



Appeal Decision

Site visit made on 21 January 2025

by **John Felgate BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/F2605/W/24/3352597

Land adjacent to 60 Norwich Road, Watton, Norfolk IP25 6DF

- 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 Tufts against the decision of Breckland Council.
 - The application reference is 3PL/2024/0512/F.
 - The development proposed is the erection of a 2-bedroom bungalow with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2-bedroom bungalow with associated parking, on land adjacent to 60 Norwich Road, Watton, Norfolk IP25 6DF, in accordance with the application, No 3PL/2024/0512/F, subject to the conditions in the attached schedule.

Preliminary matters

2. The Council's refusal reason No 3 related to the development's potential to indirectly affect protected habitat sites, due to recreational disturbance. However, the appellant has subsequently entered into a legal obligation which provides for a contribution to the Council's mitigation strategy, together with related monitoring and administration fees. This matter is therefore no longer in dispute, and there is no need for me to consider it further.

Planning background and main issues

3. The appeal site currently comprises a roughly rectangular parcel of vacant land, at the junction of the B1108 Norwich Road with Linmore Crescent. The site has an existing vehicular access directly onto Norwich Road, and is largely enclosed by close-boarded fencing of varying heights. Immediately to the west is No 60 Norwich Road, a modest-sized bungalow. To the rear is Merchants Court, a modern housing development.
4. The Council suggests that the appeal site was formerly part of the garden of No 60. The appellant disputes this, and states that the site was used in connection with George Tufts & Sons builders' merchants, until the business relocated some years ago. It is not disputed that at one time No 60 was allowed to make use of part of the appeal site for access and parking, although this is said to have been a purely informal arrangement, which has since ceased. In the absence of any further evidence, I have considered the appeal based on what I saw at the time of my visit.

5. A previous outline proposal for one new dwelling was dismissed on appeal¹ in 2013, for reasons relating to the size of the garden area that would be provided. Although the plans relating to that scheme are not before me, I have had regard to the inspector's comments where relevant.
6. In the Breckland Local Plan (the BLP), adopted in September 2023, Watton is designated as a market town, which is the second tier of the settlement hierarchy set out in Policy GEN 03, and the appeal site lies within the defined settlement boundary.

Main issues

7. In the light of the above, and all the submissions made, I find that the main issues in the present appeal are:
 - the effects of the proposed development on the character and appearance of the area;
 - and whether the development would provide an adequate quantity and quality of private garden space.

Reasons for decision

Character and appearance

8. The appeal site currently comprises a patch of rough grass and gravel surfacing, with no significant features. Whilst the existing fencing provides some screening to the Linmore Crescent boundary, the site is open to view from Norwich Road. In its present condition, its appearance is unkempt and neglected, and as such the site detracts from the otherwise well-maintained street scene.
9. The development now proposed would place a new single-storey dwelling alongside No 60 Norwich Road, with a garden to the front, and a paved driveway and parking spaces to the rear. Whilst the proposed design would be unadventurous, it would also be largely unobjectionable, and not dissimilar in style from several others nearby, including No 60 and its neighbours Nos 58 and 56A Norwich Road. The new dwelling's front elevation would project slightly ahead of these, but nevertheless, the siting would generally conform with the existing linear development pattern along this side of the street. The side elevation, to Linmore Crescent, would also be broadly in line with the development at Merchants Court. The width of the plot would allow for some space on either side of the new dwelling, and would not be noticeably different from most others nearby. The height and proportions of the dwelling would be slightly larger than No 60, but well within the range of sizes elsewhere in the street. In all these respects, it seems to me that the proposed scheme would be well integrated with the pattern and grain of development in the area.
10. In some other respects, the scheme would depart from that pattern. Internally, the orientation of the dwelling would be reversed, with the elevation to Norwich Road functioning as the rear, and the main 'front door' positioned to address the new access from Linmore Crescent. The garden fronting onto Norwich Road would be designed initially as a semi-private space, with 1.4m-high fencing, and with a new, native-species hedge that could be expected to grow above this height in time. As such, the new dwelling would have relatively little visual presence when seen from

¹ APP/F2605/A/12/2189441

Norwich Road, and would not provide much by way of landscaping visible within the street scene. But these differences would all appear to result from the need to move the vehicular access to Linmore Crescent, for reasons of highway safety; and there is no evidence to suggest that the site could be satisfactorily developed in any other way that would avoid these drawbacks. In any event, the Norwich Road elevation would incorporate some articulation, in the form of a canopied porch, and therefore would not appear as noticeably inferior to any of the other front elevations nearby. And the proposed fencing and hedging to the Norwich Road boundary would not look out of place in the context of the tall fencing that already exists to the frontages of the three adjoining properties. Furthermore, the introduction of the new site access and main entrance onto Linmore Crescent would create an element of visual interest on this side frontage which is otherwise currently bland and featureless.

11. I note the contents of the recently-adopted Breckland Design Guide (2024), which emphasises amongst other things the desirability of creating local identity and responding to local character, including the importance of respecting street frontages and street hierarchy. In general terms this advice seems to me indisputably sound. However, the Guide is not prescriptive as to how these aims should be achieved. In the present case, the appeal scheme seems to me a well-considered response to the particular problems and constraints imposed by the site, especially with regard to access. Those constraints necessarily require some kind of compromise in order to achieve a solution which will bring about some degree of enhancement, even if limited. In the circumstances, I find no conflict with the Design Guide or its aims.
12. The appeal site has evidently remained undeveloped for several years. The present scheme would put the land to positive use, and thus would enhance its appearance compared to a continuation of the existing situation. The scheme would have one minor drawback, in terms of its lack of an active frontage to Norwich Road, but in the context of the surrounding development, the adverse impact of this would be minor. To my mind this consideration is outweighed by the benefits of ending the present stalemate. There is no evidence that, in the absence of the present proposal, any other preferable scheme or alternative land use would be likely to come forward, and this reinforces my view that the appeal scheme should be viewed as acceptable.
13. For these reasons, I conclude that, on balance, the effect of the proposed development on the area's character and appearance would be one of positive enhancement. The scheme would therefore comply with BLP Policies COM 01 and GEN 02, which both seek to encourage high standards of design and respect for local character.

Garden space

14. The proposed new dwelling would have a garden area which on the appellant's measurements would amount to 136 sq m. This figure has not been challenged, and I see no reason to doubt it. The garden would have a regular shape, on level ground, and would thus be useable for most normal domestic activities. There is no suggestion that the garden would fail to meet any relevant quantitative standards or guidelines in this regard.

15. The new garden would have road frontages on two sides, but that does not seem to me particularly unusual. Until the new hedge became established, the garden would be partially exposed to passers-by, on foot and in taller vehicles, but in the fullness of time the space could be expected to become reasonably private. At the time of my visit, in mid-afternoon, the traffic on Norwich Road was intermittent but not heavy, and on Linmore Crescent the flow of vehicles was low, albeit that this included a proportion of heavy goods and other commercial vehicles. I have no doubt that these levels would increase during the peak hours, but those are likely to be of relatively short duration, and there is no evidence that traffic noise during those periods would be unacceptable. Consequently, although it is likely that some noise would be experienced within the garden, I see no reason to think that this would be so great as to make the space unusable. On this basis, I consider that the quality of the garden space available to the new dwelling would be acceptable.
16. In the 2013 appeal decision, the inspector found that the size of the garden area that would be available to the new dwelling in that case would be insufficient. However, from paragraph 6 of the decision, it appears that the site boundaries as defined for that appeal must have been smaller, because the existing access was to be retained, to serve No 60 Norwich Road, as well as providing a new access from Linmore Crescent; and indeed the inspector commented that these access arrangements would restrict the area remaining for the development. Whereas, in the present appeal, no access is now proposed from Norwich Road, and indeed I saw on my visit that no such access is now needed, because No 60 now has its own separate access. Consequently, whilst I have had regard to the 2013 decision, I am satisfied that the two proposals are significantly different. And in any event, I must judge the present appeal on its merits, in the light of the planning policies and material considerations that are before me.
17. With regard to No 60 Norwich Road, I note the Council's suggestion that the appeal proposal would leave the existing property with a reduced garden area. But, as already noted, there is no evidence that the appeal site is, or ever was, within the same ownership as No 60, or formed part of its curtilage. Consequently, as far as I can tell from the evidence, it appears that No 60 would be unaffected.
18. I therefore conclude that the proposed development would provide adequate private garden space for its own future occupants, both quantitatively and qualitatively. The scheme would also have no effect on the garden or private amenity space available to any other occupiers. In this regard, the appeal proposal complies with BLP Policy COM 03, which requires housing developments to provide good levels of residential amenity, including through the provision of adequate and secluded private amenity space.

Other matters

19. The development would add to the local housing stock, and to housing choice, in a sustainable location, with good accessibility to local facilities, transport and employment. It would also make more effective use of under-used urban land. In this context I note that, according to the Council, the District has a 5-year supply of housing land, and a positive score in the Housing Delivery Test. However, the NPPF makes it clear that there is a need to significantly boost housing supply in all areas. The provision of an additional housing unit on an acceptable site is therefore a benefit, weighing in favour of the appeal.

20. The scheme would also provide the opportunity for the closure of the existing vehicular access, which is in a dangerous position directly on the street corner. The consequent benefit to highway safety adds further weight for the proposal.
21. The original application was accompanied by a Biodiversity Net Gain Statement, including the relevant metric calculations, which demonstrates that a net gain of 19% could be achieved in terms of habitat units, as well as a much larger net gain in hedgerow units. These calculations have not been challenged, and as far as I am aware it is not disputed that the development would be capable of delivering a net gain in biodiversity, in accordance with the requirements set out in national legislation, including Schedule 14 to the Environment Act 2021. In any event, any planning permission will be subject to the new 'deemed condition' under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, which requires such a gain to be secured, by way of a biodiversity gain plan, prior to the commencement of the development.

Conclusion

22. For the reasons set out above, I find that the proposed development would enhance the area's character and appearance, and would provide adequate living conditions in terms of private garden space. In these respects the scheme would accord with the most relevant policies of the development plan, including BLP Policies COM 01 and 03, and GEN 02. No conflict with any other relevant policies has been identified. The proposal would therefore accord with the development plan as a whole.
23. In addition, the development would result in benefits to housing provision, the efficient use of land, and highway safety. No adverse consequences arising from the scheme have been substantiated.
24. Having taken account of all the matters raised, I conclude that permission should be granted. The appeal therefore succeeds, subject to conditions, as discussed below.

Conditions and reasons for imposition

25. I have considered the conditions suggested by the Council in the light of the tests set out at paragraph 57 of the NPPF. Where necessary I have edited these in the interests of clarity and conciseness.
26. A condition specifying the approved plans, and requiring adherence to those plans, is necessary for the purposes of giving certainty as to the nature of the development permitted.
27. A condition relating to contamination is reasonable because of the site's previous history of commercial use. However, it is not necessary for the condition to be over-prescriptive; nor is it necessary to impose a further condition relating to unexpected discoveries, as the condition that I have imposed covers this possibility without the need for duplication.
28. Conditions in respect of materials and boundary treatments are needed to ensure a satisfactory appearance.
29. Conditions to secure the provision of the new site access, visibility splays, and car parking, are all needed in the interests of highway safety, and a requirement for the

closure of the existing access is needed for the same reasons. So too is a restriction on the provision of any entrance gates or similar items. A requirement for the proposed cycle storage is also justified, in order to promote sustainable travel choices.

30. However, it is not necessary for these conditions to specify the gradient of the access, as this can be controlled through the requirement for further details to be approved, and anyway the site is on level ground. There is also no need for a separate condition relating to off-site highway works, as any such works would be covered by the requirements relating to the closure of the existing access. Furthermore, a requirement to provide visibility splays relating to the new access for No 60 Norwich Road would be unreasonable, because that access is said to be the subject of a separate permission which has already been granted and implemented; and in any event the positioning of the front boundary fence for the development now proposed, and the treatment of the verge, are capable of being controlled under the other conditions that I have imposed.
31. Finally, as already noted above, under the provisions of Schedule 7A of the 1990 Act, the permission that I have granted for the appeal proposal is automatically subject to a deemed condition which requires a 10% net gain in biodiversity, to be secured by way of a biodiversity gain plan. In the light of that requirement, there is no need or justification for the further conditions suggested by the Council relating to ecological mitigation and the submission of a habitat management and monitoring plan.
32. Permission is therefore granted subject to the conditions set out in the attached schedule.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall be commenced not later than three years from the date of this decision.
- 2) Except where these conditions specify otherwise, the development shall be carried out in accordance with the approved plans, Nos CH23/LBA/647/FP-1-100 Rev A, CH23/LBA/647/FP-1-101, and CH23/LBA/647/FP-1-102.
- 3) No development shall take place until the site has been investigated for soil contamination, and any such contamination found to be present has been removed or rendered harmless, in accordance with a scheme to be submitted to the local planning authority and approved in writing. The scheme shall be prepared in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced). In addition:
 - i) If, during the course of construction, any contamination is found which has not been identified previously, no further work shall take place until that contamination has been removed or rendered harmless, in accordance with additional measures to be submitted to the local planning authority and approved in writing; and
 - ii) If any contamination has been found to be present at any stage, either before or during construction, no part of the proposed development shall be brought into use until a verification report has been submitted to the local planning authority and approved in writing, showing that all such contamination has been treated, and the site rendered safe for occupation, in accordance with the original contamination scheme and any further measures subsequently agreed.
- 4) Notwithstanding the details contained in the submitted plans, no development above ground floor slab level shall take place until full details of the materials to be used in the construction of the external surfaces of the building have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out using the materials thus approved.
- 5) The development shall not be occupied or brought into use until the boundary treatments shown on the approved layout plan, No CH23/LBA/647/FP-1-100 Rev A, have been provided. Thereafter, these boundary treatments shall be retained, in their approved form, unless otherwise approved in writing by the local planning authority.
- 6) The development shall not be occupied or brought into use until the vehicular access to the site from LInmore Crescent has been constructed, in accordance with further details that shall have been submitted to the local planning authority and approved in writing. The further details to be submitted shall accord with the approved layout plan, No CH23/LBA/647/FP-1-100 Rev A, and shall also include a detailed specification for the crossing of the existing highway kerb and pedestrian footway, together with provision for the interception of surface water drainage. Thereafter, the access shall remain in its approved form for the life of the development.

- 7) The development shall not be occupied or brought into use until visibility splays measuring 2.4m x 43m to the south and 2.4m x 30m to the north have been provided for the vehicular access onto Linmore Close as shown on the approved layout plan, No CH23/LBA/647/FP-1-100 Rev A. Thereafter, these splays shall be retained throughout the life of the development, and shall at all times be kept clear of any obstruction exceeding a height of 225mm above the adjacent carriageway level.
- 8) The development shall not be occupied or brought into use until the proposed car parking spaces and turning space have been laid out and surfaced, and the proposed cycle store has been provided, as shown on the approved layout plan, No CH23/LBA/647/FP-1-100 Rev A. Thereafter, these facilities shall be retained and kept available for use in accordance with these approved details.
- 9) The development shall not be occupied or brought into use until the existing vehicular access to the site from Norwich Road has been permanently closed, and the footway, verge and highway markings made good, in accordance with further details that shall have been submitted to the local planning authority and approved in writing. The further details to be submitted shall accord with the approved layout plan, No CH23/LBA/647/FP-1-100 Rev A, and shall also include a detailed specification for the works to be carried out within the highway. Thereafter, the access from Norwich Road shall remain closed in accordance with the approved details.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no gates, bollards, chains, barriers or other obstruction shall be erected at any time across the vehicular access to the site from Linmore Crescent.