
Appeal Decision

Site visit made on 25 July 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2023

Appeal Ref: APP/K2610/W/22/3312072

8 St. Andrews Close, Blofield, Norwich, Norfolk NR13 4JX

- 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 Mrs Sue Dennis against the decision of Broadland District Council.
 - The application Ref 20221118, dated 27 June 2022, was refused by notice dated 30 September 2022.
 - The development proposed is sub division to provide building plot for two bedroom single storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been amended from the application form to the decision notice. That on the decision notice is more accurate and better describes the proposal before me 'subdivision of plot and erection of two bedroom mono pitched and flat roof bungalow'. I have therefore considered the proposal on this basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, the effect of the proposal on the living conditions of future and existing occupiers and the effect of the proposal on the conservation status of the Broads SAC/Ramsar.

Reasons

Character and appearance

4. The immediate area to the south of Yarmouth Road consists of well-established properties within very ample garden settings. The area has a verdant, leafy and rather spacious appearance with properties on St Andrews Close set back from Yarmouth Road. The area has a quiet and residential character.
5. The proposed dwelling would feel rather cramped and contrived and would appear shoe-horned into the rear garden of the main dwelling. The resultant gardens would be much smaller than that serving the existing dwelling and this would be at odds with the appearance of this area.

6. The dwelling would also form an unusual feature within the rear garden setting that despite the extensive boundary hedging would be notable for example from the neighbouring property to the west, especially when the intervening tree which partially screens views were not in leaf.
7. Whilst it is evident that some back land development appears to have been accepted in the area, that proposed here would be just too cramped with regard to the size and arrangement of the site. Extra comings and goings would be noted from the neighbours to the west despite the window arrangement and set-up of that particular dwelling and these extra comings and goings would serve to erode the quiet character of the area.
8. The proposal would therefore have a significant adverse impact on the character and appearance of the area. The proposal would subsequently conflict with Policy 2 of the Joint Core Strategy (2014) (JCS), Policy GC4 of the Development Management DPD (2015) (DMDPD) and Policy HOU4 of the Blofield Parish Neighbourhood Plan (2016). Amongst other things these policies require proposals to create a strong sense of place, reinforce local distinctiveness through careful consideration of the treatment of space while having regard to the density of buildings within the locality.

Living conditions

9. Whilst I acknowledge the hedges along the western boundary and the window arrangement of that dwelling, the driveway to access the new dwelling would be close to the boundary and in an area with such a quiet character, it is likely that for example vehicle movements associated with comings and goings would be notable when windows were open on the rear elevation or when using the garden.
10. The existing dwelling would be left with an acceptable level of garden provision, as despite the extensive loss of rear garden it would retain a degree of space to the front. The same would not be the case however for the new dwelling. The main section of garden to the south of the dwelling would feel very constrained to any future occupier because of its limited depth and given the presence of extensive hedging on the boundaries.
11. I am not provided with details of specific sizing requirements for gardens. However, that provided to the new dwelling would be out of context with the immediate area. Design Guidance¹ advises that external spaces should be designed to respond to local character as appropriate solutions will vary depending on context.
12. The proposal would therefore result in significant harm to the living conditions of existing and future occupiers. The proposal would subsequently conflict with Policy GC4 of the DMDPD and Policy 2 of the JCS which amongst other things require well designed proposals that pay adequate regard to meeting the reasonable amenity needs of all potential future occupiers and pay adequate regard to considering the impact upon the amenity of existing properties.

¹ MHCLG – National Design Guide - Planning practice guidance for beautiful, enduring and successful places - 2021.

Broads SAC/Ramsar

13. The Broads SAC/Ramsar is amongst other things designated on account of its varied habitats that support a range of species. Natural England has recently updated the conservation status of the Broads SAC/Ramsar amongst other areas in relation to the Yare Broads and Marshes SSSI. Concern over water quality in terms of eutrophication is identified with regard to nitrogen and phosphorus.
14. The appeal site falls within a relevant catchment and would generate wastewater through the provision of overnight accommodation. An impact pathway is therefore present.
15. As a result, unless development which includes additional residential units would demonstrably achieve nutrient neutrality, it cannot be concluded that it would not have an adverse effect on the integrity of the SAC/Ramsar.
16. No mitigation is proposed. The proposal would therefore conflict with Policy EN1 of the DMDPD which requires amongst other things that development proposals will be expected to protect and enhance the biodiversity of the district. Where harmful impacts may occur, it should be demonstrated that adequate mitigation is incorporated.

Other Matters

17. I have become aware that the Council may not be able to demonstrate a five-year housing land supply (5YHLS). However, even were that the case, Paragraph 182 of the Framework² states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
18. Therefore, regardless of the 5YHLS, paragraph 11 (d) of the Framework is not engaged in terms of supporting the proposal.
19. I note that the dwelling would provide additional accommodation within the area and be located with easy access to local services and transport links. The dwelling would incorporate some more sustainable features including PV Panels. There would be economic benefits including but not limited to local spend and employment benefits which are normally always associated with developments such as this. However, these matters, which include benefits, do not outweigh the harm identified.
20. My attention has been drawn to examples where sub-division of garden plots has been approved by the Council. However, there is nothing within the evidence to indicate that any of the sites drawn to my attention replicate the same particular set of circumstances as before me and I therefore afford them limited weight.
21. Even were a new garage to be constructed to serve the existing dwelling which the evidence indicates has permission for a substantial extension, I do not consider that movements associated with this proposal would be as notable as

² National Planning Policy Framework 2021.

those associated with a separate self-contained dwelling and I afford this matter limited weight.

Planning Balance and Conclusion

22. There is nothing, including the provisions of the Framework, to indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR