



Appeal Decision

Site visit made on 30 October 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/L2630/W/24/3340941

8 Meadow Close, Hethersett, Norfolk NR9 3DZ

- 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 John Lawrence against the decision of South Norfolk Council.
 - The application Ref is 2023/3724.
 - The development proposed is erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In March 2024, and since the Council made its decision, the Greater Norwich Local Plan (GNLP) has been adopted and now forms a part of the development plan. As a result, the Joint Core Strategy for Broadland, Norwich and South Norfolk has been superseded, and I give no weight to it in my decision. The main parties have provided comments on the implications of the adoption of the GNLP which I have had regard to. Between them, the Council and the appellant cite that policies 1, 2 and 3 of the GNLP are relevant to the appeal proposal. As necessary, I refer to the GNLP elsewhere in my decision.
3. The South Norfolk Village Cluster Housing Allocations Local Plan is emerging, but it does not form part of the development plan at this stage. Further examination of it is also yet to be undertaken and, therefore, its content could change. Furthermore, neither of the appeal parties have set out to me that it contains any policies of particular relevance to this appeal proposal. In such circumstances, the emerging plan is a matter of limited weight in my decision.
4. A unilateral undertaking (UU), made under section 106 of the Town and Country Planning Act 1990, has been submitted. The purposes of the UU are to secure financial contributions towards the provision of green infrastructure and for use in mitigating the potential impacts of the proposed development upon the integrity of Habitats Sites. As necessary, I comment on these matters later in my decision.
5. A screening direction was issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulations 14(1) and 7(5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.

Main Issues

6. The main issues are:

- The effects of the proposed development upon the character and appearance of the area; and
- The effects of the proposed development upon the living conditions of the occupiers of 6 and 8 Meadow Close with particular regard to light and outlook.

Reasons

Character and appearance

7. Meadow Close is a residential street located within a part of Hethersett which is predominately residential in character. Both Meadow Close and the adjacent Mill Road contain a range of property types, however, on the side of Meadow Close the appeal site is situated, the majority are bungalows. There are properties on Meadow Close which exhibit some similar design features, and it is clear to me that most of the properties were originally built around the same time.
8. In contrast, 6 and 8 Meadow Close (Nos 6 and 8), which are within the appeal site, are much older and comprise of a pair of traditional and distinctively designed 1 ½ storey properties. Owing to the generous gardens serving them, fenced off land adjacent which was once garden, and also the trees and hedges to their surrounds, Nos 6 and 8 benefit from having considerable separation to the neighbouring properties and from having a verdant setting. This space and setting contributes positively to the character and appearance of the street scene, permits the distinctive design of Nos 6 and 8 to be readily appreciated and, coupled with the traditional appearance of Nos 6 and 8, also serves to set the appeal site apart from the other properties on Meadow Close.
9. Regardless of whether the proposed dwellings are termed 1 ½ storey or 2 storey properties, their eaves and roof ridges would be considerably higher than those of Nos 6 and 8 and the bungalows beside the appeal site on this side of Meadow Close. Positioned in the midst of this concentration of lower slung properties, owing to their greater height, the proposed dwellings would appear discordant and would harmfully disrupt the pattern of property heights in this part of the street scene.
10. In coming to this view, I acknowledge that the top of the roofs of the proposed dwellings would be set at a similar level to the top of No 8's chimney but, in comparison to the likes of the eaves and roof ridges, this chimney is not a determinative factor in how Nos 6 and 8 exhibit their scale. It may also be the case that it would not be appropriate to replicate the restricted ceiling heights of the first floor rooms within Nos 6 and 8, but this does not provide sufficient justification for the development proposed, and it has not been demonstrated that the proposal is the only design option for the site.
11. The main parts of the flanking elevation of Nos 6 and 8 would only be around 3.5 metres (m) from the plot 1 dwelling and No 8's porch would be closer still. Even though it is not directly opposite the street, containing the likes of this porch, some feature dormers and other windows this flanking elevation is a main elevation of Nos 6 and 8. Positioned at such close proximity to this elevation and coupled with their height, the proposed dwellings would harmfully impress upon the surroundings of Nos 6 and 8 and erode much of the space on this side of them. Even though the proposed dwellings would be

set well back from the road, and the dwelling to plot ratios may be quite commensurate with other properties in the area, due to this layout and the height disparity, the proposed dwellings beside Nos 6 and 8 would, altogether, form a cramped collection of properties. As a result, the proposed development would fail to successfully assimilate into its context, and it would unacceptably reduce the quality of the street scene.

12. Even though aspects of the detailed design of the proposed dwellings would be acceptable, some of the neighbouring properties are not distinctively designed and some landscape features within the site would be retained, these factors would not serve as adequate mitigation for the harmful effects I have described above. Furthermore, whilst the introduction of additional properties within established residential areas within settlements is often an appropriate and efficient use of land, this specific proposal would, for the reasons given, result in harmful effects.
13. For the above reasons, the proposed development would result in harmful effects upon the character and appearance of the area. As such, it conflicts with policies DM 3.5 and DM 3.8 of the South Norfolk Local Plan Development Management Policies Document (the DMPD) which, in summary and amongst other matters, require developments to achieve a high quality of design which maintain or enhance the character and appearance of the street scene and the surroundings. The proposal also conflicts with the more recently adopted policies 1, 2 and 3 of the GNLP which are also before me. Altogether these policies require proposals to create beautiful and well-designed places and buildings, to enhance the built environment and to not have a negative impact upon character.

Living conditions

14. Due to the separation distances that exist to neighbouring properties and the leafiness of their surrounds, the occupiers of Nos 6 and 8 will benefit from having a sense of space around them and a pleasant outlook. Windows serving Nos 6 and 8 are located on different elevations and some of the rooms benefit from having more than a single window. This layout will aid further with outlook and light entry. Conversely, there are also some windows fitted with obscure glazing which already provides a limitation upon the outlook from them.
15. Upon completion of the proposed development, the plot 1 dwelling would be positioned very closely beside the flanking elevation of Nos 6 and 8, and it would be near to the entrances of the properties, especially the porch of No 8. The closest part of the plot 1 dwelling would be a gable end elevation. This would be high and it would be blank, devoid of design details which could serve to break up its mass.
16. At such close proximity, the plot 1 dwelling would be an overbearing presence on this side of Nos 6 and 8. It would somewhat loom over the neighbouring pair of properties and their entrance points. The flanking elevation of Nos 6 and 8 contain windows serving main rooms within each property. The outlook from these would be unduly reduced. Positioned to the east of Nos 6 and 8, the proximity and scale of the proposed development would also affect light. During the morning it would shade the flanking side of the properties.

17. For these reasons, and whilst I accept that there would be some rooms and parts of the gardens of Nos 6 and 8 which would be largely unaffected, the impacts of the proposed development on the levels of outlook and light on the eastern side of the pair of properties would be acute and harmful.
18. In reaching these findings, I have had regard to the submissions made to me that the proposed development is for the benefit of the existing occupiers of Nos 6 and 8 and that, in the future, prospective occupiers would be able to assess whether the property relationships are adequate for their needs. However, good design is a key aspect of sustainable development. It is fundamental to the planning process and high-quality development creates better places and better functioning communities in the long term. My decision is made in this context and, for the reasons I have given, the proposal would not provide for a well-designed development. This is a matter of significant and determinative weight in my decision.
19. Therefore, I find that the effects of the proposed development upon the living conditions of the occupiers of Nos 6 and 8 would be unacceptable. As a result, the proposal conflicts with policies DM 3.5 and DM 3.13 of the DMPD. These policies require that developments ensure a reasonable standard of amenity that is reflective of local character and would not result in unacceptable impacts upon neighbouring occupiers.

Other Matters

20. Outline planning permission for a single dwelling has previously been granted on the appeal site¹. Application for the approval of all reserved matters in relation to the outline planning permission had to be made within 3 years. This period has passed, and I have no evidence before me which indicates that application for the reserved matters has taken place. Therefore, it is not clear to me whether the planning permission is extant or, in turn, that there is a real prospect of that development taking place. Regardless, as that planning permission was for only a single dwelling and the details of its precise layout, scale and appearance are not before me, it is not clear that the effects of that development would be very comparable with the 2 particular dwellings proposed in this appeal case. For these reasons, the planning permission for the single dwelling is a matter of limited weight in my decision.
21. The proposed development would make a contribution to housing supply. It would increase the choice of housing in the area and, as a small development, it is likely that it could be delivered quickly too. However, in providing only 2 houses, the contribution to supply would be modest, and it would also come at a time when the evidence before me indicates that the Council has in excess of 5 years' worth of housing supply. Some economic benefits would be derived from both the construction phase of the development and through its occupation. However, the benefits that would be derived from these matters would be modest, and they would be insufficient to outweigh the harm I have identified in my main issues.
22. It may be, in respect of a range of other planning considerations, that the development would not result in harmful effects. This may include the effects of the proposal upon some trees, that heritage assets would be unaffected, whilst it may be the case that the development would be energy and water

¹ Planning application reference 2021/1586

efficient. Even so, an absence of harm in respect of these matters is a neutral factor in my decision, and it does not outweigh the harm that I have identified.

23. The Council's third and fourth reasons for refusal relate to the potential effects of the development upon the integrity of Habitats Sites in the area. More specifically, the potential for the interest features of those sites being affected by nutrient loading as a result of wastewater and the proposal's contribution toward recreational activities and pressures. The submitted UU seeks to mitigate the latter. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects upon the Habitats Sites. However, I am dismissing the appeal because of my findings on the main issues. Therefore, there is no requirement for me to undertake this assessment.

Conclusion

24. The proposed development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR