



Appeal Decision

Site visit made on 14 February 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2023

Appeal Ref: APP/Y2620/W/22/3304743

Part of garden 17 Buxton Close, East Runton, Cromer, Norfolk NR27 9PJ

- 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 & Mrs Ian Wells against the decision of North Norfolk District Council.
 - The application Ref PF/21/3353, dated 10 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is described as 'bungalow in part of garden of No 17 Buxton Close, East Runton'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's decision and based upon its most recent housing land supply statement, the Council has confirmed that it can no longer demonstrate a five-year supply of available housing land. Both the appellant and Council refer to the shortfall in housing land supply in their statements. I am therefore satisfied that the relevant parties have had opportunity to consider fully the implications of the altered housing land supply position and in my decision I have applied the presumption in favour of sustainable development as set out at paragraph 11 d) of the National Planning Policy Framework (the Framework) as per the provisions of footnote 8 of the Framework.

Main Issues

3. The main issues in this appeal are:
 - Whether the development is in a suitable location for housing development, having regard to the local development strategy for the area;
 - The effects of the proposal on the character and appearance of the area;
 - The effects of the proposal on the living conditions of the occupiers of Nos 17 and 40 Buxton Close, with particular regard to privacy and outlook, and future occupiers of the proposed bungalow, with particular regard to external amenity space; and
 - The effects of the proposal on highway safety, with particular regard to parking provision.

Reasons

Local development strategy

4. The appeal site is an area of garden land situated within an existing residential area of the village of East Runton. Policy SS1 of the North Norfolk Core Strategy 2008 (NNCS) sets out a spatial strategy which directs housing growth to towns and certain larger villages. East Runton is not a settlement identified for growth by Policy SS1 and is located in an area defined as the countryside.
5. Whilst Policy SS1 and NNCS Policy SS2 support a range of development types in the countryside, these are generally limited to forms of development requiring a countryside location. The proposal does not fall within any of the exceptions supported by the policies. The development of market housing is restricted by the policies to prevent dependency on travel by car to reach basic services. The proposed development is therefore not supported by the development plan in this location.
6. The appellant has expressed willingness to incorporate renewable energy technologies into the proposal and Policy SS1 and Policy SS2 support the development of renewable energy projects in the countryside. However, the development plan does not suggest that the inclusion of such technologies would overcome conflict with the spatial strategy in respect of the location of market housing.
7. The appellant disagrees with Policy SS1's categorisation of settlements, suggesting that East Runton benefits from access to a range of local services and facilities which exceed those of some villages deemed suitable for growth. The appeal site is within walking distance from services and facilities at East Runton's high street, and its village hall which provides a venue for community events. The appellant notes that previous occupants did not own a car and future occupants of the site could make use of online shopping services. In addition, East Runton is connected by walking and cycling routes to the town of Cromer which offers a greater range of services and employment opportunities.
8. However, I consider that, due to the generally limited range of facilities available within East Runton, there is a realistic prospect that future occupants of the site would require use of a private car to meet their day-to-day needs. Furthermore, between the appeal site and village centre, a short section of Felbrigg Road is crossed by two viaducts between which there is no footway or lighting. The absence of a footway and street lighting could deter pedestrians from using the route, further increasing car use and the associated environmental harm including increased emissions.
9. The appeal site would not therefore provide a suitable location for the proposed development. The proposal would therefore conflict with Policy SS1 and Policy SS2 which restrict the development of market housing in the countryside.

Character and appearance

10. The appeal site is a broadly triangular plot of garden land related to No 17 Buxton Close, a quiet residential street with a square-shaped green space located at its end. Dwellings, including No 17, front onto the green space with two storey dwellings located on either side and a row of semi-detached bungalows at the end.

11. Dwellings surrounding the green space are modest in size with a modern, mid-20th century appearance. The terrace rows are symmetrical in appearance with a prominent front gable at each end. The pairs of bungalows appear broadly identical in design. Modest front gardens with boundary treatments of hedges and mid-height walls, with dwellings positioned along a regular building line, provide a high degree of uniformity in the design and layout of the area. The proposed bungalow would be positioned at the rear of the site, set back from the building line of neighbouring dwellings and therefore its siting would not be in keeping with the prevailing pattern and layout of development within the close.
12. The site's narrow frontage, positioned in the far corner of the green space between the terrace row and bungalows, would lessen the visibility of the proposed bungalow within the street scene. However, the proposed bungalow would be sited close to the rear and side boundary with limited remaining garden space and would result in the proposed bungalow appearing tightly packed into the site. The proposal would therefore appear out of keeping with surrounding dwellings which are sited within more generous gardens.
13. For these reasons, the proposal would cause harm to the character and appearance of the area. The proposal would not comply with NNCS Policy EN4 which requires development to be designed to a high quality which reinforces local distinctiveness and does not support proposals which fail to have regard to local context, and which do not preserve or enhance the character and quality of area.

Living conditions

14. The side elevation of the proposed bungalow would be positioned close to the shared boundary with No 17. A window at the kitchen/dining room and two windows at the sitting room would directly overlook No 17's rear garden above the height of the 1.4m boundary fence and would result in a loss of privacy for the occupants of No 17.
15. The 1.4m height of the fence between No 17 and the appeal site is annotated on the submitted plans and at time of my site visit a timber partition fence had been erected. The appellant's statement suggests that were permission granted, the fence would be replaced with a 1.8m or 2m fence. However, revised plans were not submitted. Whilst the erection of a taller fence could overcome privacy concerns, the effects of a taller fence on the outlook for occupants of the appeal property have not been assessed. It would not therefore be appropriate to secure a taller fence through a condition and I have determined the appeal on the basis of the plans before me.
16. The proposed bungalow would be sited close to the appeal site's rear boundary. The plans indicate that the existing fence, which appears to be 1.4m in height, would be repaired and retained. Windows at the kitchen/dining room, bathroom and at each bedroom would overlook the rear garden of No 40, thereby resulting in a loss of privacy for its occupants.
17. Whilst the proposed dwelling would be of single storey, due to its close proximity to the rear boundary, the rear elevation and pitched roof would be clearly visible over the height of the fence from the rear garden and rear facing rooms at No 40. The proposed bungalow would therefore have an enclosing effect which would be oppressive and overbearing, harming the outlook from

No 40, especially from the rear garden and rear-facing habitable rooms I observed at the ground floor.

18. The proposed bungalow would occupy the majority of the area of the appeal site, with limited remaining external space. A small parcel of garden land would be located to one side of the proposed bungalow. An area to the front of the proposed bungalow would be irregular in shape, narrow and bisected by a footpath. Whilst it is possible that a smaller garden may be preferable for some households, I consider the available garden space would be of limited quantity and poor usability and would not therefore provide adequate living conditions for future occupiers.
19. For the reasons set out above, the proposal would harm the living conditions of the occupiers of Nos 17 and 40 Buxton Close, with particular regard to privacy and outlook, and would harm the living conditions of future occupiers of the proposed bungalow with particular regard to external amenity space. The proposal would therefore conflict with Policy EN4 which requires proposals to maintain the residential amenity of nearby occupiers and the development of new dwellings to provide acceptable residential amenity for occupants.

Parking provision

20. Of those dwellings which front onto the green space, most do not have on-plot parking or garages. A communal parking court and turning head is located at the centre of the green space. At time of my site visit, most parking bays were occupied. Some vehicles were parked on the green space, diminishing its quality, and on the relatively narrow carriageway of Buxton Close thereby impeding the flow of traffic. The availability of parking at Buxton Close therefore appears to be limited and in high demand.
21. As discussed above, the appeal site is within an area defined as the countryside where occupants are likely to be dependent upon use of a car to access basic services. The appeal site does not have direct access to the public highway and is therefore unable to provide on-site parking. The proposal makes no formal provision for additional parking at an off-site location, instead relying on the existing communal parking spaces, green space, or on-street parking along Buxton Close. The appellant suggests they have reached arrangement with another resident to provide a garage for rent. However, the garage would not form a part of the freehold for the site and I have been provided with no evidence to demonstrate that use of the garage would be secured for the lifetime of the development.
22. The appellant suggests that future occupants would likely be an elderly person or couple who would not have more than one car. However, the characteristics of the household and their travel requirements are outside the control of the appellant. Were the appeal site situated on an adopted road, the Council indicates its parking standards would normally require two parking spaces for a development of this type.
23. The Highway Authority did not raise a formal objection to the proposal since the site is not accessible from the public highway. However, its officer identified access and safety issues for delivery and emergency vehicles and safety of pedestrians, such as children, relating to inappropriately parked vehicles in the turning head and on the green space. Such issues were also raised by a number of local residents. I am therefore satisfied that the evidence before me

indicates a genuine problem in respect of highway safety, and I do not consider that such issues would be mitigated by factors such as the uneven road service or low vehicle speeds.

24. The appellant suggests that, were parking an issue in the area, it could be controlled by the Council. The Council has already taken preventative action by refusing the proposal, in part, due to its effects in respect of parking and safety for users of the private street.
25. Consequently, I consider the proposal would have an unacceptable impact on highway safety which, in the context of the appeal proposal, would include areas of private road. The proposal would therefore conflict with NNCS policy EN4 which resists proposals which would have a significantly detrimental effect on the residential amenity of nearby occupiers.

Other Matters

26. I understand the appellant has made two unsuccessful attempts in applying for planning permission and would be willing to make a financial contribution to the Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy to ensure no adverse effects are caused to European sites across Norfolk. However, since I am dismissing the appeal, the contribution is not required.

Planning Balance and Conclusion

27. The harm and conflicts are such that the proposal should be regarded as being in conflict with the development plan, as a whole. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is simply one such consideration and in this case the presumption in favour of sustainable development set out within paragraph 11 d) ii. of the Framework applies by virtue of Footnote 8 and is not disapplied by 11 d) i.
28. The adverse impacts arise from the failure to adhere to an adopted settlement strategy, harm to the character and appearance of the area, harm to living conditions of future occupiers and neighbours, and harm to highway safety. Whilst the plan is of some age, the policies before me appear broadly consistent with the Framework. Notably, I am satisfied that the spatial strategy provided by Policies SS1 and SS2 is broadly consistent with the Framework, namely its objective to achieve sustainable development through the planning system.
29. Balanced against this, the proposal would result in an additional dwelling in a district where there is currently a shortfall in housing supply which, the appellant notes, could support the needs of people who work in the area or elderly or disabled persons. In addition, there would be short-term economic benefits during construction and in the longer term, from future occupants spending in the local economy. However, the contribution a single dwelling would make to the housing supply and local economy would be minimal.
30. The dimensions of sustainable development in paragraph 8 of the Framework are not criteria which every decision can or should be judged. Nonetheless, and whilst there is accordance with some elements of the Framework, overall this proposal would fail to fulfil the environmental and social dimensions of sustainable development.

31. Taking everything together, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.
32. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
33. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

E Dade

INSPECTOR