



Appeal Decision

Site visit made on 8 January 2024

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 1st February 2024

Appeal Ref: APP/K2610/D/23/3330388

Border Lodge, 35 Station Road, Salhouse, Norwich, Norfolk NR13 6NY

- 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 Ms Sarah Taylor against the decision of Broadland District Council.
 - The application Ref.2023/0260 dated 9 February 2023, was refused by notice dated 6 July 2023.
 - The development is described as the erection of a cart lodge, boundary wall and gate with exterior cladding to the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In December 2023 the Government published its revised National Planning Policy Framework (the Framework). In this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework and that no party would be disadvantaged by such a cause of action.
3. I have adopted the Council's description of the development, albeit I have removed the word 'retrospective' as this is not an act of development.
4. The development, the subject of the appeal has been completed and the application is therefore retrospective. I am determining the appeal on this basis.
5. I have had regard to the appellant's assertion that the external cladding to the property and the siting of lights on the front walls could be permitted development or not constitute development. However I have determined this appeal on its merits and if the appellant wishes to ascertain whether these elements of the appeal would be lawful, this can only be decided through the submission of an application under sections 191/192 of the Act. Further, in the case of the external cladding, this has been applied for and included within the description of the development.

Main Issues

6. The main issues in the appeal are the effect of the development on (i) the character and appearance of the area, and (ii) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

7. Border Lodge is a modest bungalow situate along Station Road a residential street characterised by predominantly traditional brick built properties set back from the road with good sized front gardens. It is one of a number of bungalows which together form a group of modest low level development on one side of Station Road. There is a mixture of boundary treatments on Station Road consisting of timber fences, walls, hedging and shrubbery along the road frontage. Notwithstanding the variety in boundary treatments, the area retains an attractive and pleasant residential character.
8. The design, height, colour and materials of the various elements of the development are prominent features which have a harmful visual impact on the immediate character and appearance of the streetscene. The introduction of Japanese style charred wood cladding on the elevations of the bungalow has resulted in it projecting above the front wall of the bungalow, and due to its height and materials, is unduly prominent in the streetscene. In particular, the incorporation of crenelations on the upper part of the cladding of the front elevation draws the eye as a discordant feature, at odds with the character and appearance of the area.
9. The scale of the front boundary wall creates an enclosing effect unsympathetic with the immediate character of this group of bungalows. Whilst of an open construction, the size and height of the car port sited close to the front boundary dominates the frontage of the bungalow. Notwithstanding that the cladding on the front elevation of the dwelling may soften slightly in its appearance as it weathers over time, the overall impact of the alterations has resulted in a development at odds with the prevailing character and appearance of the area.
10. The incorporation of soft landscaping would lessen the visible effects of the development over time, in particular the wall and car port. A condition could be imposed to secure such landscaping. However, given the scale and extent of the alterations, this measure would not overcome the harm already identified. Overall, the colour, use and extent of the different materials used in juxtaposition with the height and scale of the various elements of the appeal scheme are unsympathetic features at odds with the prevailing appearance of the streetscene. As such, for the reasons given the development causes unacceptable harm to the character and appearance of the area.
11. I acknowledge that there are no formal designations relating to the design and appearance of the appeal property, nor the area. Nevertheless the design requirements of the development plan policies require a high standard of design which pays adequate regard to the character and appearance of the area. I also acknowledge that black/dark wood cladding is not an uncommon feature found in the Borough as a whole. However, of the examples drawn to my attention, the black/dark wood materials are predominantly a design

feature used in conjunction with other materials nor do they generally cover the whole of the visible elevations of the properties concerned. As a result, direct parallels of these examples with the scheme before me are not easily drawn. Moreover, since the matters under consideration are specific to this site and its immediate surroundings I have given them limited weight.

12. The appellant's agent has referred me to examples of high walls and fences, other outbuildings/garages and to outbuildings/garages where dark/black wood material has been used on Station Road. I accept that high walls and fences have in some instances created an enclosing effect. However, the walls and fences are not in themselves the predominant feature within the streetscene which retains a wide variety of front boundary treatments. In itself this does not provide sufficient mitigation to overcome the harmful effect of the development within the streetscene identified above.
13. I observed the garages/car ports where dark/black wood material has been used on my site visit. However, I am not aware of the circumstances in which these developments came to be approved. The use of dark/black wood materials for garages/outbuildings are not however a common feature on Station Road, and do not strongly inform the character of the area on the part of Station Road where Border Lodge is sited. Whilst these examples are somewhat bulkier than the car port, they are not read in conjunction with buildings of a similar material and colour. As such these developments do not represent a direct parallel and merit limited weight. In any event the existence of such developments does not justify development which would otherwise be harmful.
14. The agent for the appellant suggests that the wall would not be significantly more harmful than one allowed under permitted development rights. I do not agree that the differences are marginal. The increased height significantly adds to the enclosing effect created by the wall and results in a greater harm to the character and appearance of the area.
15. I therefore conclude that the development results in unacceptable harm to the character and appearance of the area. As such the development is contrary to Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (amended 2014) and Policy GC4 of the Broadland Local Plan Development Management DPD 2015 (DPD). Together these policies provide for a high standard of design which pays adequate regard to the environment, character and appearance of the area. It would also fail to comply with the Framework which seeks to promote development sympathetic to local character.

Living Conditions

16. On my site visit, I noted that, in addition to the external lights installed as shown on the cladding plan submitted with the application, external lights have also been installed on the front boundary wall. Within the context of a residential street there is likely to be a significant amount of uncontrolled light emission already. Whilst these lights would add to night time light levels given that they are in relation to a single dwelling any harm would be likely to be minimal. Further their operation, direction and brightness could be controlled by condition. Hence on the basis of the information before me I do not find it likely that they would, on their own or cumulatively, adversely impact on the living conditions of the occupiers of neighbouring properties and would not be sufficient in itself to justify the withholding of planning permission. Accordingly

the scheme would comply with Policy GC4 of the DPD which requires development to consider the impact upon the amenity of existing properties and with Policy OE3 of the Salhouse Neighbourhood Plan which requires development proposals to include provisions for conserving dark skies.

Other Matters

17. I appreciate the wishes of the appellant to create a secure area for her family and the need for security. However, there is no reason why this cannot be secured by fencing or a wall which would be less harmful than the current development. I am advised that the scheme will secure sustainable energy efficiency and reduce future maintenance costs, but no substantive evidence is before me to demonstrate that this would be the case. I note too the scheme enables an electric car to be charged in the car port. I have considered these circumstances carefully together with the benefits that the proposal would bring. However, these matters do not outweigh the harm to the character and appearance of the area that I have identified in this instance.
18. I note too the reference to the Council's handling of the application. However, this is not a matter before me nor does it alter my findings.

Conclusion

19. I have found in the appellant's favour with regard to one main issue, concerning the effect of the lights on residential amenity. However, this is not sufficient to outweigh the material harm and conflict with the development plan with regard to the other main issue concerning the effect on the character and appearance of the area. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, I conclude that the appeal be dismissed.

K Winnard

INSPECTOR