



Appeal Decision

Site visit made on 12 March 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/G2625/W/23/3322725

16 Boston Street, Norwich, Norfolk NR3 3JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Miss Sarah Bell against the decision of Norwich City Council.
 - The application Ref is 22/01521/O.
 - The development proposed is erection of a two-storey dwelling with all matters except access reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, the Council adopted the Greater Norwich Local Plan 2024 (GNLP). The main parties provided comments in respect of the GNLP and therefore would not be prejudiced by my consideration of its policies.

Main Issues

3. The main issues in this appeal are:
 - 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 occupants of neighbouring properties to the east, with particular regard to daylight and sunlight;
 - whether the proposed development would provide adequate living conditions for future occupants, with particular regard to private amenity space; and
 - whether sufficient information is provided to demonstrate the proposed development would not increase the vulnerability of the site or wider catchment to flooding from surface water run-off.

Reasons

Character and appearance

4. The appeal site is a plot of land adjoining No 16 Boston Street, a semi-detached dwelling. Within this cul-de-sac are four pairs of similar mid-20th century semi-detached dwellings with hipped roofs and chimneys, set back from the street by front gardens, along with examples of more recent infill development. To the south of the site are the rear gardens of terraced period properties and a row of flat-roofed terraced houses. Whilst the area comprises

- a mix of dwelling types, buildings have a traditional, suburban form and character with established gardens contributing spaciousness and greenery.
5. The indicative design shows a two-storey dwelling with a projecting wing, angled to follow the plot boundary. The angled form of the proposed dwelling responds to the irregular shape of the plot and would not reflect the traditional form of surrounding buildings.
 6. Existing dwellings are oriented to face the street and are regularly spaced, creating a uniform appearance on either side of the street. The pairs of semi-detached dwellings follow a staggered building line to accommodate the turning head at the end of the cul-de-sac. The proposed dwelling would project forward of the building line and the angled wing would not run parallel to the street. The siting and layout of the development would therefore appear out of keeping with the pattern of surrounding development.
 7. The proposed dwelling would be prominently sited on the outside of the bend in the road and close to the site's front boundary. The angled side wing would appear dominant on the approach from Boston Street. The proposed dwelling would therefore appear conspicuous and discordant within the street scene.
 8. No 9A, situated opposite the appeal site, comprises an infill development of a two-storey dwelling with a hipped roof which faces the street and is set back from the road by its front garden. Through its traditional form and appearance, the building differs significantly from the design and circumstances of the appeal proposal.
 9. Whilst noting matters of scale, layout and appearance are reserved for future consideration, the appellant suggests the indicative plans are of sufficient detail to demonstrate a design solution. I have therefore assessed the visual effects of the scheme on the basis of the submitted plans. The appellant asserts that local residents did not raise concerns with the proposed design. However, as set out above, I have found harm to the character and appearance of the area would arise from the proposed development's form, layout and visually prominent siting.
 10. The proposed development would therefore conflict with GNLP Policy 2 and Policy 3 which require development proposals to create beautiful, well-designed places and buildings with a distinct sense of place and enhance local character. In addition, the proposal would conflict with Policy DM12 of the Development Management Policies Local Plan 2014 (Norwich DMPLP) which requires proposals have no detrimental impacts upon the character of the surrounding area, and Norwich DMPLP Policy DM3 which requires development respect, enhance and respond to the character and local distinctiveness of the area through a design which has regard to the character of the surrounding neighbourhood and the elements contributing to its overall sense of place.

Living conditions – daylight and sunlight

11. The proposed dwelling would abut the rear garden boundary of dwellings at Rackham Road. The shadow study shows the proposed dwelling would overshadow gardens to the east during the afternoons, most notably at Nos 49, 51, and 53. Overshadowing would be greatest in the spring and autumn, where a significant portion of adjacent rear gardens would be in shade.

12. The proposal would not result in overshadowing in the mornings and the appellant asserts that some overshadowing in a suburban area is not unusual. However, the shadow study does not include the shadowing effects of existing buildings, and therefore the assertion that these gardens would receive full sunlight before noon is not substantiated by the evidence.
13. The shadow study indicates the proposal would result in overshadowing of rear gardens to the east. The loss of daylight and sunlight would amount to harm to the living conditions of occupants of dwellings at Rackham Road.
14. The proposal would conflict with Policies DM2 and DM12 of the Norwich DMPLP which require development have no detrimental impacts upon the amenity of the surrounding area, including the living conditions of neighbouring occupants, with particular regard to the prevention of overshadowing and loss of light. In addition, the proposal would not satisfy paragraph 135 of the National Planning Policy Framework which supports developments which create a high standard of amenity for existing users.

Living conditions – private amenity space

15. The proposed development would provide garden areas to the front and rear of the proposed dwelling. The development plan does not contain standards for the size of amenity space. However, Norwich DMPLP Policy DM2 requires provision of appropriate and integral private amenity space. The appellant suggests that at the rear, there is sufficient space to accommodate a table and chairs. However, use of the rear garden would be constrained by its small size and irregular shape.
16. An existing hedge along the site's frontage provides some screening of views into the proposed front garden. However, whilst boundary treatments could be enhanced, the frontage would include an open section to allow access to the parking space and therefore would provide opportunities for overlooking from the street. The front garden would not therefore provide sufficient privacy to serve as a private amenity space.
17. The appellant draws comparison to No 9A. Whilst this dwelling occupies a triangular plot, it appears to provide a larger, enclosed rear garden, and therefore differs significantly from the appeal proposal.
18. The proposed development would not provide adequate private amenity space and would therefore fail to secure appropriate living conditions for future occupants. Since the proposal would not be of a suitable standard, it would not represent an efficient use of land.
19. The proposal would conflict with Policy DM2 of the Norwich DMPLP which permits development only where it provides a high standard of amenity and satisfactory living conditions, including provision of appropriate and integral external private amenity space.

Surface water flood risk

20. The Environment Agency's (EA) Surface Water Flooding Map and the Strategic Flood Risk Assessment Update suggest the site is at very low risk of surface water flooding. There are no historic records of flood events, and the EA provided no comments in response to the proposal.

21. However, the site is located within a critical drainage catchment and Policy DM5 of the Norwich DMPLP requires proposals involving new construction show how surface water flooding issues will be addressed and include measures to protect against and reduce the vulnerability of the site and the wider area to the effects of surface water run-off.
22. The proposal does not include details of drainage measures. This could not be secured as part of a reserved matters application as the information is necessary to demonstrate the development would not result in additional surface water flood risk at the site or wider area.
23. The proposal does not therefore provide sufficient information to demonstrate that the proposal would not cause flooding on or off-site. The proposal would therefore conflict with GNLP Policy 2, which requires development ensure flood risk is not increased elsewhere, and Policy DM5 of the Norwich DMPLP which seeks to prevent an increase in surface water flooding.

Other Matters

24. Natural England has advised that certain development proposals in the Council's area have potential to affect water quality in such a way that adverse nutrient impacts on European Sites cannot be ruled out, in particular the Norfolk Broads Special Area of Conservation (SAC) and Ramsar, and River Wensum SAC. Those habitats are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Where a proposal is likely to have a significant effect on European Sites, Regulation 63 of the Habitats Regulations requires the competent authority carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal on the basis of harm to character and appearance, living conditions, and surface water flood risk, it is not necessary to address the proposal's effects on European Sites in further detail.
25. The appellant has provided Decision Notices for other approved schemes within the Council's area to show how the appeal proposal is similar in policy terms. The Council does not dispute the principle of residential development in this location. However, as set out above, I have identified harms specific to the design and characteristics of this appeal proposal. Consequently, the examples of other approved schemes attract only limited weight.

Conclusion

26. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR