
Appeal Decision

Site visit made on 1 October 2021

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2021

Appeal Ref: APP/V2635/W/21/3273224

25 High Street, Heacham, Norfolk PE31 7EP

- 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 Heacham Youth and Community Trust against the decision of the Borough Council of King's Lynn and West Norfolk.
 - The application Ref 20/01659/F, dated 22 October 2020, was refused by notice dated 26 March 2021.
 - The development proposed is shop unit with 1 bedroom flat above.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
 - (i) the character and appearance of the area; and
 - (ii) the living conditions of the occupiers of No.25 High Street with regard to the provision and quality of private amenity space and those of the future occupants of the proposed flat with regard to quality of accommodation and provision of private amenity space.

Reasons

Character and Appearance

3. The appeal site is situated where there is a reasonably tight pattern of development comprising of both established two-storey residential buildings of varying forms and designs, some of which are now in commercial use, and more modern trading premises supporting the retail and service function of this part of Heacham. Buildings are generally positioned close to the highway in most parts of the High Street and its immediate side streets. As verdant garden land, the openness of the appeal site is a rare occurrence in this otherwise dense arrangement of buildings. In this context, rather than appear as an oddity, the small pocket of space at the appeal site adds to rather than detracts from the character and appearance of this part of the core of Heacham. It provides a small, but nonetheless pleasant, degree of visual relief and contrast.
4. In terms of its appearance the proposed building would incorporate a high standard of attractive detailing and materials on the gable end fronting onto the High Street. Notwithstanding this, and its linear arrangement such that the bulk of the proposed building would extend into the site rather than along the High Street frontage, the scale and massing of the building would occupy an

appreciable proportion of the appeal site. Consequently, there would be a harmful loss of the positive contribution that the openness of the site makes to the character of this part of the High Street. Due to its proximity to No.25 High Street the proposed building would detrimentally consolidate what is already a tight pattern of development.

5. I therefore conclude that the appeal proposal would result in appreciable harm to the character and appearance of the area. It would be contrary to Policy CS08 of the Local Development Framework Core Strategy 2011 (*the Core Strategy*) and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 (*the SADMPP*) which require, amongst other things, that new development should respond to the context and character of places by ensuring that density and layout will enhance the quality of the environment and to respond sensitively and sympathetically to the local context, including spaces between buildings. It would also fail to accord with paragraphs 126 and 130 of the National Planning Policy Framework (NPPF) which seek new development to add to the overall quality of the area, be sympathetic to local character and maintain a strong sense of place.

Living Conditions

Occupiers of No.25 High Street

6. The appeal proposal would be situated on what is currently a modest area of garden land to the side of No.25 High Street which is a residential property. It would leave this host dwelling with a narrow strip of side garden. The appellant submits that the retained area of private amenity space would meet the outdoor space requirements for the 3 bedroomed dwelling at No.25, however, the narrow, elongated form of this reduced area would have limited functionality. Furthermore, in qualitative terms, the proximity of the proposed appeal development would result in the private amenity space for No.25 becoming a particularly gloomy and unappealing environment for sitting out, drying clothes or for basic gardening.
7. The appellant submits that the pattern of development in this part of Heacham often results in overshadowing, such that the proposed arrangement would not be uncharacteristic. Nonetheless, the proposed appeal building would be situated directly to the south of No.25 and would largely extend along the full depth of what would become a narrow side garden plot. Consequently, the proposed relationship and massing of the appeal proposal would result in a notably harmful diminution of the quality of private amenity space such that there would be significant harm to the living conditions of the occupiers of No.25 High Street.

Future occupants of the proposed flat

8. The proposed flat would be situated above the retail unit and served by a separate means of access at the rear of the building close to the proposed area for bins. There would be hardstanding to the side of the building and an under-croft garage feature positioned beneath the proposed main living space. The flat would be situated in the centre of Heacham where residential, retail and other commercial activities already occur in close proximity to one another. As such future occupants of the flat would reasonably expect to experience a commensurate level of activity associated with the character of the area, including deliveries to the ground floor retail unit, vehicle manoeuvring and

proximity of trade bins. Trading hours and deliveries at the retail unit are matters which could be dealt with by condition to protect the amenity of residents of the proposed flat. Overall, I find future occupants of the flat would not experience significantly harmful living conditions due to noise and disturbance from the proposed ground floor use.

9. The proposed 1 bedroomed flat would be modest at 40sqm of overall floorspace¹. It would effectively function as loft accommodation within the proposed pitched roof space of the building. Accordingly, appreciable parts of the proposed flat would have a restricted height limiting how the modest floorspace area could be practicably used, including conventional storage solutions. Due to its compact situation in the modest roof space area it would be an uncomfortably small dwelling, even as a first transitional home for a young single person or couple, with insufficient scope to feasibly store a reasonable level of possessions. The appellant refers to using the void spaces, but these would be limited and awkwardly positioned. I am not persuaded that these eaves spaces or the suggestion of an external cupboard at the top of the stairs would overcome the harm identified from the cramped use of the roof space for living accommodation.
10. The proposed flat would have no private amenity space. The limited external area at the appeal site would be almost entirely required for the safe manoeuvring of vehicles and the proposed bin storage. The absence of any outdoor area for sitting out, relaxing or drying clothes, given the compact scale and layout of internal accommodation, would result in unacceptably poor living conditions for future occupiers of the flat.
11. It is submitted that nearby land in the ownership of the appellant at No.23 High Street could be donated to provide private amenity space for the flat. Whilst I am advised that No.23 is retail at ground floor and storage above, there are relatively few details of the area or quality of outdoor space available at No.23. In any event, this land does not form part of the application site for the appeal proposal and would be separated from the flat by No.25 High Street. Overall, I am unable to find that potential outdoor amenity space at No.23 would provide appropriate mitigation for the harm identified.
12. The appeal plans do not make provision for the external storage of items such as bicycles, which is to be reasonably expected and encouraged for new dwellings as part of facilitating modal shift and health benefits. Whilst the appellant submits that a shed could be provided on site, I have very limited evidence, based on the plans before me and the tight arrangements to safely facilitate both off-street parking within the appeal site and waste bins, that there would be sufficient room for a shed, including near the stairwell for the flat. As such I find some moderate harm arising from the lack of scope to provide suitable external storage.
13. I observed the property at No. 71 High Street, which has been referred to by the appellant. This involves the conversion of a property that comprised of ground floor commercial premises with residential accommodation above into a pair of semi-detached dwellings. The building is on a tight plot such that there is negligible external private amenity space, if at all. The circumstances at No.71 are, however, materially different to those before me in terms of optimising an established building within an existing tight pattern of

¹ Taken from the submitted plans

development, as opposed to an unencumbered new build where there should be scope to purposefully include an appropriate standard of private amenity space as an integral element of the design. As such, the conversion development at No.71 should not set the pattern for new build residential development in respect of private amenity space provision in this part of Heacham.

14. Whilst I have found that the appeal proposal would provide acceptable living conditions for future occupants of the proposed flat in terms of noise and disturbance, in all other respects on this main issue, I have found that there would be varying degrees of harm, including significant harm, to the living conditions of both the occupiers of No.25 High Street and future occupants of the proposed flat. Consequently, the appeal proposal would be contrary to Policy CS08 of the Core Strategy and Policy DM15 of the SADMPP, which require, amongst other things, that new development should be of a high quality design. Furthermore, Policy DM15 requires decision-makers to consider the amenity of future occupiers of development and specifically states that where development has a significant adverse impact on the amenity of others or is of a poor design, it will be refused. Additionally, the appeal proposal would conflict with paragraph 130 of the NPPF which seeks to ensure that new development functions well, creates attractive places to live and creates places with a high standard of amenity for existing and future users.

Conclusions

15. On the two main issues in this appeal, the proposed development would be contrary to the relevant and up-to-date policies in the development plan. As such the development should only be permitted where material considerations indicate otherwise. Whilst the appeal proposal would make use of a sustainably located site, provide an additional retail unit to support the economic vitality of Heacham and an additional residential unit to maintain the valuable work of the appellant in terms of supporting young adults, the scheme nonetheless results in a number of significant harms in terms of character and living conditions. These harms arise from the principal issue that the ambition to accommodate retail, residential and off-street parking creates compromises and tensions given the constrained nature of the site. I attach significant weight to the fundamental principle that good design is a key aspect of sustainable development. This includes the need to secure a high standard of amenity and accommodation, including for the mental and physical well-being of existing and future occupants. Accordingly, the identified benefits of the appeal proposal would not outweigh the harms identified and so do not amount to material considerations which indicate a decision other than in accordance with the development plan. Accordingly, the appeal is dismissed for the reasons given.

David Spencer

Inspector.