



Appeal Decision

Site visit made on 22 December 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2021

Appeal Ref: APP/V2635/D/20/3259536

Leonardslee, Broomthorpe Road, East Rudham PE31 8RG

- 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 Tom Leonard against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00498/F, dated 31 March 2020, was refused by notice dated 6 August 2020.
 - The development proposed is described as "extensions and alterations to Leonardslee, Broomthorpe Road, East Rudham PE31 8RG".
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Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to Leonardslee, Broomthorpe Road, East Rudham PE31 8RG at Leonardslee, Broomthorpe Road, East Rudham PE31 8RG in accordance with the terms of the application, Ref 20/00498/F, dated 31 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 200847/10/01 Rev C (Floor Plans, Elevations and Block Plan as Existing + Location Plan), 200847/10/02 Rev D (Floor Plans, Elevations and Block Plan as Proposed) and 200847/10/003 Rev B (As Existing and as Proposed Floor Plans and Elevations of Garden Room).
 - 3) No development above foundations shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 - 4) Prior to the first use of the development hereby permitted the proposed access/on-site car parking area(s) shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan and retained thereafter available for that specific use.

Main Issue

2. The Council's decision notice has three reasons for refusal which all refer to the effect of the development on highway safety through the intensification in the use of the access, inadequate visibility splays at the junction of the accesses and the appellant not controlling sufficient land to provide adequate visibility splays. Therefore, taking all these matters into account, the main issue is the effect of the proposed development on highway safety.

Reasons

3. The appeal site forms a mid-terrace property which lies within a rural location. The planning application sought alterations to the main dwelling through the installation of a new porch and door to the front elevation, with alterations to a rear dormer and the addition of a single storey extension. Following the submission of amended plans to overcome concerns raised by the Council's Conservation Officer, no further objections were raised by the Council in relation to these particular elements. From the information before me, I see no reason to disagree with that assessment.
4. The proposal also sought to replace an existing outhouse with a new garden room with a parking space adjacent to it. The existing arrangement at the site provides only a pedestrian gate off Back Lane into the rear of the site. Consequently, as the proposal seeks a new vehicular access into the rear of the site, the Council objected to the development as a result of the substandard visibility from both Broomsthorpe Road and Eye Lane onto Back Lane and the substandard visibility from the proposed access onto Back Lane itself. Moreover, the appellant does not appear to control sufficient land to provide adequate visibility splays at the site access.
5. Back Lane runs parallel to Broomsthorpe Road and connects with Eye Lane to the east. Where it meets the rear of the appeal site, Back Lane turns at a right angle southward for a short distance, connecting to Broomsthorpe Road between Clock Cottage and Dunton Cottage. Back Lane is quite narrow with its access onto Broomsthorpe Road obscured to the east by Dunton Cottage which is positioned close to the footpath in front of the property. Although Clock Cottage is set back from the road, its low wall and landscaping also partly obscure visibility to the west. At Eye Lane, although the access onto Back Lane is slightly wider, visibility north and south is obscured by landscaping belonging to the properties which sit either side of the access.
6. Back Lane itself serves a number of existing properties to the east and during my visit I noted vehicles entering and exiting onto both Broomsthorpe Road and Eye Lane. Vehicles doing so were travelling at such low speeds as not to represent a hazard to other road users or pedestrians, which would include those at Clock Cottage. Furthermore, as a result of the condition of Back Lane, and the sharp turn where it meets the appeal site, vehicles also travel very slowly along the lane.
7. Therefore, given the existing use of Back Lane to access a number of properties, and whether or not the appeal site has an existing access onto it, I remain unpersuaded that the level of activity created by a single parking space would be detrimental to highway and pedestrian safety. Consequently, in the absence of any substantive evidence to the contrary, I am satisfied that the existing access would be safe to serve the proposed development without the need to provide additional visibility splays.
8. Thus, the development would not result in harm to highway safety. It would not be in conflict with Policy CS11 of the Kings Lynn and West Norfolk Council Local Development Framework – Core Strategy 2011, Policy DM15 of the Kings Lynn and West Norfolk Council Site Allocations and Development Management Policies Plan 2016 and section 9 of the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that development proposals demonstrate that safe access can be provided and adequate parking facilities are available.

Other Matters

9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The appeal site lies within the East Rudham Conservation Area (ERCA) and the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. I am satisfied that the alterations proposed would result in complementary additions to the main dwelling which would have a neutral effect upon, and thus preserve, the character of the ERCA.
10. Comments have been made concerning the ownership of the access onto Back Lane from Clock Cottage. However, the planning process does not override separate legal rights, nor does it provide legal rights where none currently exist. As such, it remains for the appellant to secure and maintain any rights required to develop or access the site, separately from the planning application and appeal process.
11. In addition, matters relating to the upkeep of drainage ditches is a private matter and I have not been provided with any substantive evidence that the development is likely to increase flooding in the area. Furthermore, as the development only proposes a single parking space, it is unlikely to result in excessive noise and disturbance to surrounding properties. Given the single storey nature of the proposed extensions, I am not persuaded that it would give rise to an overbearing development that would harm the living conditions of adjoining occupiers.

Conditions

12. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. Along with the standard time condition, the approved plans should also be specified to provide certainty. As the proposed plans do not indicate the materials to be used in the construction of the development, it is also necessary in the interest of visual amenity, for the appellant to submit such details for the Council to consider. In the interest of highway safety, the layout of the parking space shall also be in accordance with the approved plans.
13. It has been suggested that the use of the proposed garden room as ancillary accommodation should be controlled via a condition. However, there is nothing before me to suggest that it would not be used for anything other than ancillary accommodation.

Conclusion

14. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR