



Appeal Decision

Site visit made on 23 July 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/V2635/W/19/3227401

13, Lime Kiln Road, Gayton, King's Lynn PE32 1QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Kevin Catton against King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/00189/F, is dated 28 January 2019.
 - The development proposed is the erection of a dwelling house & new vehicular access to retained dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Kevin Catton against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate decision.

Procedural matters

3. The Council had resolved to determine the application; however, the Council received the notification of this appeal being validated before a decision notice could be issued.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site forms the rear garden of No.13, Lime Kiln Road which comprises of the rectangular rear garden of the host dwelling. I consider the development would relate more closely to the character of Lime Grove which runs perpendicular to Lime Kiln Road. Lime Grove is characterised by a regular arrangement of pairs of two-storey and single storey semi-detached dwellings with well-proportioned spaces between the pairs.
6. The proposed dwelling would be sited centrally within the plot with the alignment of the front elevation of the dwelling maintaining the established building line within the adjoining properties in Lime Grove.

7. The scale of the dwelling combined with its longitudinal orientation along the width of the plot results in severely limited rear garden space in relation to the plot size. This is in contrast with the properties in the area which are less cramped due to plots of an increased depth than the appeal proposal. Whilst the proposal has been designed in a manner unlikely to result in harm to the living conditions of neighbouring properties, it would nonetheless introduce a two-storey dwelling into a shallow plot where there are no similar examples in the vicinity and create an uncharacteristically cramped scheme that does not assimilate well in the street scene.
8. The appellant has drawn attention to other planning permissions and appeals in the area referring to their plot sizes and the percentage of which has been developed as building footprint. I do not have the full details of those cases and as such cannot comment on their particular circumstances and whether they would be directly comparable. However, I find that the rear garden of the proposed development would be disproportionately small compared to the scale of the proposed dwelling and those around it. This results in harm to the character and appearance of the area. Whilst the Council did not recommend the removal of Permitted Development Rights for extensions to the proposed dwelling, I consider even if these had been withdrawn this would not be sufficient to overcome the harm identified.
9. Policy DM15 of the Development Management Policies document which deals with the environment, design and amenity is the most relevant Development Plan policy in the consideration of this appeal. The scale and layout of the proposal does not respond positively to the local setting and pattern of adjacent street as the policy expects. Therefore, in light of the harm I have identified to the character and appearance of the area, the proposal would be contrary to Policy DM15 of the Development Plan.
10. Furthermore, Paragraph 130 of the National Planning Policy Framework (the Framework) indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. The proposal does fulfil these expectations, and therefore does not comply with the Framework.

Other matters

11. Reference has been made to the location of Gayton as a sustainable settlement which has a range of services and is identified in the Council's Settlement Hierarchy as a key rural service centre. It has also been indicated the site is located within the settlement boundary where in general terms the principle of residential development would be acceptable. However, in light of the harm I have identified to the character and appearance of the area, these matters do not outweigh the conflict with the plan or alter my conclusions on the main issue as outlined above.

Conclusion

12. For the reasons set out above, and taking into account all other matters raised, I conclude the appeal is dismissed.

P Mileham

INSPECTOR