



Appeal Decision

Site visit made on 7 October 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/V2635/W/19/3231993

Site adjacent to 5 Hadley Crescent, Heacham, PE31 7LG

- 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 Kevin Missin against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/00422/O, dated 5 March 2019, was refused by notice dated 2 May 2019.
 - The development proposed is the construction of one three bedroom bungalow with a large garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application submitted was for outline planning permission with all matters reserved for future consideration. However, drawings showing the site layout and the scale of the proposed development were submitted with the application. Regard has been had to these plans in this recommendation, which is considered as being indicative only.

Main Issue

4. The main issues are the effect of the proposed development on: (i) the character and appearance of the surrounding area; and (ii) the living conditions of the occupants of the neighbouring dwellings regarding the potential for noise and disturbance.

Reasons for the Recommendation

Character and appearance

5. The appeal site is located in a residential area and comprises an open plot of land situated between the two bungalow properties at No. 5 and 6 Hadley Crescent, at the turning point of the cul-de-sac. Originally identified as a play space, the site currently comprises a grassed area with concrete hardstanding to the rear. The immediate surrounds are characterised by the residential nature, where dwellings

vary in terms of style, design and materials. However, predominantly, the surrounding estate is constructed at a low density with a corresponding feeling of spaciousness. Notwithstanding the lack of trees or other planting, the appeal site contributes positively to this area by providing open space and a visual break among the properties present. Whilst the play area originally intended was never constructed it is clear that the open space was a planned and integral part of the design of the estate on account of the fact that the bungalows at Nos. 6 and 7 front onto it and the way in which the segregated footpath link runs along the perimeter. The lack of built development on the site somewhat mirrors the opposite side of the cul-de-sac turning point, which is a flat, paved entrance to a shared car parking area.

6. Policy DM15 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan, adopted in September 2016 (the DMP) states that the scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets. Similarly, Policy CS08 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy, adopted in July 2011 (the LDF) states that new development should demonstrate its ability to respond to the context and character of places in West Norfolk by ensuring the scale, layout, density and access will enhance the quality of the environment.
7. While views of the site are limited from the wider street, it is situated in a prominent location at the turning area for the cul-de-sac, where the proposal would be experienced alongside the neighbouring development. Those using the footpath link at the head of the cul-de-sac would pass directly alongside. The position of the site in proximity to these neighbouring properties, and in particular to the front façade of No. 6 Hadley Crescent, means that the development of an additional dwelling would result in a cramped appearance at this section of the cul-de-sac, in contrast to the planned and open character of the open space. The resulting feeling of overdevelopment in this corner of Hadley Crescent would not respond sensitively or sympathetically to the setting of the wider street or the established character of the area.
8. Furthermore, in accordance with Policy DM22 of the DMP, regard is to be had to the value of any area of open space when assessing planning applications. While no evidence has been submitted to suggest that the appeal site is designated or used as a play space, or has any specific value as defined by the Local Plan, it nonetheless makes an important contribution to Hadley Crescent and provides a visual break in development. In replacing this open space with the construction of a residential property, the proposal would result in a negative impact on the character and appearance of the immediate surrounding area. It is likely, as shown on the indicative plan, that any garden area would be surrounded by fencing or some other means of enclosure. That fencing would add to the sense of enclosure and would give the segregated footpath link an uninviting appearance, in contrast to the planned arrangement where users benefit from a much more open environment.
9. For the reasons given above I find that the proposed development would have a materially harmful impact on the character and appearance of the surrounding area. It would therefore be contrary to Policies CS06 and CS08 of the LDF and Policies DM15 and DM22 of the DMP.

Living conditions

10. The appeal site is located in proximity to residential dwellings, to include Nos. 6 and 7 Hadley Crescent, the front elevations of which are located directly adjacent to the footpath that runs along the side of the site.
11. Due to this position of the site, a driveway or parking spaces would have the potential to impact on the living conditions of occupants of the neighbouring dwellings identified above. It is recognised that the road at this end of the cul-de-sac is currently used as a turning area and, as such, would already experience regular traffic. Furthermore, the extent of the noise and disturbance based on one dwelling and its associated likely traffic movements would be somewhat limited.
12. Nonetheless the proposal would result in vehicles turning, passing or parking in much closer proximity to the front elevations of Nos. 6 and 7 than is currently the case. This would lead to the occupiers of these properties experiencing an unacceptable increase in noise and disturbance due to the proposed development. Similarly, the current use of the site as a play area is unlikely to result in noise during the hours of darkness whereas the development of a dwelling in this location could result in evening vehicular movements that would impact on the living conditions of the occupiers of Nos 6 and 7 as a result of noise and disturbance and the shining of headlights directly into the principal living rooms of the neighbouring houses. In that sense, the location of the parking and turning area would be markedly different to the prevailing and common relationship where driveways are located to the side of dwellings and not directly in front of living room windows.
13. I appreciate that the submitted plan is indicative only and that the precise arrangement would be subject to further design. However, it seems likely that the driveway and parking arrangement would be located to the front of the site, given that any dwelling would need to be located at the rear so as to avoid being situated unacceptably close to the front of the adjacent properties. Moreover, any planting or fencing designed to mitigate the effects of the car parking arrangements could, of itself, have impacts on the outlook from the front of Nos. 6 and 7.
14. Consequently, based on the information provided, and for the reasons given above, I find that the proposed development would have an adverse effect upon the living conditions of the occupants of the Nos. 6 and 7 Hadley Crescent with regards to the increase in noise and disturbance. The proposal would therefore be contrary to Policy CS08 of the LDF and DM15 of the DMP.

Other considerations

15. The personal circumstances of the appellant are acknowledged, whereby money has been invested so that the proposal could provide a home close to their family at a time of ill health. The appellant's efforts to maintain the site are also recognised, as is the fact that verbal assurance was given that a modest dwelling on the site would be acceptable. However, such personal circumstances will seldom outweigh general planning considerations and can be afforded little weight in planning terms such that they do not override the other considerations identified in this recommendation.

Conclusion and Recommendation

16. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR