
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/16/3153247

9 Folly Grove, King's Lynn, Norfolk PE30 3AF

- 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 Carl Goddard against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00108/O, dated 21 January 2016, was refused by notice dated 5 April 2016.
 - The development proposed is a residential dwelling on land in the ownership of No 9 Folly Grove.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application form states that outline planning permission is sought for the proposed development with matters of scale and access fixed for consideration. I have determined the appeal on this basis.

Main Issues

3. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of existing and future occupiers with specific regard to the provision of garden space.

Reasons

Character and Appearance

4. The appeal site is part of the garden of Number 9 Folly Grove, to the side of the existing dwelling and on the inside of a bend in the road. It is enclosed by existing dwellings and some substantial mature planting to the road edge. The street scene is made up of mainly terraced and semi-detached dwellings lining either side of and facing into the road with off street parking to the front and side. Plot sizes in the area are generally deep and in some cases narrow with defined spacing to the front and rear of buildings.
 5. The proposed dwelling would be no greater than two storeys in height and whilst its siting is indicative, in order to provide adequate off street parking and some private garden space it would have to be set quite far forward in its plot. I accept that No 9 is also noticeably further forward but it nonetheless retains a
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defined open space to its frontage as per the remainder of the street scene. The corner location of the proposed dwelling, the removal of the substantial planting for the purposes of visibility and the use of a two storey design would all exacerbate the visual effect of its forward positioning.

6. The proposed plot would be an unconventional shape by virtue of it following the bend in the road. The resulting curtilage would therefore have defined narrowing points at the front and rear which would not reflect the spacious and generally more uniform character of other plots in the area. The result of this would be a cramped form of development; shoe horned into a physically restrictive site when taking the proposed dwelling, hard standing and off street parking areas together.
7. When taking all of the above factors into account, it is clear that the proposed development would fail to reflect the character or appearance of the area. As such it would be contrary to Policies 4/21 of the Local Plan¹ and Policy CS08 of the Core Strategy². These Policies, along with section 7 of the Framework³, seek to ensure that, amongst other things, development is of a contextually appropriate design, layout and appearance and is in harmony with the character of places.
8. I note the Council's reference to Policy CS03 of the Core Strategy. However, this Policy highlights King's Lynn as a focus for strategic growth and identifies how it will be achieved. I do not therefore consider it directly relevant to the site specific effects of the proposed development.

Living Conditions

9. I note that access is fixed for consideration at this stage. It is therefore clear that the off street parking area would likely be in a linear format to the rear of the plot, as per the indicative layout plan. In order to get any private garden space into the layout therefore, this would likely be located between the parking area and the proposed dwelling, with some further space to the side.
10. The overall amount of usable garden space is restricted by the need for off street parking and adequate visibility. The space around the side abuts the road elevation and despite it being enclosed by some form of boundary treatment it would not in my view be sufficiently private. The parcel between the dwelling and the parking area is both shallow and narrow and there is insufficient evidence before me to demonstrate that the parking area would be physically separated from it. For these reasons, the size, shape and location of the garden space provided would not be sufficient for the proposed dwelling.
11. The garden space that would be afforded to the existing dwelling would, by virtue of the proposed development, be noticeably truncated. However, it would all be to the rear of the dwelling and mainly abutting other private gardens. This, when coupled with the lack of any policy defined minimum standards set out by the Development Plan, leads me to conclude that the space would be sufficient to meet the needs of privacy and provide some outdoor space for enjoyment as a garden.

¹ King's Lynn & West Norfolk Local Plan 1998

² King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy 2011

³ The National Planning Policy Framework 2012

12. In concluding this particular issue, I have found harm in respect of the living conditions of future occupiers of the proposed dwelling which the lack of harm to the living conditions of existing occupiers is not sufficient to outweigh. The proposed development would therefore be contrary one of the core principles of the Framework which states that planning should always seek to secure, amongst other things, a good standard of amenity for all existing and future occupants of land and buildings.
13. I note the Council's reference to Policy 4/21 of the Local Plan as well as Policies CS03 and CS08 of the Core Strategy in assessing the effects of the proposed development with regard to the living conditions of existing and future occupiers. However, and having reviewed these Policies, I do not consider them directly relevant to this matter.

Other Matters

14. I note other examples of residential development that have been provided by the appellant, specifically those which have had the benefit of planning permission with small gardens. Whilst this may be the case, each development proposal is considered on its own merits and I have had regard in my findings to matters that are specific to the site and the individual development proposed on it. The examples given are not therefore sufficient to justify the proposed development.
15. I accept that the appeal site is in a location where the principle of development would be acceptable since there are a range of services that can be accessed via sustainable means. In addition, and with regard to the views of local residents, there has evidently been work that has gone into ensuring that the proposed development would be acceptable in terms of highway safety. Through the reserved matters stage, I have no doubt that a good quality design could be arrived at which would also ensure that the living conditions of the occupiers of existing dwellings would not be adversely affected. Furthermore, the appellant states that the proposed development would contribute to demand for high quality affordable housing.
16. Some of these matters clearly weigh in favour of the proposed development albeit I have not been provided with any evidence pertaining to the future management of the proposed development insofar as whether it would be for affordable housing. For this reason as well as considering the harm that I have identified above, I can afford these matters only limited weight.

Conclusion

17. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR