

Appeal Decision

Site visit made on 6 December 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/V2635/W/16/3158079

Romar, New Street, King's Lynn PE30 3AQ

- 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 Mr Stuart Dickerson against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00945/F, dated 16 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is to construct a new single storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has advised that the King's Lynn and West Norfolk Local Plan 1998 no longer forms part of the development plan. I shall consider the proposal against the relevant Core Strategy¹ policies.

Main Issues

3. The main issues in the appeal are the effects of the proposal on:
 - i) the character and appearance of the area; and
 - ii) the living conditions of existing and future occupants of the host dwelling in terms of its garden area.

Reasons

Character and Appearance

4. The site is within a residential area which comprises a mixture of houses and bungalows. New Street is a private cul-de-sac leading off Bevis Way and the host property ('Romar') is one of a pair of semi-detached houses which face the junction of the two roads at an angle. I saw on my visit that the site has been fenced off from the remainder of the garden to 'Romar'.
5. The depth of the site is much less than that of the adjacent gardens on New Street and the other properties in the immediately surrounding area. The width of the site is also less. The site is therefore of a small size in relation to its neighbours and other properties in the area and in this respect the proposal would clearly differ from the established pattern of development.

¹ King's Lynn & West Norfolk Core Strategy (2011)

6. The angled siting of 'Romar' in relation to the corner and the generous space to its side are distinctive aspects of the character of the area. The proposal would not only infill a significant part of that space it would result in the dwellings having a crowded appearance. A path would be provided to the side of the proposed dwelling but this would be partially enclosed by the side porch. The dwelling would occupy a substantial proportion of the site and the limited space to its side and rear would give it a cramped appearance in relation to its neighbours.
7. The provision of car parking spaces on the frontage would not necessarily be out of keeping as I saw that other properties have similar arrangements. However for the reasons given I find that the proposal would unacceptably harm the character and appearance of the area. Policy CS08 of the Core Strategy requires high quality design which responds to the context and character of places in terms of scale, density and layout and provides enhancement. For the reasons given the proposal would not accord with that policy.
8. Policy CS03 of the Core Strategy requires that there is no detrimental impact on enjoyment of the public realm. In as far as character and appearance affects the public realm the proposal would not accord with that policy.

Living Conditions

9. The Council has concern that the garden of 'Romar' would be reduced to an unacceptable extent such that this would adversely affect the living conditions of existing and future occupants of that property. No specific evidence in terms of recommended minimum garden size has been provided.
10. Garden areas would be retained to the side and rear of the host dwelling. Those areas would be restricted in terms of their size and shape and an existing conservatory at the rear and side of the dwelling takes up a significant amount of the available space. However the remaining garden space would appear to be larger than that to be provided with the new dwelling.
11. The National Planning Policy Framework requires as a core planning principle high quality design and a good standard of amenity for existing and future occupiers. I have found that the design would not be of a high standard in terms of the character and appearance of the area but for the reasons given there is insufficient evidence to demonstrate that the amount of garden space left for the host property would be unacceptable. In the absence of such evidence I conclude that the proposal would not adversely affect the living conditions of existing and future occupants of the host dwelling. This does not alter my findings on the first main issue however.
12. The Council has referred in its statement to policy DM15 which I take to be a policy of the Site Allocations and Development Management Policies Document which I understand has been adopted since the Council made its decision. That policy is not before me however.

Other Matter

13. The appellant says that the proposed bungalow is intended for occupation by a disabled or elderly person. While the proposal may be of benefit in providing such a unit of housing this is not sufficient to outweigh the harm to the character and appearance of the area that I have identified.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR