



Appeal Decision

Site Visit made on 16 August 2021

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

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/V2635/W/21/3270543

Land to rear of Chase Cottage, 12 Lynn Road, Terrington St Clement, PE34 4JX

- 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 Mrs Beryl Hornigold against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref: 20/01795/F, dated 13 November 2020, was refused by notice dated 8 January 2021.
 - The development proposed is described as 'residential development'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the application which is subject of this appeal being determined by the Council, the Council approved planning permission¹ for the erection of a two-storey dwelling on the appeal site. This permission is extant. I have been provided with a copy of the decision notice, the approved plan and the Council's Officer Report for the extant permission and in reaching my decision I have had regard to them where relevant to the appeal scheme.
3. A revised National Planning Policy Framework (the Framework) was published on the 20 July 2021 and the parties have been provided an opportunity to comment on the implications of this for their case.

Main Issues

4. The main issues are:-
 - i) the effect of the proposed development on the character and appearance of the surrounding area; and
 - ii) whether the proposed development provides satisfactory living conditions for the occupants of 12 Lynn Road with particular regard to noise and disturbance.

Reasons

Character and appearance

5. Lynn Road spans out from the densely arranged nucleus of Terrington St Clement. It is characterised by a mix of dwellings of varied type, style, size and

¹ Planning Reference 19/01658/F

treatments arranged predominantly in a linear pattern to front the highway. Gaps between the built form provide glimpses of the countryside that lies beyond. Albeit there is no common build line, dwellings including Nos 10 and 12 Lynn Road and other dwellings to the east are mainly set in close proximity to the highway. To the west of the appeal site the pattern of development becomes more loosely arranged with properties set within larger and more spacious plots as the built form wraps around the junction of Lynn Road and Station Road. This loose structure gives the existing development a spacious edge of settlement character at the point where it adjoins the undeveloped area of the appeal site.

6. This layout is successful in reducing the visual impact of existing properties along Lynn Road in a manner that is sympathetic to its edge of settlement location, allowing greenery to appear in gaps and some views to permeate through. The tandem layout of properties is not commonplace along the southern side of Lynn Road. Where such properties do exist, these are generally set within spacious plots and a scattered pattern of development provides a sensitive transition between the settlement and the countryside. Overall, Lynn Road has a pleasant, spacious and verdant rural village character.
7. The appeal site comprises a roughly flat and rectangular parcel of agricultural land positioned to the rear of Nos 10 and 12 Lynn Road. It is bordered by a mix of hedging, mature trees and assorted residential boundary treatments along the common boundaries with neighbouring properties. The southern boundary is mostly open with agricultural fields and countryside sited beyond its boundary. Therefore, to a large extent, the appeal site's value stems from the fact that it is open, undeveloped and visible, particularly in views from the public right of way as members of the public approach and leave the settlement, and from more distant views from the south. It provides a visual transition between the built form of this part of Terrington St Clement and the more rural form of the agricultural fields beyond it. Thus, I find the appeal site makes a positive contribution to the rural character of the settlement.
8. For the most part, the appeal site is located within the settlement boundary, albeit areas of rear garden would extend beyond it. Although the appeal dwellings and their rear gardens would not project beyond the extent of neighbouring garden curtilages, the proposed dwellings would be tightly positioned in relation to one another and close to Nos 10 and 12 Lynn Road. Taken together with their uniform layout, this would give the appearance of a tight urban form on what is a transition site between open countryside. Whilst I understand that the proposal seeks to strike a balance between typically low-density edge of settlement housing and an efficient use of land, I nevertheless find that rather than making a sensitive transition between the settlement and the countryside, the appeal scheme would introduce a hard edge and erode the soft landscape setting to the detriment of its established spacious edge of settlement character and appearance. This effect would be particularly conspicuous given their prominent position adjacent to the public right of way.
9. There is no question that the extant permission for one dwelling could be implemented, and it represents a fallback position against which to assess the current proposal. However, as a single dwelling occupying a spacious plot, to my mind, the approved scheme reflects the loose arrangement of dwellings in the vicinity and creates a more gradual transition to the settlement, which

lessens its urbanising effect on the rural landscape, whereas the proposed scheme would not.

10. The aims of the revised Framework at paragraph 130(c) are noted, however, the appeal scheme cannot be said to be innovative nor an appropriate change at this location. As such, I concur with the Council's view that the contrived layout of the proposed development would amount to an overdevelopment of the appeal site to the detriment of the surrounding area.
11. Overall, I conclude that the appeal scheme would have an adverse detrimental effect on the character and appearance of the surrounding area. Thus, it would conflict with Policies CS06 and CS08 of the King's Lynn & West Norfolk Borough Council Core Strategy (2011) and Policy DM15 of the King's Lynn & West Norfolk Borough Council Site Allocations and Development Management Policies Plan (2016)(SADMPP). Among other things, these policies require development to maintain local character and a high quality environment. In addition, the appeal scheme would conflict with the aims of the revised Framework insofar as it requires development to be sympathetic to local character including the surrounding built environment and landscape setting.

Living conditions

12. Planning permission was given in 2020 for a dwelling to the rear of 12 Lynn Road. This scheme included use of the existing access from Lynn Road which runs along the side elevation of that property. Several windows are contained within the flank elevation including several that serve habitable rooms such as a kitchen and a bedroom. At that time, the Council concluded that the development would not have an unacceptable impact on the residential amenities of this neighbouring dwelling.
13. The Council suggests that the occupation of the site by two separate households would double the number of vehicular trips over the course of each day than the previously submitted application for one dwelling. Consequently, I find that the likely level of additional movements and manoeuvring associated with two dwellings in close proximity to the windows of the neighbouring dwelling would be likely to give rise to a serious adverse effect by way of noise and disturbance. This would materially compromise the living conditions of neighbouring occupiers of 12 Lynn Road.
14. In addition, it is put to me that there was previously unfettered access to the appeal site for agricultural purposes. Although the barn buildings have been removed from the appeal site, from my consideration of the drawings provided, it would appear that access to the land shown edged in blue would remain and therefore an agricultural use of the access could arise. This would further compound the adverse impact experienced by occupiers of 12 Lynn Road.
15. Therefore, the proposed development would lead to a significant adverse impact upon the living conditions of neighbouring occupiers with regards to noise and disturbance. The appeal scheme would conflict with SADMPP Policy DM15 insofar as it seeks to protect neighbouring uses and their occupants. In addition, it would fail to accord with the provisions of the revised Framework which seeks to ensure that developments create places that have a high standard of amenity for existing users.

Other Matters

16. Whilst the appeal scheme would contribute two dwellings to housing supply in a reasonably sustainable location, the associated benefits would be modest in scale.
17. The proposed dwellings would provide an adequate standard of living conditions for future occupiers of those dwellings with regards to the provision of amenity space and parking. No overlooking of neighbouring dwellings nor adverse impact on ecology has been identified by the Council. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
18. I have had regard to the comments of interested parties provided in regard to this appeal. However, whilst a number of issues have been raised, given my findings above, as this development is not going ahead there has been no need for me to give consideration to these matters.

Conclusion

19. Overall, I find the proposed development is contrary to the development plan and the material considerations weighing in favour of the appeal scheme are insufficient to outweigh that conflict. For the reasons given above, I conclude that the appeal is dismissed.

E Brownless

INSPECTOR