

Reference: 06/13/0672/F

Parish: Belton

Officer: Mr G Clarke

Expiry Date: 17-01-2014

Applicant: Mrs D Billyard

Proposal: Detached house and garage

Site: land adjoining 6 The Naze
Belton

REPORT

1.0 Background / History :-

1.1 The site involved in the application is a roughly triangular area of land fronting onto Yare Road, to the east and south are houses on The Cove and The Naze respectively and to the north, on the opposite side of Yare Road, there are detached bungalows. At the south eastern corner of the site there is a large oak tree which is covered by a Tree Preservation Order. There is a lay by which provides on-street parking along part of the road frontage.

1.2 In 2009 planning permission was refused for a house and garage on the site (ref: 06/09/0652/F), this application went to an appeal and the appeal was dismissed. A copy of the appeal decision is attached.

1.3 A previous application in 2009 for two detached houses was also refused (06/09/0484/F).

1.4 The current application is for the erection of a four-bedroom house and detached garage with vehicular access from Yare Road.

2.0 Consultations :-

2.1 Neighbours – Two letters of objection have been received, copies of which are attached. The main reasons for objection are loss of open space, loss of privacy and light to neighbouring properties and parking and access problems.

2.2 Highways – No objections subject to conditions.

2.3 Parish Council – No comments received.

2.4 Environmental Health – There is the potential for noise nuisance to neighbours so a condition should be imposed limiting hours of work, there is no evidence that the site may be contaminated but if during excavation work contamination is found then work should cease and a site investigation should be carried out.

3.0 Policy :-

POLICY HOU7

NEW RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE PARISHES OF BRADWELL, CAISTER, HEMSBY, ORMESBY ST MARGARET, AND MARTHAM AS WELL AS IN THE URBAN AREAS OF GREAT YARMOUTH AND GORLESTON. NEW SMALLER SCALE RESIDENTIAL DEVELOPMENTS* MAY ALSO BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE VILLAGES OF BELTON, FILBY, FLEGGBURGH, HOPTON-ON-SEA, AND WINTERTON. IN ALL CASES THE FOLLOWING CRITERIA SHOULD BE MET:

- (A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;
- (B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS;
- (C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;
- (D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,
- (E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.

(Objective: To ensure an adequate supply of appropriately located housing land whilst safeguarding the character and form of settlements.)

* ie. developments generally comprising not more than 10 dwellings.

POLICY HOU15

ALL HOUSING DEVELOPMENT PROPOSALS INCLUDING REPLACEMENT DWELLINGS AND CHANGES OF USE WILL BE ASSESSED ACCORDING TO THEIR EFFECT ON RESIDENTIAL AMENITY, THE CHARACTER OF THE ENVIRONMENT, TRAFFIC GENERATION AND SERVICES. THEY WILL ALSO BE ASSESSED ACCORDING TO THE QUALITY OF THE ENVIRONMENT TO BE CREATED, INCLUDING APPROPRIATE CAR PARKING AND SERVICING PROVISION.

(Objective: To provide for a higher quality housing environment.)

POLICY REC11

THE BOROUGH COUNCIL WILL REFUSE PROPOSALS WHICH WOULD ERODE THE PROVISION OF AMENITY, OPEN SPACE OR ANY OTHER LAND WHICH CONTRIBUTES POSITIVELY TO THE COMMUNITY OR STREET SCENE, AS IDENTIFIED ON THE PROPOSALS MAP. WHERE NOT IDENTIFIED PROPOSALS WILL BE TREATED ON THEIR INDIVIDUAL MERITS.

(Objective: To safeguard important amenity and open space in urban areas.)

4.0 Assessment :-

4.1 At the time of the previous application the site was an open grassed area which had been maintained by the Borough Council although the land was not in the ownership of the Council. Since the appeal decision the land has been fenced off and is now overgrown. That application was for a three bedroom house with a detached garage and vehicular access in the same location as is currently proposed.

4.2 The Council refused the last application for three reasons 1) loss of open space, 2) highway safety due to poor visibility at the vehicular access and 3) overshadowing and loss of privacy to no. 7 The Cove. When the application went to appeal the Inspector dismissed the appeal on the grounds of loss of open space and highway danger but did not agree that the proposed house would have a significant enough effect on 7 The Cove to justify refusal of permission.

4.3 The current application is for a four bedroom house with the main part being of full two storey height and a lower section to the west side which will have a room in the roof space. The garage will be sited to the east of the plot near to no. 6 The Naze. The vehicular access will be off Yare Road towards the eastern boundary of the site, at the time of the previous application there was a Highway objection to the access due to the restricted visibility. The Highways Officer has been consulted on

the present application but now has no objections subject to standard conditions including the provision of a visibility splay to each side of the access.

4.4 Prior to the planning applications submitted in 2009 it had been assumed that this land was public open space that had been provided when the estate was built. The Council had been maintaining it and had even erected a sign saying 'no ball games' on the land. However it turned out that the land was in private ownership and since the appeal was dismissed the site has been fenced off by the owner and it can no longer be used as public open space as was previously the case.

4.5 The oak tree in the south eastern corner of the site is covered by a TPO, the application includes an Arboricultural Impact Assessment which recommends some pruning of the tree and the use of special foundations to the garage to protect the root system.

4.6 The only property that will be directly affected by the proposal is no. 7 The Cove which is to the south of the site. This property has three windows (one of which is a narrow, high level window) and a glazed door facing the site, these windows are to a kitchen and rear lobby on the ground floor and landing and bathroom on the first floor. There is a 1.8m high fence along the side boundary of the site and then there is a footpath which leads from The Cove through to Deben Drive. The new house was originally sited 5.4m from the side wall of 7 The Cove but the drawing has since been amended to increase this distance to 6.4m.

4.7 The proposed house has two first floor windows in the side elevation facing the neighbour, one is a roof window and the other is to an en-suite shower room. There will be two first floor windows to the east elevation facing 6 The Naze and the rear garden of 7 The Cove, one of these will be to a bedroom and the other to a bathroom. There is already a degree of mutual overlooking in the area and the proposed first floor windows are unlikely to make the situation significantly worse. The proposed house is to the north of 7 The Cove so will not affect direct sunlight but will have an effect on the outlook from that property however the inspector considered this aspect at the appeal and did not think that there would be sufficient adverse effect to justify refusal. Although this proposal is for a larger house the effect on the neighbour will be similar to the previous application.

4.8 At the time of the previous application the Council felt that the application should be refused for the three reasons given earlier, the Inspector at the appeal did not agree that the proposal would significantly affect the neighbour but did agree with the other two reasons and dismissed the appeal.

4.9 The current application overcomes the reasons the appeal was dismissed in that there is no longer a highway objection and the land is no longer available as public

open space. It would therefore be difficult to justify refusal of the application and defend it on appeal as the reasons for the appeal being dismissed no longer apply.

5.0 RECOMMENDATION :-

5.1 Approve – the proposal complies with Policies HOU7, HOU15 and REC11.

Approval should be subject to conditions removing permitted development rights for windows, extensions and garden buildings and conditions to protect the oak tree as recommended in the Arboricultural Impact Assessment.



Appeal Decision

Unaccompanied site visit made on
20 April 2010

by **Felix Bourne** BA(Hons) LARTPI Solicitor

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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email: enquiries@pins.gsi.gov.uk

Decision date:
11 May 2010

Appeal Ref: APP/U2615/A/09/2118131/WF

Land adjacent 6 The Naze, Belton, Great Yarmouth, NR31 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by B & B Land Developments Ltd against the decision of Great Yarmouth Borough Council.
- The application Ref 06/09/0652/F, dated 7 October 2009, was refused by notice dated 12 November 2009.
- The development proposed is described in the application as 1 No. proposed detached house and garage.

Decision

1. The appeal is dismissed

Main issues

2. The appellant has explained, and the Council have accepted, that the reference to pruning the large Oak tree was an error. This being the case the main issues are the effect of the development on, first, the street scene, second, the living conditions of neighbouring residents at No. 7 The Cove, with particular reference to overshadowing and loss of privacy and, third, on highway safety.

Discussion

3. The appeal site is within an established residential estate probably dating from around the 1970s and lies about half way up Yare Road, a cul-de-sac serving around 26 properties, on the southern side. The eastern side of the site is side-on to No. 6 The Naze, The Naze being a footway running between Deben Drive and Yare Road. The southern boundary is separated from No. 7 The Cove, another footway, only by The Naze, whilst the short western boundary abuts The Cove. The frontage with Yare Road runs at an angle which, save for the short frontage with The Cove, makes the site vaguely triangular in shape. There is a large Oak tree in the south-eastern corner of the site together with a smaller one close to the same boundary but further towards Yare Road. There is a layby along part of the Yare Road frontage.
4. Looking at the first main issue, the proposed dwelling would be in line with No. 7 The Cove, whilst the detached garage would be positioned behind the line of the house and facing, albeit at an angle, Yare Road, from which vehicular access would be taken. The appeal site is currently a grassed open space, though with a sign prohibiting ball games. Nevertheless, it appears to have been built in to the design of the estate and in my view undoubtedly has

amenity value not only for residents who look on to the area but also for drivers travelling along Yare Road and for pedestrians walking along that road, or along The Naze or The Cove. In my view the arrangement of the proposed development would in itself look rather odd in the street scene when viewed from Yare Road but in any event, whilst the development has been designed with a view to ensuring that it would sit happily with its neighbours, the loss of this open space would be harmful to the street scene.

5. There is no clear explanation as to why this space was not adopted by the Council as part of the open space provisions of the surrounding development but nevertheless it is of value in amenity terms and its loss would be in conflict with Local Plan Policy REC11, the preamble to which explains that it is essential that any open space which is important to the street scene or is of amenity value is preserved.
6. The appellant argues that, if development were refused here, it would never be allowed except on a brownfield site. That is to over-egg the pudding. The fact of the matter is, however, that there are some open spaces that are worth saving for the contribution they make as such, and this is one of them.
7. Turning to the second main issue, I well understand the neighbouring occupier's fears for his living conditions but, whilst there would be some impact, I doubt that the new dwelling would have an effect on No. 7 The Cove sufficient to justify the refusal of planning permission. That property already has a side fence on the boundary of The Naze of around 1.8 metres in height, thus largely precluding views in either direction in respect of ground floor windows and doors. Upstairs, No. 7 has two further windows but one of these is high level only and may possibly be beyond the rear elevation of the proposed new dwelling. Nevertheless, whilst the impact might not in itself justify the refusal of permission, this does nothing to overcome the objection that I have already identified.
8. As to the highway objection, the County Council consider the proposed vehicular access to be inadequate, because of its severely restricted levels of visibility at its junction with Yare Road. Accordingly, they are of the view that the development, if permitted, would be likely to give rise to conditions detrimental to highway safety. For his part, however, the appellant points to the fact that Yare Road is a cul-de-sac with low levels of traffic and that the ability to turn on site and thus to enter and leave in forward gear would be superior to other properties on site.
9. Whilst traffic levels must be fairly low, the relative quietude of the road and the purely residential nature of the immediate area mean that, as well as vehicular traffic, children on bikes, and pedestrians both young and old, can also be anticipated. Indeed, I note that the, fortunately slight, personal injury accident that occurred on 17 September 2007 involved a six year old on a bike. Moreover, sightline visibility is restricted in both directions. Assuming a speed for traffic of 23 mph they achieve a compliance of only 78% to the north-west and 35% to the south-west, should a vehicle be parked at the north-eastern end of the adjacent layby. In these circumstances I agree with the County Council that the introduction of a vehicular access in this location, where visibility is limited in both directions, would be detrimental to highway safety.

10. In the light of the above I conclude that the development would harm the street scene and would be detrimental to highway safety. These conclusions have led me to dismiss the appeal.

Felix Bourne

Inspector

Ack 8/1/14

S

D C Harrison
7 Yare Road
Belton
Great Yarmouth
NR31 9JZ

7 January 2014

For the attention of Mr D Minns

Group Manager
Great Yarmouth Borough Council
Planning Services
Development Control
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF



Dear Sir

Application 06/13/0672/F

As an owner of number 7 since the inception of Yare Road by Peck Development in 1972, I cannot understand why this application is being reconsidered again; the following reasons being -

- the provision for open space, which was the policy of the Council then and is still their policy at present
- the proposed build would be situated on a blind corner
- infrastructure and services problems
- associated resident and commercial parking problems
- invasion of adjacent properties' privacy

I make the following comments -

By erecting the iron fence around the proposed site, which is not, I believe, at the permitted height and a complete eyesore, demonstrates the developer's disrespect for the existing residents. It is also common knowledge that an enforcement notice is in place to reduce the height of the iron fence. This has obviously not been adhered to.

The majority of new developments for housing will automatically require provision for open space, transport infrastructure, drainage and landscaping. Currently, Great Yarmouth Borough Council request developers to contribute to this. Will these points be addressed by the application developer?

Great Yarmouth Borough Council and/or Norfolk County Council have been maintaining this area for 42 years, including erecting a "no ball games" sign, which has been respected by the residents throughout the years. The privilege to enjoy this open space will be denied and the problems mentioned above will be heightened if this application is passed.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'D. C. Harrison'.

D C Harrison

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name R F Pull

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Belton

Great Yarmouth

Post Code NR31 9LA

Telephone 01493 780877

Email Address rfpull@hotmail.co.uk

For or Against OBJ Object

Speak at Committee ☒

1) The building of this property is in such close proximity to my own house it will have an irreversible adverse effect on both my privacy and light.

I have three windows and glazed side door facing the proposed development, as can be seen from the photographs already held at your office with the closeness of the property being less than 4.5 metres from my windows. This will result in light being taken from my kitchen, rear lobby, landing and bathroom.

The property will overlook my garden which will result in loss of privacy and loss of light in the early evening.

The present view from my property enjoyed for over 30 years will be lost with the proposed development being so close.

2) The proposed development is completely out of keeping with existing properties on Yare Road, The Naze and The Cove and is therefore detrimental to the existing street scene.

3) Parking problems will be exasperated by building a 4 bedroomed property with the loss of the on-road parking to the bungalows opposite the development caused by the large vehicular access proposed to the new garage. This will undoubtedly lead towards overcrowding with more vehicles using a busy cul-de-sac.

4) Both existing oak trees have tree preservation orders on them although tree T2 on the drawing shows it to have been approved for removal.

The extreme lopping proposed for tree T1 will inevitably lead to the ultimate loss of the said tree. The canopy of T1 shown on the drawing underestimates the actual diameter which extends over my boundary and that of 6 The Naze. The very fact that it is intended to be enclosed with a 1.8 metre high close boarded fence will mean that a very enjoyable street-scene will be lost to all existing residents.

5) The development of one property is unnecessary in the area as several large sites have already been developed in a 2 mile radius of Belton, and the resultant loss of green open space enjoyed for over 30 years by families in the

area, will have an adverse effect on the landscape with loss of visual amenities and quality of life in an otherwise unspoilt area of the community.

6) I refer to the earlier application submitted in 2009 which was subsequently refused was for a 3 bedroomed house of a smaller footprint and with the same access details and I cannot see any reason why this application should be treated differently?

I hope that all the above will be taken into consideration when considering the planning application.

I await confirmation of receipt.

Yours faithfully

Date Entered 29-12-2013

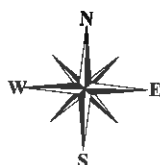
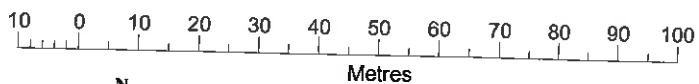
Internet Reference 10WPC140

06/13/0672/F



GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Business Services,
Town Hall, Great Yarmouth,
Norfolk. NR30 2QF



Scale = 1:1250 @ A4

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