



Appeal Decision

Site visit made on 22 July 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 27th July 2022

Appeal Ref: APP/V2635/W/22/3290121

Sailings, Main Road, Brancaster Staithe, King's Lynn, Norfolk PE31 8BP

- 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 A Sharp against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/01761/F, dated 13 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is erection of 1no. self-build dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 1no. self-build dwelling at Sailings, Main Road, King's Lynn, Norfolk PE31 8BP in accordance with the terms of the application, Ref 21/01761/F, dated 13 September 2021, subject to the conditions set out in the schedule attached to this decision.

Main Issue

2. The effect of the proposal on the form and character of the area.

Reasons

3. The Council's two reasons for refusal are in essence one. The proposal is considered to be an uncharacteristic form of backland development. This is in relation to a section of the frontage housing where the settlement boundary has been deliberately drawn in to exclude undeveloped rear garden areas. This was to resist backland proposals and preserve the verdant backdrop to the housing running along the road.
4. The scheme is a repeat of one refused planning permission previously, with the subsequent appeal¹ dismissed. Since that appeal, there have been no development plan policy revisions and the proposal remains a scheme for a one and a half storey dwelling. The notable changes are in the description, now for a self-build dwelling, and in the two houses fronting the appeal site having been completed and occupied. However, because the scheme is no different from that considered previously, and with no subsequent change to development plan policy, the previous appeal decision remains a material consideration of great importance.

¹ Appeal Ref: APP/V2635/W/19/3228998 - new one and a half storey dwelling on former garden land at the Sailings and The Breakers, Main Road, Brancaster Staithe PE31 8BP – dismissed 27 September 2019.

5. The spatial strategy for the location of development is still that established in the Council's Core Strategy² (CS), whereby Policy CS01 directs appropriate levels of growth to the most sustainable places using the hierarchy of settlements in Policy CS02. Within this hierarchy, Brancaster Staithe (with Brancaster and Burnham Deepdale) is defined as a Key Rural Service Centre and the policy supports growth of a scale and nature appropriate to sustain the settlement within its defined development limits.
6. The proposal would be just outside the settlement boundary defined for Brancaster Staithe. The policy does not implement a blanket ban on housing outside this boundary and there is no reason to suppose that occupiers of a further dwelling here would have any less convenient access to the nearby village services. However, Policy CS06 and Development Management Plan³ (DM) Policy DM2 are both generally restrictive of housing immediately outside a settlement boundary.
7. The supporting text in DM paragraph C.2.5 refers to settlement boundaries across the Borough excluding rear gardens to resist backland development. DM paragraph C.2.8 confirms that extensive gardens and other backland are generally excluded, as the Council considers development there to be generally incompatible with the form and character promoted in the area.
8. Whilst the appeal scheme is of such a backland nature, the harm from this would only be from any loss to the current verdant backdrop to the street scene. I agree with the previous Inspector that the proposal would cause no material harm to the wider landscape character of the Area of Outstanding Natural Beauty and thus not be in conflict with Policy 9 of the Brancaster Parish Neighbourhood Plan. The competed dwellings at Sailings and Breakers, each with detached garaging behind back gardens to their rear, and the recently built deep plan scheme at adjacent Seaglass, have all extended to a greater depth than is evident on the plan over which the settlement boundary is drawn. In this context, the appeal site at the rear comprises a relatively small, grassed space which is neither visually prominent in the street scene nor provides much of a verdant backdrop.
9. I am mindful of the importance of consistency in the determination of appeals over the same proposal. However, assessing this scheme with the tall frontage houses at Sailings and Breakers now complete, it is evident that the proposal to the rear would have a minor rather than significantly detrimental effect on the form and character of the area. Little harm would arise from any conflict with policies CS06, CS08, DM2 and DM15, insofar as these resist uncharacteristic development occurring beyond settlement boundaries.

Other Matters and Planning Balance

10. Further matters were raised by interested parties at the application and appeal stages. In response to these, I agree with the previous Inspector that associated vehicular movements would not create an unusual or harmful level of additional noise and disturbance for a residential area. Furthermore, as the dwelling would be of a one and a half storey height, with the first-floor accommodation served by rooflights, there would be no harm to the living conditions of adjoining dwellings through any loss of privacy or light.

² King's Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy (2011)

³ Site Allocations and Development Management Policies Plan - adopted September 2016

11. An alleged lack of need for the dwelling, either as a self-build opportunity or otherwise, would not comprise sufficient grounds to resist the proposal. That the dwelling would not be an affordable one, or might eventually become a holiday or second home, should not weigh negatively. A degree of noise and disruption would occur during construction. However, this applies to all building projects and would be for a temporary period only.
12. The proposal would provide some modest economic benefits to the locality through the construction and future servicing of the dwelling and the household expenditure of its occupiers. There would be some small social benefits in a windfall contribution toward the supply of housing. The location of the dwelling outside the settlement boundary would not cause such harm as to outweigh these modest benefits and so I consider the planning balance weighs in favour of this scheme.

Conditions and conclusion

13. The Council has recommended a number of conditions which I have applied. These are necessary to address the standard time limit for commencement, compliance with the submitted plans, arboricultural measures and landscaping, agreed external materials, obscure glazing to bathroom windows and provision of parking and turning spaces. Subject to these conditions, I conclude that the appeal be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2242-02B – proposed roof plan and site levels; 2242-01A – proposed plans and elevations.
- 3) The development hereby permitted shall be carried out in accordance with the Arboricultural Implications Assessment and Preliminary Method Statement - OAS/19- 0002-AR01.
- 4) No development shall commence above slab level until details 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.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Before the first occupation of the dwelling hereby permitted the windows at ground floor level on the east elevation, serving the ensuite and cloakroom shall be fitted with obscured glazing and any part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 8) Before the first occupation of the dwelling hereby permitted the proposed access/on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use.
