



Appeal Decision

Site visit made on 29 May 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/K2610/W/23/3331051

Land to rear of 41 Thor Close, Thorpe St Andrew, Norwich NR7 0JT

- 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 Mr S Hall against the decision of Broadland District Council.
 - The application Ref is 2023/0521.
 - The development proposed is described as 'outline planning application all matters reserved for a pair of semi-detached dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved. I have therefore taken any details pertaining to the reserved matters, as shown on the submitted drawings, to be for indicative purposes only.
3. Following the Council's decision, the Greater Norwich Local Plan 2011-2033 (LP) has been adopted replacing the Joint Core Strategy for Broadland, Norwich and South Norfolk (CS). The CS policies cited in the decision notice are superseded. I am required to consider the appeal in the context of current local policy, and in this regard, I have received copies of LP Policies 2 and 3 which are said to be relevant to the determination of the appeal. I am satisfied that no parties would be prejudiced by me taking such policies into consideration when reaching my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of adjoining properties with particular regard to outlook and light; and
 - the character and appearance of the area.

Reasons

Living conditions

5. Whilst for indicative purposes only, due to the constrained nature of the site and the relatively limited options for its layout, it is reasonable to consider that the position of the proposed pair of semi-detached dwellings would be broadly as shown on the appeal plans. Such plans indicate that the proposed dwellings would be close to and extend along a significant proportion of the rear

boundary of the adjoining property, 41 Thor Close (No 41). In such a position, the introduction of a 2-storey building would have a significant enclosing and dominating effect on the outlook from the rear windows of that property. It would also create a visual intrusion that would unacceptably diminish the enjoyment of its rear garden. Consequently, the living conditions of the occupiers of No 41 would be unacceptably harmed.

6. Although, the proposal would result in some overshadowing of the rear garden of 1 Thor Road (No 1), due to the likely siting of the dwelling and its orientation, that would be limited to a short period during winter mornings. Therefore, the level of overshadowing would not be significant and the living conditions of the occupiers of No 1 would not be unacceptably reduced.
7. Accordingly, the proposal would harm the living conditions of the occupiers of 41 Thor Close due to an unacceptable impact on outlook, contrary to Policy GC4 of the Development Management DPD (DPD) which requires development to achieve a high standard of design and not adversely affect the amenity of existing properties.

Character and appearance

8. The appeal site lies within a residential area primarily characterised by semi-detached bungalows, interspersed by a small number of semi-detached two storey dwellings. The properties generally have hipped roofs and are of a traditional, predominantly brick-built, construction. They are set back from the road behind a consistent building line and are separated by driveways. The simple, traditional design of the properties and their regular spacing and position relative to the highway creates a pleasing rhythm to the streetscape.
9. The indicative plans, demonstrate that the site could accommodate two dwellings with a footprint of a similar width to the adjoining pair of semi-detached dwellings and in a position that would maintain the building line. I acknowledge that the plot width would be smaller than the prevailing grain of development in the area and there would be a narrower gap between the proposed building and No 1. Nonetheless, the larger gap on the other side, formed by the garden to No 41, would ensure that the development would not appear unduly cramped and the streetscape rhythm would not be unacceptably disrupted.
10. The detail of the proposed pair of semi-detached dwellings, could be agreed through a future reserved matters submission. As such, and for the above reasons, I consider that the proposal would assimilate into its surrounds and would be an acceptable form of development.
11. Therefore, I conclude that the proposed development would not harm the character and appearance of the area, and would accord with LP Policies 2 and 3 and DPD Policy GC4 which seek to promote good design and ensure that development creates a strong sense of place and reinforces local distinctiveness.

Other Matters

12. Based on the evidence before me, the appeal site lies within the nutrient neutrality catchment area for the Broads Special Area of Conservation (SAC) and the River Wensum SAC. In addition, it is within the Zone of Influence of multiple European designated sites which are vulnerable to recreational

disturbance. However, because the scheme is unacceptable for other reasons there is no need for me to consider the implications of the proposal upon such designated sites as would otherwise be required by the Conservation of Species and Habitats Regulations 2017.

13. The proposal would contribute towards the Government's aims of boosting the supply of housing, as set out in the Framework, in an accessible location and would provide support to the local economy. Overall, such benefits would not outweigh the harm and associated policy conflicts that I have identified. Whilst the proposed dwellings may be energy efficient, as all dwellings should be constructed to such principles this only carries limited weight in favour of the proposal.

Conclusion

14. Whilst I have found that the proposal would not harm the character and appearance of the area, this does not outweigh the identified harm to the living conditions of the occupiers of a neighbouring property. The proposed development, therefore, conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harms and associated development plan conflict.
15. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR