



Appeal Decision

Site Visit made on 28 June 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Monday, 19 July 2021

Appeal Ref: APP/V2635/W/21/3272569

1 Rushmead Close, South Wootton, PE30 3LY

- 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 and Mrs Amos against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref: 20/02111/F, dated 23 December 2020, was refused by notice dated 12 March 2021.
 - The development proposed is the construction of a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single dwelling at 1 Rushmead Close, South Wootton, PE30 3LY in accordance with the terms of the application, Ref: 20/02111/F, dated 23 December 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: 2352-02B; 2352-01A and for the avoidance of doubt, the elevation marked 'North' shall be read as 'West' and 'Side' should read as 'North'.
 - 3) The development hereby permitted shall not be occupied until the vehicular access crossing over the footway shall have been constructed in accordance with a detailed scheme to be submitted to and agreed in writing by the Local Planning Authority in accordance with the highways specification (TRAD1) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details shall have first been submitted to and agreed in writing by the Local Planning Authority.
 - 5) The development hereby permitted shall not be occupied until a parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage to Rushmead Close (and additionally along the flank frontage of the adjacent property as outlined blue on the submitted

details). The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

- 6) The development hereby permitted shall not be occupied until space has been laid out within the site, levelled, surfaced and drained in accordance with the approved plans for vehicles to be parked and for vehicles to turn and that space shall thereafter be kept available at all times for those purposes.
- 7) Development shall not progress above slab level until details of the type, colour and texture of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 8) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until details of the boundary treatment(s) including their position, height, design, materials and type together with a plan shall have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatment(s) shall be carried out in accordance with the approved details prior to the first occupation of the dwelling or in accordance with a timetable to be approved in writing by the Local Planning Authority.

Main Issue

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

Reasons

3. The appeal site consists of an area of garden land to the side of No 1 Rushmead Close (No 1), a two-storey detached dwelling that occupies a prominent corner plot at the junction with Rushmead Close and Avon Road. Within the surrounding area, dwellings are generally positioned towards the front of their plots and are orientated to face the highway. Although sizes of plots vary, properties typically occupy the majority of the width of their plots with modest spacing between the built form. Front garden areas are mainly modestly sized, well maintained and are generally open to allow for off-street parking with front boundaries being open or delineated by low boundary walls. Notwithstanding there being a variety of detailed design, there is a uniformity of plot layout, style, roof height and materials.
4. No 1 shares a number of the common characteristics of the area, however, its plot, in particular its area of side garden, is considerably more spacious than others within the locality. Whilst it may have been the original intention of the layout of the area to retain a greater sense of openness at corner locations, the extent of separation between No 1 and the highway is not overly characteristic of the area. In addition, I observed that 35 Avon Road had been extended at its side. Whilst the exact circumstances that led to this extension are not clear to me, when taken together with the enclosure of gardens on both sides of the junction with high fencing and hedging this has reduced the spaciousness in the streetscene. Albeit there is still a gap in the developed frontage of the appeal site above the boundary treatment, in my view this did not result in a sense of place, or a definite feature that is worthy of protection. Therefore, I

consider that the appeal site does not make a particularly important contribution to the appearance of the immediate locality.

5. The proposed dwelling would be in close proximity to the road junction and due to its position on the corner it would be visible from various directions above the proposed boundary treatment. However, this of itself does not make it unacceptable. Indeed, the proposed dwelling would be set away from the highway behind an area of side garden and beyond the highway verge, which of itself wraps around the road corner and is considerable in its extent. Whilst there would be some loss of openness, this would not be so harmful as to justify refusal of planning permission.
6. Furthermore, its orientation to front Rushmead Close with a front elevation aligned with No 1 and a limited gap between the proposed and existing dwelling would accord with the current pattern of development. It would not compromise the established character and rhythm of the streetscene. Albeit the flank elevation would project marginally beyond the front build line of the two storey element of No 36 Avon Rd, the dwellings positioned along Avon Road do not follow a common build line and the proposal would not appear at odds with their staggered arrangement.
7. Although the overall plot size would be smaller than most, it would include a garden to the front, side and rear and it would not appear cramped nor constitute an overdevelopment of the plot. Whilst the proposed turning area would be positioned to the front of the conservatory to No 1, areas for the parking and turning of vehicles to the front of dwellings are not uncharacteristic of the locality.
8. The design of the dwelling largely follows the size, scale, bulk, width and fenestration of No 1. The removal of the existing hedge and its replacement with a low boundary wall around the corner of the junction would assist the retention of openness around the corner. The use of matching materials including fenestration would contribute to the proposed dwelling blending into the streetscene rather than appearing as an incongruous addition to it.
9. Therefore, I conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area and it would accord with Policy CS08 of the King's Lynn & West Norfolk Borough Council Core Strategy (2011), Policy DM15 of the King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016) and Policies H2, H3 and H4 of the South Wootton Neighbourhood Plan (2015-2026). Among other things, these policies require high quality development that responds to local character by ensuring that the scale, height, massing, materials and layout of a development respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings. In addition, it would accord with the provisions of the National Planning Policy Framework which requires new development to be well-designed and sympathetic to local character including the surrounding built environment and landscape setting.

Other Matters

10. I have had regard to the comments of third parties, a number of which relate to the matters already considered above. Reference is also made to the impact of the proposed scheme on the level of light experienced by neighbouring

occupiers, however, the Council have not identified any adverse impact arising as a consequence of the scheme. I see no reason to take a different view on the basis of the evidence presented to me. My attention has also been drawn to the safety of drivers exiting Briar Close. However, the Highway Authority were consulted on the scheme and subject to the imposition of planning conditions requiring the provision of the vehicular access and visibility splays, I am not satisfied that there would be any harmful impact on highway safety.

11. The issue of impact on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land and property.

Conditions

12. A draft list of conditions was provided by the Council. I have considered these against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency or clarity.
13. I have imposed the standard time condition relating to the commencement of development and a condition specifying the plans is necessary as it provides clarity.
14. I have imposed conditions to address the materials to be used on the external surfaces of the dwelling and the boundary treatment(s) to protect the appearance of the streetscene.
15. To protect highway safety, I have imposed a condition requiring construction and retention of the car parking and turning areas, the construction of the access, provision of visibility splays and a condition prohibiting obstruction of the access. I have amended the visibility splay condition to that which was sought by the Highway Authority as there is no clear explanation or reasoning as to why I should prefer their condition.

Conclusion

16. For the reasons given above, I find that the proposed development accords with the development plan and therefore, I conclude that the appeal should be allowed.

E Brownless

INSPECTOR