



Appeal Decision

Site visit made on 15 May 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/K2610/W/24/3354877

57 and 59 Wroxham Road, Coltishall, Norwich, NR12 7AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Dale Cooper against the decision of Broadland District Council.
 - The application Ref is 2024/0510.
 - The application sought planning permission for demolition of existing barn and replacement with 2 dwellings and associated garages plus private drive without complying with a condition attached to planning permission Ref 2020/2268, dated 25 February 2021.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the application form, plans and drawings and other documents and details received as listed below:
 - Drawing number HF1-022 Rev. A00 - Location Plan - submitted on 2 December 2020; Drawing number HF1-023 Rev. A00 - Proposed Site Phasing Plan (insofar as it relates to the phasing of development only and not the position of buildings on site) - submitted on 2 December 2020; Drawing number HF1-020 Rev. A02 - Proposed Site Plan - submitted on 29 January 2021; Drawing number HF1-CAPS-01-00-DR-A-100 Rev. A01 - Proposed Ground Floor Plan Plot 1 - submitted 29 January 2021; Drawing number HF1-CAPS-01-01-DR-A-101 Rev. A02 - Proposed First Floor Plan Plot 1 - submitted on 16 February 2021; Drawing number HF1-CAPS-01-ZZ-DR-A-110 Rev. A03 - Plot 1 Elevations - submitted on 16 February 2021; Drawing number HF1-CAPS-02-00-DR-A-200 Rev. A02 - Proposed Ground Floor Plot 2 - submitted on 9 February 2021; Drawing number HF1-CAPS-02-01-DR-A-201 Rev. A02 - Proposed First Floor Plan Plot 2 - submitted on 9 February 2021; Drawing number HF1-CAPS-02-ZZ-DR-A-210 Rev. A03 - Plot 2 Elevations - submitted on 9 February 2021; Drawing number HF1-CAPS-01-00-DR-A-300 Rev. A02 - Garage Floor Plans Plots 1 and 2 - submitted on 1 February 2021; and Drawing number HF1-CAPS-01-00-DR-A-310 Rev. A03 - Garage Elevations - submitted on 1 February 2021
 - The reason given for the condition is: For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans, as required by the Spatial Vision and Spatial Planning Objectives of the Joint Core Strategy and the Broadland Development Management DPD 2015.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing barn and replacement with 2 dwellings and associated garages plus private drive at 57 and 59 Wroxham Road, Coltishall, Norwich, NR12 7AH in accordance with the application Ref 2024/0510 without compliance with condition number 2 previously imposed on planning permission Ref 2020/2268 dated 25 February 2021 and subject to the conditions set out in the schedule at the end of this decision.

Preliminary matter

2. The appeal seeks to vary condition 2 by removing reference to the set of drawings that illustrated the development originally approved, and inserting reference to the

appeal drawing numbers. These drawings show the approved garage eaves raised by approximately 800mm and the roof ridge by 650mm, an added gabled dormer window and rooflight to the front façade, two rooflights added to the rear and an external spiral staircase to access the loft by a door in the gable. Although these buildings are referred to as garages in the description of the development in the banner heading above, which I will continue to use, in fact they are better described as workshop garages.

Main Issues

3. There are 2 issues in this case: i) the effect of the proposed development on the character and appearance of the area; and ii) whether the proposal would affect the living conditions of the neighbours to the west in terms of privacy.

Reasons

4. The appeal site is located on the northern side of Wroxham Road on the approach to the village of Coltishall, but outside the settlement boundary. The site is occupied by two large detached newly constructed dwellings, each of two-storeys with a central access off Wroxham Road. Opposite the site there are two detached dwellings with associated outbuildings. The western boundary of the site adjoins another series of residential properties, including detached outbuildings. Surrounding the site to the north and east is open countryside. There are two listed buildings located to the south-west of the site, The Old Maltings and The Anchor, both Grade II, however, given the distance to these, they are not a material consideration in this appeal.

The effect of the proposed development on the character and appearance of the area

5. The appeal site is only seen, both from east and west, when reasonably close, due to roadside foliage, and then in the presence of other dwellings and their outbuildings which include those close to the roadside. The proposal includes raising the ridge height by 650mm, which when seen against the scale of the garage as approved, is relatively modest. It is the case that the land rises up from the road, but this factor also places the 2 houses at a level higher than the garages, and the garages are seen against the scale of these substantial houses.
6. Whilst the increase in eaves and ridge heights, is not decisive, the 2 features that are more significant are the proposed dormers and external spiral staircases. Both these features are situated towards the road, which would give them greater prominence. The spiral staircases, interesting features in themselves, in this position would be over elaborate and eye-catching, so increasing the degree of dominance in the streetscene. The same is true to an extent of the dormer windows. I do not agree that these would give the garages an appearance similar to that of a small cottage, but they would emphasise the scale of the proposal when experienced from the road.
7. Both these aspects could be addressed to a large extent by handing the floor plans, so that the spiral staircases would be at the rear of the building, and out of sight from the road. At the same time, the dormers would be at the northern end of the buildings, nearer to the houses. Such a rearrangement would decrease the unfortunate aspects of the design of these additions to the approved garages, sufficient to overcome the objections, and would produce a more subservient result.

