



Appeal Decision

Site visit made on 6 December 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2024

Appeal Ref: APP/Y2620/D/23/3321023

5 Meadow Way, Sheringham, Norfolk NR26 8NF

- 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 Stephen McDermott against the decision of North Norfolk District Council.
 - The application Ref PF/22/2843, dated 1 December 2022, was refused by notice dated 6 February 2023.
 - The development proposed is extension to existing property to provide a self-contained parent-annexe, directly linked to the main dwelling, as well as construction of two new garage/stores.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Stephen McDermott against North Norfolk District Council. This is the subject of a separate Decision.

Preliminary Matters

3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
4. As part of the appeal, the appellant has provided a Tree Survey & Arboricultural Implications Assessment Tree Retention & Removal Plan. All parties have been given an opportunity to comment on this additional information and so would not be prejudiced by my consideration of it. The Council is content that the document illustrates acceptable impact relating to shading and liveability of the intended occupants, and acceptable root protection areas, subject to relevant planning conditions. There is no compelling reason before me to conclude otherwise. The Council has indicated that this would overcome their second reason for refusal. I have therefore considered the appeal accordingly.

Main Issues

5. The main issues are therefore the effect of the proposal on:
 - The character and appearance of the existing building and surrounding area; and
 - Highway safety.

Reasons

Character and appearance

6. The appeal site comprises a detached two storey dwelling and its associated curtilage. The red line boundary of the site encompasses only part of a larger, spacious plot of land, which I could see had been partially divided by a timber fence. Within the site there are several small outbuildings and large trees. The wider plot is enclosed on all sides by timber fencing, with vegetation along the shared boundary in places. However, the driveway opening provides clear views down the side of the dwelling and across the frontage from Meadow Way.
7. The host dwelling is traditional in design, finished in a light colour render with a hipped roof and two chimneys located centrally. It has subservient ground floor offshoots to the side and rear, in addition to a first-floor terrace area above the rear offshoot. Each elevation features several window or doorway openings. Brick detailing at eaves level and around the front porch add further interest.
8. The surrounding area is characterised by detached dwellings set within large plots. The age and style of dwellings somewhat varies. However, with the notable exception of 3 Meadow Way, most are of a traditional form and appearance. Finishing materials include a mix of brick, light colour render and timber cladding. Hipped roofs are also relatively common, as are dormer windows and front facing gable features, however there are some examples of dual and mono pitched roofs locally. Notably, No 3 features a large mono pitch roof above its attached garage, leaning into the main part of the dwelling.
9. The North Norfolk Local Development Framework Design Guide Supplementary Planning Document December 2008 (the SPD) advises that the scale of any extensions to dwellings should ensure that the architectural character of the original building is not harmed and remains dominant. It also indicates that extensions should use forms, detailing and materials which are compatible with the original building. The SPD does however acknowledge that extensions are generally best sited at the rear of the property where 'competition' with the original building is less likely.
10. The appeal proposal would introduce a large extension set across two levels. Though adjoined to the south-west corner of the host dwelling at ground floor, it would otherwise appear somewhat disconnected, particularly at first floor, due to its offset position. Its footprint would be comparable to the main part of the host dwelling and, though sited further back from Meadow Way, it would be visible from the street due to its location and size. The extension would also be visible from neighbouring plots given the openness of the site.
11. The proposed large mono pitch roof would be a notable departure from the modest hipped roof form of the existing house. It would also extend higher than the existing eaves of the main roof and have a somewhat shallower pitch. Window openings would be small and limited in number, creating expansive areas of blank wall and roof, particularly on the southern elevation. The extension would thus fail to reflect the more traditional forms and features of the host dwelling and due to its siting and size would not appear subordinate.
12. This extension would be linked to the proposed detached single garage at the end of the existing driveway by a high wall. The garage would have a similar mono pitch roof form. Though lower in height, it would also be of considerable

size and slope away from the host dwelling. This would increase its prominence within the site and would not be of a subordinate design. The blank southern elevations of these elements of the proposal, combined with the wall connecting them, would form a large, obtrusive, and incongruous barrier along the southern boundary of the site.

13. The Council indicated that there were no particular design concerns regarding the double garage proposed to the front, and there is no compelling reason for me to conclude otherwise. Nevertheless, for the reasons set out above, I find that the appeal proposal, taken as a whole, would detract from the prevailing features of the existing building and its surroundings. The proposal thus fails to have regard to the local context and guidance within the SPD and would not adequately preserve or enhance the character and quality of the area.
14. My attention has been drawn to other developments nearby, which the appellant contends provides support for the proposed design. The full details of each of these are not before me. Nevertheless, except for the example at 3 Meadow Way, I note that all are within different parts of Sheringham or elsewhere within the district. They were therefore considered within a different context and are not viewed within the setting of the appeal site. Some are entirely new or replacement buildings, others are of a complementary form to the host building. In respect of No 3, its attached garage and mono pitch roof slopes remain subordinate to the main dwelling. None of these examples are therefore directly comparable to the proposal before me, and they do not lead me to a different conclusion on this main issue.
15. I recognise that the appeal site is generously sized and thus could likely accommodate a large extension to the host dwelling, the principle of which is not disputed. However, this does not in itself demonstrate that the appeal proposal is acceptable with respect to this main issue.
16. Paragraph 135 of the Framework indicates that decisions should not prevent or discourage appropriate innovation or change. However, given the harm identified above, I do not consider that the appeal proposal would represent appropriate innovation or change, or remain sympathetic to local character.
17. The appellant contends the existing flat roof extension of the host dwelling is rather mundane and that the proposal has taken the opportunity to lessen the effect of this. However, this existing extension is relatively modest in size and height and confined to the rear of the existing dwelling. Its effect on the character and appearance of the existing building and surrounding area is thus somewhat limited. I therefore do not find that the appeal proposal would offer any meaningful enhancement in this regard.
18. I conclude that the proposal would have a harmful effect on the character and appearance of the existing building and surrounding area. It would therefore be contrary to Policy EN4 of the North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies September 2008 (the Core Strategy). This policy, among other provisions, seeks to ensure that all development is designed to a high quality that is suitable to the local context, preserves or enhances the character and quality of the area, and has regard to the North Norfolk Design Guide.
19. The proposal would conflict with Paragraphs 135 of the Framework, which indicates that decisions should ensure that development is visually attractive

and sympathetic to local character. It would also conflict with Paragraph 139, which states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents, such as design guides.

Highway safety

20. The Council contend that due to the scale and intended occupation of the proposed annexe, it would have a traffic impact similar to an independent dwelling. However, both the Council and the Local Highway Authority (LHA) recognise that ancillary accommodation will not necessarily lead to an increase in vehicle movements. There is an opportunity to share trips, deliveries and visitors. However, the traffic profile would increase if this link were severed.
21. Whether or not the proposal would have a harmful impact on highway safety is thus contingent on whether it is a form of ancillary accommodation or if it would instead operate in the manner of a separate dwelling. Representations from the LHA indicate that they have not taken a view on this matter, instead deferring to the planning judgement of the local planning authority.
22. There are no development plan policies before me that seek to control the size or relationship of an annexe relative to its host dwelling and no such criteria within the adopted SPD provided. Whether the proposal would constitute an annexe is thus a matter of fact and degree, based on the merits of the case. In addition to the relative size of the proposed annexe, it is reasonable to have regard to the nature of the intended use, the level of dependency between the new building and the host dwelling, and the degree of physical separation.
23. The appeal proposal is of a substantial size, particularly in visual terms. At ground floor, it would provide two bedrooms, two bathrooms, and an open plan kitchen/dining/living space, with a study at first floor. However, given much of the volume at first floor is a void providing a vaulted ceiling above the ground floor living accommodation, it remains smaller than the host dwelling in terms of its floorspace, and the overall living accommodation provided.
24. The appellant has indicated, by way of a statutory declaration, that the proposed annexe is intended to allow their daughter to move into the property, providing support and assistance as they age. The evidence also indicates that this would allow the appellant to provide a reciprocal element of childcare for their daughter. Additionally, the proposed first-floor study would provide workspace for the appellant's daughter, who works from home.
25. The appellant's daughter has also submitted a statutory declaration, setting out their intention to occupy the annexe initially, along with the appellant's grandson. This arrangement would continue for as long as the appellant could continue to use the upstairs bedrooms in the host dwelling. Thereafter, the occupation of the host dwelling and annexe would be reversed. The intended purposes for the annexe are not unusual for this form of development and would naturally result in an appreciable level of interdependence.
26. I recognise that the accommodation proposed would still allow a high degree of self-sufficiency for future occupants of the proposed annexe. However, it would be adjoined to, and could be directly accessed from, both the lounge of the host dwelling and its first-floor terrace area. Moreover, the external doors of

the annexe at ground floor would open onto a modest shared courtyard on one side, and a terrace and garden area on the other. Both would still be directly accessible through glazed patio doors within the host dwelling, and there would be a high degree of intervisibility between the host dwelling and the annexe, given the arrangement of existing and proposed windows.

27. The appeal proposal would provide independent garages serving the host dwelling and annexe. However, the vehicular access and driveway to both would be shared, with no discernible boundary. Likewise, there are no clear boundary lines or enclosures proposed within the site that would create segregated pedestrian access into the annexe or external areas adjacent to it. There would also be no direct access into the garden space to the south from the proposed annexe, nor would this space be overlooked from its windows.
28. The appellant has also indicated that all utilities, including water, electricity, sewerage, telephone and broadband would be connected into the existing system for the main house and in all respects the two elements would be run as one. There is no compelling evidence before me to the contrary.
29. In view of the above, the space provided within the proposed annexe and its relationship to the host dwelling would be commensurate for its intended purposes, while allowing a proportionate degree of independence and privacy between cohabiting family members. I am thus satisfied that the proposal would constitute ancillary accommodation. It would not amount to the creation of a separate residential planning unit, nor is there any compelling evidence before me to indicate that it would operate as such.
30. Moreover, the description of the development is clear that it would be an extension to the existing property to provide a self-contained parent-annexe, directly linked to the host dwelling. Planning conditions could have been used to control the future occupation of the annexe, or its physical characteristics and relationship to the host dwelling and wider plot, were these considered necessary. If the proposed annexe were not built or used as indicated, or if there were a material change of use in the future to a separate dwelling, then a separate grant of planning permission would be required, at which point the highway safety implications could be reassessed. The building would be at risk of enforcement action without such permission.
31. I recognise that the appellant has previously applied for planning permission for a separate dwelling at the appeal site, which has been refused. However, this alone does not indicate that the appeal proposal should also be assessed as such. Likewise, my attention has been drawn to several previous appeal decisions for this site that were dismissed on grounds pertaining to highway safety. However, in all cases these related to the erection of an additional dwelling(s). They were thus materially different to the appeal proposal before me, and they do not lead me to a different conclusion on this main issue.
32. In view of the above, I am satisfied that the proposal would not lead to an undue increase in vehicle movements. Its relationship to the host dwelling would encourage linked trips, shared deliveries and visitors. There is no compelling evidence before me to indicate that its traffic profile would be comparable to that of an independent dwelling, either now or in the future.
33. Accordingly, the proposal would not have a harmful impact on highway safety. I have thus not identified any conflict with Policy CT5 of the Core Strategy. This

policy, among other provisions, seeks to ensure that the nature and volume of traffic generated could be accommodated by the existing road network without detriment to highway safety. Additionally, there is no conflict with Section 9 of the Framework which, among other provisions, seeks to ensure that safe and suitable access to development sites can be achieved and unacceptable impacts on highway safety are prevented.

Other Matters

34. The Planning Practice Guidance and the Framework encourage local planning authorities to take a positive approach and work proactively with applicants. While I note the appellant's frustrations with the level of engagement offered by the Council during the application process, this cannot lead me to a different conclusion on the main issues. Though the appellant received pre-application advice from the Council, this matter does not indicate that the proposal before me is acceptable with respect to the first main issue.
35. Paragraphs of the Framework related to meeting the need for new homes, including Paragraph 123 in respect of effective use of land, and Paragraph 124 in respect of using suitable brownfield land, are of limited relevance given the proposal is for an extension to an existing dwelling only. Paragraph 128 of the Framework indicates that decisions should support development that makes efficient use of land. However, this primarily relates to achieving appropriate densities. Moreover, the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, beautiful and attractive places must be taken into account. Given the identified harm, it has not been demonstrated that the proposal would be an efficient use of land.
36. While the appellant contends that the application did not generate any objection from neighbours or from the locality based on valid planning matters, there are several objections before me raising concerns that pertain to the main issues in this case. In any event, the absence of comments in support or against the application would weigh neither for nor against the proposal.
37. I have not identified any other harm or conflict with any other relevant parts of the development plan or national policy and guidance, and there is no evidence to indicate that the site is located within a conservation area or near listed buildings. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

38. The proposal would result in significant harm and development plan conflict with respect to its effect on the character and appearance of the existing building and surrounding area. While I have found the proposal to be acceptable with respect to highway safety matters, this does not outweigh the identified harm and development plan conflict. I therefore find that the proposal would be contrary to the development plan, taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR