



Appeal Decision

Site visit made on 23 June 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2025

Appeal Ref: APP/L2630/W/24/3356238

102 Longwater Lane, Costessey, Norfolk, NR5 0TH

- 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 Michael Johnson against the decision of South Norfolk District Council.
 - The application Ref is 2024/1051.
 - The development proposed is described as construction of two houses upon the land owned by Mr Johnson. One 3 bed house and one 4 bed house. These are for the family members, his son and his family, and his other son and family. The elder son and his wife will become carers for Mr Johnson when he gets older. They will live in the closer house to him. These are Eco builds and are designed to be low impact upon the environment and be in keeping with surrounding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submission, the appellant has submitted an Arboricultural Report¹ (AR) which shows Plot One in a different location to the submitted drawings, on which the Council determined the scheme. The Procedural Guide for Planning Appeals² is clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. To consider such a modification would be a substantive difference and procedurally could prejudice interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. For this reason, I have determined the appeal using the plans and documents that were considered by the Council and upon which the views of interested parties have been sought.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - biodiversity; and
 - trees.

¹ Arboricultural Report dated 26 August 2024 prepared by BH Trees and Woodland

² Procedural Guide: Planning appeals – England 30 June 2025

Reasons

Character and appearance

4. The appeal site is located within an area comprising a variety of bungalows of different designs and sizes. To the southern boundary and the rear of the site is a woodland buffer of well-established trees separating the appeal site from a cemetery.
5. Except for a small collection of buildings off Hall Drive, dwellings in the immediate area are typically set back from the road with open frontages and well-sized rear gardens, which makes a positive contribution to the openness of the area. I saw how the rear gardens and the well-established tree buffer provide an open and verdant appearance along the rear of this undisturbed section of Longwater Lane before the development found on Hall Drive.
6. The introduction of two dwellings in the proposed locations would not reflect the established pattern and grain of development, which is linear arranged dwellings fronting the road set within large plots served by front and rear gardens. As a result, the dwellings would harmfully disrupt the prevailing spacious layout and character of the area.
7. Whilst views from Longwater Lane would be limited to glimpsed views between dwellings, the proposed dwellings, given their height, footprint, associated domestic paraphernalia, boundary treatments would be visible from the rear of nearby properties particularly during winter months. This would likely reduce the appreciation nearby occupiers have about the quality of the environment within which they live. Thereby harming the character and appearance of the area.
8. The appellant has drawn my attention to a backland development off Gunton Lane. Whilst I do not have full details of this scheme, the access to these dwellings is not gained through the side of an existing dwelling. In this regard, existing developments are materially different to the appeal proposal and therefore I cannot draw any direct comparison that weighs in favour of the proposal.
9. Overall, I conclude that the proposal would harm the character and appearance of the area. Therefore, in this regard, it would not comply with Policies DM1.4 and DM3.8 of the South Norfolk Local Plan Development Management Policies Document (SNLP) or Policies 2 and 7.5 of the Greater Norwich Local Plan (GNLP). These policies, amongst other things, seek to ensure that development respects the character of the settlement and achieves high quality design that makes a positive contribution to local character and distinctiveness.

Biodiversity

10. Given the proximity of the woodland buffer to the appeal site, it is located within an area where species, including protected species may be present. Without any surveys or information, it is impossible to know whether any species or habitats, including those that are protected, are likely to be affected by the proposal.
11. Circular 06/2005: Biodiversity and Geological Conservation states that it is essential that the presence or otherwise of protected species, and the extent to which they may be affected by development, is established before planning permission is granted.

12. The appellant has stated that a number of bird boxes would be provided as part of the development. However, as the Circular states, if protected species or habitats would be affected by a proposal this should be known before any determination is made. Therefore, the incorporation of bird boxes would not overcome the need to determine if any harm to existing species or habitats, including those that are protected, would occur from the development.
13. Therefore, without a survey to substantiate evidence to demonstrate that both protected and non-protected species or habitats will not be adversely affected, the proposed development would harm local biodiversity. It would be contrary to Policies DM1.4 and DM4.4 SNLP and Policies 3 and 7.5 of the GNLP, which, amongst other matters, expect development to achieve a positive enhancement to the natural environment and avoid any significant adverse impact.

Trees

14. The proposed site plan shows the position of Plot One close to the site boundaries. During my site visit, I observed that this area featured a number of attractive, tall, mature trees, including those within the woodland buffer. The siting of Plot One, therefore, has the potential to impact on the root protection areas of those trees and may also necessitate substantial pruning or removal of nearby trees.
15. As explained procedurally, I am not taking the submitted AR into account. Accordingly, it has not been clearly shown that the position of Plot One in the location shown on the submitted site plan would avoid damaging or the need to remove existing healthy trees. Therefore, I have no substantive evidence before me to demonstrate that a suitable form of development would be achieved in this respect.
16. Accordingly, the appellant has failed to demonstrate that the development would not have a harmful effect on trees or that any such effects could be adequately mitigated. The development would therefore conflict with Policy DM4.8 of the SNLP and Policies 3 and 7.5 of the GNLP. These seek, amongst other things, the retention and conservation of significant trees that form part of an area's natural assets.

Other Matters

17. The site lies within the Zone of Influence of one or more European Sites comprising the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS). The scheme proposes two additional dwellings. As such, there is a reasonable likelihood that the European Sites within the area would be accessed for recreational purposes by future occupiers of the appeal scheme.
18. Additionally, as the site is within The Broads Special Area of Conservation, the nutrient impacts of the proposal would need to be considered. As the competent decision making authority, if I had been minded to allow the appeal, it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as the appeal is being dismissed for other reasons, I have not taken the matter further. In any event, this would not have amounted to a benefit.

19. There would be some benefit from the scheme in the form of two self-building dwellings to the Council's housing stock. I therefore afford this great weight although I recognise that two dwellings, even if self-build offer only a limited benefit. As such, only moderate weight can be given to these matters.
20. Environmental benefits from future occupants being able to cycle to work would be limited, as occupants may be required to travel further for employment should their circumstances change.
21. There is also potential for personal circumstances to change, which could include who occupies the proposed dwellings or the existing dwelling on site. As such, I afford limited weight to the benefits of the appellant being close to occupiers of the proposed dwellings.
22. Consequently, the benefits of the proposed scheme, even when taken together, would not outweigh the harms I have identified.

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
24. Therefore, for the reasons given above, the appeal is dismissed.

A Hickey

INSPECTOR