This could be achieved by a condition requiring the submission of revised details. The appellant has indicated a willingness to accept such a condition.

Whether the proposal would affect the living conditions of the neighbours to the west in terms of privacy

8. This concern relates solely to the roof-lights in the western facing roof slope of plot 2 (the western plot). Whilst I have not been provided with a section through this garage building, it appears that these roof-lights would be placed at 'headroom height', meaning I assume that the bottom of the windows would be below eye level. This would afford a view out, overlooking the adjoining property.
9. There is a reasonable gap between the boundary of the appeal site and the neighbouring dwelling, with what appears to be a driveway alongside that neighbour. In addition, the handing of the footprint of the garage building that I have referred to under the first issue would bring the roof-light currently shown towards the north end of the roof, towards the south end, thereby bringing the outlook from the rooflights more over the front of the neighbour's curtilage.
10. The appellant has expressed a willingness to accept a condition requiring obscured glazing in these windows and additional planted screening. With such conditions I consider that this issue would be resolved. These measures would ensure that the proposal would not materially affect the living conditions of the neighbours to the west in terms of privacy.

Conclusion

11. For the reasons set out in paragraphs 6 and 7 above, the proposals for the 2 garage buildings can be made acceptable in terms of character and appearance of the area by the imposition of a condition in place of the disputed condition 2. At the same time, for the reasons I have given in paragraphs 9 and 10, the second issue can be overcome by an appropriate condition. For these reasons the appeal will be allowed.

Conditions

12. Since this permission relates to the permission granted under reference No.2024/0510, and the majority of the development permitted under that permission has been built, the statutory condition that provides a time limit on the start of development is not necessary. I have indicated conditions that need to be imposed to make the appeal development acceptable in the paragraphs above. For the reasons that I have given there, I will impose them.
13. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the text.
14. The first suggested condition is that the development must be completed within 3 years of the date of this decision. No reason has been given for this suggestion, and such a condition would not normally be imposed alongside the statutory time limit for a start to be made. I therefore see no necessity for it.
15. The second and third conditions suggested are to ensure that the development is in accordance with the approved plans and to ensure that the garages are only used

incidental to the main dwellings. The first of these is necessary, subject to amendment to deal with my paragraph 6 point, for certainty and avoidance of doubt as to the development permitted. The councils third suggestion is necessary because the scale and floorspace of the garages permitted could allow for uses that are not related the use of the main houses (for instance, holiday lets) that would bring consequences for the appearance of the development and its environmental effects that should not be allowed without a specific planning application.

16. The fourth and fifth suggestions relate to the nature of the rooflight in the west facing roof slope of the western garage. These are necessary for the reasons that I have given under the second issue, and mentioned in paragraph 11, although I will combine them into 1 condition and amend the wording as to how the details should be approved. I will also include a condition requiring landscaping on the western boundary in the vicinity of the garage to ensure the privacy of the neighbouring occupiers, as referred to in paragraph 10 above.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) Subject the requirements set out in conditions 2 and 3, the development hereby permitted shall be carried out in accordance with the application form, plans and drawings and as listed below:
 - Dwg No. Hf1 250 Rev AO3: Site Plan;
 - Dwg No. Hf2 300/1 Rev A01: Proposed Garage Floor;
 - Dwg No. Hf2 310/1 Rev A01: Garage Elevations and 3D Views Proposed received 15 February 2024.
- 2) The garages hereby permitted shall be built with revisions to the scheme such that their floor plans are handed so that the spiral staircases and dormer windows are situated at the northern end of the buildings in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete compliance with the approved details.
- 3) Before development is commenced on the roofs of the garage on Plot 2, details shall be submitted to and approved in writing to the Local Planning Authority showing the specification of the rooflights in the western slope of the garage on Plot 2 in terms of their height in the roof, the nature of the glazing and whether or not they are fixed closed. No other window shall be installed in this west facing slope of the roof, and the approved windows shall remain in the approved form in perpetuity.
- 4) Alongside the submission of the details required by condition 3, details of landscaping on the western boundary in the vicinity of the garage shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in the first planting season following that approval, and shall be maintained thereafter. Any trees or shrubs that die or

become diseased in the first 3 years after planting shall be replaced in the following planting season with trees or shrubs of the same specification as first approved.

- 5) The use of the workshop garage buildings hereby approved shall at all times be incidental to the main dwellings.

End of Schedule