



Appeal Decisions

Site visit made on 8 January 2024

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal A Ref: APP/K2610/D/23/3329936

The Conifers, Garden Road, Blofield, Norwich, Norfolk NR13 4JL

- 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 Jerry Stone against the decision of Broadland District Council
 - The application Ref 2023/2013, dated 10 July 2023, was refused by notice dated 18 August 2023.
 - The development proposed is a detached garage to the front of the property.
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Appeal B Ref: APP/K2610/D/23/3331989

The Conifers, Garden Road, Blofield, Norwich, Norfolk NR13 4JL

- 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 Jerry Stone against the decision of Broadland District Council.
 - The application Ref 20230173, dated 26 January 2023, was refused by notice dated 12 October 2023.
 - The development is described as alterations consisting of raised flat concrete tile gable roof on main house and flat concrete tile gable roof on garage conversion, rendering of external walls and replacement windows and doors.
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Decisions

Appeal A: Ref APP/K2610/D/23/3329936

1. The appeal is dismissed.

Appeal B Ref APP/K2610/D/23/3331989

2. The appeal is allowed and planning permission is granted for alterations consisting of raised flat concrete tile gable roof on main house and flat concrete tile gable roof on garage conversion, rendering of external walls and replacement windows and doors at The Conifers, Garden Road, Blofield, Norwich, Norfolk, NR13 4JL in accordance with the terms of the application Ref.20230173 dated 26 January 2023 and subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plan A23-0005-003-Rev.D.
 2. The tree identified on Plan A23-0005-003-Rev D shall be protected by strong fencing, the locality and type to be previously approved in writing by the local

planning authority. The fencing shall be erected in accordance with the approved details and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area and the ground level within those areas shall be not be altered, nor shall any excavations be made without the prior written consent of the local planning authority.

3. Before the extensions are first brought into use, the first floor en suite window in the west elevation shall be installed to a fixed window and obscured to a specification of not less than the equivalent of classification 3 of Pilkington Glass and shall be retained thereafter.

Procedural Matters

3. As set out above, there are two appeals on this site. Whilst they differ, I have considered the two schemes together in this decision letter to avoid duplication except where otherwise indicated. For the avoidance of doubt I have dealt with each appeal on its individual merits.
4. 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.
5. In relation to Appeal B, the description of the development given on the application form differs from that given on the notice of decision refusing planning permission. I have used the description of the development given on the Council's decision notice, albeit that I have not used the word 'retrospective' as this is not an act of development. I am satisfied, from all the evidence before me, that the revised description accurately reflects the scheme before me. It is on the basis that I have determined the appeal.
6. The alterations, the subject of Appeal B, have been substantially completed and this application is accordingly retrospective. I have determined the appeal on this basis.
7. In relation to Appeal B the Council asked me to visit the neighbouring property, Copper Beeches, but I was unable to gain access to the rear of the property on my site visit. Photographs taken from the garden of Copper Beeches supplied during the course of the planning application are before me. I am satisfied having reviewed those photographs and from my observations on site that I have sufficient information to determine this appeal.

Main Issues

8. The main issues in both appeals are the design of the schemes and their effect on the character and appearance of the surrounding area. There is an additional issue with regard to Appeal B, namely the effect of the scheme on the living conditions of the occupiers of the neighbouring property with regard to overshadowing and outlook.

Reasons

Character and Appearance

9. The Conifers is a large detached dwelling situate in a spacious plot on Garden Road, a residential street. Garden Road consists of detached dwellings set back from the road within spacious plots. The plot sizes and the spacing, design, and the variety of style and age of the properties gives the street an open, attractive residential character.
10. The proposed flat roof garage would be sited close to the front boundary and would occupy a large part of the front garden between this boundary and the dwelling. Due to its substantial height and length, it would be a sizeable building. Notwithstanding the generous size of the plot and its flat roof design, the garage would appear unduly prominent and disproportionate within the streetscene. Given its proximity to the front boundary, it would draw the eye and would be out of keeping with the open frontages found on Garden Road. Hence the proposal would cause unacceptable harm to the character and appearance of the area.
11. My attention has been drawn to a garage with a pitched roof sited in the front garden of a neighbouring property. I observed this development on my site visit. Whilst sited in the front garden, it is of a much smaller scale than that proposed and is set back from the front boundary of the property. Accordingly it is not as dominant as that proposed and does not represent a direct parallel with the scheme before me. I accept too that a garage could be erected to the side of the dwelling under permitted development allowances but this would not be as substantial nor as prominent as the proposal before me. Accordingly I give these matters limited weight.
12. The Conifers benefits from planning permission¹ for the erection of a two storey hipped roof front extension, the erection of a hipped roof east side extension and the construction of a first floor hipped roof extension. As such the main difference from the previous permission is the introduction of flat concrete tile gable roofs of the dwelling and garage conversion together with the rendering of external walls and replacement windows and doors. The incorporation of gable walls leads to the dwelling having a greater mass and scale than that previously approved. However, the size of the dwelling and plot is able to accommodate the gable roofs and as such they do not appear as incongruous features within the overall style of the dwelling as now remodelled. Nor is the resulting roof profile incompatible with the design of the adjacent neighbouring properties, both of which have gable roofs. Overall, the alterations would not be disproportionate nor incongruous to the dwelling. Given the variety in roof forms and styles of dwellings found on Garden Road they would not detract from the character and appearance of the area. Whilst the rendering to the dwelling introduces a new feature into the streetscene, the variety in the style and design of properties on Garden Road is such that this is not sufficient in itself to justify the withholding of planning permission. As such the alterations as a whole would not cause unacceptable harm to the character and appearance of the area.

¹ 20221457

13. Therefore, it is concluded on this main issue that in respect of Appeal A the development would cause unacceptable harm to the character and appearance of the area. Hence it would conflict with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (amended 2014)(Core Strategy), Policy GC4 of the Broadland Local Plan Development Management DPD 2015 (DPD) and Policy HOU4 of the Blofield Neighbourhood Plan (NP). 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 not comply with the Framework which seeks to promote development sympathetic to local character. However, in respect of Appeal B the scheme would not have a materially harmful effect on the character and appearance of the area. As such it would comply with the aforementioned policies, details of which are given above.

Living Conditions- Appeal B

14. The neighbouring property to the west of The Conifers, Copper Beeches, is a detached bungalow which has a single storey garage on its boundary with The Conifers. The alterations, the subject of Appeal B, have introduced a gable wall above the garage now converted, set alongside this boundary. Whilst this increase in mass has introduced an enclosing feature to the outlook from Copper Beeches, this is not in my mind overbearing given that the dwelling is separated from the common boundary by its single storey garage. Further Copper Beeches benefits from a relatively wide garden which provides an open outlook to the rear. I acknowledge that the roof conversion is a more prominent feature on the common boundary than the flat roof which existed previously. However, whilst the development results in an additional sense of enclosure the wider outlook from Copper Beeches is not significantly compromised as a result.
15. Concern has also been expressed with relation to overshadowing but I note that the rear gardens of both The Conifers and Copper Beeches face predominantly north. In this respect any overshadowing caused by the roof conversion would be minimal in my view and as noted by the agent, limited to a small part in the morning. Consequently, I do not believe that the development results in an unacceptable level of overshadowing in this instance.
16. Hence, the development would not cause harm to the living conditions of the occupiers of the neighbouring property. Accordingly, it would not conflict with Policy 2 of the Core Strategy, Policy GC4 of the DPD and Policy HOU4 of the NP, insofar as they seek to protect residential amenity.

Other Matter

17. Concern is expressed in third party representations as to the retrospective nature of the application, but this is outside the scope of the appeal.

Conditions – Appeal B

18. As the alterations have been substantially completed, it is not necessary to impose the standard time condition. However, in the interests of the character and appearance of the area, I consider it is necessary for a condition to ensure that the development is carried out in accordance with the approved plan. A

condition in relation to the tree, the subject of a Tree Protection Order, is necessary to secure the protection of the tree during ongoing construction works. A condition requiring the glazing of windows in the first floor west elevation is necessary to protect the privacy of neighbouring residents. Whilst the Council suggest a similar condition in respect of the landing window in the first floor east elevation such a condition is not necessary given the separation distances between the two properties. A condition regarding matching materials as suggested by the Council is also not necessary given the application seeks rendering of the dwelling as carried out. Finally, the Council has suggested a condition for the provision of swift boxes but there is no information before me as to why this condition is necessary and accordingly I have not attached it.

Conclusion

19. I have found that in respect of Appeal A the proposal would have a unacceptably harmful effect on the character and appearance of the area. Accordingly the proposal would not be in accordance with the development plan or the Framework.
20. I have found that the alterations the subject of Appeal B would not cause an unacceptable harm to the character and appearance of the area. I have also found that the proposal would not cause an unacceptable harm to the living conditions of the occupiers of the neighbouring property. As such the development the subject of Appeal B would be in accordance with the policies of the Development Plan and the Framework.
21. For the reasons set out above and having regard to all other matters raised I conclude that Appeal A should be dismissed. I allow Appeal B as set out in the formal decision notice above.

K Winnard

INSPECTOR