
Appeal Decision

Site visit made on 28 March 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/V2635/W/17/3166897

27 Malthouse Crescent, Heacham, King's Lynn, Norfolk PE31 7DL

- 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 Jean Boswell against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00976/F, dated 20 May 2016, was refused by notice dated 7 September 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at 27 Malthouse Crescent, Heacham, King's Lynn, Norfolk PE31 7DL in accordance with the terms of the application, Ref 16/00976/F, dated 20 May 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mrs Jean Boswell against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Since the Council made its decision it has adopted its Site Allocations and Development Management Policies Plan (SADMP)¹ which supersedes policies of the King's Lynn and West Norfolk Local Plan (1998). I shall consider the proposal against the relevant policies of the SADMP.
4. The appellant has submitted amended plans with the appeal which were not before the Council when it made its decision. The amendments consist of a raised finished floor level, the provision of a roof light to the side roof slope instead of to the rear and an amended boundary treatment. The amended plans have not been subject to consultation and interested parties may be prejudiced if I were to base my decision on those plans. For this reason I shall consider the plans that were submitted with the application and on which the Council made its decision.

Main Issues

5. The main issues in the appeal are:

¹ King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (2016)

- i) the effect of the proposal on the character and appearance of the area; and
- ii) whether or not the proposal would provide adequate living conditions for the occupants of the existing and proposed dwellings in terms of private garden spaces.

Reasons

Character and Appearance

6. The appeal site forms part of the garden to the host property and is on the corner of a private cul-de-sac. The cul-de-sac comprises six detached bungalows which are in good sized gardens. Along Malthouse Crescent to the south-west of the cul-de-sac there is a varied pattern of development which is generally quite spacious in character although there is a recent higher density development off Benstead Close. To the north-east of the cul-de-sac there are older terraced houses and other buildings which are close to or adjoining the street frontages. I also saw on my visit a chalet dwelling nearby which is close to the road frontage and with apparently little amenity space but which is consistent with the traditional pattern of development.
7. Because of its corner position adjacent to the road frontage the proposal would be seen in the context of that higher density pattern and in this context it would not be harmful. The proposal would provide a small garden area to its side adjoining the corner and parking spaces to its other side. The quite generous front garden area of the host dwelling would be retained. In these respects and taking into account the context of built development in the area the proposal would not have a cramped appearance.
8. The forward siting of the proposed dwelling in respect of the cul-de-sac would not be harmful because the other dwellings around the cul-de-sac are informally sited and the proposal would be in a corner position. The height of the dwelling would be similar to that of the existing bungalow and its general design including its hipped roof would be in keeping with the adjacent bungalows.
9. The plan indicates that the garden would be enclosed by close boarded fencing which would be 1.2m and 1.8m in height along the site frontages although the extent of the 1.8m fence is not specified. An existing hedge on the road frontage would be retained and the fence would be to the rear of this. The appellant has indicated that further hedge planting may take place. A condition can be imposed to secure approval of such details.
10. I saw that the property on the opposite corner has a close boarded fence of about 1.8m in height along part of the road frontage. On the basis that this type of enclosure already forms part of the street scene it is unlikely that further close boarded fencing would be out of character with the area subject to approval of its detailed design together with any other landscaped boundary treatment that may be proposed.
11. For these reasons I find that the proposal would harmonise with the character and appearance of the area. Policies CS06 and CS08 of the Core Strategy² and policy DM15 of the SADMP require that development responds to the local

² King's Lynn and West Norfolk Core Strategy (2011)

context and that design is of high quality while optimising site potential. The proposal would accord with those policy requirements.

Private Garden Spaces

12. The proposal would remove the side garden from the host dwelling leaving a triangular shaped area to the rear of that property while providing two linked areas in connection with the new dwelling. The fencing and hedging along the road frontage and an existing conifer hedge along the boundary with the adjacent house would enclose the garden areas providing privacy.
13. The appellant states that the remaining rear garden area for the host dwelling would be 134 sq m and the garden areas for the new dwelling would be 82 sq m. It seems to me that these areas would be sufficient to provide acceptable living conditions for the occupants and no evidence to the contrary has been put to me. The two proposed garden areas for the new dwelling would be linked and would together provide a single garden space. I note that the land levels within the side garden area rise by about 800mm but this would not make the garden unusable particularly given the patio area that is proposed. For these reasons the proposal would provide adequate living conditions for the occupants of the existing and proposed dwellings in terms of private garden spaces and would accord with policy DM15 of the SADMP which requires protection of amenity.

Other Matters

14. I have had regard to all other matters raised by interested parties including concern about highway safety and effect on living conditions of neighbours but these matters did not form part of the Council's reasons for refusal and do not alter my overall conclusions.

Conditions

15. I have imposed the conditions suggested by the Council and in doing so have had regard to the tests in paragraph 206 of the National Planning Policy Framework. A condition requiring the development to be carried out in accordance with the approved plans is necessary to provide certainty. Provision of the access and car parking spaces is necessary in the interest of highway safety. Approval of details of external facing brickwork and boundary treatments is necessary to ensure the appearance of the development is acceptable. Finally a condition requiring the roof light to be obscure glazed and with limited opening is necessary to prevent any overlooking between the proposed dwelling and the adjacent house or vice versa.

Conclusion

16. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1957-04 and 1957-05A.
- 3) Before the development is occupied the access and car parking spaces shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for those purposes.
- 4) Development shall not take place above slab level until details of the external facing brickwork to be used have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
- 5) The first floor roof light shall be obscure glazed and have restricted opening in accordance with details which shall be submitted to and approved in writing by the local planning authority before development takes place above slab level.
- 6) Notwithstanding the details shown on the approved plan, full details of the positions, heights, design, materials and type of boundary treatments to be provided shall be submitted to and approved in writing by the local planning authority before development takes place above slab level. The approved boundary treatment(s) shall be provided before the development is occupied.