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## Appeal Decision

Site visit made on 1 July 2020

**by John Morrison BA (Hons) MSc MRTPI**

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

**Decision date: 13 July 2020**

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**Appeal Ref: APP/V2635/W/20/3245216**

**The Limes, 8 Church Lane, South Wootton PE30 3LJ**

- 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 D Butcher against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 19/00789/F, dated 30 April 2019, was refused by notice dated 17 July 2019.
  - The development proposed is a new dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of existing neighbouring occupiers.

### Reasons

#### *Character and Appearance*

3. The appeal site is part of the garden to The Limes. It is located to its east and is a flat, rectangular land parcel between the front elevation of The Limes and the side elevation of No 6 Church Lane. The street scene is characterised by detached units set back from the road. There is a mixed palette of materials although gable roof forms are common. Plot sizes vary but they are mainly rectangular and despite the high density of development in the immediate area, spacious. There is no fixed design type. Most are two storey, including The Limes, but there are also single and 1 ½ storey examples further west. In terms of curtilage and orientation, The Limes appears somewhat anomalous in the street scene.
4. The proposed dwelling would be detached and set back from its frontage and have a plot shape and size very similar to the newer units that line the north side of Church Lane as it runs from Nursery Lane. Whilst therefore the appeal scheme might sit well in the character sense, the design of the dwelling, particularly its depth and use of an asymmetric roof, gives me cause for concern. Firstly, the asymmetrical roof would stand out in a street scene of mainly traditional matching gables, particularly since it would be read against the aforementioned newer units. The rearward slope in particular would

emphasise the depth and thus bulk of the unit as it would be viewed across the remaining open frontage to The Limes. This view would be obvious and the building prominent as a consequence. Secondly, the significant depth, along with the overly wide span of the roof, would result in a bulky building that would jar with the more compact and narrower gables and generally slimmer shapes in use elsewhere.

5. The bulk, scale and semi hip roof design of The Limes itself makes it appear out of place in the street scene. This building is however clearly and legibly part of something in itself, older than surrounding buildings and read as such. The proposed dwelling would be sited, orientated and designed to sit in a row of other detached dwellings with common features, which it would not on the whole reflect.
6. The furthest forward section of the new building would sit proud of the building line as it is formed by the newer dwellings. Breaching this line would not in my view give rise to harm in itself since other buildings do not have flush frontages and the breach would not be substantial. It would however make the building more prominent in the street scene, emphasising the use of the uncharacteristic shallow roof form that would lead from its asymmetric shape. This would in turn exacerbate the effects I have described.
7. The appeal scheme would therefore be harmful to the appearance of the street scene. Accordingly, there would be conflict, in regard to this main issue, with Policy CS08 of the Core Strategy<sup>1</sup>, Policy DM15 of the Local Plan<sup>2</sup> and Policy H3 of the Neighbourhood Plan<sup>3</sup>. Amongst other things, and along with section 12 of the Framework<sup>4</sup>, these policies seek to ensure that new development should respond to the context and character of places, be of high quality design and respond sensitively and sympathetically to the local setting.

### *Living Conditions*

8. The crux of the Council's concerns in respect of this main issue is that the new building would be in close proximity to No 6 Church Lane and that its height and depth at this point would have an overbearing effect on its occupiers.
9. The section of the building as it would occur adjacent the boundary to No 6 would be at full two storey height and would continue, owing to the shallow pitch of the roof, for a significant distance beyond the rear elevation of No 6. The closest section of No 6 contains a set of patio doors and a side window. The latter would face the side elevation of the proposed dwelling. There is a small area of garden in a rough square shape between them.
10. Whilst the scale and proximity of the building would have an effect on these windows, the patio doors would be at right angles to the building and look towards an otherwise open aspect garden of reasonable scale in itself. The side window would look at the side elevation of the new building but from my site visit I noticed that the room the window serves is secondary to another set of patio doors that would be sited level with the rear extent of the new building. These doors would be unencumbered by any built form and open onto the aforementioned substantial garden space. The quality of the space

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<sup>1</sup> Kings Lynn and West Norfolk Borough Council Local Development Framework: Core Strategy 2011

<sup>2</sup> Site Allocations and Development Management Policies Plan 2016

<sup>3</sup> South Wootton Neighbourhood Plan (2015-2026)

<sup>4</sup> The National Planning Policy Framework 2019

between the closest set of patio doors and the side window would reduce slightly owing to the size and proximity of the new building. It would be slightly darker and impinged upon to a degree by the new building. That said, this is a small space of a much larger and otherwise unrestricted garden and given the proximity of the space adjacent a high fence and immediately next to a two storey wall of the existing dwelling, it does not strike me as being an area where occupiers would necessarily sit out.

11. The proposed new building would not, for the above reasons, be overbearing or overshadowing to occupiers of No 6 Church Lane. The appeal scheme would not therefore give rise to an adverse impact on the living conditions of neighbouring occupiers. Such that it would, with regard to this main issue, comply with Policy DM15 of the Local Plan and Policy H3 of the Neighbourhood Plan. Amongst other things and along with paragraph 127 of the Framework, these policies seek to ensure that infill developments do not have a significant harmful impact on the amenities of surrounding residential properties, proposals will be assessed against their impact on neighbouring uses and their occupants and developments generally should provide a high standard of amenity for existing and future users.

### **Other Matters**

12. The appellant mentions that there other dwellings nearby with an asymmetric roof design. Be that as it may, such a feature is not typical of the dominating style of the street scene in which the new dwelling here would be read. In addition, it is not solely the use of an asymmetric roof design that would make the new building unsuitable for the appearance of the street scene but also its depth and subsequent bulkiness which goes hand in hand with the overall span of the roof.
13. I acknowledge that the land on which the dwelling would be located is not currently in a state that one would call aesthetically pleasing. There seems little doubt that the erection of a dwelling with a formal garden would be much tidier and all round a general visual improvement to the street scene. This would however have to be a development that would not cause harm in itself. This would not be the case for the appeal scheme as I have explained.

### **Conclusion**

14. I have found in favour of the appellant in regard to the matter of the living conditions of the occupiers of neighbouring dwellings but this would not be sufficient to reduce the harm that the size and design of the dwelling would cause to the appearance of the area and subsequent conflict with the development plan that would arise. It is for this reason, whilst having regard to other matters that have been raised, that the appeal is dismissed.

*John Morrison*

INSPECTOR