
Appeal Decision

Site visit made on 18 January 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 19 February 2021

Appeal Ref: APP/V2635/W/20/3262601

Washpit Cottage, Snettisham Road, Sedgeford, PE36 5LY

- 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 S Fryer against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00923/F, dated 26 June 2020, was refused by notice dated 15 September 2020.
 - The development proposed is single storey dwelling following subdivision.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed development would preserve or enhance the character and appearance of the Sedgeford Conservation Area;
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of surrounding residential occupiers, in particular Washpit Cottage, by reason of loss of privacy, and noise and disturbance caused by the location of the proposed parking area; and
 - the effect of the development on views of the wider landscape from points within the village, in particular the valley of the Heacham River.

Reasons

The effect on the Conservation Area

3. The site lies in the western part of the Sedgeford Conservation Area (CA). This part of the CA is characterised by land sloping steeply from the main road through the village to the Heacham River. Within the development on this slope are sunken lanes surrounding triangular pieces of land. The area contains listed buildings and buildings which are of local importance to the character of the village. The whole of the CA, and this area in particular, is loose knit and retains a rural character and appearance, with high banks, trees, and other vegetation.

4. The existing buildings in the area are predominately constructed of brick and tile with some examples of stone walls, whitewashed or rendered walls and slate roofs. They are also of traditional design with conventionally pitched roofs.
5. The appeal site is part of a triangle of land which contributes to the character and appearance of the CA. At present it contains a two-storey dwelling, at the lower part of the site. The balance of the site is made up of garden, which rises steeply away from the rear elevation of the existing dwelling. It contains trees, shrubs, and garden buildings. Its boundaries are well vegetated, which limits the impact the garden buildings have on the surrounding area. The vehicular access to the current dwelling is discretely sited next to its gable wall.
6. Despite the proposed dwelling being single storey and having a grass roof, its roof would be approximately as high as the ridge of the existing dwelling. Moreover, the roof garden and the balustrade, which would surround it, would extend above that level. This would make it prominent when viewed from outside the site in particular from the Snettisham Road and from the junction of Snettisham Road and the Heacham Road. Furthermore, although the dwelling would have a grass roof this would be uniformly flat with roof windows and a glass balustrade surrounding it which would add to its incongruous appearance.
7. It's construction would necessitate the removal of several tall trees on the site and at least some of the vegetation along the Snettisham Road to create a widened vehicular access to serve the appeal site. Furthermore, the unconventional design and materials of the proposed dwelling would be at odds with the traditionally designed and finished buildings in the area. This would result in an incongruous and obtrusive development which would harm the character and appearance of the Sedgeford CA.
8. Additionally, the development of the site would lead to the loss of an open area that contributes significantly to the semi-rural character and appearance of the CA. A feature identified as green spaces or 'heaters' referred to in the Draft Conservation Area Character Statement¹, provided by the appellant, which help to define the character of the CA. This together with the prominence of the dwelling, would lead to further harm to the character and appearance of the CA.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, amongst other things, that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of land within a CA. I have found that the appeal site contributes to the semi-rural character of the area by virtue of its open and undeveloped nature and that the design of the building is at odds with the prevailing character of built development in the CA. In these respects, it would fail to preserve or enhance the character and appearance of the CA as required by this part of the 1990 Act.
10. Furthermore, the National Planning Policy Framework (the Framework) attaches great weight to the conservation of heritage assets irrespective of whether any potential harm amounts to substantial harm, total loss or less

¹ Borough Council of King's Lynn and West Norfolk, 'Sedgeford Conservation Draft Character Statement', Designated October 1990.

than substantial harm to its significance. In this instance I consider that the harm caused to the character and appearance of the CA by the appeal proposal amounts to less than substantial harm. I am therefore required to balance the harm caused by the proposal against its public benefit.

11. The appellant has outlined that the appeal proposal would provide an additional dwelling in the village which would be deliverable within a reasonable timescale. It would therefore contribute to the supply of deliverable housing sites within the District. As a consequence, the appellant has argued that the occupants of the proposed dwelling would contribute to the viability of local services such as the school, shops, cultural venues, public houses, and places of worship. Furthermore, it has been argued that environmentally the dwelling would be assimilated into the surrounding area and make efficient and effective use of land.
12. I acknowledge that the appeal proposal would bring small scale benefits to the District and the village in terms of housing land supply and the contribution its occupants would make to the viability of local services. Furthermore, whilst the site would accommodate 2 dwellings rather than 1, I do not consider that the additional dwelling and the increased density on the site outweigh the harm caused to the character and appearance of the CA.
13. The Framework attaches great weight to the conservation of heritage assets. I have found that the proposed development would harm features that make a positive contribution to the significance of the CA, such as the open green areas and the predominance of traditionally designed buildings finished in materials typical of the area.
14. I therefore find that the proposed development will lead to harm to the significance of the CA, including its effect on its character and appearance, which is not outweighed by the limited public benefits identified in the application.
15. The development plan is comprised of the Core Strategy (CS), the Site Allocations and Development Management Policies Plan (DMP) and the Sedgeford Neighbourhood Plan (NP).
16. Policy CS12 of the CS and Policy DM15 of the DMP seek, amongst other things, to preserve, protect and enhance the historic environment in the District. The NP at Policies H3 and E5 supports development provided that it would preserve or enhance the character or appearance of the CA.
17. I have found that the proposed development would be harmful to the character and appearance of the CA for the reasons set out above. I therefore find that the proposal is in conflict with these policies of the development plan.

Character and appearance of the area

18. The area is characterised by a spacious and semi-rural scene, with areas of vegetation, sloping sites and houses sited behind substantial hedges or banks. Where dwellings are present, they are of a traditional design and appearance.
19. The appeal proposal would harm this character and appearance by introducing a flat roof dwelling of unconventional design and materials on to an elevated site. The proposed dwelling due to its elevated position would be prominent in the area. Moreover, its timber cladding, flat roof, balustrade, and roof terrace

would result in the creation of an incongruous feature in the area which would not respect its existing character and appearance. Furthermore, its development would lead to a reduction in the amount of green open space in the area which is an integral part of its character and appearance.

20. Despite the proposed dwelling having a grass roof and the proposal to further screen it from surrounding roads by additional planting, these measures in themselves would not overcome the harm the development would cause to the character and appearance of the area. The roof, although being grass, would be uniformly flat and therefore would not reflect the character of the existing open area which forms the garden to Washpit Cottage. Furthermore, it would be surrounded by a glass balustrade which would increase its prominence. Whilst planting could break up the outline of the dwelling and the balustrade, character is more than just visual appearance and the presence of a new dwelling on the site would still be apparent even with additional planting.
21. The Policies CS08 (CS), DM15 (DMP) and H3(NP) all seek to protect the character and appearance of areas from unsympathetic developments. The proposed development would introduce a large flat roofed dwelling into the area which would be unsympathetic to its existing traditional character. It would also utilise an open area which contributes to the character and appearance of this part of the village. In this respect the appeal proposal would be in conflict with the policies of the development plan.

Living conditions

22. The part of the garden of Washpit Cottage which would be used for the proposed dwelling is significantly higher than the area of garden that would remain. Given the relatively short distances involved between the existing dwelling and the new dwelling and the differences in height, the living conditions of the occupiers of Washpit Cottage would be harmed by the appeal proposal. This is due to the loss of privacy that would be experienced by the occupiers of Washpit Cottage, especially in an area of garden where they could normally expect a high degree of privacy.
23. I note that the appellant has suggested that any loss of privacy in this area could be overcome by planting and therefore could be covered by a planning condition. I consider given the short distances involved and the changes in levels, any planting between the existing and proposed dwelling could not shield the existing dwelling completely and its outdoor space from experiencing an unacceptable loss of privacy. I do not consider that a condition would make the proposal acceptable due to the proximity of the proposed dwelling and its garden to Washpit Cottage and the differences in levels involved.
24. The Council has also referred to the effect of the proposed access and parking area to be provided on the living conditions of the occupants of Washpit Cottage. Whilst I can see that the new drive and parking area would be located to the rear of Washpit Cottage, given the orientation of the parking spaces and the position of the access, I do not consider that this in itself would unacceptably harm the living conditions of the occupiers of Washpit Cottage.
25. With regard to the effect of the proposal on the living conditions of the occupants of other dwellings in the locality, I do not consider given the presence of public roads between the appeal site and other dwellings, and the

overall distances involved, that the proposal would unacceptably affect the living conditions of the occupants of these properties.

26. Policies CS08 (CS), DM15 (DMP) and H3 (NP) seek, amongst other things, to protect the living conditions of neighbouring residential occupiers, prevent unacceptable overlooking and improve the quality of life of people living within the area. The appeal proposal would harm the living conditions of the occupants of Washpit Cottage through the creation of a development that would directly overlook its private area of open space. The proposal would therefore conflict with these policies of the development plan.

The effect of the development on views from within the Conservation Area

27. The site slopes from just below the main road through the village to the site of Washpit Cottage itself. The proposal is for a single storey dwelling with a flat roof which is proposed to be grassed.
28. From the viewpoint above the site, between the site and the junction of Snettisham Road and Heacham Road, the current view consists of trees, other vegetation and a sloping garden primarily made up of lawn and other garden features. The current use of the site has a low impact on the view, is not prominent and does not draw the eye.
29. Whilst the proposed dwelling would not be that prominent when viewed from Snettisham Road, alongside the site, as shown in the photographs provided by the appellant, it would be prominent when viewed from further up the hill closer to the junction with the main road.
30. Views of the appeal proposal from this location would inevitably draw the eye towards the uniformly flat grass roof, the surrounding glass balustrade, and the northern elevation of the proposed dwelling. The presence of the glass balustrade, the roof garden and the northern elevation of the dwelling would inevitably jar with the traditional village and rural scene which slopes down the valley to the Heacham River. In this respect the appeal proposal would fail to complement the form of the village and its relationship to the valley making it in conflict with Policy E1 of the NHP.

Other Matters

31. Reference has been made to the siting of the proposed dwelling being within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). I note that there is no reference in the reason for refusal or the Council's case to the AONB. Having viewed the site I am satisfied that the proposal does not affect the AONB.

Conclusion

32. For the reasons given above the appeal must be dismissed.

Peter Mark Sturgess

INSPECTOR