
Appeal Decision

Site visit made on 15 August 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 8th September 2017

Appeal Ref: APP/V2635/W/17/3176083

Land to the Rear of 16 Castle Cottages, Thornham PE36 6NF

- 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 Mrs Elaine West against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/01818/O, dated 11 October 2016, was refused by notice dated 10 January 2017.
 - The development proposed is outline application for single storey detached dwelling & forming new access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved except for access and scale. However, no details of scale have been provided by the appellant.
3. The appellant has provided four potential layouts (drawings D3, D4, D5 and D6) and alternative floor plans detailing how the site could be developed with the new dwelling. I have treated these as illustrative drawings for the purposes of the appeal.
4. The appellant disputes whether the Council can demonstrate a 5 year supply of deliverable housing land stating that the, "Council has consistently under-performed on housing delivery targets in the past 10 years". However, the Council have provided a recent appeal decision¹ which concluded that the Council can demonstrate 5 years supply of deliverable housing land. There is no evidence before me to counter this position. Consequently, I have determined this appeal on the basis that the council can demonstrate a 5 year supply of deliverable housing land.

Main Issues

5. The main issues are the effects of the development on:
 - The character and appearance of the area; and
 - The living conditions of adjoining occupiers with particular regard to noise and disturbance.

¹ APP/V2635/W/14/2221650 dated 14 July 2016

Reasons

Character and Appearance

6. Castle Cottages is a small estate of dwellings. As one enters the estate from the A149 the area is divided with single storey dwellings to the right (west) and two storey dwellings to the left (east). The area has a rural quality that is reinforced by the spaciousness about and between the dwellings. The estate has a degree of uniformity created by the layout and appearance of the dwellings which face onto the road. On the whole, the gardens to the rear of dwellings are undeveloped which gives the area an open character.
7. The site forms part of what was formerly the rear garden area to No. 16 and has been separated with the introduction of a hedge. The site would be accessed via a drive to the side of 16A with part of the hedge removed to create an access into the site. The site is currently overgrown and bounded by mature hedging. To the rear of the site lie open agricultural fields. From the appellant's appeal statement the proposed dwelling would have an eaves height of some 2.3 m with an overall ridge height of some 6 m, similar to other bungalows in the vicinity.
8. The siting of the proposed dwelling would be at odds with the area's established character, in particular the generally undeveloped nature of the rear gardens. The development would erode the spacious qualities of the area and would be unsympathetic to the general character of Castle Cottages. Moreover, while the proposed dwelling would not be readily visible when viewed from 16A, there is a substantial gap between 22 and 23 to the west of the site. The proposed dwelling would be visible from this part of Castle Cottages and would appear incongruous and at odds with the prevailing character of the area. In addition, I am not convinced that the development would follow the pattern of development created by the properties at 23 to 26 as these all face onto the road and do not sit behind existing dwellings.
9. Therefore, on the first main issue I conclude that the proposal would be materially harmful to the character and appearance of the area. The proposal would be in conflict with Policies DM1 and DM15 of the Site Allocations and Development Management Policies Plan 2016, Policy CS08 of the King's Lynn & West Norfolk Borough Council Core Strategy 2011, which seek, amongst other things, to ensure that development proposals improve environmental conditions in the area and respond sensitively and sympathetically to the local context, character, setting and pattern of adjacent streets including spaces between buildings.

Living Conditions

10. The access to the site would pass the side elevation of 16A and its rear garden area to the east and the rear gardens of 21 and 22 to the west. The site for the proposed dwelling would be adjacent to 23, also west of the site. The access would not be wide enough to allow two vehicles to pass one another. As a result, the Council have requested a condition to ensure that, if I was minded to allow the appeal, a turning area is provided within the appeal site so that vehicles can enter and leave the site in forward gear.
11. There are three windows on the side (west) elevation of 16A. I understand that these windows do not serve primary living spaces and on this basis the

occupiers living conditions within that dwelling would not be materially harmed as a result of the coming and goings of vehicles. Whilst I accept that layout is a reserved matter, part of the access is existing and that existing boundary treatments would lessen the impact of the access, it would nonetheless be sited very close to the outside amenity spaces for 16A and 21, 22 and 23.

Notwithstanding that a hard surface could be employed for the access, given its proximity to adjoining gardens it would introduce an increase in noise and disturbance to these areas. Moreover, a turning area within the site would exacerbate this matter, especially for 16A and 23. Therefore, the cumulative effect of the access and parking and turning areas would result in material harm to the living conditions of adjoining occupiers.

12. On the second main issue, while I find that no harm would result to the internal living accommodation of 16A, I conclude that the development would result in harm to the living conditions of adjoining occupier's outside amenity spaces. The proposal would therefore conflict with Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS08 of the King's Lynn & West Norfolk Borough Council Core Strategy 2011 which seek, amongst other things, to ensure that development proposals do not have an adverse impact on the amenity of others.

Other Matters

13. It is a core planning principle of the National Planning Policy Framework (the Framework) that planning should encourage the effective use of land by reusing land that has been previously developed. However, the Framework tells us at Annex 2 that although previously developed land is defined as land that is or was occupied by a permanent structure, including the curtilage of the developed land, it should not be assumed that the whole of the curtilage should be developed.
14. I appreciate that the design seeks to reflect the local vernacular and that suitable materials could be employed. I acknowledge that the proposal would cause no material loss of sunlight or daylight to residents of neighbouring properties. Although there is support for the principle of housing in this location and that there is a demand for such properties in the area, neither this nor any other material consideration that has been advanced outweighs the identified harm and conflict with policy.

Conclusion

15. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR