



Appeal Decision

Site visit made on 3 April 2023

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/F2605/W/21/3286909

Rear of Spencer Lodge, Stone Road, Dereham NR19 1LJ

- 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 Mick Gore against the decision of Breckland Council.
- The application Ref 3PL/2021/0488/F, dated 23 February 2021, was refused by notice dated 7 June 2021.
- The development proposed is new extension to form dwelling and conversion of ex. workshop to form annex.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development upon:
 - The character and appearance of the surrounding area; and
 - The living conditions of future occupiers of the proposed dwelling, with particular regard to the provision of amenity space.

Reasons

Character and appearance

3. The appeal site is a small plot of land, enclosed by timber panel fencing, between two existing residential properties; Spencer Lodge which has a frontage to Stone Road, and Oak View which is accessed via the same access track as the appeal site. Within the site lies an existing 'semi-detached' double garage, its other half being attached to Oak View, and the single storey building to which this appeal scheme relates. This building is of concrete block and brick construction, with a profiled metal sheet roof. Like the double garage, it is positioned either side of a boundary fence, in this instance the fence between the appeal site and Spencer Lodge.
4. The existing building is of modest scale, akin to a domestic outbuilding. It lies discretely at the rear corner of the site, immediately adjacent to the rear corner of the Spencer Lodge site. The rest of the site, recently cleared of vegetation at the time of my visit, remains open and provides a breathing space around the rear of Spencer Lodge and the side of Oak View, which the existing boundary alignments limit.
5. Properties that front Stone Road in the surrounding area typically do so within spacious plots. Spencer Lodge, despite the limited space to its rear with the appeal site, is typical of this layout, albeit the properties behind it less so. Nevertheless, the combination of frontage spaciousness and verdant

surroundings underline the distinct, and distinctly pleasant, rural village setting to the appeal site and its surroundings.

6. The scale and extent of the proposed extension would, however, be significant. The large extension would be prominently located on the front of the existing building, with a smaller extension to the side. Whilst the resulting building may well be of a modest height with a shallow roof pitch, it would not be the modest scale the appellant suggests. Rather, it would amount to a significant extension to it and whilst some amenity open space would be retained at the front of the property, the extent of the extensions would be such that it would extend close to the side and rear boundaries with very little space around it.
7. Whilst it is fair to say that the grain of development to the rear of Spencer Lodge, and particularly beyond the appeal site, is more tightly developed than that of frontage properties, the space that the appeal site currently fulfils two functions. Firstly, it ensures that the diverse characteristics of the rear properties and the more spacious frontage properties remain distinct whilst, secondly, directly contributing to the more spacious character and setting of those frontage properties. The proposal would compromise both.
8. Moreover, by virtue of its proximity to both side, and rear, boundaries and the access to the main house and the annex being tucked away down the sides of the extended building, the resulting development would both appear, and feel, cramped. Views of the building may be limited from Stone Road but it would not be completely hidden, its projecting front elevation intruding into the visual gap between the rear corner of Spencer Lodge and the flank elevation of Oak View. Progress up the access track towards the site and the proximity of the building to the sides and rear of the plot would become harmfully evident. This would, in my judgement, override the contribution that the limited space to the front would make in terms of contribution to the surrounding area's prevailing character and appearance.
9. Thus, for the reasons set out, the proposed development would result in an excessively scaled and inappropriately sited dwelling that would result in a cramped form of development. This would erode both the spacious setting and character of Spencer Lodge, at odds with the prevailing character of frontage properties on Stone Road, and be cramped in the context of the neighbouring Oak View and Oak House. The proposal is therefore contrary to Breckland Local Plan (BLP) policies COM01 and GEN02 which together seek to ensure new development is of the highest possible standards, is compatible with the surrounding area in, in amongst other factors, layout, form, scale and existing patterns of development and the spaces around them.

Living conditions

10. The property's front door would be on the side of the building, accessed between it and the boundary with Spencer Lodge. Whilst it is proposed that the existing timber fence would be retained, and which would be reasonably effective at limiting direct ground (floor) level views, the presence of residents and visitors passing and re-passing close to the rear windows of Spencer Lodge would, inevitably, not go unnoticed. Although there would not be windows on the dwelling's flank elevation, a harmful degree of inter-visibility would nevertheless be introduced by the proposal which would cause harm to the living conditions of occupiers of both Spencer Lodge and the proposed dwelling. Views between the two may not be lingering, but transient views between

given the proximity would be harmfully at odds with those presently experienced in the more spacious surrounds enjoyed by residents of Spencer Lodge, and which might be expected by future residents.

11. Oak View lies at a slightly higher level than the appeal site and whilst window openings are limited on its gable they are not altogether absent. Together, the side entrance door, driveway and garage would be such that the timber fence would only be partially effective in mitigating the effects of the proposal's proximity to Oak View. That there would be two bedroom windows so close to the boundary between the properties would compromise both privacy and outlook thereto, to the detriment of future occupiers of the proposed dwelling and annex. As to the annex, outlook from the main living spaces would be severely compromised by elements of the proposed extension and existing features, whilst the bedroom and study would appear to be sited directly on the plot's rear boundary with surrounding land.
12. The dwelling's main aspects would be to the front (east facing) and side (south facing). The main living area would be dual aspect and, looking out over the amenity space at the front, would have a reasonable aspect. Given the quiet and relatively secluded nature of the access track and the limited number of houses it serves, the location of the amenity space at the front of the property would not be prejudicial to the living conditions of occupiers of the property. The Council have not referred to any standards or development guidance regarding garden sizes and I find no harm in this respect.
13. However, this does not overcome my conclusion that, as a result of the scale of the extension and the resulting proximity of the building to the plot's extremities and neighbouring properties, the dwelling and annex would feel cramped and hemmed in to the detriment of outlook and privacy. As a consequence, the proposal would fail to provide for adequate levels of amenity for neighbouring and future occupants or secure development of the highest possible standards, as sought by BLP policies COM03, COM01 and GEN02.

Other Matters

14. Since the application was determined by the Council, Natural England has provided updated advice¹ in relation to nutrient level pollution within a number of existing and new river basin catchments. This identifies that long-term nutrient pollution has led to adverse impacts upon Habitats Sites to the extent that some sites are no longer considered to be in favourable conservation status.
15. The Council has confirmed² that it cannot lawfully conclude that development within the catchments of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site fall will not have an adverse effect. The Council has also confirmed that the appeal site lies within these Nutrient Neutrality Catchment Area. Development within the catchment of these habitats sites which comprises overnight accommodation has the potential to cause adverse impacts with regard to nutrient pollution.
16. Had I been minded to allow the appeal, it would have been necessary for me to seek additional information, including the potential for the development to discharge nutrients into the catchments, from the parties and consult Natural

¹ By letter dated 16 March 2022

² Breckland Council – e-mail dated 13 June 2022

England in order to undertake an Appropriate Assessment (AA). The AA is required on a case-by-case basis to determine whether the project would adversely affect the integrity of the European Site. It would also have required a consideration of whether any proposed mitigation would be adequate, effective, could be appropriately secured and delivered in a timely manner. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

17. There have been no objections to the proposal on highway safety grounds, nor that the site would be subject to contamination. The absence of harm in these respects are neutral matters which weigh neither for nor against the proposal.

Conclusion

18. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR