
Appeal Decision

Site visit made on 14 November 2016

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/V2635/W/16/3156310

The Rose and Crown, Nethergate Street, Harpley, Norfolk, PE31 6TW

- 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 Ian Rix against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00406/O, dated 26 February 2016, was refused by notice dated 28 April 2016.
 - The development proposed is a proposed building plot for a dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for a proposed building plot for a dwelling at The Rose and Crown, Nethergate Street, Harpley, Norfolk, PE31 6TW in accordance with the terms of the application, Ref 16/00406/O, dated 26 February 2016 subject to the conditions in Annex A.

Procedural Matter

2. The application was made in outline with all matters except access reserved for future consideration. However, the submitted plan shows an indicative site layout along with alterations to the adjacent pub forecourt and access (which is also within the appellant's ownership), to which I have had regard.

Main Issue

3. The main issue in this case is whether the proposal would provide acceptable living conditions for future occupiers, with regard to noise and disturbance.

Reasons

4. The appeal site is a garden area to the rear of the Rose and Crown pub. The pub has an open forecourt and an enclosed beer garden to its north side which is set behind a bank and planting. The proposed house would be accessed via a new separate access from Nethergate Street across the existing beer garden. The access would be positioned towards the southern end of the beer garden frontage, but would then dog leg to follow its northern boundary to the appeal site beyond. As such, that part of the beer garden closest to the pub building, including the decked smoking shelter area towards its rear, would be retained.
 5. The proposed house would be located directly behind the beer garden, on land currently enclosed and used as a residential garden by the appellant who is the current owner of the pub. It would be separated from the beer garden by the existing smoking shelter, and a boundary fence and planting. The new access
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would be delineated from the beer garden by proposed hedging and a fence along the length of its southern boundary. This could be required through the Council's consideration of the landscaping at reserved matters stage. As such, both the proposed house and its new access would be well separated and screened from the remaining part of the beer garden.

6. Additionally the retained area of beer garden would be relatively limited in size and unable to accommodate a large number of tables and chairs. I am also mindful that the pub enjoys a relatively quiet village location with what the appellant describes as a restricted customer base. This being so, it seems unlikely to me that even at peak times the beer garden would be unduly busy with large numbers of people.
7. In this overall context, I am not persuaded that the future occupiers of the proposed house would experience any harmful levels of noise and disturbance associated with users of the beer garden. Consequently, and in the absence of any further explanation from the Council as to their particular concerns on these points, I see no reason why the proposal would be of a poor design or fail to improve the character and quality of the area and the way it functions.
8. Whilst the intention is for the appellant as the current owner of the pub to occupy the proposed house, I appreciate that this cannot be reasonably ensured or controlled. However, even if the future occupiers of the proposed house were to have no connection to the pub, for the reasons set out above, I see no reason why they would experience any harmful levels of noise and disturbance.
9. I therefore conclude that the proposal would provide acceptable living conditions for future occupiers, with regard to noise and disturbance. Thus I see no conflict with Policy CS08 of the King's Lynn and West Norfolk Borough Council Local Development Plan Core Strategy which concerns sustainable development and high quality design. Nor would the proposal be at odds with Policy DM15 of the Site Specific Allocations and Development Management Policies Development Plan Document which indicates that proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development (against a number of factors including noise) and resists development that has a significant adverse impact on the amenity of others or which is of a poor design. It would also align with the core planning principle of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other matters

10. The proposed new access to the appeal site is acceptable to the Highway Authority and, subject to the imposition of conditions, the Council raises no objections with regard to highway safety.
11. The scheme also includes improvements to the existing vehicular access to the pub forecourt and the layout of the car parking there. The forecourt is currently completely open to the road and vehicles can drive on to it on either side of the centrally located pole mounted sign. The proposed alterations would see the northern access point to the forecourt closed up and the provision of a single access to the southern corner of the forecourt with appropriate visibility splays. They would also provide a formalised car parking

layout with a low wall to the frontage. These improvements would be on land owned by the appellant and are shown on the submitted plans within the blue line.

12. The Highway Authority considers that these improvements would be of benefit to highway safety and all road users. Although it does not regard them to be dependent on the appeal scheme, the Council also accepts these works as benefits. I see no reason to come to a different view and am content that the proposed works are reasonable and can be secured via planning conditions.
13. The parties refer to the possibility of a shop being created in an existing building on the south side of the pub forecourt. However, I confirm that such a proposal does not form part of the scheme before me.

Conclusion and Conditions

14. For the reasons set out above, I conclude that the appeal should be allowed.
15. The Council has suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirements of the Act. Other than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.
16. I have imposed conditions requiring the new access to be provided and drained and to be of a suitable gradient, along with a condition precluding the erection of gates or bollards to it. Conditions to ensure the provision of the proposed improvements to the pub access and forecourt (including their adequate drainage and the retention of the visibility splays) are also attached. These are all required in the interests of highway safety.

Elaine Worthington

INSPECTOR

Annex A

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan Existing and Proposed Layout D:1887:1B, but only in respect of those matters not reserved for later approval.
- 5) The dwelling shall not be occupied until a new means of vehicular access has been constructed in accordance with the approved drawing number D:1887:1B (and highway specification drawing TRAD4) and drained in accordance with details submitted to and approved in writing by the local planning authority, and shall be permanently retained as such thereafter.
- 6) The gradient of the access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of Nethergate Street.
- 7) Notwithstanding the provisions of Class A of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no gates, bollards, chains or other means of obstruction shall be erected across the access.
- 8) The dwelling shall not be occupied until the alterations to the pub vehicular access and forecourt (including car parking and turning areas) shown on approved drawing number D:1887:1B have been provided and drained in accordance with details submitted to and approved in writing by the local planning authority, and shall be permanently retained as such thereafter.
- 9) No structure or erection exceeding 0.6 metres in height shall be placed within the visibility splays (where the pub access meets Nethergate Street) shown on approved drawing number D:1887:1 B.