

Appeal Decision

Site visit made on 20 August 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2024

Appeal Ref: APP/F2605/W/23/3333813

4 Atling Way, Attleborough, Norfolk, NR17 2NS

- 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 Nick Giles against the decision of Breckland Council.
 - The application Ref is 3PL/2023/0644/F.
 - The development proposed is a detached single-storey one bedroom dwelling with new vehicular and pedestrian accesses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined the Council has adopted an updated Breckland Local Plan (BLP). Both main parties agree that the updates do not significantly alter the wording of the policies relevant to the main issues in this case. The National Planning Policy Framework (the Framework) has also been updated and the Council has adopted the Breckland Design Guide 2024. I have taken these into account as material considerations in reaching my decision. Whilst the reasons for refusal make reference to the Attleborough Neighbourhood Plan, no conflict with any particular policies in this plan have been cited and as such I have not referred to any specific policies in this plan in reaching my decision.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area; ii) living conditions of future occupiers of the proposed dwelling and of neighbours; iii) flood risk; and iv) designated habitats.

Reasons

Character and appearance

4. The site comprises part of the rear garden to No.4 Atling Way. It is bound by bungalows and gardens on three sides and has a frontage onto Plasset Drive. The surrounding area is characterised by bungalows of similar age, scale and appearance, which are arranged in a linear fashion, on regular shaped plots, with regular spacing between them.

5. Being on a corner plot, No.4 Atling Way enjoys a larger garden than its immediate neighbours. However, its side garden aligns with the front gardens on Plasset Drive and its rear garden reflects the size of those to the rear of other properties along Atling Way.
6. The proposed dwelling would project forward of the front elevation of No.1 Plasset Drive and the side elevation of No.4 Atling Way. It would have only a narrow footway to either side of it, whereas other properties in this area tend to be separated by driveways. The parking and turning would be squeezed between the front of the dwelling and the back of the footway and would extend the new plot into an irregular L -shape, taking it closer to the rear of the existing dwelling and detracting from the pattern of development in the area. These are all clear symptoms that the site would be overdeveloped and would appear cramped in comparison to its surroundings.
7. I therefore conclude that the proposed development would fail to accord with Policies COM01 and GEN02 of the BLP and paragraph 135 of the Framework. These policies seek amongst other things to ensure that new development integrates into its surroundings and is sensitive to the character of the area.

Living conditions

8. The windows in the side elevation of No.1 Plasset Drive are located towards the rear half of that dwelling and as such would be unlikely to be obstructed by the proposal. Furthermore, I note that these windows already face a close boarded fence. I also note that no habitable room windows would be located in either of the side elevations of the proposed new bungalow.
9. The rear garden of the new bungalow would extend approximately 6 metres beyond its rear elevation. Whilst this is very small, given the size and nature of the bungalow it would serve and the fact that it is west facing and would have undeveloped gardens directly behind it, it would just be acceptable in terms of providing future occupiers of the proposal with an appropriate area of private outdoor amenity space.
10. However, there are multiple windows in the rear elevation of No.4 Atling Way, which would be less than 4 metres from the proposed new 1.8 metre high close boarded fence and less than 5 metres from the side elevation of the proposed new bungalow. As such there would be a significant reduction in the quality of outlook from these windows. The remaining rear garden space would be poor and would not reflect that of surrounding properties. Whilst I acknowledge the existing dwelling would retain a large area of garden to the side, this would be largely disconnected from the rear garden of the property by the proposed parking area for the new dwelling.
11. I therefore conclude that the development would result in an unacceptable loss of rear garden space and rear outlook to No.4 Atling Way, which would be detrimental to the future living conditions of occupiers of that property. As such the proposal fails to accord with Policy COM03 of the BLP and paragraph 135 of the Framework, which require high standards of amenity for existing and future users.

Flood risk

12. The site is not at risk of flooding from rivers or the sea and as such is classified as flood zone 1, low risk, by Environment Agency flood maps.

However, the site is identified as being at risk of flooding from surface water. Updated versions of the Framework (paragraph 173 and footnote 59) and Planning Practice Guidance (PPG) require site specific flood risk assessments for all applications on land that may be subject to any source of flooding. A flood risk assessment (FRA) was submitted with the appeal, which the Council has not commented upon.

13. The submitted FRA identifies the potential sources of flooding, a summary of risks and recommends mitigation measures to reduce the risk of the proposed dwelling from flooding. It also confirms that the proposal would increase the impermeable area, resulting in an increased volume of surface water that has the potential to increase flood risk elsewhere. It is recommended that surface water run-off is managed to prevent the increased risk of flooding to others. However, there is no drainage strategy before me to demonstrate how this would be successfully achieved.
14. As it has not been demonstrated that the development would not increase the risk of flooding elsewhere, the proposal fails to accord with Policies ENV09 of the BLP and paragraph 173 of the Framework, which require new development to minimise its own risk of flooding and not increase flood risk elsewhere.

Designated habitats

15. The site falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the Norfolk Green Infrastructure and Recreational Disturbance Avoidance and Mitigation Strategy ('GIRAMS'). Had I been minded to allow the appeal, it would have been necessary to carry out an appropriate assessment in order to establish whether the proposal, on its own, or in combination with other projects would be likely to have significant effects on the integrity of the European protected sites, and also whether any proposed mitigation would be appropriate and sufficient. However, I have not been provided with sufficient information regarding the designated sites affected or their special features, to undertake this. Without undertaking an appropriate assessment, I cannot be sure that the submitted unilateral undertaking is necessary, appropriate or sufficient.
16. As I have found that the proposal is unacceptable in relation to other main issues, it is not necessary for me to consider this matter further. Even if the submitted unilateral undertaking was sufficient to ensure the development would not have an adverse effect on any designated habitats sites, this would be a neutral factor.

Other Matters

17. My attention is drawn to the sub-division of the plot at nearby 15 Mill Lane. That development comprises a house of similar scale and appearance to its neighbour, located in the side garden of a corner plot, resulting in two equal sized plots and rear gardens. It is not therefore directly comparable to the scheme before me.
18. I acknowledge that the site is in a sustainable location. However, the use of the land as garden space is efficient, as well as desirable in terms of maintaining the character and appearance of the area and appropriate living conditions. Whilst I acknowledge that there are sites with exceptionally large

gardens that can be put to better use, increasing densities must be balanced against other matters.

Conclusion

19. For the reasons given above, the proposed development would conflict with the development plan when taken as a whole. There are no material considerations of sufficient weight to indicate a decision should be taken otherwise. The appeal is therefore dismissed.

R Bartlett

INSPECTOR