

Appeal Decision

Site visit made on 3 September 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Appeal Ref: APP/L2630/W/23/3332450

23 The Street, Rockland St Mary, Norfolk NR14 7ER

- 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 G Koryakos against the decision of South Norfolk District Council.
 - The application Ref is 2023/1284.
 - The development proposed is described as a change of use from garden at the front of No 23 The Street, Rockland St Mary, subdivision of the site and the construction of a three-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the Council's decision, the Greater Norwich Local Plan 2011-2033 (the GNLP) has been adopted replacing the Joint Core Strategy (the JCS). The JCS policies cited in the decision notice are superseded with the Council indicating that Policies 2, 3, 5 and 7.4 of the GNLP are most relevant. Therefore, the appeal will be considered against the policies from this plan, where relevant, along with the South Norfolk Local Plan Development Management Policies Document 2015 (the LP).

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would provide satisfactory living conditions to the future occupiers.

Reasons

Character and Appearance

4. The appeal site is located in front of the property at No.23 The Street with No.19 The Street and an access road on either side. It is currently undeveloped and used as a front garden for No.23 with a lawned area and some limited planting along with a tarmac driveway at the front. The

surrounding area is residential in nature with properties along The Street largely comprised of detached dwellings on relatively large plots with good sized gardens to the front and rear. This gives the area a spacious and open appearance, contributing positively to the rural surrounds of Rockland St Mary. The proposed development would introduce a three-bedroom detached bungalow to the appeal site, using the existing driveway for access with additional parking and a garden to the rear.

5. The appeal site is narrow with the proposed dwelling nearly extending the full width of the site. Whilst other residential plots within this area are relatively narrow, excluding the adjacent plot at No.19, they also benefit from large front and rear gardens. However, due to the limited scale of the site, the proposal would have limited space to the front and rear of the dwelling. Therefore, due to the size of the proposed dwelling and the restricted width and depth of the site, the proposal would appear cramped and at odds with the spacious residential development in the surrounding area.
6. The limited scale of the plot would be a highly noticeable feature within the streetscene due to the position of the access road to the side, providing side on views of the site from the public realm. It is also visible from the access road itself, which is a public footpath. Therefore, the cramped nature of the dwelling on the site would be a harmful addition to the streetscene, to the detriment of the character and appearance of the surrounding area.
7. The appellant has identified a number of properties in the area surrounding the appeal site which have a similar width. However, as mentioned previously, these are largely sites with large front and rear gardens. The appellant has also identified sites which have a similar plot length to the appeal site, including the adjacent dwelling at No.19. However, conversely these are sites which have a larger plot width and therefore these dwellings appear comfortable in their surroundings and are not comparable to the appeal site.
8. Therefore, for the reasons above, the proposed development would harm the character and appearance of the surrounding area and would conflict with Policies DM3.5(a) and DM3.8 of the LP and Policy 2 of the GNLP. These policies collectively seek to ensure that the sub-division of existing residential plots and gardens to create new dwellings will be permitted provided that it incorporates a good quality design which maintains or enhances the character and appearance of existing buildings and surroundings, protecting and respecting the existing distinctive character of the local area.

Living Conditions

9. The proposed development would sit in front of the existing dwelling at No.23 The Street, with the front elevation of the dwelling at No.23 facing the rear elevation of the proposed dwelling. The Council indicate that the separation distance between the two would be approximately 18.5 metres. However, the appellant states that there is over 22 metres between them. Nevertheless, whilst views of the proposed dwelling and its garden would be possible from the first floor windows of the front elevation of the dwelling at No.23, these would be largely obscured by the native hedge boundary treatment proposed which could be conditioned to ensure an appropriate height. Therefore, this would not result in any significant overlooking for the future occupiers of the proposal.

10. The neighbouring property at No.19 The Street has a number of well-established trees in their rear garden adjacent to the boundary with the appeal site. Whilst these would result in some shade in the rear garden of the proposed dwelling, they do not significantly encroach into the appeal site. Furthermore, although not overly large, the rear garden is sufficient in size to ensure that it will receive some access to daylight during the course of the day, which would ensure that it is not an unpleasant outdoor space for the future occupiers to use.
11. Consequently, the proposed development would provide satisfactory living conditions for the future occupiers and I find no conflict with Policies DM3.5 (c and e), DM3.8 and DM13.3 of the LP. These policies collectively seek to ensure that proposals provide and maintain adequate private amenity space and a reasonable standard of amenity with reasonable access to light and privacy, avoiding overlooking and loss of daylight, and with suitable internal spaces.
12. Policy DM3.5(b) and DM4.8 of the LP, as cited within the second reason for refusal and the Council's report, are not relevant to this main issue as they relate to the impact upon neighbouring occupiers and the protection of trees and hedgerows.

Planning Balance

13. The appellant contends that the Council cannot demonstrate a five year supply of deliverable housing. However, the extent of this shortfall has not been defined. Nevertheless, if this is the case, due to the provisions of footnote 8, paragraph 11(d)(ii) of the Framework should be applied.
14. In the context of the development, I have found that the proposal would be contrary to Policies DM3.5(a) and DM3.8 of the LP and Policy 2 of the GNLP, resulting in development which would harm the character and appearance of the surrounding area. The Framework supports the creation of high quality, beautiful and sustainable buildings and places which are sympathetic to the local character, including the surrounding built environment and landscape setting. Therefore, as these policies are generally consistent with the relevant aims of the Framework, I attach significant weight to the conflict with them.
15. The development would add to the overall housing land supply and make a small contribution to the Government's objectives of significantly boosting the supply of homes, with the addition of a single dwelling in a sustainable location that is suitable for first time buyers or older people looking to downsize. Economic advantages would arise from the construction of the property and additional residents would contribute additional tax and would help to support local facilities. However, given the scale of the scheme, any such benefits would be relatively small.
16. Therefore, even if I were to conclude that there is a shortfall in the five year housing land supply, given the harm that I have identified, the adverse impact of granting planning permission would significantly and demonstrably outweigh the limited benefits of one dwelling when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.

17. The appellant considers that the appeal site is brownfield/previously developed land, used as an electrical substation. Paragraph 124(c) of the Framework states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. At present the electrical substation is a fenced off area adjacent to the appeal site with the appeal site itself appearing undeveloped with a lawn and some planting. However, the appellant has provided an OS map showing 'El Sub Sta' written over the appeal site.
18. Brownfield/previously developed land is defined in the Framework as land which is or was occupied by a permanent structure including the curtilage of developed land and any associated fixed surface infrastructure. Whilst the OS map provided seems to indicate that the site is part of the adjacent electrical substation, there is no substantive evidence to indicate that the land was occupied by a permanent structure or that it previously formed part of the curtilage of the current substation. Therefore, without any evidence to suggest otherwise, I do not consider that the appeal site is previously developed land and paragraph 124(c) of the Framework is not relevant to the appeal before me.

Other Matters

19. The appeal site lies within the catchment area for the Broads Special Area of Conservation (SAC). Given that the proposal is for additional housing, there is a reasonable likelihood that this European Site would be accessed for recreational purposes by future occupiers of the development. Therefore, in combination with other developments, likely significant effects cannot be ruled out. Furthermore, the site is served by the Waste Water Treatment Works at Whitlingham, which drains into the catchment area of the Broads SAC. The Council state that the proposal is likely to result in additional nitrate and phosphate loading and that no information has been provided to demonstrate that through mitigation the proposal would not cause adverse impacts to the integrity of the protected habitats of the Broads SAC.
20. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

21. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR