



Appeal Decision

Site visit made on 9 November 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/V2635/W/20/3255932

89 Threeways, Lynn Road, Grimston PE32 1AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr C Elmer against the decision of Kings Lynn and West Norfolk Borough Council.
 - The application Ref 20/00311/O, dated 26 February 2020 was refused by notice dated 1 May 2020.
 - The development proposed is described as "proposed change of use from garden plot to single residential dwelling plot – single storey, bungalow"
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application submitted was for outline planning permission with all matters except for access reserved for future consideration. However, drawings and street scene perspectives showing an option of how the site could be laid out with an indication of the likely scale of the proposed development were submitted with the application. Regard has been had to those plans in this recommendation, which are considered as being indicative only.

Main Issue

4. The main issues are the effect of the development on (i) the character and appearance of the surrounding area; and (ii) the living conditions of the neighbouring residents of No. 91 Lynn Road.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises part of the rear garden space of the residential dwelling at No. 89, Threeways, which sits at the corner of Lynn Road as it meets Low Road. To the side of the dwelling, Lynn Road curves in a south easterly direction. The surrounding area is residential in nature, with a clear and intentional pattern of development. Along both Low Road and Lynn Road, properties have been

developed in spacious plots in a somewhat linear form, following the shape of the road and fronting directly onto the main highway.

6. Whilst the individual design of the dwellings on the southern side of Lynn Road varies, there is a high degree of consistency in the pattern of development with properties set-back from the road behind front gardens with generous gardens to the rear. The substantial rear garden at the appeal site is one of a run of similarly large gardens stretching to the west which give the area a spacious and verdant feel. Whilst the bungalows to the north and eastern side of Lynn Road, and those at the junction with Low Road, generally have smaller plots they retain the pattern of being set-back from the road behind front gardens, thereby contributing to the generally spacious feeling of the surrounding environment.
7. The bungalow at No. 87 Low Road, opposite the appeal site, sits side on to the Lynn Road and appears to have been extended to bring the side elevation closer to the road, somewhat contrary to the established pattern of development. Nonetheless, the rear garden runs adjacent to the highway and the arrangement of that particular dwelling does not alter the prevailing theme of a spacious and attractive residential environment.
8. Vehicular access to the site would be taken from Back Lane, which runs along the southern boundary. Situated on the western side of Lynn Road, the scale of the appeal site is notably smaller than the other spacious plots on this side. While the design of the proposal has been reserved, in order to accommodate a dwelling and hardstanding driveway on site, the remaining garden space would be limited. As a result, a dwelling in this location would appear cramped on the plot which would be at odds with the more spacious feel of the prevailing pattern of development to the west. Similarly, the remaining garden for No. 89 would be significantly reduced, appearing restricted when compared to neighbouring dwellings.
9. While views of the proposal would be limited from the north, it would be visible when travelling from the east where, due to the plot location at the curve in the road, a dwelling would be a prominent addition to the streetscape. Although matters of design have been reserved, the appellant has stated that he would accept a condition such that the dwelling would be single storey only, which would reflect the predominant style of the nearby dwellings to the east.
10. However, sitting outside this main stretch of houses it would appear as a standalone dwelling, rather than following the linear pattern of development in the street. In addition, it is likely that any dwelling would be located very close to the back edge of the public highway, as shown on the indicative plan, in order to set the building away from the boundary with No. 91 and to retain space for a garden for the new dwelling to the rear. That would be at odds with the established pattern of dwellings being set-back behind front gardens, adding to the cramped feel of the proposal.
11. While the plot location would to a certain extent continue the row of houses following the shape of the road, vehicular access would be taken from Back Lane, rather than fronting directly onto the main highway of Lynn Road. In this sense the proposal would fail to contribute to the intentional regularity of development that defines the street and as a result would appear as a contrived and awkward addition that is unsympathetic to the existing street scene.
12. It is acknowledged that a single storey dwelling is located directly opposite the site on Lynn Road. However, due to its positioning, this dwelling appears as a clear part

and continuation of the row of neighbouring properties. In addition, vehicular access to this dwelling is taken directly from Lynn Road, which serves to further integrate the plot with surrounding development. Due to these differences, its existence does not justify the proposal at the appeal site, which would appear as an incongruous addition.

13. A 1.8 metre high fence runs along the eastern boundary of the site. While this could provide screening, it would nonetheless remain that the proposal would fail to respect the prevailing pattern of surrounding development, such that it would cause harm to the character and appearance of the area. All of the properties to the southern side of Lynn Road front onto the highway and have a visual relationship with it. A dwelling set behind a substantial boundary fence would appear odd in that context and the suggested solution for screening the dwelling would not mitigate the harm caused. While a lower level boundary fence would be more fitting in the immediate area, it would not address the harm caused by the uncharacteristically cramped form of development.
14. For all of those reasons I find that the development has a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it fails to comply with Policy CS08 of the Kings Lynn and West Norfolk Borough Council Local Development Framework Core Strategy, adopted July 2011 (the Core Strategy), Policy DM15 of the Site Allocations and Development Management Policies Plan, adopted September 2016 (the Development Management Plan) and paragraphs 127 and 130 of the National Planning Policy Framework (the Framework).

Living Conditions

15. The appeal site adjoins the rear gardens of No. 91, separated by fencing and existing planting. The introduction of a dwelling house would inevitably create a change in the nature of the appeal site and the resulting impacts on the rear garden No. 91.
16. With regards to noise and disturbance, it is acknowledged that the proposal would lead to vehicular use of the access, which is in close proximity to the rear garden at No. 91. However, the number of vehicular movements generated from a single dwelling would not be of an unreasonable level and resulting noise would likely be occasional and intermittent. Similarly, associated disturbance from the use of the dwelling itself would be limited by the small scale of the development and any consequential noise experienced from the rear garden of No. 89 would represent a normal residential relationship that would not be uncommon in urban areas such as this.
17. The parties have sought to address other potential impacts of the proposal on the living conditions of the occupiers of No. 91, with regard to privacy, outlook and overshadowing. While the dimensions of the appeal site are limited compared to surrounding plots, it is nonetheless of a sufficient size that options exist for the positioning of a dwelling. The property would not have to run directly along the boundary line with No. 91, and various orientations could also be accommodated. This, coupled with the existing screening and the amenability of the appellant to a single storey dwelling, would ensure that an acceptable solution to matters such as outlook, privacy and overshadowing could be achieved in the detailed design.

18. Accordingly, while the proposal would result in additional noise and disturbance to the residents of No. 91, it is not of a level that would result in a significant or unacceptable harm to living conditions. As such, the proposal accords with Policy CS08 of the Core Strategy, Policy DM15 of the Development Management Plan and paragraph 127 of the Framework.

Other Matters

19. The proposal would add to the supply of local housing which, in turn, would benefit the local economy. However, the weight I attach to this is limited due to the small scale of development and the fact that there is no suggestion that the Council cannot demonstrate a five year supply of housing land or to indicate that there is a specific unmet housing need in the village itself.

Conclusion and Recommendation

20. Having had regard to all matters raised, I recognise the minor benefit arising from the supply of an additional dwelling and find that the development would not have a significantly adverse effect on the living conditions of the residents of No. 91. However, the proposal would have a significantly adverse visual effect on the character and appearance of the surrounding area and that harm is not outweighed by other material considerations. I therefore recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR