



Appeal Decision

Site visit made on 28 January 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2020

Appeal Ref: APP/V2635/D/19/3238441
60 Chapel Road, Dersingham, PE31 6PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Katie Innes against the decision of the Borough Council of King's Lynn and West Norfolk.
 - The application Ref: 19/01048/F dated 10 June 2019, was refused by notice dated 6 August 2019.
 - The application sought planning permission for a two-storey extension without complying with conditions attached to planning permission Ref: 18/00838/F dated 24 September 2018.
 - The conditions in dispute are Nos. 2 and 3 which state that:
 - 2) *The development hereby permitted shall be carried out in accordance with the following approved plans: 17071 03-7 and 17071 04-6.*
 - 3) *Notwithstanding the details shown on the approved plan, the west, south and east elevations of the extension hereby permitted shall be constructed in random rubble carstone and brick quoins. No development shall commence on any external surface of the development until a sample panel of these materials of at least 1 metre x 1 metre has been erected on the site, the local planning authority has been notified and has approved the details in writing. The sample panel shall use the mortar type, bond and pointing technique proposed to be used. The development shall be constructed in accordance with the approved details.*
 - The reasons given for the conditions are:
 - 2) *To provide certainty;*
 - 3) *To ensure the appearance of the development is acceptable in terms of the significance of the non-designated heritage asset and the Conservation Area.*
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension at 60 Chapel Road, Dersingham, King's Lynn, PE31 6PN in accordance with the terms of the application Ref: 19/01048/F without compliance with condition numbers 2 and 3 previously imposed upon planning permission Ref: 18/00838/F, dated 24 September 2018, but subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans 17071 03-7 and 17071 04-6, except for the facing brickwork on the end gable of the eastern elevation, which shall be carried out in accordance with approved plan 17071 04-6 Rev: A.

- 2) The window marked as obscure glazed on drawing no. 17071 04-6 shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.

Procedural Matter

2. The evidence from both parties is clear that the development subject of this planning application occurred prior to the submission of the application, and there is no dispute in this matter. Based upon my site visit the development appeared substantially completed. Accordingly, I have considered the appeal on this basis and under s73A of the Town and Country Planning Act 1990.

Main Issue

3. The main issue is whether the condition is reasonable and necessary in order to preserve or enhance the character or appearance of the Dersingham Conservation Area, and to preserve the significance of the appeal site dwelling as a non-designated heritage asset.

Reasons

4. The appeal site property is within the Dersingham Conservation Area (DCA), which covers historic development encompassing many properties along streets through the settlement. Many buildings on Chapel Road are included within the DCA, which comprises a variety of detached, semi-detached and terraced dwellings. Many are built of carstone or red brick, or combinations of both under red pantiles. The significance of the DCA in this location derives from the architectural style of the mainly 19th century buildings and their informal siting along this part of a historic thoroughfare through the settlement.
5. The appeal building is identified in the Dersingham Conservation Area Character Statement (DCACS) as an Important Unlisted Building (IUB) and is therefore a non-designated heritage asset. Either side and to the rear of the appeal site are Nos 58 and 62 – 72 which are also IUBs. The significance of the appeal site dwelling derives primarily from the architectural and street scene value of the historic part of the dwelling, but it also integrates three more modern extensions that illustrate the evolution of the building.
6. Within the DCA there is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Paragraph 193 of the National Planning Policy Framework (2019) (the Framework) requires that when considering the impact upon the significance of a designated heritage asset (in this case the DCA) great weight should be given to the asset's conservation. Where a proposal would lead to less than substantial harm to a designated asset, the harm should be weighed against the public benefits (paragraph 196). Development affecting non-designated heritage assets (such as an IUB) requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).
7. The two-storey extension was allowed following a planning appeal (Ref: APP/V2635/D/18/3207581). That Inspector imposed planning conditions in respect of the finishing material of the walls, roof and windows. The Inspector considered these conditions necessary to ensure the appearance of the

development is acceptable in terms of the significance of the non-designated heritage asset and the DCA.

8. A third party representation refers to the historic facades of brick and carstone on properties to the side and rear of the appeal site. The appeal site dwelling appears to comprise four main parts. These are the original carstone and redbrick cottage (with a band of chalk block), two more modern rear brick single storey extensions and the two-storey side extension.
9. The original dwelling integrates primarily redbrick quoins and window surrounds and carstone walls, broadly replicated in the front and side elevations of the new extension. However, the bricks on the rear (eastern) first floor gable wall (subject of this appeal) match the pre-existing ground floor extension that it extends upwards. The bricks are also similar to an adjacent ground floor extension. Whilst the gable wall materials do not reflect the original building, they do reflect the extension below it, which in turn reflects the evolution of the building and forms part of the overall character of the building as a non-designated heritage asset.
10. I note the frustration set out in representations that the planning condition has not been complied with, and I also note the previous Inspector's reasons for imposing the conditions in appeal Ref: APP/V2635/D/18/3207581. However, I have to consider the scheme before me on its merits. For the reasons I have set out above, and having regard to the previous Inspector's decision letter, the brick work on the section of wall subject of this appeal does not harm the significance of the appeal site as a non-designed heritage asset, and it does not diminish the overall quality of the scheme.
11. The visibility of the gable is largely limited to being visible from Nos: 58 and 62 – 72 and the driveway. The front, sides and part of the eastern walls of the dwelling have some prominence to the PCA and have been constructed in a manner sympathetic to the front of the dwelling. The part of the gable wall in question is modest in size, is set back and not visible from the main historic thoroughfare of Chapel Road. Therefore, its visibility within the DCA is limited. The overall development preserves the elements that make a positive contribution to the significance DCA, and it preserves the character and appearance of the DCA.
12. For the reasons I have set out above, the development preserves the character and appearance of the DCA, and it does not harm the significance of the appeal site dwelling as an IUB, therefore it does not conflict with paragraphs 193 or 197 of the Framework. The use of the bricks does not diminish the overall scheme and as such it does not conflict with paragraph 130 of the Framework. The development does not conflict with Policies CS08 and CS12 of the Kings Lynn & West Norfolk Borough Council Local Development Framework and Core Strategy (2011) and Policy DC15 of the Council's Site Allocations and Development Management Policies Plan (2016). In combination and amongst other things these policies require development protects and enhances the historic environment, including through high quality design and use of materials.

Other Matters

13. Concerns have been raised that a window was not obscurely glazed in accordance with an approved plan. On my site visit the window appeared to

have been obscurely glazed. For the reasons set out below I consider the planning condition requiring obscure glazing should be retained.

14. The Council has drawn my attention to representations submitted to planning application Ref: 18/00838/F, which relate to the previous planning application for this development. Whilst I have had regard to their contents, they have not been determinative in this case.

Conditions

15. The Council and appellant have provided suggested conditions, which I have considered in relation to the advice and tests set out in the Planning Practice Guidance (the PPG). The PPG advises that decision notices for the grant of planning permission under section 73 (which I consider applies to 73A) should repeat relevant conditions from the original planning permission, unless they have already been discharged. One of the suggested conditions from each party relates to the approved plans, for which I have imposed a similar condition. This is necessary to provide certainty.
16. I have retained the requirement for the obscure glazed window on the eastern elevation. This is necessary to protect the living conditions of occupiers of neighbouring dwellings with respect to overlooking. It is clear from the Council's and appellant's other suggested conditions that original conditions numbers 3, 4 and 5 (related to wall, window and roof materials) have been discharged, and as witnessed on my site visit, the development is substantially complete. Therefore, it is not necessary to impose conditions relating to the details that discharged those conditions.

Conclusion

17. For the reasons set out above the appeal should be allowed and planning permission is granted.

Dan Szymanski

INSPECTOR