
Appeal Decision

Site visit made on 18 January 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 01st February 2021

Appeal Ref: APP/V2635/W/20/3260033

24 Long Lane, Feltwell, Thetford, Norfolk IP26 4BJ

- 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 J A Small & M Lee-Small against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00601/F, dated 21 April 2020, was refused by notice dated 17 September 2020.
 - The development proposed is the construction of one dwelling.
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Decision

1. The appeal is allowed and permission is granted for the construction of one dwelling at 24 Long Lane, Feltwell, Thetford, Norfolk IP26 4BJ, in accordance with the terms of the application, Ref 20/00601/F, dated 21 April 2020, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of No 24 Long Lane in relation to privacy.

Reasons

Character and appearance

3. The proposal is for a two-storey detached dwelling in the yard behind No 24, an unusual single aspect flint/brick and tile property fronting onto a private drive to the north of Long Lane. The dwelling would be set back behind the rear elevation of No 24, but to one side, with access alongside that property leading to a parking and turning area in front of the house. The existing access would also be adjusted to accommodate parking and turning for No 24.
4. Whilst a slightly unconventional plot, and smaller than No 22 opposite, No 20 adjacent and three others at the end of the private drive, all occupied by large detached houses, the site also relates to the wider variety of plot sizes on the Long Lane frontage and those in the area to the east as far as Short Beck. Nos 16 and 14 are quite large, but Nos 26 and 18 are about the same as the proposal, and further east along Long Lane and around the corner into Short Beck are several smaller frontage houses, many in cramped plots. Notably,

one is in a backland position, in a small plot adjacent to No 14, and planning permission has recently been granted for another in a rear yard location immediately to the south east of the appeal site¹. Whilst the larger detached properties are modern, the smaller ones in the Long Lane/Short Beck area and No 24 are of an older, more vernacular appearance with brick and flint walling and often pantiled roofs. The new dwelling would relate more to these.

5. The proposal in a slightly smaller plot than some would not therefore seem out of place in its wider context, particularly the area to the east. The double fronted, red brick and pantile design would reflect some of the more traditional characteristics of the area. The new dwelling itself would also be modest in size, commensurate with its smaller plot, and being set back behind No 24 would not unduly affect the spacious character of the private drive.
6. For these reasons the proposal would not harm the character and appearance of the area and would comply with Policies CS06 and CS08 of the Kings Lynn and West Norfolk Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 (the SADMPP). These policies seek to maintain local character and a high quality environment, ensure development responds to the context and character of places and that the scale, materials and layout are sympathetic to the local setting.

Living conditions

7. The three first floor windows on the front elevation of the new property would face towards the rear elevation of No 24 at an angle. However, there are no windows in the rear elevation² of No 24 and the small yard area retained behind the property would probably have an ancillary function rather than being private garden used for leisure purposes. The appellant also states this area could be dedicated to the new house. Unusually, the private garden of No 24 lies to the front of the property towards the private drive. The proposal would therefore comply with SADMPP Policy DM15 which seeks to ensure neighbouring occupants are protected from overlooking.

Other matters

8. The outlook from the front windows of the new property would be somewhat restricted by the close proximity of No 24 but its position to one side would be sufficient to make the relationship satisfactory.
9. Near neighbours have raised a series of other concerns. With no first floor windows on the side elevations of the new dwelling facing north or south, there would be no direct overlooking of adjacent properties, and any views from rear facing windows would be very oblique. The building would only restrict sunlight in a small part of the large garden to the north for a short period each day and would only slightly affect its outlook. Sufficient parking would be provided for the new property and No 24 so any existing problems in the area should not be exacerbated by the proposal.
10. The Council have suggested four conditions should the appeal be allowed which have been assessed against the relevant tests, making minor amendments as necessary. In addition to the standard implementation time limit, conditions are necessary to define the plans that have been approved in the interests of

¹ Ref 18/01706/O

² and it is unlikely any would be inserted in future

certainty, to upgrade the site access in the interests of highway safety/traffic movement and to define the finished floor level and flood resilient construction of the building to reduce the risk of flooding during its lifetime. In addition, soakaways should be provided to BRE standard as recommended by Ellingham Consulting to reduce flood risk to nearby properties. A further condition is necessary to control the materials to be used to ensure the satisfactory appearance of the dwelling in its context.

Conclusion

11. The proposal would provide an additional dwelling which would make a useful contribution towards local housing needs in a sustainable location and offer social and economic benefits for the village. In addition, the proposal would not significantly harm the character or appearance of the area or the living conditions of nearby occupiers and would comply with the development plan.
12. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 13662 (Location Plan and Site Plan), 13663 (Floor Plans and Typical Cross Section) and 13664 (Elevations).
3. Prior to first occupation of the dwelling hereby permitted the vehicular access shall be upgraded in accordance with the Norfolk County Council residential access construction specification TRAD 1 for the first 5 metres as measured back from the near channel edge of the adjacent public highway.
4. The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Flood Risk Assessment ref: ECL0234 dated April 2020 by Ellingham Consulting Ltd. In particular:
 - The finished floor level of the dwelling shall be set to 6.3m AOD (or 0.3m above ground level).
 - Flood resilient construction shall be used for the first 0.3m above finished floor level.
 - Surface water run off shall be discharged to soakaways to BRE365 requirements.
5. The development hereby permitted shall be constructed of the materials shown on Drawing no. 13664 (Vandersanden Old Farmhouse facing bricks and Marley Lincoln clay pantiles in rustic red) unless otherwise agreed in writing by the local planning authority.