



Appeal Decisions

Site visit made on 3 December 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal A Ref: APP/V2635/W/19/3219849

Eastgate House, 17 Littleport Street, King's Lynn PE30 1PP

- 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 Black Swan International Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 18/00862/F, dated 10 May 2018, was refused by notice dated 9 July 2018.
 - The development proposed is alterations to boundary wall and provision of additional car parking.
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Appeal B Ref: APP/V2635/Y/19/3219851

Eastgate House, 17 Littleport Street, King's Lynn PE30 1PP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Black Swan International Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 18/00863/LB, dated 10 May 2018, was refused by notice dated 4 July 2018.
 - The works proposed are the same as Appeal A.
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Decisions Appeal A

1. The appeal is allowed and planning permission is granted for alterations to boundary wall and provision of additional car parking at Eastgate House, 17 Littleport Street, King's Lynn PE30 1PP in accordance with the terms of the application, Ref 18/00862/F, dated 10 May 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 133 P01 Rev A.
 - 3) Prior to the first use of the development hereby permitted the vehicular access crossing over the footway shall be constructed in accordance with a detailed scheme to be agreed in writing with the local planning authority in accordance with the highways specification (TRAD 1) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking,

amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the local planning authority.

- 5) Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 6) Prior to the first use of the development hereby permitted the proposed access and on-site car parking spaces shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Decision Appeal B

2. The appeal is allowed and listed building consent is granted for alterations to boundary wall and provision of additional car parking at Eastgate House, 17 Littleport Street, King's Lynn PE30 1PP in accordance with the terms of the application Ref 18/00863/LB dated 10 May 2018 and the plans submitted with it subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) The brick to be used for the external surfaces of the works hereby approved shall be constructed in accordance with a sample panel, prepared on site for the inspection and written approval of the local planning authority. The sample panel shall measure at least 0.5 metre x 0.5 metre using the proposed materials, mortar type, bond, and pointing technique to be used in the approved works.

Main Issues

3. The main issue for both appeals is whether the proposal would preserve the special interest and significance of the Grade II listed building known as Eastgate House.
4. The main issues for Appeal A only are the effect of the proposal on (a) the character and appearance of Norfolk Street Conservation Area and (b) highway safety.

Reasons

Listed building

5. Eastgate House is listed Grade II and dates from the early 18th century with 19th century alterations. It is a large two storey brick building set back from Littleport Street in a prominent position on the corner of Kettlewell Lane. Its special interest and significance are informed by its architectural details as well as its historic interest as a residential property that later became a residential care home for the elderly.
6. A low rise boundary wall and railings run to the front and side of the building. The side section wall was rebuilt with modern materials in around 2010 as part of footpath construction along Kettlewell Lane whereas the front section

- appears older. The Council refer to the wall as curtilage listed, which means any object or structure within the curtilage of a listed building which forms part of the land and has done since before 1 July 1948. Even if the wall is not curtilage listed, it makes a positive contribution to the special interest and significance of the listed building by providing enclosure as part of its setting.
7. Eastgate House is currently vacant and surplus to requirements for the care home that continues to occupy a modern building to the rear. Permission has been granted for the building's change of use to offices. This includes car parking to the side of Eastgate House that would be accessed via the existing car park to the care home.
 8. The plans indicate that the only loss of fabric as a result of the proposal would be modern. Even without the proposal, car parking to the side of the building would be visible over the top of the wall and through the railings. As such, the street scene would not be more vehicle dominated by the proposal. However, there would be some loss of enclosure which would have a harmful impact on the listed building. Much of the wall would remain, and so the extent of harm would be less than substantial and no more than moderate. Nevertheless, paragraph 196 of the National Planning Policy Framework (NPPF) requires such harm to be weighed against the public benefits.
 9. The appellant cites the difficulty of having the same access for the offices and the care home. Given the sensitive and private nature of the latter, I concur that such sharing would not be satisfactory. The current access and parking situation is preventing the office conversion according to the appellant. The listed building remains empty and in need of some repair and re-use. Therefore, while great weight should be given to the conservation of designated heritage assets, the proposal would provide a reasonable level of public benefits sufficient to outweigh the harm I have identified.
 10. In conclusion, the proposal in both appeals would preserve the special interest and significance of the listed building. Therefore, it would accord with Policies CS03, CS08 and CS12 of the King's Lynn and West Norfolk Core Strategy 2011 (CS) and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 (SADMP) which, amongst other things, seek to protect the historic environment and avoid adverse heritage impacts. It would also accord with NPPF paragraphs 190, 193, 194 and 196 which seek to protect the significance of heritage assets and require any harm to be clearly justified against any public benefits.

Conservation area

11. Norfolk Street Conservation Area is one of a number of conservation areas covering King's Lynn town centre. It is located on the northern side of the town centre and contains many historic buildings. Littleport Street acts as one of the approaches into the town centre. Eastgate House is close to the conservation area boundary and so is one of the first significant historic buildings seen travelling west. Thus, the building and the enclosure provided by the wall and railings make a positive contribution to the character and appearance of the conservation area as well as its significance. As the building is wholly within the conservation area, there are no setting issues.
12. The partial loss of enclosure would have a harmful effect on the conservation area but would be less than substantial and modest in nature. As with listed

buildings, while great weight should be given to the conservation of conservation areas, the harm would be outweighed by the public benefits of the proposal, which are the same as above. Therefore, the proposal in Appeal A would have an overall acceptable effect on the character and appearance of the conservation area. It would accord with CS Policies CS03, CS08, CS12 and SADMP Policy DM15 as well as NPPF paragraphs 190, 193, 194 and 196. The aims of these policies and paragraphs are set out above.

Highway safety

13. Littleport Street acts as one of the main routes for traffic to and from the town centre along the A148 and so is a busy road. Kettlewell Lane is a no-through road providing access to the care home, a handful of residential properties and an existing office. The lane is also on a bike and pedestrian public right of way along the Gaywood River and to Austin Fields. The lane is narrow and bends slightly past Eastgate House and the care home.
14. At my mid-afternoon site visit, I observed relatively few vehicles using Kettlewell Lane. Traffic speeds were slow reflecting the nature of the lane. There were also some pedestrians and a mobility scooter. Data from the local highway authority indicates that between 7am and 7pm on Thursday 28 June 2018 a total of 113 vehicles were recorded entering/exiting Kettlewell Lane. This is less than 10 an hour, which supports my observations that the lane is not heavily used.
15. Visibility onto Littleport Street from Kettlewell Lane is restricted westwards by the boundary wall at Eastgate House. However, both the Council and local highway authority acknowledge that the proposal would not increase the number of vehicles permitted to use the site. Therefore, it would not make the Littleport Street visibility issue any worse.
16. The creation of a new access point onto Kettlewell Lane would increase the risk of interference with traffic along the lane as vehicles for Eastgate House would have to reverse in or out of the new parking spaces. The new access would also be close to the existing care home car park access and Littleport Street. However, whilst visibility along the lane from the new access would not be extensive, the frequency and speed of oncoming traffic is unlikely to be high. The wall either side of the access would be realigned with the pillars set back from the road. This would help with visibility onto the lane and give oncoming traffic in both directions as well as pedestrians, cyclists and other road users reasonable warning of a vehicle moving out of a parking space. While the lane is narrow, there would be sufficient width to manoeuvre in and out spaces without much difficulty. Moreover, only three parking spaces would be provided for the new offices, reducing the number of vehicle movements to and from the site each day. Therefore, the probability and severity of an incident such as a collision is limited.
17. The proposal could utilise the existing car park and access for the care home where it would be possible to leave and enter Kettlewell Lane in a forward gear. However, as noted above, there is a need to separate the permitted office use from the existing care home. The limited risk to highway safety would be outweighed by the benefit of securing the re-use of the listed building.
18. In conclusion, the proposal in Appeal A would have an acceptable effect on highway safety. Therefore, it would accord with CS Policy CS11 and SADMP

Policy DM15 which, amongst other things, require proposals to provide for safe and convenient access for all modes of transport with adequate parking facilities. The proposal would also accord with NPPF paragraphs 108 and 109 which require safe and suitable access to the site for all users and only advocates preventing development on highway grounds if there would be an unacceptable impact on highway safety or residual cumulative impacts on the road network would be severe.

Conditions

19. Conditions on both appeals specifying the time limit for commencing the proposal are necessary for clarity and compliance. A condition specifying the approved plan for Appeal A is necessary for the same reason. For Appeal A, conditions 3-6 are necessary in the interests of highway safety to ensure that the access and parking is provided to an acceptable standard. Condition 3 is also necessary to ensure that surface water drainage is properly managed. For Appeal B, Condition 2 is necessary to ensure that the materials for the realigned wall and new pillars are in keeping with the listed building.

Conclusions

20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeals should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR