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## Appeal Decision

Site visit made on 27 May 2022

**By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**  
an Inspector appointed by the Secretary of State

**Decision date: 6<sup>TH</sup> July 2022**

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**Appeal Ref: APP/V2635/W/21/3288475**

**5 Wellesley Street Kings Lynn PE30 1QD**

- 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 N Suiter against the decision of Kings Lynn and West Norfolk Borough Council.
  - The application Ref: 2020/01000/F dated 10 July 2020, was refused by notice dated 10 June 2021.
  - The development proposed is Residential development (6 dwellings) following demolition of former vehicle service centre
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### Decision

1. The appeal is dismissed.

### Main Issues:

2. The main issues are:
  - Whether the proposal would be in the setting of designated heritage assets and if so, whether the proposed development would thereby harm the significance of those assetsand
  - The effect of the proposed development upon (i) the character and appearance of the area and (ii) the living conditions of neighbouring users

### Reason

#### *Heritage Assets*

3. The appeal site is located in a central area of Kings Lynn associated with the mid nineteenth century development of the town; the surviving dwellings demonstrate that the area was dominated by terraces of housing in a grid pattern of streets. Norfolk Street, Portland Street and Wellesley Street are referred to in the Norfolk Street Conservation Area character statement as three 'railway streets' and as originally being 'remorselessly urban, without trees, but lined with a good mixture of prestige, lesser and artisan housing in unified terraces'. Portland Street has a number of fine buildings, the most significant of which is a 'superior terrace' of three-storey houses which partly abut the rear of the appeal site. Wellesley Street is excluded from, but bordering, the Norfolk Street Conservation Area (CA) which lies to the immediate south of the appeal site, as do the listed buildings on the north side

of Portland St.<sup>1</sup>. These are designated heritage assets which attract duties set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to which I will now attend.

4. The appellant suggests the exclusion of Wellesley Street from the CA derives from the loss of historic built form such that, due also to twentieth century interventions in the views of the CA, it makes 'no meaningful contribution to the character and appearance of the conservation area'. However, the appellant also acknowledges the significance of the laying out of the aforementioned 'railway streets' (which include the appeal site) and that the spatial qualities of those streets contribute to the significance of the CA.
5. The appellant points to a lack of appreciation of the CA due to the absence of (or recent built interventions in) views of the CA, and to limited visibility of the listed buildings in Portland Street, but this is to limit the contribution of setting to significance of these heritage assets. The experience of the CA in this case must incorporate an understanding of the nineteenth century railway growth and although eroded by change, Wellesley Street nevertheless survives as a 'railway street' in its spatial layout and grid relationship to the streets within the CA, and in remnants of a terraced urban form.
6. From my observations, the proposed development would be evident in glimpsed views of Wellesley Street from alleys and passages on the north side of Portland Street. Although limited, this intervisibility is accentuated by the adjacency of the appeal site to the CA boundary and to the listed buildings such that the significance of the identified listed buildings would be very sensitive to change in the appeal site. The appeal site therefore, lies within the immediate setting of the identified listed buildings and of the CA. Having so concluded I now turn to consider the effect of the proposed development on the significance of those assets.
7. Policy CS08 of the Kings Lynn and West Norfolk Borough Council Core Strategy 2011 (Core Strategy) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) (SADMP), taken together, seek to protect and enhance the amenity of its locality including heritage and cultural value and that proposals should protect and enhance the historic environment as a facet of sustainable development.
8. The appeal site and its neighbouring church hall self-evidently conflict with the original urban morphology of the area and do not make a positive contribution to the significance of the identified heritage assets. Although the appellant suggests the proposal would enhance the character of Wellesley Street and, by reference to other recent developments, be sympathetic to the wider area, that is to set the threshold of harm too low. The building to be replaced is incongruent but has accrued a self-effacing patina of age and decay, however as I explain in other sections of this decision, the proposal would be significantly more bulky and prominent in the street scene and fails, in its cumbersome crown roof and depth of built form, to positively address the cultural and historic origins of the locality.
9. Therefore, in line with the duties set out I conclude that the proposal would, for the reasons identified, both harm the significance of the identified heritage assets and also conflict with the identified policies of the development plan.

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<sup>1</sup> Nos.3-15 Portland Street -odd numbers in which 11 & 13 abut the appeal site

Although the harm I identify is less than substantial, this is a conclusion to which considerable importance and weight should be attached.

*Character and appearance*

10. Policy DM15 of SADMP requires development proposals to respond sensitively to the local setting and pattern of adjacent streets including spaces between buildings through high quality design. In its near-symmetry but incorporating fenestration and entrance on its flank elevation, the proposed development would appear as a discrete building form rather than implying a continuum of street frontage which would acknowledge the historic development pattern. The building would also extend deep into the site, dominating the spaces between the adjacent streets.
11. Significantly, the third level of accommodation proposed within the roof void is not only uncharacteristic of the remaining terraced blocks in Portland Street and Wellesley Street which feature low slate pitches and little evidence of use of roof voids for accommodation, but is facilitated by the introduction of steeply pitched roof surfaces to all elevations, an alien feature which results in a prominent crown roof with rooflights and flat-topped dormers. Despite the continuity of eaves height, overall, the external appearance would be not only discordant with the grain and texture of the terraced built forms in the CA and listed buildings adjoining but also visually discordant with the existing street scene.
12. For these reasons the proposal would detract from the character and appearance of Wellesley Street and conflict with Policy CS12 of the Core Strategy and Policy DM15 of the SADMP which requires proposals to have regard to local setting and cultural contexts and to support local distinctiveness.

*Neighbouring users*

13. Direct oversight of external areas can harmfully reduce the experience of privacy and amenity by neighbouring users. The proposal would introduce habitable accommodation above ground floor level in a location where, currently, there are only roof structures or non-residential uses. Although the degree of overlooking is currently limited due to the nature of those uses, it is to be acknowledged that overlooking and intervisibility is an unavoidable consequence of relatively dense urban housing.
14. However, the proposed design would extend flank walls deep into the site at a height and width which exceeds that typically found in residential property in the locality. This would both increase the proximity of habitable room windows to other users at the rear of the appeal site and significantly enclose the adjacent dwelling on its eastern side. Although the rear of this adjacent property has a southerly prospect, my observations direct that the extent of the flank wall and the proximity of the proposed development to the rear boundary would both unacceptably overshadow the adjacent dwelling and create an overbearing impact upon other dwellings to the rear. This would arise from both the bulk of the building and the effect of fenestration on privacy. I conclude, for these reasons, that the proposal would conflict with Policy CS08 of the Core Strategy and with Policy DM15 of SADMP which together seek to ensure high quality design.

## **Conclusion**

15. I have concluded that the proposal would cause less than substantial harm to designated heritage assets. I have had regard to the public benefit of providing additional housing in this location, nevertheless, this would not outweigh the harm I have identified particularly as that harm arises from the scale and design of the proposal and not from the nature of use. In addition, the proposal would conflict with the development plan in several respects which are not outweighed by other material considerations.
16. Consequently, taking all matters into account and for the reasons given, the appeal does not succeed.

*Andrew Boughton*

INSPECTOR