



Appeal Decision

Site visit made on 20 January 2023

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 February 2023

Appeal Ref: APP/Y2620/W/21/3289123

9 Caslon Close, Fakenham NR21 9DL

- 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 M Rahman against the decision of North Norfolk District Council.
 - The application Ref PO/21/2584, dated 28 September 2021, was refused by notice dated 24 November 2021.
 - The development proposed is new build detached 1.5 storey dwelling on land behind 9 Caslon Close, Fakenham.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought outline planning permission with all matters of detail including layout, scale, access and appearance reserved for future consideration. Nonetheless, the planning application was accompanied by a site layout plan and potential elevations, which should be treated on an indicative basis only. The Local Planning Authority (LPA) made its decision on this basis and so shall I.
3. Since the LPA made its decision, it has been confirmed that the appeal site is within the catchment of the River Wensum Special Area of Conservation (SAC) where new residential development is likely to have a significant effect on qualifying features of the protected SAC in relation to nutrient neutrality and thus require mitigation. I deal with this under other matters below.

Main Issues

4. The main issues in this appeal are as follows:
 - (i) The effect of the proposed dwelling on the character and appearance of the surrounding area;
 - (ii) The effect of the proposed dwelling on the living conditions of: (1) the occupiers of Nos. 7, 7a, 9 and 11 Caslon Close with particular reference to outlook, privacy and vehicular noise and disturbance; and (2) the occupants of the proposed dwelling in respect of private amenity space; and
 - (iii) The effect of the proposed parking arrangement on highway safety in Caslon Close.

Reasons

Character and Appearance

5. Caslon Close is a small residential cul-de-sac development comprising two storey dwellings neatly arranged in a general horseshoe configuration around a modest central area used for vehicle parking. The housing is laid out such that dwellings are positioned towards the front of their plots, with linear private rear gardens. There is a consistent and identifiable building line to the rear of the dwellings on the western side of Caslon Close including No.9 beyond which is a spacious undeveloped area of rear gardens. Whilst there are modest single storey garage buildings towards the corner between and behind Nos.11 and 13 Caslon Close and occasional ancillary garden structures none of these are dominant or intrusive or of a comparable scale to even a modest new dwelling. Accordingly, there is a strong, prevailing sense of openness across the rear garden areas in this part of Caslon Close containing the appeal site.
6. The appeal proposal by virtue of its position in the rear garden of No.9 Caslon Close would be detrimentally at odds with the established pattern of residential development described above. It would have a starkly poor relationship to the existing, original layout of housing which remains largely intact at Caslon Close. There are no other examples before me, or observed on site, of similarly positioned dwellings at the Close. Whilst the proposal is in outline, the description of what has been applied for is a 1½ storey dwelling. This scale and massing would introduce a highly conspicuous and bulky structure an area characterised by open gardens. This harmful impact would be readily apparent in the street scene through the gap between Nos. 7a and 9 Caslon Close and from neighbouring properties.
7. The appeal plot comprises part of the long narrow rear garden to No.9. Whilst layout, scale and appearance are reserved matters it is difficult, in principle, to conceive of any sensible arrangement for a new dwelling on the plot that would not involve development close to both side boundaries of the linear plot. As such a proposed dwelling, whatever the detailed scale or appearance, would appear unappealingly cramped on its plot. As such it would fail to maintain the area's prevailing character and would not represent an appropriate density or acceptably efficient use of land at the appeal location.
8. The appellant states that similar and larger developments have been approved and developed in this location, including a reference to a neighbouring double garage. Whilst I have very few details of any other developments that the appellant has in mind, I observed the sectional garage building at No.11 Caslon Close which is of a modest scale and appearance compatible with this rear garden area and related to the modest outbuildings to the north. The appeal proposal, would, in contrast, introduce a noticeably larger building that would prominently project forward into the more open part of these rear gardens. As such the nearby garages do not provide a pattern and scale of development that would support and assimilate a new 1½ storey dwelling in this location.
9. I therefore conclude that the appeal proposal would result in significant harm to the character and appearance of the surrounding area. It would be contrary to Policies EN2 and EN4 of the North Norfolk Core Strategy 2008 (the NNCS) which require development proposals, amongst other things, to be designed to a high quality including the need to reinforce local distinctiveness, be appropriately designed to their context and relate sympathetically to the

surrounding area. The proposal would also fail to accord with paragraphs 126 and 130 of the National Planning Policy Framework (NPPF) which seek, amongst other things, for developments to add to the overall quality of the area, be sympathetic to the local context and maintain a strong sense of place.

Living Conditions

10. The design and appearance of the proposed dwelling, including position of openings, would be a reserved matter. At present ground and first floor openings on the rear elevation of Nos.7, 7a, 9 and 11 Caslon Close have an outlook towards open rear gardens including the appeal site. Whilst I accept that tall boundary fencing to the sides of the appeal site would limit direct intervisibility between the appeal dwelling and the ground floor openings and rear gardens of these adjoining properties there would be direct intervisibility at reasonably close distances between first floor openings at Nos 9 and 11 Caslon Close and any ground floor openings at the appeal dwelling or when being at the front of the proposed property, including at the front door. As such the appeal proposal would result in a moderately harmful loss of privacy to the occupiers of Nos 9 and 11 Caslon Close and vice versa for future occupants of the proposed dwelling.
11. Whilst the overall scale of the development remains a reserved matter the description of what has been applied for is a 1½ storey dwelling. As described above this would introduce a bulky structure into what is an area currently defined by open gardens. It would do so at a point close to the rear elevation of Nos. 7, 7a, 9 and 11. Consequently, the proposed dwelling would appear as a dominant feature in the outlook from various openings to Nos 9 and 11 and in the immediate rear garden areas to Nos. 7, 7a, 9 and 11. I therefore find that the appeal proposal would have a significantly harmful overbearing impact on the outlook from these properties and the enjoyment of what are pleasant, private open rear garden areas.
12. Whilst access details would be a reserved matter, the only means of access to the appeal site is via the side gap between Nos. 7a and 9 Caslon Close. Whilst I observed that part of this gap can be used for vehicle parking and turning within the curtilage of No.9 this does not extend beyond the rear elevation of the properties leaving the rear garden areas undisturbed. Vehicular access to the appeal dwelling would pass directly between the side elevations of Nos. 7a and 9 Caslon Close and into the tranquil rear garden area. In contrast to the current parking arrangement for No.9, vehicles associated with the proposed dwelling would pass very close to the various openings on the side elevation to No.9 and the side openings and rear conservatory at No.7a. There would be no reasonable means of control over the number or timing of vehicle movements associated with the appeal proposal. This would introduce a harmful level of disturbance materially greater than the current arrangement. Additionally, vehicle manoeuvring and headlights at night associated with the appeal proposal would introduce a wider harm of disturbance to properties at Nos.7, 7a, 9 and 11 in terms of the intrusion and loss of tranquillity in what is currently a quiet back garden area.
13. Whilst matters of detailed layout are not before me, taking into account the existing depth of the rear garden to No.9 together with the need to retain a private rear amenity space for the host dwelling at No.9 plus a driveway and off-street parking for the proposed dwelling and the likely footprint of the new

dwelling, there would be very little land available to provide a good amount and quality of private amenity space to the rear of the proposed dwelling. The limited quantity of private amenity space would be compounded by its hemmed-in position close to the boundary with the adjacent High School and the awkward shape resulting from the diagonal orientation of the host plot. Overall, the appeal proposal would not provide an acceptable private amenity space for future occupants.

14. The appellant invites me to place some emphasis on the outline nature of the proposal and the ability to defer a number of these living conditions issues to a detailed scheme at a reserved matters stage. However, due to the constrained size and orientation of the plot and the proximity of existing dwellings at Caslon Close, it is difficult to see how there would be sufficient scope within the constraints of the site to satisfactorily resolve the various and competing deficiencies identified. As such, due to its backland position and the limited size of the plot I consider that there would be fundamental harms on this main issue that render the principle of what is proposed as unacceptable.
15. I therefore conclude that the appeal proposal would have a significantly harmful effect on the living conditions of the occupiers of Nos. 7, 7a, 9 and 11 Caslon Close with particular reference to outlook, privacy and vehicular noise and disturbance. The proposal would also result in a moderate harm by virtue of failing to provide the occupants of the proposed dwelling with a sufficient standard of private amenity space. The appeal proposal would be contrary to Policies EN4 and EN13 of the NNCS which require, amongst other things, that development is suitably designed for its context, would not have a significant detrimental effect on the residential amenity of nearby occupiers, including noise and light pollution, and provide acceptable amenity to occupants of new dwellings. In this regard the proposal would fail to accord with the relevant parts of the LPAs Design Guide Supplementary Planning Document. It would also conflict with national policy at NPPF paragraph 130(f).

Parking Arrangements

16. Whilst layout is a reserved matter, the narrow width of the appeal site and its generally constricted scale means there is uncertainty as to whether the size of the site could satisfactorily accommodate a dwelling, suitable private amenity space and sufficient space for vehicles to park in accordance with the Council's parking standards. The indicative layout plan does not provide sufficient assurance on this matter. Whilst I note the Local Highway Authority has not objected and that off-street parking to No.9 can be accommodated to the front of the dwelling, I am concerned that the constrained nature of the appeal site would not be sufficient to accommodate adequate levels of off-street parking to serve the proposed dwelling. This would result in additional pressure on the small central area within Caslon Close which is tightly arranged leaving little room for safe highway circulation within the cul-de-sac. Whilst my site visit can only provide a snapshot, I nonetheless observed that this modest central parking area appears to be very well-used by existing properties, many of which do not have off-street parking provision, reflecting the original layout.
17. I therefore conclude that the appeal proposal would have a harmful effect on highway safety in Caslon Close by virtue of placing additional on-street parking pressure at this location. Accordingly, the appeal proposal would be contrary

to Policy CT6 of the NNCS which requires adequate vehicle parking facilities to serve the needs of the proposed development.

Other Matters

18. As set out above, following the LPAs decision it has been confirmed that the appeal site is within the catchment of the River Wensum SAC, an important protected habitat. Accordingly, a Habitats Regulation Assessment (HRA) to determine whether the proposed dwelling would give rise to a likely significant effect and if so whether such effects could be adequately mitigated should be considered. There is, however, very little information before me on this matter for the purposes of undertaking a HRA. In any event the outcome of the HRA process would not be determinative in this case as the proposed development on all main issues in this appeal would conflict with an up-to-date development plan and so there are clear reasons for refusing the development. Accordingly, there is no need for me to consider the implications of the appeal proposal on the protected River Wensum habitat as the appeal scheme is unacceptable for other reasons.
19. I have taken into account the very modest social and economic benefits that would arise from providing an additional dwelling at what is otherwise a highly sustainable location close to Fakenham town centre, but these do not amount to material considerations to justify a decision other than in accordance with the development plan on the main issues identified.

Conclusion

20. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Spencer

Inspector.