



Appeal Decision

Site visit made on 9 August 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Appeal Ref: APP/V2635/W/22/3296349

House'Em'Ever, 41A Station Road, Heacham PE31 7EX

- 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 Sopp against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00721/F, dated 14 May 2020, was refused by notice dated 25 February 2022.
 - The development is described as 'Proposed dwelling following sub-division'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr and Mrs Sopp against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. Since the application was determined, the Heacham Neighbourhood Plan June 2022 (HNP) has been made and now forms part of the Development Plan. Both parties have provided comments as to how the policies within the HNP would apply to this appeal.
4. The Council's reason for refusal recognises that that good design is linked to function. Their appeal statement elaborates on this by referring in more detail to their specific concerns with regard to overlooking and site layout. I have therefore considered overlooking as a separate main issue, and consider site layout with respect to the character and appearance of the area.

Main Issues

5. The main issues are:
 - the effect on the living conditions of neighbouring residents with specific regard to overlooking and loss of privacy; and
 - the effect on the character and appearance of the area.

Reasons

Living conditions

6. The window in the gable of the eastern elevation would effectively be a first-floor window which would overlook the garden of 41 Station Road. Due to the proximity of the window to the boundary and the introduction of overlooking from the side, there would be an unacceptable loss of privacy to that garden.
7. In relation to this main issue, the proposed dwelling would result in an increase in overlooking and loss of privacy to the occupiers of neighbouring properties. This would be contrary to HNP Policies 1 and 5 which seek to prevent unacceptable impacts on the amenities of adjacent properties, King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy July 2011 (CS) Policy CS08 which seeks to promote high quality design, Site Allocation and Development Management Policies Plan September 2016 (SADM) Policy DM 15 which seeks to protect the amenity of occupiers, and paragraph 130 of the Framework which requires developments to function well.

Character and appearance

8. The appellant has drawn my attention to a previous appeal decision where the Inspector identified that “the variety in patterns and forms of development is an element of local distinctiveness”. Despite the age of that decision, I concur with that assessment. There are examples of backland residential development in the surrounding area and examples of commercial properties that extend back from the street for some distance. The fact that the proposed dwelling would not have a frontage to the street would not be incongruous or uncharacteristic of the surrounding area.
9. The submitted site layout shows private garden space which I consider would be commensurate with that required for a 3-bedroom dwelling. There would be adequate provision for car parking in a layout that is not uncommon. While many of the surrounding dwellings are set in spacious plots, there is some variation and the prevailing form and character of the area is not uniform. The siting of this dwelling within a more compact plot would not harm the character of the village.
10. The wider area is characterised by a mix of older and more modern buildings which have an attractive and overall coherent appearance due to the use of materials. The proposed dwelling would be of a modern design which would integrate into its immediate area of predominantly modern dwellings. This would be subject to the use of appropriate materials which could be secured by condition. While there would be a blank elevation, this is currently screened from the neighbouring property by the planting along the boundary and would not otherwise be readily visible.
11. In relation to this main issue, I find that the proposed dwelling would be of an acceptable design which would reinforce the character of the immediate area in accordance with HNP Policies 1 and 5, would respond to the context and character of Heacham in accordance with CS Policy CS08, and would respond sympathetically to the local setting and pattern of development in accordance with SADM Policy DM 15.

Other matters

12. It is acknowledged that the appeal proposal does not conflict with a number of policies within the development plan. However this amounts to a lack of harm which is a neutral consideration in the determination of this appeal.

Conclusion

13. I have found that the proposed dwelling would have an unacceptable impact on the living conditions of surrounding residents. While the proposal would appropriately respect the character and appearance of the surrounding area, this lack of harm renders this a neutral factor. There would be the benefit of an additional dwelling, particularly as sited within a key rural service centre as identified within the CS that provides access to services for day-to-day needs. However this benefit would be limited due to the small scale of the proposal and would not outweigh the harm I have identified above.
14. For the reasons given, the appeal scheme would conflict with the development plan as a whole. There are no material considerations of sufficient weight to indicate the decision should be made other than in accordance with the development plan. Therefore the appeal is dismissed.

J Downs

INSPECTOR