

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/E9505/D/23/3326671

Broadswater House, Main Road, Ormsby St. Michael, Norwich, Norfolk NR29 3LS

- 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 M Anwar against the decision of Broads Authority.
 - The application Ref is BA/2023/0012/HOUSEH.
 - The development proposed is a single-storey side/rear extension, cart lodge to garden and boundary treatment.
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Decision

1. The appeal is allowed and planning permission is granted for single-storey side/rear extension, cart lodge to garden and boundary treatment at Broadswater House, Main Road, Ormsby St. Michael, Norwich, Norfolk NR29 3LS in accordance with the terms of the application, Ref BA/2023/0012/HOUSEH, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos TD011022-PP-2 Rev A and TD011022-PP-1 Rev A.
 - 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the impact on the protected trees.

Reasons

3. The appeal site is occupied by a residential dwelling with associated driveway and garden. It is located opposite a water treatment plant amongst a small number of residential dwellings along the A149, a relatively busy throughfare. Although residential in nature, the surrounding area is relatively rural with a pleasant verdant appearance due to the number of well-established trees and planting. The site currently has sporadic hedging along its boundary with access via a shared driveway to the side.
4. The proposal includes a single storey side/rear extension to the dwelling, a new cart lodge to the front of the dwelling along the front boundary and a new timber fence and entrance gates to the front and side boundaries with the main road and shared driveway. The Council raise no concerns in relation to the impact of the proposed single storey extension or the proposed cart lodge on the character and appearance of the surrounding area. I agree that, although prominently located, these features are modest in scale and in keeping with the residential nature of the site and would not have a significant impact on the character and appearance of the area.
5. Due to the scale of the appeal site, the proposed timber fence and access gates would run a significant length along the front and side boundaries of the appeal site, at a height intended to provide a safe and secure boundary for the occupiers of the dwelling. Due to its location, it would be a highly visible addition to the area with no landscape mitigation. However, whilst the existing hedging is generally more in keeping with the verdant character of the surrounding area, a timber fence is not an uncommon feature in a rural residential environment such as this one and would not appear contrived or overly harsh against this residential backdrop.
6. Furthermore, it is a boundary treatment which is commonly used in the surrounding area, with a number of timber fences along the front boundaries of properties along this section of Main Road, contributing to the character of the area. Therefore, such an addition would not be an incongruous feature within the street scene and, whilst it would be prominent, the fencing would not have a harmful impact on the character and appearance of the area.
7. There are a number of trees and shrubs on the appeal site including two large sycamore trees located on the front boundary which are subject to a tree protection order¹. They appear as one tree with a split trunk and contribute positively to the character and appearance of the appeal site and the surrounding area as a whole and the proposed development includes the retention of these, along with the majority of others on the site. However, the Council states that, from the information provided, the Authority's Arboricultural Consultant is not persuaded that the proposed development would not result in damage to the roots of the protected trees.
8. The appellant has provided an arboricultural impact assessment in relation to the appeal site and the proposed development along with an arboricultural method statement and a tree retention and tree protection plan. Although these documents appear to relate to a previous iteration of the scheme, this was similar to the appeal proposal and therefore is still somewhat relevant.

¹ BA/2021/0003/TPO

These documents outline the location of the current trees on the appeal site, including the aforementioned protected trees, and demonstrate how the proposed works could be carried out, in accordance with the relevant British Standards, to ensure the defence of the root protection areas.

9. Therefore, from the information provided, I am satisfied that the proposed development could be undertaken without causing damage to the protected trees, which would have a detrimental impact on the character and appearance of the area. However, a condition should be included to require the submission of an updated tree protection plan and arboricultural method statement, relevant to the appeal proposal, to be approved by the Council. This is to ensure accuracy during construction, particularly the location of the root protection area in relation to the development proposed.
10. Therefore, for the reasons above, the proposed development would not harm the character and appearance of the surrounding area and would not conflict with Policies DM16 and DM43 of the Broads Authority Local Plan for the Broads 2019. These policies collectively seek to ensure that development integrates effectively with its surroundings, reinforces local distinctiveness and landscape character, conserving and enhancing landscape features that are worthy of retention.

Conditions

11. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision.
12. Furthermore, as outlined above, a condition has been included requiring the submission of a tree protection plan and arboricultural method statement to ensure the protected trees on the site are not damaged during construction, resulting in harm to the character and appearance of the surrounding area. As this is a pre-commencement condition, written confirmation was obtained from the appellant.

Conclusion

13. For the reasons given above the appeal should be allowed.

E Grierson

INSPECTOR