
Appeal Decision

Site visit made on 14 February 2023

By David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 16 February 2023

Appeal Ref: APP/F2605/W/22/3302009

19 Cromwell Road, Weeting IP27 0QT

- 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 Adrian Albone of Almac Carpentry and Joinery Ltd against the decision of Breckland Council.
 - The application Ref 3PL/2022/0088/F, dated 21 January 2022, was refused by notice dated 23 March 2022.
 - The development proposed is erection of dwelling to land rear of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Local Planning Authority (LPA) has advised that since it made its decision there have been material changes regarding the approach necessary to ensure that potential significant adverse effects on the qualifying features of proximate protected habitats are avoided in accordance with the Habitats Regulations. This includes the implementation from 1 April 2022 of the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). In respect of GIRAMS the appellant has submitted, as part of this appeal, a Unilateral Undertaking (UU) containing a planning obligation that would provide for a tariff payment towards mitigation. I deal with the UU under 'other matters' below.

Main Issues

3. The main issues in this appeal are firstly, the effect of the appeal proposal on the character and appearance of the surrounding area, and secondly, whether the appeal proposal would provide acceptable living conditions for future occupiers of the proposed dwelling and existing occupiers of No.19 Cromwell Road in respect of the provision of private amenity space.

Reasons

Character and Appearance

4. The appeal site is situated within a residential area which has evolved over time such that there is now some variety to the age, design and layout of dwellings. What was originally conceived as a relatively spacious layout of individual detached properties fronting onto the highway has intensified in places with various examples of shallow cul-de-sac developments and denser consolidations of development such as the short terrace arrangement at

Nos.16a-17b Cromwell Road to the west of the appeal site. As such there is no strong unifying character or appearance to the wider residential area, although parts of the original layout and character can be discerned. This includes No.19 Cromwell Road which remains within a spacious arrangement of detached dwellings on good sized plots that arc through from No.18 to No.23 Cromwell Road, on the northern side of the road around its junction with Hereward Way.

5. Whilst housing has subsequently been constructed a little further to the north at Montagu Drive and is visible between dwellings from within Cromwell Road at distance, this part of Cromwell Road containing No.19 is not characterised by housing development at depth to the rear of the original building line. The only exception is the position of No.20 Cromwell Road leaving a more spacious layout compared to what is proposed in the appeal. Moreover, there are no immediate comparable examples of housing development directly parallel to the rear of the original host building within its plot in this part of Cromwell Road. Accordingly, the appeal proposal would introduce a conspicuously awkward arrangement of development at a depth and cramped density, distinctly at odds with the immediately spacious pattern of development on this part of Cromwell Road. Despite its low profile, the proposed dwelling and the consequential harmful sense of overdevelopment would be clearly apparent when viewed from within Cromwell Road at the frontage of No.19.
6. The appellant has referred me to various nearby developments as setting a pattern for development in this part of Weeting that would support the appeal proposal. I observed the developments at Fairfax Drive, Oliver Court, Lambert Close, Vale Court and Hall Close, all of which are accessed from Cromwell Road. In contrast to the tight, parallel arrangement of the appeal proposal, these are all purposefully designed cul-de-sac developments, around which housing, including plots fronting onto Cromwell Road, have been arranged. These developments all benefit from a wider access road such that they can be readily experienced in the street-scene as cohesive developments rather than an ungainly combination of a retained host property and a new dwelling inserted directly behind. As such I do not find these developments provide any comparable basis or support for the harmful layout proposed at the appeal site. I have also visited the other developments referred to by the appellant including No.71 Cromwell Road, the larger, original cul-de-sac developments off Cromwell Road and the houses set behind No.1 St Edmund Road. Again, none of these are directly comparable in their layout to the appeal proposal and all of them occupy positions some distance from the appeal site and are generally not within the same street scene. As such I do not find them to provide a sufficient basis for justifying the harm that would arise from the contrived layout of the appeal proposal.
7. I note the appeal site benefits from a recent planning permission for a rear extension and replacement garage under reference 3PL/2021/0838/HOU. Whilst I accept the appellant's submission that due to its position the garage would be more visible behind No.19 compared to the appeal proposal, in contrast to a proposed dwelling it would be experienced as a small, stand alone, ancillary building. Importantly, and in contrast to the appeal proposal, the scale and position of the proposed replacement garage would not significantly erode the otherwise spacious character provided by the elongated rear garden to No.19.

8. I therefore conclude that the appeal proposal would have a significantly detrimental effect on the character and appearance of the surrounding area. It would be contrary to Policies COM01 and GEN02 of the Breckland Local Plan 2019 (the BLP) which require, among other things, that all development respects and is sensitive to the character of the surrounding area and integrates to a high degree of compatibility with the surrounding area in terms of layout, density and the overall pattern of development. It would also fail to accord with paragraph 130 of the National Planning Policy Framework (NPPF) which states that new development should add to the overall quality of the area, be sympathetic to local character including the surrounding built environment and maintain a strong sense of place. Paragraph 134 of the NPPF is clear that development which is not well designed should be refused.

Living Conditions

9. The appeal proposal would subdivide the host plot at No.19. The truncated rear garden to the host property would be a constrained space of limited value for activities including children's play, keeping pets such as dogs or gardening. This small rear area would serve as the sole amenity space given the proposed plan would be to convert the gravelled front amenity area to off-street parking for No.19. To ensure privacy from the adjoining house at No.18 and from the side driveway to the appeal plot, tall boundaries, as currently installed, means this space would be hemmed-in and consequently not an attractive area to sit out.
10. The proposed private amenity area for the new dwelling would be similarly constrained at the rear of the plot adjacent to the boundaries with Nos. 2 and 3 Montagu Drive. Again, it would have limited value, due to its relatively small size, to function as a meaningful area for children's play, gardening, for pets such as dogs and relaxed sitting out. Given the proximity of the tall blank two-storey side elevations on Montagu Drive along two sides of the proposed amenity space it would have a somewhat oppressive outlook, which would diminish further the limited quality of this space.
11. The appellant refers to several examples elsewhere in Cromwell Road where the ratio of building footprint to rear garden size is comparable or smaller than proposed through the appeal. I have very little information about the context within which these developments were approved including the development plan policy. Accordingly, I give very limited weight to these development as a basis for setting the pattern of development with regard to the provision of private amenity space.
12. I therefore conclude that the appeal proposal would not provide acceptable living conditions for future occupiers of the proposed dwelling and existing occupiers of No.19 Cromwell Road in respect of the provision of private amenity space. It would be contrary to Policies COM01, COM03 and GEN02 of the BLP which require, amongst other things, that new development provides high standards of accommodation for housing including external private amenity space and to resist development that does not provide adequate levels of amenity for future occupants including adequate areas of usable and secluded private amenity space for both occupiers of existing and proposed dwellings. It would also fail to accord with paragraph 130 f) of the NPPF which states that new developments should ensure a high standard of amenity for existing and future users.

Other Matters

13. As set out above circumstances have now changed at the appeal location since the LPA made its decision in respect of likely significant effects arising from recreational pressure and disturbance associated with new housing developments on the qualifying features of protected habitats. As such the appeal proposal should be subject to a Habitats Regulations Assessment (HRA) to consider whether any likely significant adverse effects can be suitably mitigated. The GIRAMS, which has been developed in liaison with Natural England, advises that effective mitigation can take the form of management measures at the protected habitats, for example signage, education, wardens/rangers and habitat protection and monitoring. For minor housing developments, such as the appeal proposal, a proportionate per dwelling tariff payment has been identified as the effective form of mitigation, contributing towards the RAMS measures identified.
14. In light of this the appellant has provided for a GIRAMS tariff payment for a single dwelling by way of a planning obligation using the LPAs standard UU template. On this basis I am able to conclude for the purposes of a HRA that the appeal proposal would not have an adverse effect on protected habitats.
15. Whilst the appeal proposal is sustainably located for the proposed use, would result in modest economic and social benefits arising from the construction and occupation of a new dwelling and a positive HRA conclusion has been identified, these do not cumulatively outweigh the environmental and social harms identified in the main issues for this appeal. When taken as a whole, the proposal would be contrary to policies of the up-to-date development plan and so would not amount to sustainable development. The limited benefits identified do not amount to a material consideration indicating that a decision other than in accordance with the development plan should be taken in this appeal.

Conclusion

16. I have had regard to all other matters raised, but there is nothing that leads me to conclude other than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.