



Appeal Decision

Site visit made on 6 July 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/Y2620/W/22/3306909

3 The Glebe, Stibbard, Norfolk NR21 0LU

- 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 Shaun Kerr against the decision of North Norfolk District Council.
 - The application Ref PF/22/0624, dated 11 March 2022, was refused by notice dated 26 April 2022.
 - The development proposed is a new 2-storey detached dwelling on excess land garden of existing property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is a suitable location for the proposed development having regard to local and national policies and access to services and facilities;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of 3 The Glebe with regard to outlook;
 - Whether the proposed development would provide future occupiers with adequate living conditions with regard to outdoor amenity space; and
 - The effect of the proposed development on the integrity of the River Wensum and Broads Special Areas of Conservation (SACs) and other European Sites.

Reasons

Locational Suitability

3. The appeal site is located within the village of Stibbard. Policy SS1 of the North Norfolk Local Development Framework Core Strategy 2008 (the Core Strategy) sets out the Council's spatial strategy and hierarchy of settlements. It defines the countryside as being land outside those settlements listed. As Stibbard is not identified in the list of settlements contained within Core Strategy policy SS1, the site lies within a countryside location.

4. Core Strategy policy SS2 sets out a list of types of development which require a countryside location and therefore can be considered as exceptions to the requirements of Core Strategy policy SS1. The list of exceptions does not include new-build market housing, such as that proposed in the case before me.
5. The supporting text to Core Strategy policies SS1 and SS2 is clear that the spatial strategy is aimed at delivering a range of objectives including reducing the need to travel for basic services, especially by car. This is bolstered by Core Strategy policy SS4 which seeks to ensure that development is located to reduce carbon emissions. This approach is consistent with the aims of the National Planning Policy Framework (the Framework) to deliver sustainable development in rural areas.
6. Facilities and services in Stibbard are extremely limited. They include a primary school, churches and a village hall. A pub is located on the A1067 some distance away to the south of Stibbard. It is therefore highly likely that shops and services providing most day-to-day needs of residents are located elsewhere. Fakenham, a principal settlement in the district, is approximately 4km away along the A1067, the busy nature of which would not be an attractive route for either walking or cycling, and given the distances involved would also be impractical.
7. There are bus stops within the village, a short walk from the appeal site along an unlit road with some sections of footway. Further bus stops are located on the A1067. These are some distance from the appeal site along unlit roads with no footway. I have not been provided with information as to the regularity of any of the services from these stops. In the absence of detailed information about the frequency and destinations of bus services from the bus stops I cannot conclude that anything other than significant car dependency is likely. This is the least sustainable travel option.
8. Whilst it is recognised that the use of electric vehicles is becoming more commonplace, there would be no guarantee that the occupiers of the proposed dwelling would utilise such a vehicle. Internal combustion engine vehicles are likely to be prevalent for a considerable number of years yet. Furthermore, restricting occupation of the proposed dwelling in this manner would not pass the tests for conditions set out in the Framework.
9. For the above reasons, I therefore conclude that the appeal site is not a suitable location for the development proposed, having regard to the development plan and national planning policy. The principle of the proposed development would be unacceptable and would conflict with Core Strategy policies SS1, SS2 and SS4 and the aims of paragraph 79 of the Framework to promote sustainable development in rural areas.

Character and Appearance

10. The appeal site is made up of a portion of the rear garden of 3 The Glebe (No. 3). It forms part of a cul-de-sac development of semi-detached properties in the village of Stibbard. The dwellings here are set back from the highway by front gardens and driveways and have generously sized side and rear gardens. The generous gardens and spacious layout of the buildings here contribute positively to the character and appearance of the locality.

11. No. 3 is a corner plot and faces Fulmondeston Road. The proposed dwelling would face into The Glebe. It would be built of buff bricks and would be similar in design to others within the street. In that respect the proposed dwelling itself would appear in keeping in both scale and appearance. It would have a similar sized front garden to those within the street but would have a very short rear garden. Whilst the external amenity space provided may be appropriate in an urban setting, the appeal site is located in a rural setting where the prevailing private external amenity space provision is much greater.
12. The spaces around the dwellings and the views between them provide a sense of spaciousness which, as a result of the proposal, would be unacceptably compromised. As such the proposed dwelling would result in a cramped form of development at odds with the character of those around it.
13. Accordingly, the proposal would harm the character of the area. It would therefore be contrary to Core Strategy policies EN1 and EN4, which seek to ensure that new development enhances the local distinctiveness and character of the area. The proposal would also conflict with the aims of sections 11 and 12 of the Framework to provide high quality development.

Living Conditions – Outlook

14. The proposed dwelling would be located at right angles to No. 3 with the blank side gable of the proposed dwelling approximately 7.3 metres from No. 3's rear windows. Paragraph 3.3.10 of the Council's Residential Design Guide Supplementary Planning Document 2008 (SPD) sets out recommended distances between dwellings to ensure that there is an adequate degree of privacy and outlook between adjacent properties.
15. The Council's officer report refers to window-to-window distances. Nevertheless, the table in the SPD sets out a range of distances between relevant elevations. In this instance a secondary elevation to blank elevation would be the relevant criteria. The SPD recommends that in such a situation, a distance of 8.5 metres would be appropriate. At 7.3 metres, the relationship between the two dwellings would be significantly less than that advised in the SPD.
16. I have no evidence before me which would lead me consider that the proposed dwelling would cause undue overshadowing to, or overlooking of the occupiers of No. 3. Nevertheless, the outlook from the rear windows of No. 3 of the blank gable of the proposed dwelling would be overbearing and would result in a visually intrusive effect on the outlook for occupiers of that property.
17. Consequently, I find that there would be unacceptable harm to the living conditions of the occupiers of 3 The Glebe with regard to outlook. There would therefore be conflict with the aims of Core Strategy policy EN4 to ensure new development does not have a detrimental effect on the residential amenity of nearby residents. The proposal would also conflict with aims of section 12 of the Framework to provide high quality development with a high standard of amenity for existing users. The proposal would also conflict with the advice set out in the SPD.

Living Conditions – Outside Amenity Space

18. The external amenity space provided for the dwelling would be mainly at the rear of the property in the form of a short rear garden. The proposed dwelling would have three bedrooms. It would therefore be reasonably expected that it would be occupied by a family. Almost the entirety of the frontage of the dwellings would be hard surfaced to be used as parking space, refuse storage and cycle storage. It therefore would not contribute to the provision of amenity space for the occupiers of the property. Whilst the area to the front would be private in terms of ownership it would offer little in the way of privacy and would be unlikely to be regularly used by future occupants for day to day outside amenity purposes (e.g., sitting out, drying washing etc).
19. The appellant states that the provision of external amenity space is in line with that set out in the Nationally Described Space Standards. However, these standards have not been adopted locally. The SPD states that private garden areas should be of adequate size and shape to serve their intended purpose and should normally be no less than the footprint of the dwelling on that site.
20. The size of the external space would therefore represent an inadequate level and quality of amenity which would be expected for the size and type of dwelling proposed. Whilst I recognise that there is green space close by which could be utilised by occupiers of the dwellings for some recreational purposes, that is not a reason not to provide adequate private amenity space as part of the development. Indeed, the use of private and public amenity spaces are not directly analogous.
21. I therefore conclude that the proposal would fail to provide appropriate living conditions for future occupiers of the proposed dwellings with respect to the provision of external amenity space. Consequently, it conflicts with the aims of Core Strategy policy EN4 to ensure new development provides acceptable residential amenity. The proposal would also conflict with aims of section 12 of the Framework to provide high quality development with a high standard of amenity for future users.

Integrity of European Sites

22. The appeal site is within the catchment area of, and therefore is functionally related to both the River Wensum and the Broads SACs, European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (The Habitat Regulations). The conservation objectives for the SACs are to ensure that the integrity of the sites is maintained or restored as appropriate, and to ensure that they contribute to achieving the Favourable Conservation Status of their Qualifying Features which are vulnerable to the effects of development, including through harm to water quality through nutrient pollution, and recreational disturbance.
23. There is an outstanding dispute between the parties in respect of the effect of the proposal on the above European protected sites. However, as I have found the proposal to be unacceptable for other reasons, there is no need for me to address this matter further including the planning obligation submitted by the appellant.

Other Considerations

24. Documentation submitted during the course of the application indicated that the dwelling would provide a unit of affordable housing. However, the planning obligation before me does not deal with this matter sufficiently to secure its provision. Furthermore, I have not been presented with any evidence that one additional unit in this location would address any identified housing needs. Even if I were to agree that the proposal meets the provisions of paragraph 57 of the Framework, and the factor could carry some weight in support of the proposal, I have no suitable mechanism before me to consider the matter further.
25. I have had my attention drawn to other parts of the Framework and development plan which provide support for the proposal. However, support for sustainable development should not be at the expense of ensuring all development is appropriate, including its location, and integrating the development suitably into its surrounding environment and ensuring adequate living conditions for existing and future occupiers.
26. The appellant states that the development would follow sustainable building principles and would utilise sustainable materials and drainage systems. However, I have very limited details before me of the proposed construction methods and materials. Therefore, these benefits carry very little weight and do not outweigh the harm I have found.
27. The proposal would add positively to the supply of housing in the area. This is in the context of the evidence that the local planning authority cannot demonstrate a five-year housing land supply of housing sites in the area. Nonetheless, the contribution to the undersupply position would not be very significant in so far as only one dwelling is proposed.
28. There would be some economic benefits associated with supporting amenities and services in the area, although again this would not be significant given the quantum of development proposed. There would be some economic benefit from construction employment although this would be short lived.

Planning Balance and Conclusion

29. The principle of the proposed development would be unacceptable and would be contrary to the aims of the Framework in seeking to promote sustainable patterns of new development. I ascribe this matter substantial adverse weight. Harm would be caused to the living conditions of the occupiers of the neighbouring property in terms of outlook and there would be an unacceptable amount of outside amenity space associated with the appeal dwelling. These are matters to which I afford significant adverse weight. In this context it has not been necessary for me to consider the effect of the proposal on the integrity of European protected sites as not harm in this regard would outweigh my findings above. It is noteworthy, however, that had I found harm to the integrity of the European protected sites then paragraph 11(d)(i) would have been engaged and this would have provided a clear reason for refusing the development proposed.
30. In the context of the housing undersupply position and the engagement of paragraph 11(d)(ii) of the Framework, I conclude that the adverse impacts of allowing the development would not outweigh the identified benefits when assessed against the Framework taken as a whole. In addition, there would be

specific conflict with the development plan in terms of my conclusions on the main issues. Therefore, the appeal scheme would not represent sustainable development for which the presumption in favour applies. Consequently, the appeal should be dismissed.

KL Robbie

INSPECTOR