

**Reference:** 06/18/0327/F

**Parish:** Bradwell

**Officer:** Mr G Clarke

**Expiry Date:** 08/03/19

**Applicant:** Mr D James

**Proposal:** Two detached houses and two detached bungalows

**Site:** 21 Crab Lane  
Bradwell

## **REPORT**

### **1 Background / History :-**

- 1.1 The application site consists of a chalet bungalow located towards the Crab Lane frontage of the plot with a large rear garden, at some time the garden appears to have been extended to the west through the addition of part of No.19 Crab Lane's rear garden.
- 1.2 The plot measures 87m long and is 24m wide at the front and rear sections, and 35m at the wider central area. The rear of the application site adjoins the side boundaries of houses on Parkland Drive, the eastern boundary of the application site adjoins the rear boundaries of semi-detached houses on Headington Close and the side boundary of No. 23 Crab Lane. The western boundary of the site runs to the side and behind the boundary of No. 19 Crab Lane, and alongside the rear section of the side boundary of No. 17 Crab Lane.
- 1.3 There are three trees in the rear garden that are subject to a Tree Preservation Order, a Scots pine and an oak to the rear of the dwelling and a Monterey cypress close to the rear boundary of 6 Headington Close. A fourth tree was felled without consent, and following enforcement action subsequently replaced however this replacement pine has since failed.
- 1.4 In 2017 outline planning permission was refused for the erection of two detached, three-storey, four bedroom houses at the front of the site, a

four bedroom chalet bungalow on the land at the rear of 19 Crab Lane and a pair of three bedroom houses linked by garages at the rear (06/17/0199/O). This application was refused on the grounds that it would be an over-development of the site, loss of protected trees, harm the amenity of neighbouring residents and out character with the existing settlement form and street scene. A subsequent appeal was dismissed with the inspector agreeing that the proposal would be an over-development and that three dwellings at the rear of the site with a hardstanding and turning area would introduce noise and disturbance to the occupiers of the dwellings on Headington Close from the comings and goings of people and vehicles. She also considered that the house on plot 1 would cause overlooking and loss of privacy and that the loss of the TPO trees would be harmful to the character and appearance of the area. A copy of the decision is attached.

- 1.5 In 2007 planning permission was refused for the demolition of the existing dwelling and the erection of one house at the front of the site and three bungalows at the rear (06/07/0151/O) and in 2006 permission was refused for the demolition of the existing dwelling and the erection of two houses at the front of the site with four bungalows at the rear (06/06/0515/O).
- 1.6 The current proposal is to build two, two-storey houses at the front of the site which be sited roughly in line with the existing houses to either side with a new vehicular access in the centre of the Crab Lane frontage leading to a parking/turning area and two detached bungalows at the rear of the site. The three trees that are subject to the TPO will all be retained.

## **2 Consultations :-**

- 2.1 Highways – no objections subject to conditions regarding access, visibility splays and parking.
- 2.2 Parish Council – the Council strongly objects to any planning application involving the removal of trees that are subject to Tree Preservation Orders and, until reassurance is given that original Orders will remain and no tree will be felled in the course of housing development, it will only support those applications which retain original Tree Preservation Orders.
- 2.3 Strategic Planning - The proposal seeks to demolish an existing dwelling and erect two bungalows and two detached houses, a net gain of 3 dwellings. The site is located in Bradwell which is identified as a Key

service centre in the Core Strategy. The site is located within the saved village development limits. The site is therefore well located among current dwellings and the additional dwellings will contribute to the overall housing land supply within the Borough.

However, it is noted from the planning history of this site a previous application for 5 dwellings was refused in 2017. One of the reasons for this was the protection of 3 trees with TPO's (Tree Preservation Orders) upon them. The new layout proposed would involve the removal of the Monterey Cypress on the eastern boundary of the site. This would have an impact upon the surrounding area as these trees make a moderate to substantial contribution to visual amenity and consequently have a positive effect on the character and appearance of the area. In terms of policy, removal of this tree would be contrary to Policy CS9 of the core strategy – developments should conserve and enhance landscape features and townscape features.

Although Strategic planning holds no objection to the principle of a small residential development at this site, the current layout results in the removal of a tree subject to a TPO and the Strategic Planning Team therefore objects to this application in its current form. However no doubt you may well have other matters to weigh in reaching a decision.

- 2.4 Neighbours – 3 objections have been received and one comment seeking further information copies of which are attached. The main reasons for objection are a) overshadowing, b) loss of privacy, c) extra traffic, d) drainage e) loss of trees, f) disturbance caused by vehicular traffic to the bungalows at the rear of the site and g) loss of the existing dwelling.

### **3 Policy :-**

#### **GREAT YARMOUTH LOCAL PLAN: CORE STRATEGY**

##### **3.1 POLICY CS1 – Focusing on a sustainable future**

For the Borough of Great Yarmouth to be truly sustainable it has to be environmentally friendly, socially inclusive and economically vibrant not just for those who currently live, work and visit the borough, but for future generations to come. When considering development proposals, the Council will take a positive approach, working positively with applicants and other partners to jointly find solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible.

To ensure the creation of sustainable communities, the Council will look favourably towards new development and investment that successfully contributes towards the delivery of:

- a) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements
- b) Mixed adaptable neighbourhoods, which provide choices and effectively meet the needs and aspirations of the local community
- c) Environmentally friendly neighbourhoods that are located and designed to help address and where possible mitigate the effects of climate change and minimise the risk of flooding
- d) A thriving local economy, flourishing local centres, sustainable tourism and an active port
- e) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport
- f) Distinctive places that embrace innovative, high quality urban design that reflects positive local characteristics and protects the borough's biodiversity, unique landscapes, built character and historic environment

Planning applications that accord with this policy and other policies within the Local Plan (and with policies in adopted Neighbourhood Plans, where relevant) will be approved without delay, unless other material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole
- Specific policies in that Framework indicate that development should be restricted

### **3.2 POLICY CS2 – Achieving sustainable growth**

Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel. To help achieve sustainable growth the Council will:

- a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:
  - Approximately 35% of new development will take place in the borough's Main Towns at Gorleston-on-Sea and Great Yarmouth
  - Approximately 30% of new development will take place in the borough's Key Service Centres at Bradwell and Caister-on-Sea
  - Approximately 30% of new development will take place in the Primary Villages of Belton, Hemsby, Hopton on Sea, Ormesby St Margaret, Martham and Winterton-on-Sea
  - Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy
  - In the countryside, development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs
- b) To ensure compliance with Policy CS11, the proportions of development set out in criterion a) may need to be further refined following additional work on the impact of visitor pressures on Natura 2000 sites
- c) Ensure that new commercial development for employment, retail and tourism uses is distributed in accordance with Policies CS6, CS7, CS8 and CS16
- d) Promote the development of two key strategic mixed-use development sites: the Great Yarmouth Waterfront area (Policy CS17) and the Beacon Park extension, south Bradwell (Policy CS18)
- e) Encourage the reuse of previously developed land and existing buildings

To ensure that the Council delivers its housing target, the distribution of development may need to be flexibly applied, within the overall context of

seeking to ensure that the majority of new housing is developed in the Main Towns and Key Service Centres where appropriate and consistent with other policies in this plan. Any changes to the distribution will be clearly evidenced and monitored through the Annual Monitoring Report.

### **3.3 Policy CS3 – Addressing the Borough’s housing need**

To ensure that new residential development in the borough meets the housing needs of local people, the Council and its partners will seek to:

- a) Make provision for at least 7,140 new homes over the plan period.  
This will be achieved by:
  - Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2
  - Allocating two strategic Key Sites; at the Great Yarmouth Waterfront Area (Policy CS17) for approximately 1,000 additional new homes (a minimum of 350 of which will be delivered within the plan period) and at the Beacon Park Extension, South Bradwell (Policy CS18) for approximately 1,000 additional new homes (all of which will be delivered within the plan period)
  - Allocating sufficient sites through the Development Policies and Site Allocations Local Plan Document and/or Neighbourhood Development Plans, where relevant
  - Ensuring the efficient use of land/sites including higher densities in appropriate locations
  - Using a ‘plan, monitor and manage’ approach, which uses a split housing target to ensure that the plan is deliverable over the plan period (as shown in the Housing Trajectory: Appendix 3), to ensure the continuous maintenance of a five-year rolling supply of deliverable housing sites
- b) Encourage the effective use of the existing housing stock in line with the Council’s Empty Homes Strategy
- c) Encourage the development of self-build housing schemes and support the reuse and conversion of redundant buildings into housing where appropriate and in accordance with other policies in the Local Plan
- d) Ensure that new housing addresses local housing need by incorporating a range of different tenures, sizes and types of homes

to create mixed and balanced communities. The precise requirements for tenure, size and type of housing units will be negotiated on a site-by-site basis, having regard to the Strategic Housing Market Assessment, Policy CS4 and the viability of individual sites

- e) Support the provision of housing for vulnerable people and specialist housing provision, including nursing homes, residential and extra care facilities in appropriate locations and where there is an identified need
- f) Encourage all dwellings, including small dwellings, to be designed with accessibility in mind, providing flexible accommodation that is accessible to all and capable of adaptation to accommodate lifestyle changes, including the needs of the older generation and people with disabilities
- g) Promote design-led housing developments with layouts and densities that appropriately reflect the characteristics of the site and surrounding areas and make efficient use of land, in accordance with Policy CS9 and Policy CS12

### **3.4 Policy CS11 – Enhancing the natural environment**

The Council will work with other partner authorities and agencies to improve the borough's natural environment and avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets, priority habitats and species. This will be achieved by:

- a) Conserving and enhancing designated nature conservation sites, including Sites of Special Scientific Interest (SSSIs), Special Protected Areas (SPAs), Marine SPAs, Special Areas of Conservation (SAC), RAMSAR sites, National Nature Reserves, Local Nature Reserves Norfolk County Wildlife Sites and Norfolk County Geodiversity Sites
- b) Working in partnership with relevant nature conservation organisations to ensure that protected species, such as Little Terns, are adequately protected from any adverse effects of new development. This includes the preparation of the Natura 2000 Sites Monitoring and Mitigation Strategy and ensuring assessment of development proposals in the vicinity of the colonies
- c) Relevant development will be required to deliver the mitigation measures identified in the Natura 2000 Sites Monitoring and Mitigation

Strategy. This document is being prepared and will secure the measures identified in the Habitat Regulations Assessment which are necessary to prevent adverse effects on European wildlife sites vulnerable to impacts from visitors

- d) Ensuring that the Norfolk Coast Area of Outstanding Natural Beauty (AONB), the Broads and their settings are protected and enhanced
- e) Safeguarding and where possible enhancing the borough's wider landscape character, in accordance with the findings of the borough's and the Broads Authority's Landscape Character Assessment
- f) Improving the borough's ecological network and protecting habitats from fragmentation by working with our partners to:
  - create coastal habitats, including those along developed stretches
  - enhance and protect the quality of the habitats, including buffering from adverse impacts
- g) Ensuring that all new development takes measures to avoid or reduce adverse impacts on existing biodiversity and geodiversity assets. Where adverse impacts are unavoidable, suitable measures will be required to mitigate any adverse impacts. Where mitigation is not possible, the Council will require that full compensatory provision be made
- h) Ensuring that all new development appropriately contributes to the creation of biodiversity and/or geodiversity features through the use of landscaping, building and construction features, sustainable drainage systems and geological exposures
- i) Further developing public understanding of biodiversity and geodiversity and where appropriate, enabling greater public access to any notable biodiversity and/or geodiversity assets
- j) Protecting and where possible enhancing the quality of the borough's resources, including inland and coastal water resources and high quality agricultural land, in accordance with Policy CS12
- k) Working with developers and landowners to ensure land management practices protect and enhance landscapes and to restore landscapes where valued features and habitats have been degraded or lost



- l) Identifying and where appropriate reassessing the locations of strategic gaps to help retain the separate identity and character of settlements in close proximity to each other
- m) Identifying and where appropriate reassessing the locations of local green spaces to help protect open spaces that are demonstrably special to a local community and hold a particular local significance.

### **3.5 Saved Great Yarmouth Borough-Wide Local Plan Policies**

The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007 and assessed again in January 2016. An assessment of policies was made during the adoption of the Core Strategy in December 2015 and these policies remain saved following the assessment and adoption. The Saved Policies listed have all been assessed as being in general conformity with the NPPF, and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.

### **3.6 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.

### **3.7 POLICY HOU17**

IN ASSESSING PROPOSALS FOR DEVELOPMENT THE BOROUGH COUNCIL WILL HAVE REGARD TO THE DENSITY OF THE SURROUNDING AREA. SUB-DIVISION OF PLOTS WILL BE RESISTED WHERE IT WOULD BE LIKELY TO LEAD TO DEVELOPMENT OUT OF CHARACTER AND SCALE WITH THE SURROUNDINGS.

(Objective: To safeguard the character of existing settlements.)

## **4 Local finance considerations:-**

- 4.1 Under Section 70(2) of the Town and Country Planning Act 1990 the council is required, when determining planning applications, to have regard to any local finance considerations so far as they are material to the application. Local finance considerations are defined as a government grant, such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on

whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to make the development more acceptable.

## **5 Assessment :-**

- 5.1 The application has been on hold awaiting the submission of a Shadow Habitats Regulations Assessment (SHRA) to determine whether the application will be likely to have significant effects on one or more Natura 2000 sites. Permission may only be granted if it is determined that the application will not adversely affect the integrity of any Natura 2000 site. A SHRA has now been submitted and it is the assessment of the Local Planning Authority, as Competent Authority, that any adverse effects of the development on Natura 2000 sites can be adequately mitigated for by a contribution to the Habitats Monitoring and Mitigation Strategy and the applicant has paid a contribution of £110 per dwelling towards the Council's Monitoring and Mitigation Programme. This assessment is made having taken into account both the direct and cumulative effects that the site may have in terms of recreational pressures on any Natura 2000 sites.
- 5.2 The previous application included the erection of two houses at the front of the site with a chalet bungalow and two houses at the rear. Although this was an outline application the drawings showed two large, three storey houses at the front which would have had an adverse effect on light and outlook to the adjoining dwellings facing Crab Lane. The houses, as now proposed, are smaller and are more in keeping with the scale and design of the adjoining dwellings on the road frontage. In particular the house on plot 2 is further from the boundary with no. 23, with the main two-storey part of the house being roughly in line with that property. The houses will have first floor windows at the rear that will overlook adjoining gardens but there is already an element of overlooking from existing first floor windows so the proposal will not introduce overlooking where it does not already occur.
- 5.3 No. 21 Crab Lane has a garage close to the boundary with the application site with the house itself being approximately 5 metres from the boundary. The two-storey part of the new house next to no. 21 will not extend beyond the rear elevation of that property and, as the rear gardens face south, it will not cause any significant overshadowing or loss of light to the neighbour. The access road runs down the middle of the site and the garden to plot 1 and a landscaped area will be next to no. 21 so the road will not adjoin the boundary of that property.
- 5.4 The two earlier applications in 2006 and 2007 showed four dwellings at the rear and three dwellings respectively and the recent application that was dismissed on appeal showed two houses and a chalet bungalow at

the rear of the site. The chalet bungalow was to be sited to the west of the turning area opposite the rear gardens of 4, 6 & 8 Headington Close. The current proposal has two detached bungalows at the rear which is a lesser number of dwellings in the rear garden than the previous applications. The proposed layout shows two parking spaces for plot 2 at the rear of 4 Headington Close and the parking spaces for plot 1 on the opposite side of the turning area to the west. The parking for the bungalows will be located between the two dwellings. In dismissing the appeal the inspector considered that the three dwellings at the rear would introduce noise and disturbance from the comings and goings of people and vehicles. The reduced number of dwellings now proposed would have less of an adverse effect with the wider landscaped area at the rear of Headington Close also providing more screening to the access road and turning area. All of the previous applications included dwellings in the centre of the site; the current proposal locates the dwellings at the front and the rear of the land in line with the existing built development on Crab Lane and Parkland Drive. This layout will reduce activity in the middle of the site and should result in less noise and disturbance to the surrounding dwellings than the previous proposals. If the Committee considers that there may still be a problem with noise from cars using the road and parking areas it may be possible to relocate the parking for the houses on plots 1 and 2 to the front of the site which would further reduce traffic movements at the rear of the site.

- 5.5 The other main reason for dismissing the appeal was the loss of the trees that are covered by a TPO, the applicant has now addressed this concern by submitting a revised drawing showing the retention of the TPO trees and replacement tree planting.
- 5.6 The reduced number of dwellings that are now proposed and the amended layout with two bungalows at the rear of the site and two houses at the front is a more spacious form of development and would have less of an adverse effect on the character of the area.
- 5.7 The site is located in a suburban settlement which is within the Council's Core Strategy development boundary and therefore the site is considered to be a sustainable location for residential development. The reduced number of dwellings and the retention of the TPO trees result in a more acceptable form of development and it is considered that it would now be difficult to justify refusing permission and the recommendation is therefore to approve.

## **6 RECOMMENDATION :-**

- 6.1 Approve – the proposal conforms with the aims of Policies CS1, CS2, CS3 and CS11 of the Great Yarmouth Local Plan: Core Strategy and saved Policies HOU7 and HOU17 of the Great Yarmouth Borough-Wide Local Plan.

- 6.2 Approval should be subject to the conditions requested by Highways, details of measures to protect the TPO trees during construction and surface water drainage.



## Appeal Decision

Site visit made on 17 October 2017

by **Amanda Blicq BSc (Hons) MA CMLI**

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

Decision date: 8<sup>th</sup> November 2107

**Appeal Ref: APP/U2615/W/17/3177754**  
**21 Crab Lane, Bradwell NR31 8DJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr David James, of Barco East Ltd against the decision of Great Yarmouth Borough Council.
- The application Ref 06/17/0199/O, dated 26 March 2017, was refused by notice dated 24 May 2017.
- The development proposed is 2 detached two and a half storey dwellings with integral garages, 2 linked dwellings linked by garages, 1 chalet bungalow and detached garage.

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr David James, of Barco East Ltd against Great Yarmouth Borough Council. This application is the subject of a separate Decision.

### Procedural matters

3. For clarity I have used the description of development given on the decision notice in the heading above.
4. The evidence before me indicates that although this is an outline application with all matters reserved, the agent agreed during the course of the application that landscaping, layout and scale could be determined as part of the application. This is confirmed in the appellant's statement and consequently I have based my reasoning on the evidence submitted in relation to those matters.
5. Whilst this appeal is not an application to remove trees under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, the evidence before me indicates that some of the site's trees are protected by a Tree Preservation Order (TPO) and the layout shows the removal of some protected trees. Although I do not have all the TPO documentation, the fact that particular trees are protected by a TPO<sup>1</sup> does not appear to be disputed by the parties. As such, I have based my reasoning on the presumption that they are protected. The granting of planning permission would over-ride the TPO, and

<sup>1</sup> Tree Works Register – TPO No 5, 2006, confirmed 5 December 2006

consequently I have considered the appeal with regard to the future health and longevity of these protected trees.

6. Although the reasons for refusal identify harm to the amenity of neighbouring residents, this is not amplified in the Council's appeal statement. However, on the basis of evidence submitted by interested parties I have concluded that the potential harm to living conditions of existing occupiers would be in respect of light, overlooking, and noise and disturbance. This is included as a main issue.

### **Main Issues**

7. The main issues are the effect of the development on:
  - The character and appearance of the area;
  - The future health and longevity of protected trees; and,
  - The living conditions of occupiers of neighbouring dwellings with particular regard to light, overlooking, and noise and disturbance.

### **Reasons**

#### *Character and appearance*

8. The appeal site contains a detached dwelling fronting Crab Lane with a very generous rear garden. The development would comprise five dwellings following demolition of the existing dwelling.
9. There would be a spread of development across the site, with two dwellings aligned along the Crab Lane frontage and two at the rear of the site in line with a short terrace on Parkland Drive. These dwellings would be two-storey and with regard to location, Plots 1, 2, 3 and 4 would generally be in keeping with the underlying building pattern.
10. However, the dwellings on Plots 1 and 2 would appear disproportionately deep and bulky compared to nearby dwellings and would have notably less articulation of form than other dwellings in the vicinity.
11. Furthermore, Plot 5 would be located between the building lines of Parkland Drive and Crab Lane and would be unrelated to the underlying building pattern of neighbouring plots. The access road to Plots 3, 4 and 5 would introduce frontage activity into an area of contiguous rear gardens behind the Crab Lane, Headington Close and Parkland Drive frontages. This would also be out of keeping with the underlying development pattern.
12. Consequently, I conclude that the spread and scale of the development would be unreflective of the established development pattern and would also appear cramped within the site. This would represent over-development which would be detrimental to the character and appearance of the area. As such, the development would be contrary to Saved Policy HOU17 of the Local Plan<sup>2</sup> (LP) which states that the sub-division of plots will be resisted where it would be likely to lead to development out of character and scale with the surroundings, and LP Policy HOU7 which states that new residential development should not

<sup>2</sup> Great Yarmouth Borough Council, Saved Great Yarmouth Borough-wide Local Plan Policies (2001)

be significantly detrimental to the form, character and setting of the settlement.

*Protected trees*

13. There are three protected mature trees on the site, and one outstanding replacement for a fourth which was felled without permission. A Scots Pine (pine) and an imposing Monterey Cypress (cypress) are located close to the site boundaries, and there is an oak situated towards the centre of the site. Both the oak and the cypress have naturally shaped canopies, and at heights of 13 and 17 metres respectively, are imposing specimens. Although it has an asymmetric and damaged crown, the pine is of a similar height to the oak. All three trees are prominent in views across gardens behind the Crab Lane and Headington Close frontages. They are also seen glimpsed between and above dwellings from Crab Lane and appear to be the tallest trees in the immediate area. As such, I conclude that the trees make a moderate to substantial contribution to visual amenity, and consequently have a positive effect on the character and appearance of the area.
14. Where reasonably healthy trees are protected, there is a strong presumption against their removal unless there is evidence of essential need. The tree survey states all three are in good physiological and moderate structural condition. The survey also notes that the pine requires only the removal of dead wood. No works are recommended for the oak or cypress.
15. Nonetheless, the layout and the tree survey indicate that the pine would be removed to allow the development of Plot 5. The cypress would also be removed as it is considered unsuitable for retention in a more tightly developed residential context where it could obstruct light and suffer wind damage.
16. The appellant argues that the pine should be removed because of its damaged state. However, the contribution trees make to visual amenity is not predicated on symmetry or lack of damage. Furthermore, the tree survey does not indicate that the pine's structural integrity is compromised by that damage. As such, I am not satisfied that this argument demonstrates that there is an essential need to remove the pine other than to accommodate the development.
17. The layout demonstrates that the oak could be retained with adjustments to site access and appropriate protection measures. However, due to its proximity to the south of Plot 2, it is likely that there would be pressure for its removal from future occupiers to mitigate overshadowing of the limited amenity area<sup>3</sup>.
18. Furthermore, although a scheme for replacement planting has been proposed, most of the replacements would be located in a line along a limited distance of the site's eastern boundary. Their future growth would be likely to be constrained by the proximity of other replacement trees, hardstanding areas and the rear amenity areas of adjacent plots. As such, I give limited weight to the likelihood of these replacements reaching a size and maturity sufficient to replace the trees removed. In any case, a line of trees along one site boundary would not necessarily compensate for the existing spread of trees across the site. Moreover, although I acknowledge that landscape works could be agreed

<sup>3</sup> Shade cast is shown at midday in mid-summer and as such is the minimum shadow over the course of a year.



under reserved matters, I am satisfied that the constraints of amenity space, vehicular hardstanding and dwellings of the appeal before me would preclude significant tree planting in other parts of the site.

19. Finally, the concentration of replacement tree planting in one area of the site reinforces my conclusion outlined above, that the proposals would represent overdevelopment of the site.
  20. Although there is an alternative site layout in the AIA<sup>4</sup>, there is nothing before me to indicate that this layout reflects the proposed scale or form of development. In any case, this layout also shows the removal of the pine and cypress. I conclude that there is no evidence before me to support the appellant's argument that the development could proceed with all protected trees retained.
  21. The appellant also argues that the Council's tree officer was of the opinion that the pine and cypress should be removed and replaced. However, the evidence before me indicates that with regard to the cypress, it is the future proximity of foot and vehicular traffic that is the tree officer's main concern. There does not appear to be any evidence that the tree officer agreed to the removal of the pine. In any case, on the basis of the evidence before me, I have reached a different conclusion.
  22. In the light of the above, I conclude that the pine and cypress would be removed, together with the removal and significant pruning of non-protected specimens and groups of trees, solely to accommodate the scale and spread of development. No essential need to fell the protected trees has been demonstrated, and I am not satisfied that the proposed replacement planting would reach a size and maturity commensurate with the existing protected trees. Consequently, the development would have an adverse effect on the character and appearance of the area. This would be to the detriment of the visual amenity of the locality.
  23. As such, the development would be contrary to Policy CS9 of the Core Strategy<sup>5</sup> (CS) which requires development to conserve and enhance landscape features and townscape quality.
- Living conditions*
24. The scale and positioning of the dwelling on Plot 1 would result in significant overshadowing of the rear elevation and rear garden area of 23 Crab Lane (No 23), which has very modest amenity space at the rear. This would have an adverse effect on the living conditions of occupiers of No 23 with regard to light.
  25. There would also be vehicular hardstanding and turning for three dwellings within a few metres of the rear plot boundaries of dwellings fronting Headington Close. This would introduce noise and disturbance from the comings and goings of both people and vehicles. Although the rear gardens of dwellings on Headington Close are of reasonable length, they are narrow and the underlying development pattern is tight. Occupiers should have a reasonable expectation that their rear amenity areas will be areas of reduced activity and disturbance. I conclude that there would be increased noise and

<sup>4</sup> April 2017

<sup>5</sup> Great Yarmouth Borough Council, Local Plan Core Strategy, adopted December 2015

disturbance for occupiers of some dwellings on Headington Close, to the detriment of their living conditions.

26. Plot 1 would have habitable rooms at first floor level and in the roof accommodation and windows would overlook the rear gardens of Headington Close. I concur with interested parties that there would be a loss of privacy from overlooking for occupiers of some neighbouring dwellings, which would also have an adverse effect on their living conditions. Although a reconfiguration or internal space and use of obscure glazing could address these issues in the absence of other concerns, this harm reinforces my view that these proposals represent overdevelopment.
27. I conclude that the development would be contrary to CS Policy CS9 which requires development to protect the amenity of existing residents, and LP Policy HOU7 which does not permit development which would be significantly detrimental to the residential amenities of adjoining occupiers.

#### *Other matters*

28. I appreciate that the development was recommended for approval by officers. However, some of the Members came to a different conclusion, as have I. The appellant also argues that no reasons for refusal were given at the committee meeting. Nonetheless, the reasons given on the decision notice have identified the main issues in my reasoning.
29. The appellant has referred to a previous appeal at Crab Lane, but I have no further information to enable me to conclude whether that appeal was comparable to this. In any case, every appeal is determined on its merits.
30. I appreciate that urban locations can generally accommodate higher densities. However, it does not necessarily follow that all sites can be developed to the same extent and in this instance I disagree with the appellant that the site can clearly accommodate the development proposed.
31. The appellant also advances the argument that a neighbour has supported the removal of the cypress due its intrusiveness, risk to health and safety and its impact on amenity areas. This however reinforces my conclusion that proposed replacement planting along this site boundary would be unlikely to reach full maturity, as the trees would significantly overhang adjacent amenity areas of dwellings on Headington Close.
32. I appreciate that this is an outline application. Although I have found it appropriate to consider the appeal in the context of the layout proposed, I am satisfied that even with a different layout, proposals of the form and scale before me would represent overdevelopment of the site.

#### *Planning balance*

33. There is no evidence that the Council can demonstrate a five year housing land supply. In such situations, Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing are to be considered out of date and Paragraph 14 of the Framework is engaged. However, case law<sup>6</sup> has indicated that the weight to be given to conflict with the development plan remains a matter of planning judgement.

<sup>6</sup> Crane v Secretary of State DCLG (2015) EWHC 425 (Admin)

34. In this instance, there is nothing in the evidence before me to indicate that the Council has an objection to the principle of development. However, although the development would make a very modest contribution to housing supply in the area, the harm I have identified above would not significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole, as required by Paragraph 14 of the Framework.

**Conclusion**

35. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

*Amanda Blacq*

INSPECTOR

ACK 8/8/18

Mark Ogden  
19 Crab Lane  
Bradwell  
Great Yarmouth  
Norfolk, NR31 8DJ



Planning service development control  
Town Hall, Hall Plain  
Great Yarmouth Norfolk

Dear Mrs E Helsdon

Ref: 06/18/0327/F  
Two dwellings, two bungalows. 21 Crab Lane.

I wish to object to this application, my bullet points are as follows but not limited to.

The current property is within the keeping of the area and is an old style Victorian building which in my opinion should be left standing as it does not detract from the other buildings in the area.

There are several trees with preservation orders on, some of which the owner has already cut down and was ordered to replace but has failed to do so.

The current occupier has been at the said tree recently with a chainsaw, I did not think this was allowed under the preservation order.

Why has he not been chased up on this matter?

These trees where/are used by much local wildlife including but not limited to bats, crows and other Great British wildlife

The buildings of high height will create overshadowing and loss of light in my south facing back garden, I will not be able to enjoy my garden to its full potential, not to mention a complete loss of privacy for me and my family.

The addition of extra dwellings will create an increase in noise and traffic; we will have the noise from 5 dwelling instead of one

The road on the plans runs right through where one of the trees stands, this road also runs along the border of my property I do not wish to hear traffic running up and down the side of my property all day long. I purchased this property because of the peace and quiet in the rear garden which will be ruined by this development.

I don't believe the drainage system could cope with even more houses being built. The drain outside my property struggles enough during rain fall as it is causing light flooding in the local vicinity and the increase in water run off and drainage that these dwellings would create a far worse area of flooding.

Two houses were built opposite and now the Archers development, I think Crab Lane is developed enough without the addition of these extra five dwellings.

The extra traffic will cause a hazard to the local residence wishing to exit or enter their properties. Crab lane has become an increasingly busier road in the past few years without the need to add more with this development.

The council has turned down plans for this site several times now and I hope they continue to see common sense and turn it down again.

Yours faithfully

Mark Ogden

ACK 8/8/18

6 Headington Close  
Bradwell  
Great Yarmouth  
Norfolk  
NR31 8DN

3 August 2018

Mr J Ibbotson  
Great Yarmouth Borough Council  
Planning Services  
Development Control  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Dear Sir

**Application:** Planning Application 06/18/0327/F

**Proposal:** Two Detached dwellings. Two bungalows.

**Location:** 21 Crab Lane Bradwell Great Yarmouth Norfolk NR31 8DJ

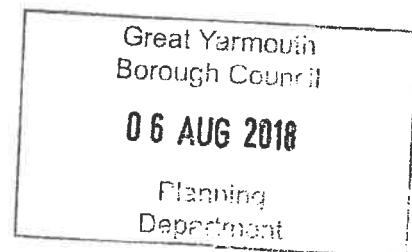
We are in receipt of your letter dated 16 July 2018 advising us of the above application.

We presume the proposal is for the demolition of the existing chalet bungalow and the construction of two detached three bedroom houses and two detached three bedroom bungalows as shown on the plans. Although on the planning application documents, page 5 states houses two - two bedroom and two - four plus bedroom?

This application has been submitted since an appeal was unsuccessfully made on the previous application ref: 06/17/0199/O.

We would like to reiterate the following:-

In previous years there have been several planning applications made for development at the above property. The applications consisted, apart from one, of single storey dwellings which were all refused with the reasons given that the development would be very cramped and the impact it would have upon the character of the area and upon privacy, outlook and amenity of adjacent householders.



This new application, despite the refusal of the previous applications, including the most recent, ref: 06/17/0199/O with the reasons stated that the proposal was considered to be over development of the site resulting in a cramped development, loss of trees, particularly protected species, harm the amenity of neighbouring residents and would be out of character with the existing settlement form and street scene, is still being submitted. We refer you to the appeal decision document ref: APP/U2615/W/17/3177754.

The plan shows the proposed positioning of the houses and bungalows but despite advising in the Arboricultural report that the trees with Tree preservation orders would remain these are not shown on the said plan, which has been submitted as a detailed planning permission application.

**Policy HOU17 under Schedule of current status (January 2016) of policies from the Great Yarmouth Borough-Wide local Plan** states: "In assessing proposals for development the borough council will have regard to the density of the surrounding area. Sub-division of plots will be resisted where it would be likely to lead to development out of character and scale with the surroundings". Both Crab Lane and Headington Close properties have generous sized gardens and the building of two houses and two bungalows on the site in question would not be adhering to the said policy.

1. If the proposal is passed, this would mean having both a road to the front and rear of our property, which is not a usual occurrence and would mean increased noise, especially with the proposed properties being of family dwellings with the proposal of eight vehicle parking spaces which would be both intrusive and a disturbing factor in, what is presently a relatively quiet and peaceful back garden area and location generally. This fact is confirmed in the appeal decision under the **Character and Appearance** heading, point 11. This states "The access road to plots 3 and 4 would introduce frontage activity into an area of contiguous rear gardens behind Crab Lane, Headington Close and Parkland Drive frontages. This would also be out of keeping with the underlying development pattern"
2. In July 2006 a tree preservation order was put on four trees in the rear garden at said property. Since the preservation order was given, tree T6 on the plan was illegally removed but upon the council being advised, a replacement sapling was planted which has since died.
3. The destruction of mature trees, providing benefits to our atmosphere, helping to combat the harm of, for example, carbon monoxide pollution which would certainly increase by the erecting of four family sized properties.
4. The development would mean more loss of valuable green space, which in spite of being somewhat spoiled from its former country style area, which previously contained at least a further five trees, is still a habitat for birds and wildlife and the remaining trees, which make for a pleasant outlook in the middle of a residential area.

5. There would be further increase in traffic on an already busy main through road (Crab Lane) to Gorleston. This is especially significant as three bungalows have been built to the rear of 16 and 18 Crab Lane, to which more properties are to be added. The building of five properties being built on the Arches public house site has also begun. The close proximity of possibly five road junctions as well as entrance and exit to the Bradwell butchery within a short distance endangers the safety of pedestrians (including school children).
6. By allowing four new dwellings to be built on the site would be a further strain on the resources of water, gas, drainage, sewerage and electricity. Problems on going in other areas of Bradwell.
7. Considering there is already a strain on public services such as schools, doctors and dentists four more properties would certainly not help the situation.
8. With a roadway directly leading to the development it would affect the security of our property giving access to the rear garden via the west boundary.
9. The demolition of "West Oak" 21 Crab Lane would mean the destruction of the oldest dwelling on Crab Lane.

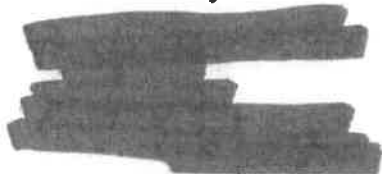
We still feel that this development is totally out of character for the locality, destroying a little bit of green open space left within a residential area. It would be detrimental to many of the neighbours' privacy, security and outlook and would lessen our quality of life.

We trust you will take all these points into consideration, realising that the position remains the same as when the previous applications were refused.

We look forward to receiving confirmation of receipt of this letter.

Thanking you in anticipation.

Yours faithfully

A large, dark, irregular redacted area covering the signature of Mr M G & Mrs L M Woodcock.

Mr M G & Mrs L M Woodcock

aine Helsdon

ACK 6/8/18

**From:** Rachel Warner [redacted]  
**Sent:** 03 August 2018 16:56  
**To:** plan  
**Subject:** Re: Planning Application 06/18/0327/F

Hi, my address is 22 Crab lane, Bradwell. NR31 8DJ

On Fri, 3 Aug 2018, 3:14 pm plan, <[plan@great-yarmouth.gov.uk](mailto:plan@great-yarmouth.gov.uk)> wrote:

Could you please supply your address.

**From:** Rachel Warner [mailto:[redacted]]  
**Sent:** 03 August 2018 15:13  
**To:** plan  
**Subject:** Planning Application 06/18/0327/F

I am writing to oppose the development of 21 Crab Lane. There are enough dwellings that are being and have been built in such a small area. Some of the protected trees have already been chopped down without permission and with the proposal for these new builds we will loose even more trees and I have been told bats are living in the trees what are left. Do not let this area be a concrete jungle!

Best regards

R. Warner



Application Reference 06/18/0327/F

Internet Consutees

Attachments

Invalid Consutee Comment?

Name Angela Hogg

Address 23 Crab Lane  
Bradwell

Post Code NR31 8D

Telephone

Email Address

For or Against

NOS

Subject to Condition

Speak at Committee

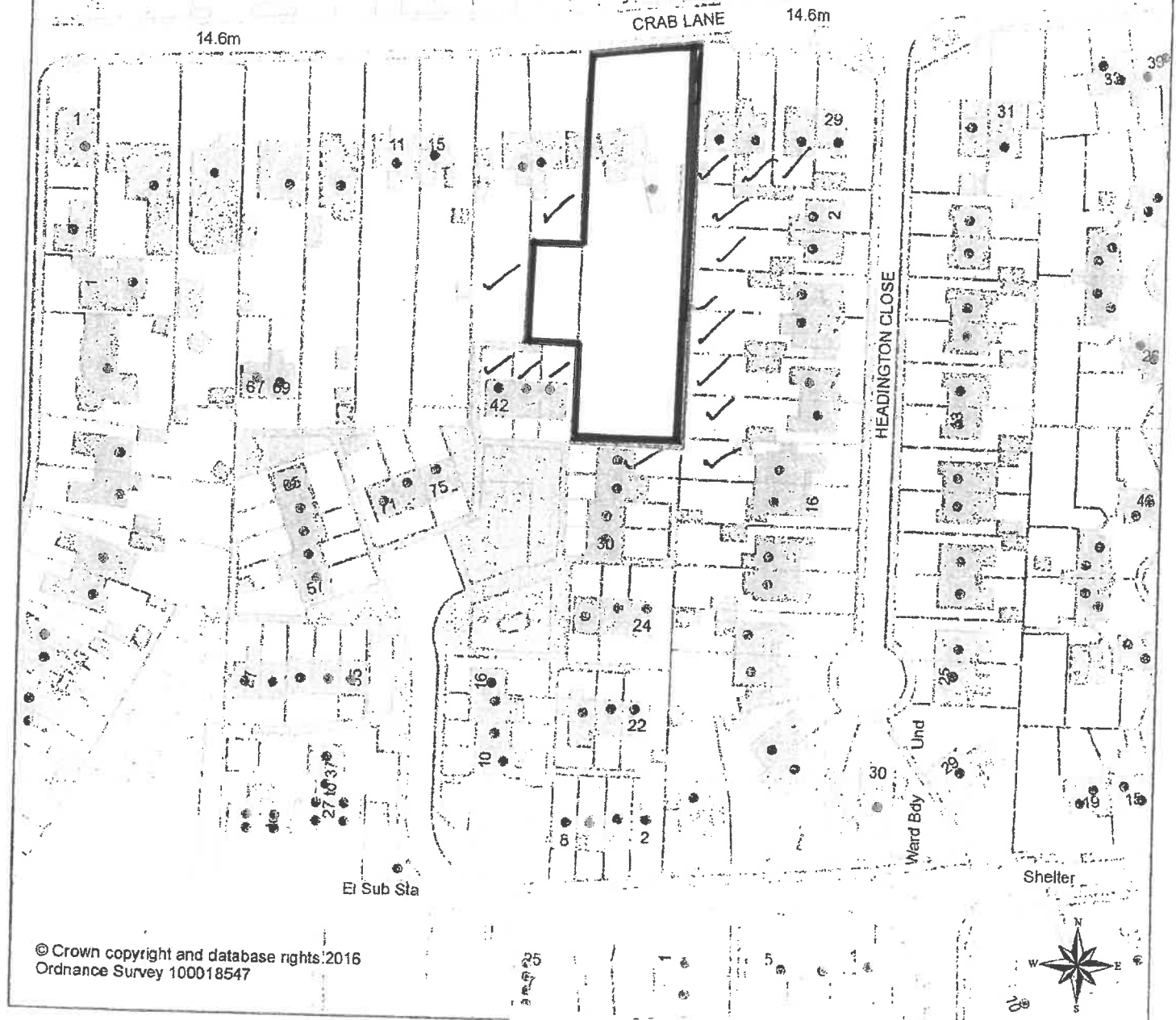
Copy to existing Consutee?

Good Morning, Please note that the plans are not very clear. I would like to know further information and will contact Jack Ibbotson. 1. Where the properties will be located, how close is the property to me. Privacy Factors, overlooking. Trees to be kept. Time scale if won, when is the meeting to be held in order that I can voice my opinions. Many thanks Angela and Martin Hogg

Date Entered 06-08-2018

Internet Reference OWPC1839

# SITE NOTICE



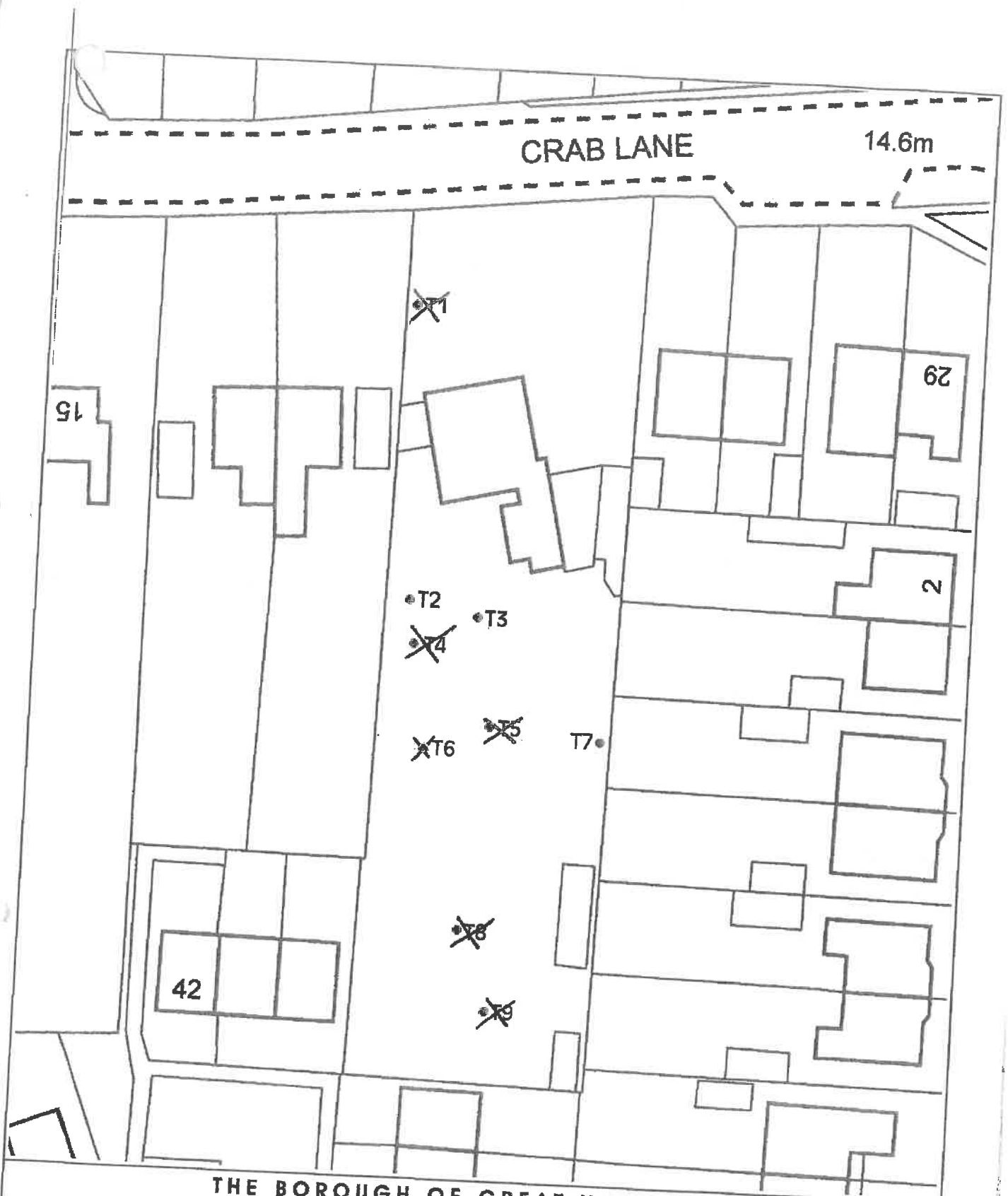
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Ordnance Survey 100018547

**Great Yarmouth Borough Council**

Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

21 Crab Lane, Bradwell - 06/18/0327/8

11,250



# THE BOROUGH OF GREAT YARMOUTH

## Tree Preservation Order No.5

2006

Plan Number: TG 5104

Scale: 1:500

TREES SPECIFIED INDIVIDUALLY

TREES SPECIFIED BY REFERENCE TO AN AREA

TREES SPECIFIED BY REFERENCE TO WOODLAND

GROUPS OF TREES

T.

A

W

G

T1 Ash	654347 - 304298
T2 Pine	651318 - 304269
T3 Oak	651326 - 304268
T4 Pine	651340 - 304265
T5 Cypress	651327 - 304257
T6 Pine	651320 - 304255
T7 Monterey Cypress	651337 - 304256
T8 Willow	651325 - 304238
T9 Silver Birch	651327 - 304229

