



Appeal Decision

Site visit made on 18 October 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th November 2022

Appeal Ref: APP/V2635/W/21/3288964

Land Adjacent to 54 Bagthorpe Road, East Rudham PE31 8RA

- 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 The Property & Land Company Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/01373/F, dated 29 June 2021, was refused by notice dated 12 October 2021.
 - The development proposed is a new residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - Whether the development would provide acceptable living conditions for the occupants of 54 Bagthorpe Road with regard to outlook.

Reasons

Character and appearance

3. The appeal site is located on the northern edge of East Rudham and forms part of a cul-de-sac of two-storey, former local authority, semi-detached properties accessed off Bagthorpe Road. The dwellings are characterised by their predominantly uniform size and form and are situated in an orderly arrangement of spacious plots.
4. The proposed dwelling would be located on land to the south of 54 Bagthorpe Road (No.54) at the far end of the gravel access road. The site is currently grassland with hedging to the front (west), southern and rear boundaries. The dwelling would be of one and a half storeys, positioned so it would face towards its front parking area towards the main access road, and would be sited close-to and forward of No.54.
5. Given the uniformity to the scale and form of the existing dwellings in the cul-de-sac and their regular siting in their plots, the proposed dwelling would be noticeably different. Not only would its form and scale be unlike the other buildings, its location in the top corner of the cul-de-sac, standing forward of No.54, and with no space to either side of it, would make it appear cramped

and squeezed into the estate. It may share a similar central position within its plot to the other nearby dwellings, with parking to the front and amenity space to the rear. However, the constrained plot and the proximity to No.54, would result in an awkward visual relationship with the other dwellings and significantly harm the sense of order and spaciousness shared by this small group of dwellings.

6. Whilst the appellant has endeavoured to minimise the impact of the proposed dwelling by reducing its height, it would still be prominently viewed at the far end of the cul-de-sac. The dog-leg in the access road, the mature planting to the frontage and use of similar materials would help to assimilate the dwelling within its surroundings to some extent. However, these aspects of the proposal would not go far enough to mitigate the harmful effects of the proposal on the character and appearance of the area.
7. Within the wider locality there are dwellings of various form, scale and siting and with different densities. Indeed, there are dwellings sharing a similar form to the appeal proposal elsewhere along Bagthorpe Road. However, this cul-de-sac is a largely visually contained area, with its buildings and their siting, sharing very similar characteristics. In this immediate context, therefore, the appeal proposal would look out of place.
8. Whilst I understand that the site constraints may have dictated the location of the dwelling, this does not in itself justify a proposal that would have a harmful effect on the character and appearance of the area.
9. The development would therefore have a harmful effect on the character and appearance of the area and be contrary to policies CS02, CS06 and CS08 of the Local Development Framework Core Strategy (2011) (CS) and DM15 of the Site Allocations and Development Management Policies Plan (2016) (DMPP) which seek to maintain local character, respond to context, and achieve a high-quality environment. It would also be contrary to the high-quality design expectations in Chapter 12 of the Framework and the National Design Guide.

Living Conditions

10. The occupants of No.54 currently enjoy a relatively open outlook from windows that serve habitable rooms in the front elevation, looking towards the appeal site and beyond. The forward position of the proposed dwelling, stepping out in front of and close to No.54, would impact considerably on this outlook. Although the proposed dwelling would cause no overlooking, the close proximity of the proposal to No.54 would result in a dominant and overbearing development that would provide enclosure to and obstruct their outlook from these rooms.
11. The appellant says that there would be no loss of natural daylight and/or sunlight into any habitable rooms of No.54. However, there is insufficient evidence to demonstrate this. Given the proximity of the proposed dwelling and its position to the south-east of No.54, there is reasonable likelihood that there would be some shadowing for at least part of the day, especially to the ground floor window. This would be in excess of any shadowing currently caused by surrounding mature hedges.
12. The reduction in the height of the proposed dwelling over the course of the planning application process may have improved the relationship with No.54 by

reducing the impact on the first-floor window to some degree. However, these changes don't go far enough to mitigate the harmful effects. Whilst well-established hedging would help in screening the lower part of the proposed dwelling, it would not be an acceptable means of mitigation against an overbearing presence, restricted outlook or shadowing. The dwelling would stand significantly taller than any intervening vegetation so there would be little benefit in this regard.

13. The appeal proposal would therefore have a harmful effect on the living conditions of the occupants of No.54 with regard to outlook. This would be contrary to CS Policy CS08 and DMPP Policy DM15 which seek to avoid development having a significant adverse impact on the amenity of others. It would also be in conflict with the Framework which seeks a high standard of amenity for existing and future occupants.

Other Matters

14. I appreciate the Appellant's concerns relating to the pre-application advice given by the Council. Such advice is generally without prejudice to the formal determination of a planning application. Any concerns the Appellant has about this matter are best addressed by the Council, and do not carry weight in this appeal decision.
15. I note that the appeal site is within the Nutrient Neutrality Catchment Zone. However, because I'm dismissing this appeal for other matters, I do not need to proceed in considering this matter any further.

Conclusion

16. The proposal would conflict with the development plan as a whole and material considerations, including the Framework, do not lead me to decide otherwise. For these reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR