The proposed dwelling, despite its modest scale, would still appear squeezed into the site in a cramped and contrived manner, with little space left to the sides or rear, and a front garden that would be laid to gravel for parking with room for little else. In these respects, the proposal would fail to reflect the more spacious character of the surroundings, instead forming a discordant addition to the street scene.

8. I have reached my conclusions based on my own observations of the site, but I am mindful that appeals for dwellings on the site have been dismissed on three prior occasions[1], and I agree with the conclusions reached by the Inspectors, whose reasons are similar to those I have set out. I note that No 2a was either under construction or complete at the time of each of these decisions, and so was taken into account. Whilst there are some similarities between the proposal and No 2a, there are also differences in the form of the dwelling and the size of the plot. In this respect, I agree with previous Inspectors that the existence of this development does not justify a proposal which would create a cramped and uncharacteristic cluster of development, at odds with the spacious surroundings of other properties that make a positive contribution to the character of the area.

9. Therefore, I conclude that the proposed dwelling would harm the character and appearance of the area, contrary to Policies COM01 and GEN02 of the Breckland Local Plan (November 2019), which require development to be designed to the highest possible standards, to respect and contribute to the distinctive character and amenity of the local area and be compatible in terms of layout, form, style, massing, scale, density, orientation, materials and design.

Other Material Considerations

Effect on Habitats Sites

10. The appeal site lies within the catchment areas of the Broads and River Wensum SACs. NE advice finds that an increasing number of waterbodies, in or linked with European Sites, are now deemed to be in 'unfavourable' conservation status for the purposes of the Conservation of Habitats and Species Regulations 2017 due to the levels of nitrates and/or phosphates present. Proposed development could further increase nutrient levels and adversely affect the integrity of the protected sites. The Regulations prevent the competent authority, me in this case, from granting permission unless the proposal would not adversely affect the integrity of the European site.

11. 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 the SACs 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

[1] APP/F2605/W/16/3157326, Dismissed 13 January 2017; APP/F2605/W/17/3179578, Dismissed 14 November 2017; APP/F2605/W/20/3263806, Dismissed 10 May 2021

impact on the integrity of the protected sites as a result of the proposal. No mechanism has been provided by the appellants to secure this contribution.

12. However, whilst these are material considerations, given my findings on the main issue of the appeal, the circumstances that could have led to the granting of planning permission are not present. Therefore, it is not necessary for me to further consider these matters as, even if they were found to be acceptable, they would be no more than neutral factors in the overall planning balance and so would not alter the outcome of the appeal.

Benefits

13. The proposal is indicated to be a retirement property for the appellants, although it is not proposed that the dwelling would be maintained on a permanent basis for occupation by those of retirement age. As such, while I recognise the potential private benefit for the appellants in living next to family members, the public benefits of adding a single, market dwelling to the housing stock would be limited.

14. There would also be some economic benefits from the construction of the dwelling, but these would be temporary and modest in scale, thereby attracting similarly limited weight in favour of the proposal.

Conclusion

15. I have found that the development would harm the character and appearance of the area, resulting in conflict with the development plan, taken as a whole. The identified benefits in this case, taken together, would not outweigh the harm in this case, and do not indicate that a decision should be made other than in accordance with the development plan.

16. Consequently, for the reasons given, the appeal is dismissed.

K Savage

INSPECTOR