



Appeal Decision

Site visit made on 15 July 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/Y2620/W/24/3354635

The Gatehouse, 4 The Grove, Cromer Road, Holt, Norfolk NR25 6EB

- 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 Jamie Rennie, SPA Holdings against the decision of North Norfolk District Council.
 - The application Ref is PF/24/1401.
 - The development proposed is change of use from garage and first floor offices to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the appeal form rather than the planning application form as it is clearer and more concise. I have removed the word retrospective as that does not form an act of development.
3. I note from the submitted details and the site visit that all physical works to create a dwelling have been carried out. I will deal with the appeal accordingly.
4. Reference is made to a fence and garage that have been erected on the appeal site without planning permission. I witnessed a fence along part of the southern boundary of the appeal site and a timber outbuilding opposite the front elevation of The Gatehouse during my site visit. Nevertheless, these do not form part of the development before me and I have not considered them as part of the appeal.

Main Issues

5. The main issues are:
 - the effect of the development on trees and whether the development provides acceptable living conditions for occupants with regard to outlook and the provision of outdoor space; and
 - whether the development provides acceptable living conditions for the occupants of the appeal building, with regard to privacy.

Reasons

Trees and living conditions

6. The appeal site is located within an area of woodland that is covered by Tree Preservation Order TPO/12/0868 (the TPO). The trees located within that area

contribute significantly to the verdant character and appearance of the area and are appreciated not only from along The Grove, but also from Cromer Road.

7. Whilst I consider that the amount of outdoor amenity space associated with the development is adequate, I found on site that the significant majority of the outdoor space is underneath or immediately adjacent to the canopies of the TPO trees. This relationship with the TPO trees means that the significant majority of the appeal site is subject to a substantial amount of overshadowing which is clearly discernible both in the outlooks from within the appeal building and when experiencing the outdoor space. To my mind the level of overshadowing is so extensive it results in harm to the living conditions of the occupants.
8. I note that the building already exists and therefore there would not be any significant further works required to facilitate the change of use. The appellant has provided photographs of the Cromer Road streetscene in 2009 and 2018 and identifies that the verdant character and appearance did not alter significantly between those two points in time, before and after the building was constructed.
9. However, a change of use from an ancillary building to an independent dwelling means that the use of the existing outdoor amenity space would be intensified, with it serving two separate households instead of one. As a result, it is likely that there would be more pressure on making both the outlooks from the appeal building and the useability of the garden space more appealing to occupants, which would involve reducing the level of overshadowing. Other issues may also result from the intimate relationship between the appeal building and the woodland, such as debris falling from the trees, which would result in a nuisance or inconvenience or in some cases, safety issues.
10. To reduce the amount of overshadowing, increase the usability of the garden space and improve the living conditions it is likely that there will be pressure to fell or significantly cut back trees in the future. Any such works would be highly likely to have a harmful effect on the verdant character and appearance of the area.
11. Whilst I appreciate consent would need to be sought for works to protected trees, this does not overcome the concerns I have set out above, in terms of increasing the pressure for those works to take place. I also recognise that other residents elsewhere live adjacent to or within areas where trees are located and that this does not necessarily always result in pressure to remove or reduce trees. However, in considering the specific circumstances of the case before me, I do find that it is likely that there would be pressure in the future to remove or reduce trees to improve living conditions.
12. I therefore find that the development is likely to result in harm to the protected trees and the development does not provide acceptable living conditions for occupants of the appeal building in terms of outlooks and the provision of outdoor space. It is therefore contrary to Policies EN2 and EN4 of the North Norfolk Local Development Framework Core Strategy September 2008 (CS). These policies seek, amongst other things, that development should be designed to a high quality, that it should protect, conserve and where possible enhance distinctive landscape features such as woodland and trees and not have a significantly detrimental effect on the residential amenity of occupiers.

Living conditions - privacy

13. The Council clarified in its statement that the second reason for refusal relates to the living conditions of the occupants of the appeal building rather than the occupants of the host dwelling, The Gatehouse.
14. Due to separation distances, orientation of windows and the setback position of the appeal building, there would not be any significant issues in terms of overlooking of the appeal building itself. Views from the windows in the front elevation of The Gatehouse would overlook the same space as views from the windows in the front elevation of the appeal building. This area is identified within the red line boundary and would serve the appeal building, providing vehicular access, parking and garden area. This relationship would appear as neighbouring properties overlooking front garden areas which is not uncommon. An area to the north of the appeal building provides a space that is more removed that would be screened in part by the existing built form, that could provide an area of garden space which is more private.
15. On balance, whilst the amount of private garden space would be more limited, due to the layout and orientation of built form, I do not find that it would be so deficient that it would result in unacceptable harm, in terms of the level of privacy afforded to the occupants of the appeal building. In this respect, the proposal would accord with Policy EN4 of the CS, which seeks, amongst other things, that developments do not have a significantly detrimental effect on the residential amenity of occupiers. For the same reasons, the proposal would accord with the overarching guidance set out in the North Norfolk Local Development Framework Design Guide Supplementary Planning Document December 2008 which advises that development should not create significant overlooking of other dwelling windows or private garden areas.

Other Matters

16. Reference is made to the appeal site being located within the setting of the Grove, a Grade II Listed Building. The significance of the listed building lies in its age and architectural style. The setting of the listed building is informed by the spaciousness around the building, its setback position from Cromer Road and the verdant characteristics of the wider area. The Grove is separated from the appeal site by intervening built form and boundary treatments. The appeal relates to the reuse of an existing building. The works have been carried out and comprised of limited changes to the elevations. As such, the development has resulted in very limited changes to the setting of the listed building, resulting in a neutral effect to its significance.
17. I acknowledge that a letter of support was received by the Council in response to the planning application identifying that the development would contribute positively to tourism in Holt and that there would be sufficient parking. Whilst I note that the proposal is for a dwelling rather than tourist accommodation, for the reasons set out above, I find that the proposal is contrary to the development plan.

Planning Balance

18. The development is not in accordance with Policies EN2 and EN4 of the CS, with the associated conflict resulting in harm to the living conditions of occupants and to trees. For these reasons, the development conflicts with the development plan as

a whole. The Council has identified that it cannot currently demonstrate a sufficient supply of housing land, although the deficit is not clearly identified. In this case, I will therefore consider the worst case scenario in terms of the housing land supply position. In such instances paragraph 11 d) ii. of the National Planning Policy Framework (the Framework) is engaged. This indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to securing well designed places, amongst other things.

19. The proposal would add one dwelling to the supply of housing, through the reuse of an existing building in a location where a range of services, facilities, employment opportunities and public transport options would be accessible to occupants. Whilst the economic benefits would be limited due to the works already being completed, there would be some benefit to the local economy from occupants supporting local services and facilities. However, whilst these matters weigh in favour of the proposal, the benefits are limited by its small scale.
20. Weighed against these benefits is the harm I have found to living conditions and to trees. Paragraphs 135 and 139 of the Framework require that developments are well-designed and have a high standard of amenity. I have found that the development would not achieve this. Given the long lasting effects that may result, I find that the harm in this respect would be significant.
21. Taking all matters into consideration, and notwithstanding the weight I have attributed to the benefits, I conclude that the adverse impact to amenity and trees would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.

Conclusion

22. Although I have not found harm in relation to the privacy afforded to the occupants of the appeal building, I have found harm to the living conditions in terms of outlooks and the provision of outdoor space and to protected trees. As a result, the development is contrary to the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all matters raised, I conclude that the appeal is dismissed.
23. The appeal site is located within the Zone of Influence of a number of European sites which are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). The Council has confirmed that the required mitigation payment has been secured in line with the Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy. However, Regulation 63(1) of the Regulations indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not necessary for me to consider this matter further.

G Dring
INSPECTOR