



Appeal Decision

Site visit made on 3 April 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2024

Appeal Ref: APP/L2630/D/23/3331566

14 Walnut Tree Drive, Framingham Earl, Norfolk NR14 7UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Dye against the decision of South Norfolk District Council.
- The application Ref is 2023/2746.
- The development proposed is removal of low level pitched roof to form balcony on north west elevation.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

Main Issues

3. The main issues are the effect of the proposal on:
 - i) The character and appearance of the area; and
 - ii) The living conditions of neighbouring occupiers with particular regard to privacy, outlook and noise and disturbance.

Reasons

Character and appearance

4. Walnut Tree Drive forms part of a residential estate which is predominantly characterised by two-storey, detached dwellings. The estate's cohesive traditional aesthetic, together with the soft landscaping along the roadside, makes for a high-quality residential environment.
5. The front elevations of the appeal dwelling and the neighbouring dwelling at No 16 Walnut Tree Drive both include a two-storey projecting gable and at ground-floor level, a mono-pitched tiled roof which forms a canopy over their front entrance and double, integral garages. Together with their similar facing materials and window layouts, there is a high-degree of symmetry across the

front elevations of these dwellings, and this positively contributes to the cohesiveness of the estate.

6. Balconies on front elevations are not a common feature of the estate. The proposed balcony's prominent elevated position on the front elevation of the host dwelling, together with the contemporary appearance of its glass balustrade, would appear incongruous within the context of its surroundings. Moreover, the balcony and the other associated alterations, including the removal of the mono-pitched tiled roof, the provision of a first-floor access door to the balcony and the raising of the eaves over the front entrance and garages, would combine to unacceptably detract from the symmetry between No 14 and the dwelling at No 16. For these reasons, the proposal would be detrimental to the cohesive appearance of the estate.
7. The appellant suggests that the existing soft landscaping at Walnut Tree Drive would ensure that the proposal would not be highly visible. However, planting within the street would only filter views of the proposal from some vantage points and would not on its own assimilate the development into its surroundings.
8. I conclude, the proposal would have a significantly harmful effect on the character and appearance of the area. In that regard, it would conflict with the design, local distinctiveness and character and appearance requirements in Policy 2 (Promoting good design) of the Joint Core Strategy for Broadland, Norwich and South Norfolk (originally adopted in 2011 and amendments adopted in 2014) and Policies DM3.4 (Residential extensions, conversions within settlements) and DM3.8 (Design principles applying to all development) of the South Norfolk Local Plan Development Management Policies Document (2015) (DMPD).

Living conditions of neighbouring occupiers

9. Due to its location at first-floor level on the front elevation of the proposed dwelling, the balcony would provide similar views to those that are already obtainable from the first-floor windows of the host dwelling. More particularly, such views would be of areas within the public realm such as front gardens and driveways. The space and oblique angle between the proposal and the nearest neighbouring windows at No 16 Walnut Tree Drive would ensure that there would be no significant opportunities to look into the rooms serving this neighbouring dwelling.
10. Even though there would be a direct line of sight from the balcony towards the windows on the front elevation of No 17 Walnut Tree Drive, the intervening distance is such that there would also be no material overlooking impacts on No 17 beyond the existing situation.
11. I accept that the proposal would be visible from the front windows serving No 17 and, given my design concerns, it would have a conspicuous presence in these views. Even so, the intervening space would ensure that it would not have an overbearing effect. Any activity on the balcony would be residential in nature and would be unlikely to result in any significant levels of noise and disturbance.
12. I conclude, the proposal would not result in any harmful effects on the living conditions of neighbouring occupiers, with particular regard to privacy, outlook

and noise and disturbance. In that regard, it would comply with the requirements to ensure proposals do not have an unacceptable impact on the amenities of neighbouring occupiers, including in terms of privacy, overbearing impacts and noise in Policies DM3.4 (Residential extensions, conversions within settlements) and DM3.13 (Amenity, noise and quality of life) of the DMPD.

Other Matter

13. The appellant suggests that their back garden does not benefit from the sun from mid-afternoon onwards and that the proposal would provide another area to sit out and enjoy the weather. Whether or not that be the case, this does not justify the harm identified under the main issue.

Conclusion

14. The proposal would result in significant harm to the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR