
Appeal Decision

Site visit made on 21 September 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 28 September 2016

Appeal Ref: APP/V2635/W/16/3152953

Smiths Cottages, 53 Grimston Road, South Wooton, Norfolk PE30 3NR

- 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 Mrs Rachel Munson against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00431/F, dated 1 March 2016, was refused by notice dated 3 May 2016.
 - The development proposed is the erection of a dwelling house and associated site works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant states that the Council's Site Allocations and Development Management Policies Document (Emerging Local Plan) is not yet adopted and as such its Policies can be afforded only limited weight. According to the Council's evidence however, the document has been the subject of independent examination and is imminently due to be referred to their Council members for formal adoption as part of the Development Plan. For these reasons, I afford the Policies of the Council's Emerging Local Plan substantial weight.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is the elongated rear garden to Number 53 Grimston Road which is currently laid to grass and enclosed by a mix of close boarded and wire fencing. The street scene is characterised by frontage development of both detached and semi-detached two storey dwellings with a varied design which are well spaced in terms of their proximity to side boundaries.
 5. The rear garden of No 53 is one of a group of open, undeveloped and narrow parcels of land which, when taken together, contribute significantly to a defined spacious character. The proposed development would not only introduce built form which would impose on this open character but also in a manner that would effectively fill the width of the plot. Owing to the spacing around the
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frontage dwellings, the proposed development would also be visible from the public realm which would exacerbate its effect on the character and appearance of the area.

6. I accept that there are some outbuildings situated in rear gardens in the immediate area and in some cases these are significant in scale. However, the character effect of an ancillary building is fundamentally different to an independent dwelling which would have its own established and defined curtilage, access, parking and garden space.
7. I acknowledge the dwelling that has been erected to the rear of No 55 Grimston Road which is also back land development. However, it is on the edge of the built up area and sat in a wider plot with its own independent access which does reflect the spacious character of the area.
8. I also note the planning permission granted for two dwellings at appeal for land at the rear of No 31 Grimston Road, reference APP/V2635/A/14/2216348. In this case, the Inspector considered that the development would have some form of relationship in both character and functional terms with the more mixed character of development on a housing estate to the north. Whilst that same estate does stretch round to the rear of the appeal site, by reason of its layout, siting and design, the proposed development would not have the same relationship.
9. The granting of a planning permission in these cases is not therefore sufficient to justify the proposed development. As such, and taking the above reasons together, it would cause harm to the character and appearance of the area. It would therefore conflict with Policy CS08 of the Core Strategy¹ and Policies DM1 and DM15 of the Emerging Local Plan².
10. These Policies seek to ensure that, amongst other things and along with the Framework³, development that accords with the Development Plan should be approved. They also assert that new development should be of a high quality, it should respond to the context and character of places and protect and enhance the amenity of the wider environment.
11. I note the Council's reference to Policy CS01 of the Core Strategy which sets out the Council's strategic position in respect of development priorities and what locations would have good access to retail, health, education and employment. Whilst I accept that the appeal site would be within easy reach of services that could be accessed via sustainable means, I do not consider that this Policy is directly relevant to the matter of assessing the effect of a given development on the character and appearance of an area.

Other Matters

12. The appellant states that the Council's housing supply situation is unclear and thus it is questionable whether they are able to demonstrate the five year supply as required by the Framework. The Council's evidence in response to this particular matter refers to an appeal decision that has been issued since the appellant's statement was submitted.

¹ King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy 2011

² Site Allocations and Development Management Policies Pre Submission Document 2015

³ The National Planning Policy Framework 2012

13. This appeal decision (reference APP/V2635/W/14/221650) concludes that the Council are able to demonstrate the required supply and as such, for the purposes of the Framework, their Development Plan Policies relevant to the supply of housing can be considered up to date. In any event, the provision of a single dwelling would make a very limited strategic difference to an under supply situation and as such it would carry only limited weight, particularly in light of the harm that I have identified.

Conclusion

14. For the above reasons and having regard to all other matters raised, including the proposed development being acceptable in design, highway safety and principle terms as well as in the context of the living conditions of existing and future occupiers, the appeal is dismissed.

John Morrison

INSPECTOR