

Appeal Decision

Site visit made on 21 August 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2024

Appeal Ref: APP/U2615/D/24/3338810

210 Beccles Road, Bradwell, Norfolk, NR31 8QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Stuart and Judith Knowles against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/23/0869/VCF, dated 27 November 2023, was refused by notice dated 9 February 2024.
 - The application sought planning permission for proposed single storey side extension to southwest elevation to form porch, en-suite and dressing room; plus a two storey side extension to northeast elevation to form self-contained two-bedroom annexe ancillary to main dwelling, without complying with a condition attached to planning permission Ref 06/21/0773/F, dated 18 November 2021.
 - The condition in dispute is No.4 which states that: There shall be no occupation nor use of the annex hereby permitted until the extension to the southwest side of the dwelling has first been completed and made available for use.
 - The reason given for the condition is: In the interests of the satisfactory development of the site and to secure appropriate visual amenity. The development of the Annex feature as a stand-alone element of the design would not be considered acceptable had it not been a part of a wider development, due to not being ancillary in scale and size and appearance to the main dwelling and therefore failing to address Policy H10 of the Local Plan Part 2. However, the annex has the effect of balancing and consolidating the overall development when the southeastern extension is considered alongside.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey side extension to southwest elevation to form porch, en-suite and dressing room; plus a two storey side extension to northeast elevation to form self-contained two-bedroom annexe ancillary to main dwelling, without complying with a condition attached to planning permission Ref 06/21/0773/F, dated 18 November 2021, at 210 Beccles Road, Bradwell, Norfolk, NR31 8QD in accordance with the terms of the application, Ref 06/23/0869/VCF, subject to the following conditions:
 - 1) The annex shall only be occupied and used for private domestic purposes ancillary to the dwelling to which it is attached.
 - 2) The lowest glazed part of the roof windows to the annex bedrooms shall be no less than 1.7 metres above the internal first floor finished floor level and shall be retained as such thereafter.

- 3) The bathroom window to the annex shall be fitted with obscure glazing to at least Pilkington level 5 or equivalent and shall be retained as such thereafter.

Main Issues

2. The main issues are the effect that removing the condition would have on the character and appearance of the area and on designated habitat sites.

Reasons

3. At the time of my site visit the development had been completed in accordance with the approved plans. Accordingly, whilst I acknowledge the Council's reasoning behind condition 4, it no longer serves any useful purpose having regard to the tests for conditions set out in the National Planning Policy Framework and relevant legislation. The completed development reads as a single dwelling, which is balanced in appearance and is of high-quality design, in keeping with its surroundings. No harm was caused by the annex being occupied prior to the completion of the development in breach of the condition.
4. The Council's second reason for refusal states that the Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) has identified that most dwellings require a financial mitigation measure. I have not been provided with a copy of the GIRAMS and I note that in this case the development relates to domestic extensions and an ancillary annex extension occupied by a family member, as opposed to a new separate dwelling. Moreover, it is unclear how granting retrospective planning permission for an existing approved development without condition 4, which was imposed to ensure the satisfactory appearance of the development, would have any bearing on designated habitats.
5. I therefore conclude that the development accords with Policy CS9 of the Great Yarmouth Local Plan Core Strategy 2013-2020 (CS) and Policies H9 and H10 of the Great Yarmouth Local Plan Part 2 (LPP2), which seek amongst other things to ensure that new development is of high quality design that responds to its surroundings and that residential annexes are ancillary and sub-ordinate in scale to the principal dwelling to which they relate. Based upon the evidence before me, the development has no adverse effect on any designated habitat sites and therefore accords with Policy CS11 of the CS and Policies GSP5 and GSP 8 of the LPP2.

Conditions

6. As the development has already been completed in accordance with the approved drawings, it is not necessary to impose a time limit condition or list of approved drawings. As the external materials are appropriate it is also unnecessary to impose a condition requiring their approval. Condition 4 is no longer necessary given that the development is now complete. It is necessary to re-impose conditions 5, 6 and 7 of the original permission to ensure that first floor windows facing 208 Beccles Road are retained at high level or are obscure glazed, in the interests of privacy. A condition to ensure that the annex remains ancillary to the main dwelling is also necessary given the shared nature of the access, parking and garden facilities and to protect the living conditions of neighbours.

Conclusion

7. For the reasons given above the appeal is allowed.

R Bartlett

INSPECTOR