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## Appeal Decision

Site visit made on 11 June 2019

**by C Beeby BA (Hons) MIPROW**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> November 2019**

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**Appeal Ref: APP/V2635/W/19/3223368**

**4 Harbour View Terrace, Main Road, Brancaster Staithe PE31 8BY**

- 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 Ms Harriet Huntsman against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 18/00342/F, dated 22 February 2018, was refused by notice dated 20 November 2018.
  - The development proposed is the extension and conversion of an outbuilding to form an annexe.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the effect on an Area of Outstanding Natural Beauty.

### Reasons

3. The outbuilding lies on rear garden land which is within the Norfolk Coast Area of Outstanding Natural Beauty ("AONB"). The National Planning Policy Framework ("the Framework") sets out that such areas have the highest status of protection in relation to landscape and scenic beauty, and that great weight is to be afforded to the conservation of these matters. The Norfolk Coast Path public right of way runs behind the site and other rear gardens along Main Road, and affords open and panoramic views of saltmarsh, mudflats and tidal creeks which lie to the other side of the path.
4. The site is part of a row of linear rear gardens which slope gently towards the coast path. The gardens and dwellings are consequently prominent within views from the path, irrespective of their distance from it. The gardens have an open appearance due to their long lawns, low boundary fences and lack of any significant built form. This quality complements the panoramic views which are available to the other side of the path.
5. The single storey outbuilding which is proposed for conversion has a modest footprint and height, which are in keeping with the limited built form within surrounding gardens. This is generally comprised of sheds and greenhouses of a similar scale. Furthermore, the shorter side elevation of such structures generally faces the path, in common with the appeal building. This limits the

- effect of the built form on the open appearance of the gardens. The scale and orientation of structures within the rear gardens consequently cause no harm to their generally open appearance.
6. Whilst the outbuilding is of mixed materials, these are muted and generally in keeping with those of surrounding development; neither does it appear overly dilapidated. As such, it has a neutral effect on the appearance of the area.
  7. The site is not particularly visible from Main Road. However, views of the existing building from the path are uninterrupted, particularly from the east, due to the low post and rail fencing which comprises much of the site's boundaries. Garden vegetation lies to one side of the building, however it does not provide any significant screening from the path due to its location nearer to the house and its relatively low height.
  8. The proposed annex's scale would be subservient to the host building, its height would be generally unaltered and the extension would not bring the building significantly closer to the coast path. However, the increase in the width of the building's north elevation would give rise to a prominent appearance within views from the coast path. The effect would be pronounced, as in doubling the width of the existing building the annex would occupy substantially more of the plot, and would lie significantly closer to the garden's eastern boundary. This incongruous impression would be untypical of the generally open appearance of rear gardens in the area and would consequently erode the character and appearance of the area.
  9. I acknowledge that the use of materials which reflect those of surrounding built form is intended to make this aspect of the annex's design acceptable. Nevertheless, even if this were the case, this is a neutral matter which would fail to overcome my concerns regarding the unacceptability of the proposal's scale. This would render the structure unduly prominent irrespective of the materials used.
  10. A shed which lies closer to the host dwelling has a less prominent location than the appeal building, and its scale is more in keeping with other built form within surrounding gardens than that of the proposed annex. Accordingly, the presence of the shed does not form part of my concerns regarding the scheme's effect, and its proposed removal would consequently fail to overcome them.
  11. There is no substantive evidence before me to suggest that the proposal would result in any significant harm to protected species, to the significance of heritage assets or to the living conditions of occupants of the host dwelling with regard to outlook. However, these are neutral matters to which I can attach no particular weight.
  12. I concur with the submission that potential occupants of the annex would be likely to use local services and facilities, however this support would be very limited given the building's likely ancillary use and limited potential occupancy. Furthermore, there is no substantive evidence before me that any local services and facilities are subject to low levels of support which may threaten their existence. As a result, this is a benefit to which I attach only minimal weight.

13. Thus, the appeal scheme would cause harm to the character and appearance of the area, with particular regard to its effect on the AONB. This harm would be moderate because the proposal relates to one annex, and hence the level of development would be limited. However, AONBs have the highest status of protection in relation to landscape and scenic beauty, and great weight is to be afforded to the conservation of these matters. I therefore attach great weight to the moderate harm which the proposal would cause to the open and panoramic appearance of the AONB.
14. Accordingly, the proposal conflicts with Policies CS06, CS07, CS08 and CS12 of the King's Lynn and West Norfolk Borough Council Local Development Framework - Core Strategy (2011), which set out that development should respond to and protect local character. Further conflict exists with Policies DM7 and DM5 of the Site Allocations and Development Management Policies Plan (2016) ("the SADMP"). Together these policies set out that the development of residential annexes in such locations should preserve the appearance of the area. Conflict additionally exists with Policy DM15 of the SADMP, which states that the scale and layout of a development should respond sensitively to the local setting, and with Policy 9 of the Brancaster Neighbourhood Plan (2016), which sets out that development should not adversely affect the statutory purposes of the AONB. Additional conflict exists with the natural environment provisions of the Framework.

### **Other Matters**

15. My attention has been drawn to a scheme<sup>1</sup> for the development of a new garden building within the vicinity. Whilst limited details of the scheme are before me, I note that it included the use of a flat roof and hence its impact in terms of scale is likely to have been different from that of the appeal proposal. Furthermore, extensive new planting would be likely to effectively screen the structure, whereas I have determined that the appeal scheme would be highly visible within views from the coast path. Therefore the evidence before me indicates that the scheme was materially different to the current proposal, such that I attach only minimal weight to its relevance in determining the appeal.
16. A further scheme<sup>2</sup> for alterations and extensions to a cottage in the area to form holiday accommodation related to an existing dwelling with a frontage to Main Road. The material differences in the location and type of dwelling are consequently such that I consider it to be of minimal relevance to the appeal proposal.
17. The appellant contends that paragraph C.12.3 of the SADMP lists policies which are relevant to proposals within the AONB, and that the absence of Policy CS12 from the list indicates that it should not have been relied on by the Council in refusing permission. Whilst the text concerned is not before me, there is also minimal evidence to suggest that the list is exclusive, and hence that it precludes a consideration of other potentially relevant policies for proposals within the AONB. Policy CS12 concerns the protection of environmental assets, including landscape character, and therefore I consider it to be relevant to the issues at hand. Thus, I do not concur with the submission that Policy CS12 is not relevant to the appeal proposal.

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<sup>1</sup> Local Planning Authority Ref: 18/00960/F

<sup>2</sup> LPA Ref: 18/01321/F

18. If the appeal were to be allowed, it would be necessary to consider the proposal's impact on an international nature conservation site. However, as I am dismissing the appeal on other substantive grounds, it is not necessary for me to consider this issue in any particular detail.
19. I note the appellant's concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined on its planning merits.
20. I have had regard to other matters raised including concerns about highway safety, flood risk and light pollution. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

### **Conclusion**

21. For the reasons given above, I conclude that the appeal should be dismissed.

*C Beeby*

INSPECTOR