



Appeal Decision

Site visit made on 23 February 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/K2610/W/22/3295891

16 Norwich Road, Horsham St Faith, Norwich NR10 3LB

- 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 Ryan Briston against the decision of Broadland District Council.
 - The application Ref 20211192, dated 22 June 2021, was refused by notice dated 16 February 2022.
 - The development proposed is described as outline application to build 2 x residential dwellings of approximately 2000 sqft in the front garden of 16 Norwich Road to be accessed via the existing access to 16 Norwich Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with access and scale to be considered at this stage and all other matters reserved for later consideration. I have determined the appeal on this basis. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping and layout as illustrative.

Main Issues

3. The main issues are:
 - the effect of the development on flooding; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Flood Risk

4. Both the main parties acknowledge that part of the northern area of the site is located within Flood Zone 2. Additionally, a third party has stated that there have been flooding incidents in close proximity to the site in recent years.
5. Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) requires, in part, that new development be located to minimise flood risk, mitigating any such risk through design. Both Planning Practice Guidance

(PPG)¹ and the National Planning Policy Framework² (the framework) reflect this. These together, aim to steer development to areas with the lowest probability of flooding through a sequential test. The aim is to steer new development to areas with the lowest risk of flooding.

6. In view of the above, both the main parties agree a sequential test is necessary and one was provided with the application the Council made its Decision on.
7. PPG refers to sequential test areas being defined by local circumstances relating to the catchment area for the type of development. PPG goes on to state, the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies³.
8. I acknowledge that following discussions with Council officers, the catchment area for alternative sites to be reviewed was extended to cover the Council's entire district boundary and the findings are presented with the extended FRSA. Notwithstanding the search area, there are no policies or requirements in PPG or the Framework that require the Council to provide details of sites that should be considered within the identified search area, although the PPG does say it would be helpful.
9. The Council's position is that it was not appropriate for the appellant to discount sites on the basis that planning permission has already been granted for more than two dwellings or to discount site areas much larger than required. The Council goes further and argues that where sites have been discounted on the basis that they are unavailable, it is not clear to what extent enquiries have been made to ascertain their availability and consequently, alternative available sites may exist.
10. The appellant's extended FRSA has identified a number of alternative sites within the District of varying size, with some benefiting from planning permission and others not. I have had regard to these suggested sites and if they are reasonably available, having regard to PPG,⁴ which identifies that reasonably available sites can include smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development.
11. The appellant's extended FRSA has discounted a smaller site than the appeal site, which I agree would unlikely be capable of accommodating the proposed scheme. However, the appellant suggests that the construction of the appeal scheme on larger sites (over 0.5ha) would fail to make efficient use of land to justify the selection of the appeal site. However, no larger sites have been identified and in the absence of substantive evidence to the contrary, I see no reasons why parts of any identified sites could not be made available for a development of the scale proposed, particularly if they are sequentially preferable in flood risk terms.
12. Furthermore, sites below 0.5ha have been discounted as also being too big, would represent an inefficient use of land and/or the land is not for sale. It is reasonable to require further evidence of this before discounting the sites subject to enquiries. However, given the absence of any evidence to support engaging existing landowners/agents or responses to enquiries, I am not

¹ Paragraph: 023 Reference ID: 7-023-20220825

² Paragraph 162

³ Paragraph: 029 Reference ID: 7-029-20220825

⁴ Paragraph: 028 Reference ID: 7-028-20220825

persuaded that there are no reasonably available sites for development and at a lower risk of flooding. Additionally, no evidence of potential time or cost has been provided to demonstrate that it would not be reasonable for the appellant to undertake such an exercise.

13. Having regard to all of the above, the proposal would be contrary to Policy 1 of the JCS, which seeks, in part, for development to be located where it minimises flood risk. It would also fail to accord with the Framework, which states that development should be steered to areas with the lowest risk of flooding and should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Character and appearance

14. The area surrounding the appeal site, with the exception of a small number of commercial buildings, comprises a wide variety of differing residential property sizes and styles, including a mixture of terraced, semi-detached and detached properties, many of which are set back from the road with front gardens and driveways. In close proximity to the appeal site, this variation is also evident. Properties on the western side of Norwich Road are large-detached dwellings on well-sized plots. In contrast, this same section on the eastern side of the road has smaller detached dwellings before being more densely developed with a short section of semi-detached dwellings that appear to be later additions.
15. The appeal site comprises the front garden and driveway associated with 16 Norwich Road (No 16). It is a well-sized, manicured grassed area with a circular driveway. Whilst this driveway and front garden are somewhat larger than those of surrounding properties, its appearance does not look out of place but adds to the more open verdant appearance found on this side of the Road.
16. The appeal site is bounded by low fencing and areas of well-established trees and vegetation to No 14 and 18. There are gaps in this vegetation which allow for views into and from these properties from both the appeal site and, to a lesser extent Norwich Road. To the front of the site is the existing driveway with boundary tree planting to either side.
17. The appeal proposal would divide the front garden into two plots and retain an access road for No 16. Notwithstanding that layout is a reserved matter, the scale of the development proposed would, in part, dictate how the layout is informed. Given the scale proposed, the plot sizes and driveway would result in dwellings narrower in width than any of the existing properties on this western section of Norwich Road and be located at the outer edges of the appeal site. The proposed dwellings could be turned 90degrees to be further inset from nearby boundaries. However, given the scale of each of these dwellings, the resultant effect of the development is that it would appear cramped compared to the well-spaced properties adjoining the site.
18. Furthermore, the introduction of the dwellings in this location does not reflect the established pattern and grain of development, which is of dwellings with a setback but directly facing the road. The introduction of the proposed dwellings forward of No 16 would result in the host dwelling appearing to occupy a backland position down a long narrow driveway partially obscured from views along Norwich Road. When viewed in combination, the new dwellings would appear as incongruous additions within the surrounding area that would be out

of keeping with the prevailing spacious low-density character of this section of Norwich Road.

19. The appellant has noted an example of a nearby dwelling at No 11 Norwich Road that has a small rear garden. However, from my observations, this property sits within a large plot and benefits from a sizable side garden wrapping around the rear garden. Furthermore, given that this scheme is in outline, I cannot be sure that the characteristics of the built form would be the same.
20. My attention has also been drawn to the limited spacing between Nos 17 and 19 and an example of backland development at Doctors Meadow. From my observations, these examples are not directly comparable as the limited spacing is on the denser side of the road and the scheme at Doctors Meadow is a more comprehensive development. As such, the examples do not relate strongly to the immediate context of the appeal site in order to draw meaningful comparisons which weigh in favour of the proposal
21. In light of the above, I conclude that the proposed development would significantly harm the character and appearance of the area, contrary to Policy 2 of the JCS and Policy GC4 of the Development Management DPD. Together, these policies, amongst other things, seek to ensure new development, achieves a high standard of design, paying adequate regard to the character and appearance of the area, which creates a strong sense of place. The proposal would also conflict with the provisions of the Framework, which seeks to ensure that development is sympathetic to local character.

Other Matters

22. Since the application was refused, matters related to nutrient pollution and natural habitat disturbance have been raised. The appellant has also agreed to complete a Unilateral Undertaking alongside seeking the imposition of a condition to address nutrient neutrality. However, I did not undertake any further assessment or seek any further views from the parties because the appeal is failing for other reasons. Also, addressing these matters could have at best only led to any potential adverse effects being potentially mitigated, thus making them neutral considerations that could not have affected any planning balances one way or the other.
23. The development would offer potential benefits in terms of providing two new dwellings to the Council's housing stock. It would also have economic and social benefits through employment opportunities during the construction phase of the development, and future residents accessing and supporting local services. I have also taken into account that there could potentially be achievable net-gain in biodiversity. I have attached some positive weight to these factors. However, given the modest scale of the development, the weight attributable to these matters is limited and is not sufficient to outweigh the harm that I have identified and the conflict with the policies I have referred to.
24. I note the appellant's view that the site is deliverable and developable now. Nonetheless, the Framework⁵ makes it clear that a site must be in a suitable location which for the reasons I found above, it would not be.

⁵ Annex 2: Glossary

Conclusion

25. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
26. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR