

Appeal Decision

Site visit made on 22 October 2024

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/F2605/W/24/3337875

83 Back Street, Garboldisham, Norfolk IP22 2SD

- 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 Trevan Perry against the decision of Breckland Council.
 - The application Ref is 3PL/2023/1052/O.
 - The development proposed is a self-build dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought but with all matters apart from landscaping to be considered at this stage.
3. The appeal was accompanied by an amended plan in response to the Council's second refusal reason relating to space standards and fire escape. I note that the Council has commented on the changes as part of their appeal submissions. However, the new fire escape window is an external change and would face towards neighbouring properties. I have no evidence that all those who may wish to comment on this change have been afforded the opportunity to do so. Furthermore, the appeal process should not be used to evolve a scheme. Thus, in the interests of fairness and natural justice, I have dealt with the appeal based on the plans which the Council used to make its decision, not based on the inclusion of the amendments.
4. The Breckland Design Guide (the BDG) was adopted in April 2024 and I have taken it into account in reaching my decision.

Main Issues

5. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Garboldisham Conservation Area; and
 - Whether the development would provide its occupants with satisfactory living conditions with particular regard to internal space and ceiling height.

Reasons

Conservation Area

6. The appeal site lies within the Garboldisham Conservation Area (the GCA) which is characterised by a low density, mostly linear pattern of development with buildings of varying age and design. Positive features include the

numerous two-storey cottages of brick or chalk render with clay tiles or thatch, as well as some distinctive converted barns with steep pitched roofs and dark stained timber cladding. Therefore, in so far as it relates to this appeal, the GCA derives some of its significance from the layout and architectural qualities of its buildings giving it a distinctive historic village character.

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the GCA. In this respect, paragraph 196 of the National Planning Policy Framework (the Framework) details matters which should be taken into account, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
8. This is further reflected in Policies COM01, ENV07, and GEN02 of the Breckland Local Plan 2023 (the LP), and the design advice in the BDG, which taken together, seek to preserve or enhance the historic environment by ensuring new development is designed to the highest possible standard; is compatible with its surroundings in terms of layout, form, style, scale, density and materials; and contributes positively to its context and the local distinctiveness of the area.
9. The appeal site is described as the front garden of 83 Back Street which is one half of a pair of semi-detached cottages located behind Walnut Tree Cottage and served by an unmade access lane. Given the existing depth of development in this location and its position between two dwellings, the site is more akin to an infill site rather than backland development. As such, the development would not be at odds with the established pattern of development in this particular part of the village. Furthermore, the proposed dwelling would be modestly sized and positioned centrally within the plot, with sufficient provision for parking and garden space around it and ample separation to the neighbouring buildings. It would not therefore appear cramped or overdeveloped and would suitably maintain the prevailing low-density character of the area.
10. In terms of design, the appellant explains that the proposed dwelling is intended to reflect the converted barn on the eastern side of Back Street. However, I am not convinced that this has been successfully achieved. The proposed building would be significantly smaller and would not have the same traditional proportions and detailing. Its one-and-a-half storey height and regular roof pitch would give the building a squat appearance. The fenestration arrangement is an uncoordinated mix of sizes and proportions with an overtly modern style which is at odds with the otherwise rural design aesthetic which is being sought. In addition, both roof slopes would be dominated by rooflights. The overall result is a confusing and contrived design which would not contribute positively to the character or appearance of the GCA.
11. Thus, despite the lack of objection from the Council's Historic Buildings Consultant, I find that the development would be harmful to the GCA in design terms. That the development would not be highly prominent from Back Street, does not justify granting planning permission in the context of the special attention that must be paid to the desirability of preserving or enhancing the character or appearance of the area as a whole.

12. The magnitude of harm in this case can be classed as less than substantial in the terms of the Framework. Nevertheless, in the context of the GCA as a whole, the proposed development would fail to preserve or enhance its character and appearance. This is a matter of considerable importance and weight.
13. I identify the public benefits arising from the provision of a dwelling later in this decision. However, I do not find that the public benefits of the proposal outweigh the less than substantial harm to the significance of the designated heritage asset.
14. Thus, the development is contrary to statutory requirements; the Framework; Policies COM01, ENV07, and GEN02 of the LP, and the BDG with regards to achieving good design and conserving and enhancing the historic environment.

Living conditions

15. Policy HOU10 of the LP requires new homes to meet the Government's Nationally Described Space Standards (NDSS) to ensure that they are fit for living for all. Policy COM03 states that development will not be permitted if it does not provide for adequate levels of amenity for future occupants.
16. The NDSS sets out the requirements for the Gross Internal Floor Area (GIA) at a defined level of occupancy, as well as floor areas and dimensions for bedrooms, and floor to ceiling height. These are minimum requirements which developers are encouraged to exceed.
17. The proposal is for a 3-bed dwelling on two floors. Under the NDSS, dwellings with two or more bedspaces must have at least one double/twin bedroom with a floor area of at least 11.5m². The Council advises that none of the bedrooms meet this requirement. This has not been contested by the appellant. Thus, the development is undersized in this regard.
18. Furthermore, the bedrooms are within the loft where the slope of the roof would severely restrict the ability to stand and walk upright in the rooms. Areas with a headroom below 1.5m are not included in the GIA. In addition, a minimum floor-to-ceiling height of 2.5m must be achieved for at least 75 per cent of the dwelling. I do not have sufficient evidence before me to illustrate that the development complies with the NDSS in respect of GIA and floor-to-ceiling height.
19. The bedrooms would only be served by rooflights, but given their size and number, and the good standard of outlook from other habitable rooms, this would not be problematic.
20. Nevertheless, it has not been satisfactorily demonstrated that the proposed dwelling is suitably sized in respect of GIA, bedroom sizes, and ceiling height. In these circumstances, I can only conclude that the occupants would experience unsatisfactory living conditions from undersized accommodation, contrary to the aims of Policies HOU10 and COM03 of the LP.

Other Matters

21. The Framework emphasises the importance of addressing the needs of groups with specific housing requirements, including people wishing to commission or build their own homes. However, only one self-build dwelling is proposed and

as such, the benefits of this would be of limited scale. Moreover, there is no mechanism before me whereby I can be satisfied that, following the grant of outline permission, the dwelling would be delivered as self-build. Accordingly, this matter carries limited weight in favour of the proposal.

22. The proposal would nevertheless support the Government's objective of boosting the supply of housing. Furthermore, residents of the dwelling would help to maintain the vitality of the rural community and there would likely be some short-term economic benefits from the construction activities. But again, such social and economic benefits would not be very significant from a single dwellinghouse, so attract limited weight.
23. The appellant claims that a similar outbuilding could be constructed under permitted development, but given its location in front of No 83 I am not convinced that this would be possible. I therefore give little weight to this matter.
24. I have noted the variety of concerns raised by interested parties, including in relation to access, drainage, and trees. However, as I am dismissing the appeal for other reasons it is not necessary to explore those matters any further.
25. A consultation response from Natural England explains that the proposed development has the potential to have significant effects on one or more European sites afforded protection under the Conservation of Habitats and Species Regulations 2017. The Council indicates that a unilateral undertaking was provided to secure the requisite financial contribution towards the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy, but no such planning obligation is before me. Nonetheless, the requirement for an appropriate assessment to be carried out 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 matter any further.

Conclusion

26. The proposal would cause less than substantial harm to the GCA that would not be outweighed by the public benefits of the development. In addition, it would not provide its occupants with satisfactory living conditions with regards to internal space. As such, the proposal conflicts with statutory requirements, the Framework, and the development plan taken as a whole.
27. There is some dispute over whether the Council can demonstrate a 5 year housing land supply, albeit little detail has been provided. However, even if the appellant is correct on this matter, the policies in the Framework that protect designated heritage assets provides a clear reason for refusing the development proposed. Consequently, paragraph 11 d) of the Framework is disengaged.
28. There are no other material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR