



Appeal Decision

Site visit made on 23 March 2023

by A Hickey MA MTRPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/G2625/W/22/3292094

108 Bluebell Road, Norwich NR4 7LQ

- 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 Barnett against the decision of Norwich City Council.
 - The application Ref 21/01287/F, dated 6 September 2021, was refused by notice dated 11 November 2021.
 - The development proposed is proposed additional bedroom accommodation – ancillary to existing six bedroom student let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed upon. Accordingly, I have based my reasoning on the one given on the original application.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the living conditions of neighbouring occupiers, with particular regard to outlook, privacy, noise and disturbance; and
 - whether the proposed development would provide satisfactory living conditions for the future occupiers with particular regard to outlook, noise and disturbance.

Reasons

Living Conditions – Neighbouring occupiers

4. Policy DM2 of the Norwich development management policies plan (NLP) aims to protect the amenity of existing occupiers from, amongst other things, loss of privacy, noise and vibration. Policy DM12 of the NLP sets out the principles of where new residential development will be supported and in part requires proposals to have no detrimental impacts upon the amenity of the surrounding area.

5. The area, whilst on a busy road, is predominately residential in character on this side of the road, with the university campus on the opposite side. There is an existing passageway under the first floor of the host dwelling adjoining No 106, which provides access to both their rear gardens. There are also residential uses adjacent the rear garden.
6. Taking into account the property operates as an existing House in Multiple Occupation (HMO) use it is unlikely given its student occupiers to function as a one-family dwelling in terms of comings and goings, the hours of activity and use of the rear garden.
7. Based on my observations and that the proposed building would include all the facilities required to be self-contained, it is most likely that future occupiers would primarily access the site through this passageway. Additionally, during my visit, I observed occupiers of the host property using the front door of No 108 and this would appear to be the primary access to the house.
8. Given, the scale of the proposed scheme, the potential noise and disturbance to be generated by vehicles manoeuvring and associated deliveries would not be unduly unreasonable within an established residential area where such residential noise and activity are already experienced on this busy road. Nevertheless, the proposed scheme would see future occupiers and guests using the passageway as a primary means of access. These coming and goings close to the main rear ground floor window serving bed 3 would erode the current levels of privacy experienced by this room to an unacceptable level.
9. Existing nearby occupiers are likely to experience some level of noise and disturbance both internally and externally from nearby residents using their rear gardens. However, the potential increase of two occupiers plus potential guests in combination with existing occupiers would result in a marked increase in noise levels than is currently experienced to the detriment of nearby occupiers adversely affecting the private enjoyment of their gardens
10. Consequently, I consider that the appeal proposal would cause unacceptable harm to the living conditions of the neighbouring occupiers through loss of privacy, noise and other disturbance. The proposal therefore fails to comply with Policies DM2, DM12 and DM13 of the NLP. The proposed development would also fail to comply with the National Planning Policy Framework (the Framework), in so far as it seeks a high standard of amenity for existing users.

Living Conditions – Future Occupiers

11. Situated between the existing host dwelling and the proposed building would be bin and bike stores. The plan provided shows that a short separation distance would exist between the stores and the living space of the proposed building. The stores, when being accessed, could have a maximum of 6 individuals using them throughout the day and night.
12. Given the short separation distance, lack of intervening boundary treatments, and the number of movements associated with existing occupiers using/accessing the stores close to the primary living space would have an unacceptable harmful effect on future occupiers through noise and disturbance.
13. The proposed building would be located to the rear of the appeal site and set in from the rear boundary. The building would also be set in from the existing boundaries of adjacent properties and would retain a gap on either side.

14. Based on the plans provided, these gaps would be sufficient to allow access to this rear area for maintenance. As this rear space is a relatively small area that would unlikely require significant maintenance, I see no reason why a suitably worded condition for landscaping and maintenance details could not be inserted should the appeal be allowed.
15. As such, the proposed development would, subject to an appropriate condition, provide acceptable levels of outlook for future occupiers. Nevertheless, it would not provide appropriate living conditions for future occupiers with regard to noise and disturbance. It would fail to accord with Policies DM2 and DM13 of the NLP, which seek, amongst other things, to ensure new development provides for a high standard of amenity and satisfactory living conditions with adequate protection from noise. In addition, it would be contrary to the Framework, where it seeks to achieve a high standard of amenity for future users.

Other Matters

16. My attention has been drawn to application ref: 20/01391/F approved by the Council. From the limited details supplied, the property was an end-terrace located some distance from the appeal site. Given these differences, I have given this little weight, and in any event have considered this appeal on its own merits in light of the evidence before me.
17. The Council has referred to development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitat sites. However, as I am dismissing the appeal, there is no need for me to consider these implications further, as the scheme is unacceptable for other reasons.
18. In reaching my decision, I have had regard to the fact that the appeal site is an accessible location with access to transport links and shops. Additionally, there would be some social and economic benefits associated with additional student accommodation, employment during construction and future occupants would buoy up the local economy. However, given the scale of the scheme these benefits would be small and the adverse effects of the proposal would significantly outweigh the benefits.

Conclusion

19. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR