
Appeal Decision

Site visit made on 19 January 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2021

Appeal Ref: APP/V2635/W/20/3259736

Telos, 3 Westland Chase, West Winch PE33 0QH

- 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 R Watts against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00866/O, dated 17 June 2020, was refused by notice dated 17 August 2020.
 - The development proposed is a dwelling following sub-division.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved. I have had regard to the site plan (Drawing Ref 20072 01) and the Design and Access Statement (DAS), but have treated each element of the drawing, and the details in the DAS, as indicative when considering the likely impact of the proposal on the matters set out in the main issue below. In particular, the DAS refers to the intention for the proposed dwelling to be a two-bedroom single-storey property, which would be set back from its frontage with parking in front, served by a shared vehicular access.
3. The appellant has included other alternative indicative details with the appeal, including a floor plan and revised site layout. However, the appeal process should not be used to evolve a scheme and it is important that I determine this appeal on the basis of what was considered by the local planning authority, and on which interested people's views were sought.
4. The 2020 Housing Delivery Test (HDT) results were published on 19 January 2021. In light of this, the main parties were invited to comment on its implications for the appeal. In determining the appeal, I have had regard to the responses received.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site concerns part of the substantial garden of an existing detached bungalow, situated within a predominantly residential area and accessed from

Westland Chase. While there is much variance to the plot size and design of properties, their layout is coherent, as each property is generally served from a continuous street frontage. The gardens of the properties found at Nos 3-9 (odd), which front Westland Chase, are relatively long and the properties are set back some way from the street frontage. The gardens to the opposite side of these dwellings, adjoining the A10, are also generous in size.

7. Despite the presence of garages and other storage buildings in the gardens facing Westland Chase, as these are generally smaller and lower in scale than the dwellings themselves, which still appear more loosely spaced in their immediate context. The more spacious arrangement of these dwellings therefore provides a transition to the open and undeveloped fields immediately east and contrasts with the denser arrangement of dwellings to the north and west, the majority of which also sit closer to the street.
8. Taken together these stated features, particularly the spacious nature of the site and the properties south, and the presence of and separation from the street frontage, give rise to a clear and distinct, pattern of development. This makes a significantly positive contribution to the character and appearance of the area.
9. Although the layout of the proposal is indicative, given the characteristics of the site, it is likely that the existing and proposed dwellings would both be served from a single shared access driveway taken from Westland Chase. This would run beyond the proposed dwelling to serve No 3, which would no longer have a direct frontage with Westland Chase. A new 'tandem' form of development would therefore be introduced that would jar with the established frontage grain of development predominantly found within the locality.
10. The proposed arrangement would be similar to other dwellings found nearby, which are positioned closer to the street with parking at their frontage, and the garden facing the A10 would remain. Nevertheless, it is the presence of the proposed dwelling within the site that would be harmful, as it would be a more substantial built form of development that would disrupt the character and appearance created by the more spacious arrangement of existing dwellings at Nos 3-9.
11. For the above reasons, I conclude that the appeal proposal would have a significantly harmful effect on the character and appearance of the area. Hence, the proposal would fail to accord with the design aims of Policy CS08 of the Council's Core Strategy (Adopted July 2011), Policy DM15 of the Site Allocations and Development Management Policies Plan (Adopted September 2016) and Policy WA07 of the North Runcton and West Winch Neighbourhood Plan 2017. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework).

Planning Balance

12. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise, which includes the Framework.
13. The 2020 HDT results indicate that delivery in the Borough over the previous three years is 94% of the housing required. When applying paragraph 73 of the Framework, an action plan is therefore required and a 5% buffer applies.

However, the Council has been able to demonstrate that it has increased its delivery from the 2019 HDT results (83%). Despite the appellant alluding to a persistent history of shortfall in delivery in the Borough, no evidence is provided to dispute the HDT results. Furthermore, as a consequence of this improved performance, the supply of deliverable housing land within the Borough is now significantly in excess of five-years, which the appellant has also not disputed.

14. Although the Council's under delivery of housing is not significant, it adds some weight to the contribution that could be made by new housing. The appeal scheme could deliver a two-bedroom dwelling, which would contribute to the overall housing mix and supply in the Borough. Furthermore, in the context of paragraphs 59 and 68 of the Framework, the proposal could be built out relatively quickly. The appellant has also suggested that the proposed dwelling would be an affordable market home, but there is no substantive evidence before me as to how it would be relatively affordable to construct. Despite these factors, given the scale of development proposed, the contribution to the supply of housing would be minor in its extent, so it would only be afforded limited weight.
15. I am mindful of the emphasis in the Framework on giving substantial weight to the value of using suitable brownfield land within settlements for homes and recognise that the proposal could be said to make more efficient use of the site, which the appellant has deemed surplus to requirements. However, as the site is an existing residential garden it would not meet the Framework's definition of Previously Developed Land. Even if this were the case, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places.
16. Some social and economic benefits would arise from, for example, the location of the proposed development in close proximity of the services and facilities available nearby, as well as further afield in King's Lynn, including its railway station; the employment and procurement of materials during the construction period; and future occupiers would also contribute to the local economy through expenditure. However, given the scale of development proposed, I afford these benefits limited weight.
17. I acknowledge that the appellant has invested time and resources in the renovation and alteration of No 3, but those works have been completed and there is no direct relationship with the appeal proposal, so I have afforded them limited weight.
18. There is agreement between the main parties that the proposal could be designed to be compliant with the policies of the development plan relevant to highway safety and living conditions and no concerns have been expressed in relation to biodiversity. These matters would therefore neither weigh in favour or against the appeal scheme. In terms of harm, the proposed development would not comply with the development plan in respect of the harm to the character and appearance of the area.
19. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission. The proposal would also not amount to sustainable development under the terms of the Framework.

Conclusion

20. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR