
Appeal Decision

Site visit made on 4 September 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2019

Appeal Ref: APP/V2635/W/19/3229183

52 Lynn Road, Grimston, King's Lynn

- 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 Andy Spooner against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/00182/F, dated 25 January 2019, was refused by notice dated 4 April 2019.
 - The development proposed is residential development for 3 detached dwellings with garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of no. 52 Lynn Road in terms of outlook and privacy.

Reasons

Character and Appearance

3. The appeal site is situated on a residential road characterised by large detached dwellings with front and rear gardens. The surrounding area is a predominately residential part of Grimston village set within a wider rural landscape located approximately 6 miles northwest of King's Lynn. The site comprises the current side and rear garden of no. 52 Lynn Road a semi-detached dwelling which is itself located in the south-east corner of the irregular-shaped plot.
4. Lynn Road is largely characterised by regular plots with detached dwellings the front elevations of which face the highway. The established pattern of development on Lynn Road is principally that of regularly shaped plots with dwellings orientated parallel to the highway.
5. The appeal site is an irregularly shaped plot which narrows towards its southwestern corner. The proposed dwelling on plot no. 1 is located at the narrowest part of the site abutting the shared boundary with no. 54. The

narrowness of the plot and its irregular shape along with the size and design of the proposed dwelling has led to its side elevation facing the highway to the south rather than its front elevation. The proposed dwellings on plot nos. 2 and 3 would be located further to the rear of the appeal site in the north-western corner. Whilst these plots would be less constrained by their width the proposed dwellings would still abut the shared boundaries of nos. 50 and 54 Lynn Road. They would also be in proximity to each other with very little space in between them.

6. Therefore, given their size, design, location, orientation and relationship to existing neighbouring properties the proposed dwellings would fail to respond sympathetically to the local setting or the established pattern of development. Consequently, the proposed development would harm the character and appearance of the local area and conflict with Policies CS06 and CS08 of the King's Lynn & West Norfolk Local Development Framework – Core Strategy (adopted July 2011) and Policy DM15 of the King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (SADMPP) (adopted September 2016). It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which requires good design.
7. In support of the proposal the example of a similar 'backland' development for housing at 72-76 Lynn Road has been cited by the appellant. However, I do not consider that this represents a direct parallel to the appeal scheme given the more regular site layout and the orientation of the proposed dwellings in relation to the highway.
8. The appellant has also given an example of a previous scheme for 3 dwellings on the same site that was refused due to poor design and layout whilst citing the proposed appeal scheme as representing an improvement. However, I do not consider that the proposed development represents an improvement in this regard given its design, form and layout as discussed above.
9. In any event I have determined the appeal scheme on its own planning merits. The existence of a similar development in the locality or the previous refusal of a poorly designed scheme on the same site does not outweigh the harm I have identified above.

Living Conditions

10. Policy DM15 of the SADMPP does not allow development that would have a significantly adverse impact on amenity, or which is poorly designed. There are several windows to habitable rooms located on the western side elevation of no. 52 Lynn Road. These would be overlooked by the occupiers of the proposed dwelling on plot no. 1 via the windows to habitable rooms on its front elevation and vice versa. Therefore, given the orientation of the proposed dwelling and its distance from the shared boundary with no. 52, I consider that there would be an unacceptable loss of privacy for the occupiers of no. 52 and the future occupiers of the proposed dwelling.
11. Consequently, the proposed development would cause material harm to the living conditions of the occupiers of no. 52 and the future occupiers of the proposed dwelling on plot no. 1 in conflict with Policy DM15 of the SADMPP (adopted September 2016). It would also conflict with paragraph 127 of the Framework which requires the creation of places 'with a high standard of amenity for existing and future users'.

12. I note the point made by the appellant in relation to the approval of a previous scheme with a dwelling in a similar location to that proposed on plot no. 1. However, I do not consider that this represents a direct parallel to the appeal scheme as only one dwelling was proposed with it being: located farther from no. 52; having a much smaller footprint; and a more appropriate design. In any event I have determined the appeal scheme on its own planning merits. The existence of a similar scheme in the locality does not outweigh the harm to living conditions I have identified above.

Conclusion

13. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR