
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

Appeal Ref: APP/V2635/W/20/3246820

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 19/01590/F, dated 10 September 2019, was refused by notice dated 7 January 2020.
 - 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 living conditions of future occupiers; and b) the character and appearance of the area.

Reasons

Living Conditions

3. In regard to this main issue, the Council are concerned about how the appeal scheme would not provide adequate living conditions for future occupiers through both the proximity of The Limes and also how it would overlook the rear garden space. There are also concerns over the size and thus resulting quality of the private garden space that would be on offer. I shall take each matter in turn.
4. Owing to the staggered relationship between the rearmost extent of The Limes and the proposed new dwelling relative to the street, there would be two storey built form extending for a noticeable distance along the side boundary of its rear garden. Given how close this would be to the boundary, the narrowness of the plot overall and the smaller scale of the new dwelling, I feel that occupiers would experience a looming presence. This would be overbearing and accordingly reduce the quality of the rear garden space.
5. There are first floor windows in the rear elevation of The Limes. The elevation that would face the rear garden of the new dwelling. Of these, one provides light to a landing and the other serves a bathroom. However, one window, the closest to the rearmost part of The Limes, serves a bedroom. There would be a

clear, obvious and unobstructed direct view from this window across the entire rear garden space of the new dwelling. Any privacy enjoyed by future occupiers would be limited to the narrow strip of land between the new dwelling and No 10 or adjacent the proposed conservatory. This would not be an acceptable situation.

6. I note the appellant's suggestion to obscure glaze this bedroom window. Whilst this may go some way to reducing the overlooking of the rear garden to the new dwelling, the bedroom window concerned appears to be the only one serving it and as such obscure glazing the window, even in part, would to my mind reduce the quality of the standard of living for occupiers of it. For me, having to introduce obscure glazing to windows other than those that require it for privacy reasons is a sign that perhaps the relationship between neighbouring buildings is not appropriate. The appellant also suggests that the window in question could be moved but I have seen no details of how this would work in practical terms and thus whether it would be appropriate for the layout and size of the room it would serve.
7. There would not be a great deal of garden space to the sides of the new dwelling. This would be the front and rear as it presents to the street side on. The siting of retained outbuildings beyond the rearmost part of the new dwelling would naturally reduce the size of the rear garden to one that would be very small and arguably bordering on unacceptably so when factoring in the amount of hardstanding taken up for the driveway and turning area. However, the appellant has suggested that these outbuildings can be demolished. This would make the garden larger and to my mind much more acceptable in terms of its overall usability and thus quality. The removal of the outbuildings appeared to be underway during my site visit but in any case such could be secured by planning condition. Should the vehicular access remain as it is shown, there would still be a noticeable amount of hardstanding alongside the new building and extending into the rear garden. That said, it strikes me that there would be sufficient size for this to accord with parking requirements and allow for a meaningful garden. Indeed, if necessary, some parking space could be provided on the frontage as there appears to be sufficient depth. This is not uncommon to the street scene and thus I do not feel any harm would arise in design or appearance terms.
8. Whilst I have found that there could be an acceptable garden provided for the dwelling, this would not make up for how the existing dwelling at The Limes would, by virtue of its scale, location and placement of windows, adversely affect the living conditions of future occupiers of the dwelling. Such that the proposed development would be contrary to Policy DM15 of the Local Plan¹ and Policies H2 and H3 of the Neighbourhood Plan². Amongst other things, along with paragraph 127 of the Framework³ and with regard to this main issue, 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.

¹ Site Allocations and Development Management Policies Plan 2016

² South Wootton Neighbourhood Plan (2015-2026)

³ The National Planning Policy Framework 2019

Character and Appearance

9. The appeal site is part of the garden to The Limes. It is located to its west and is a flat, rectangular land parcel between the rear elevation of The Limes and the side elevation of No 10 Church Lane. The street scene is characterised by detached units set back from the road. There is a mixed palette of materials and mostly gable roofs. 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.
10. The proposed dwelling in this case would be single storey with rooms in its roof space. It would be narrow and rectangular. In these respects, it would share similarities with both Nos 10 and 12 Church Lane alongside which it would be read in street scene terms. The use of a contrasting material to the walls and gable ends is also reflective of the approach used on No 12. A gable elevation facing the street with an entrance to the side is also a common street scene presentation in the immediate area. The proposed dwelling would be slightly taller than its immediate neighbour but given the variety in the height of buildings in the area such an effect could be readily assimilated. The plot would be narrow and the building close to its side boundaries but again this is not an uncommon feature of the street scene or wider area. In addition, there would be a not insignificantly sized garden to the rear and a characteristic set back from the road edge at the front. Furthermore, the garden could be made more spacious should the existing outbuildings be demolished as I have explained above.
11. With the above in mind, it does not seem to me that the appeal scheme would cause harm to the character or appearance of the area. Such that there would not be conflict with Policy CS08 of the Core Strategy⁴, Policy DM15 of the Local Plan, or Policies H2, H3 or H4 of the Neighbourhood Plan. With regard to this main issue, amongst other things and along with section 12 of the Framework, these policies seek to ensure that new development should respond to the context and character of places, be of and encourage high quality design and respond sensitively and sympathetically to the local setting.

Other Matters

12. The appellant sets out that the appeal site is previously developed land for which there is a general preference for its re use as opposed to previously undeveloped greenfield sites. However, and I could stand corrected, it seems to me that the appeal site is currently, despite being recently fenced off, still in planning terms part of the garden to The Limes. Being in a built up area and part of a garden therefore the appeal site would not be previously developed land for the purposes of the Framework. In any case, and if the appeal site were to be previously developed land, I would attach some weight to this. However, it would not be so much that it would be capable of outweighing the harms that I have found or the subsequent conflict with the development plan to which I would ascribe substantial weight.

⁴ Kings Lynn and West Norfolk Borough Council Local Development Framework: Core Strategy 2011

Conclusion

13. The appeal scheme would be acceptable for the character and appearance of the area but since this would be a lack of harm, it would not by definition be capable of weighing against it. Specifically, that which I have found to the living conditions of future occupiers. It is for this reason, whilst considering other matters that have been raised, that the appeal is dismissed.

John Morrison

INSPECTOR