



Appeal Decision

Site visit made on 31 January 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/V2635/W/19/3239965

Waterloo, Station Road, Burnham Market, Norfolk PE31 8HA

- 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 C Fry against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/01104/F, dated 20 June 2019, was refused by notice dated 9 August 2019.
 - The development proposed is a retrospective application for removal of part of boundary wall and installation of pedestrian gate.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of part of the boundary wall and installation of a pedestrian gate at Waterloo, Station Road, Burnham Market, Norfolk PE31 8HA in accordance with the terms of the application, Ref 19/01104/F, dated 20 June 2019 and the plans submitted with it.

Procedural Matters

2. The appeal results from the refusal of planning permission for relevant demolition in a conservation area.
3. The Council and the Appellant have set out that the gate (and associated building work relating to the wall) does not require planning permission as it would benefit from permitted development rights and I have no reason to disagree with that view.
4. In addition to the above, the Appellant has set out that planning permission for relevant demolition is not required as the whole development relates to an alteration as opposed to a demolition of (part of) the wall. Notwithstanding this point, there is nothing in the legislation which prevents an application for planning permission being submitted and considered even though permission may already have been granted by virtue of a Development Order.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area with particular regard to the Burnham Market Conservation Area (BMCA).

Reasons

6. The appeal property is located on the north side of Station Road. To the rear of the property is a public right of way which runs from Station Road to Front Street. There is a historic wall which runs alongside the public right of way, part of which forms the appeal properties rear boundary.
7. The wall itself runs along the entire rear boundary to the appeal property as well as other properties either side of Waterloo. The wall is largely constructed with flint with some brickwork, including some pillars set at an angle to the wall. There are also buildings which utilise part of the wall as part of their structure including the property on the corner of Station Road with the footpath which includes high level glazing siting above the wall. Towards the northern end of the wall there are other buildings which appear to utilise parts of the wall. It is therefore clear that there have been, over time, some alterations to the appearance of the wall and the function it provides.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area.
9. The appeal development, which has already been completed, is the removal of a small section of the wall and the installation of a domestic scale solid wooden gate. Whilst the development would create a small break in the otherwise continuous wall, to my mind, the installation of a pedestrian gate is a further evolution of the alterations to the wall which have taken place over time.
10. The works themselves appear to have been undertaken in a sympathetic manner with the making good of the sections either side of the gate appearing as a natural part of the wall. This, together with the painted solid timber gate, the overall line of the wall is maintained including its height, which is one of its characteristics. Taking the works undertaken as a whole, it is my view that the alterations undertaken have preserved the overall character of the wall, and the wider Conservation Area.
11. My attention has also been drawn to the existence of a personal training business. However, this is not the proposal before me, nor does it provide any just reason why planning permission should not be granted for the development before me.
12. For the above reasons the development would preserve the character and appearance of the area, including the BMCA, and would accord with Policies CS06, CS08 and CS12 of the Kings Lynn & West Norfolk Local Development Framework - Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016) which amongst other matters seek to protect the historic environment and achieve high standards of design. It would also accord with the heritage aims of the Framework.

Conditions

13. Given that the development has already been carried out and no other alterations are proposed I consider that it is not necessary to impose any planning conditions.

Conclusion

14. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR