



Appeal Decision

Site visit made on 8 December 2022

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 18 JANUARY 2023

Appeal Ref: APP/V2635/W/22/3298653

27 Peddars Way, Holme Next The Sea PE36 6LE

- 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 & Mrs Thorogood against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/00457/F, dated 20 February 2021, was refused by notice dated 10 December 2021.
 - The development proposed is demolition of existing bungalow, construction of detached two-storey dwelling with garage and garden room.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow, construction of two-storey detached dwelling with garage and garden room at 27 Peddars Way, Holme Next The Sea PE36 6LE in accordance with the terms of the application, Ref 21/00457/F, dated 20 February 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the effect on an Area of Outstanding Natural Beauty.

Reasons

3. The appeal site lies within the village of Holme Next The Sea which is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework (the Framework) sets out that such areas have the highest status of protection in relation to landscape and scenic beauty, and that great weight is to be afforded to the conservation of these matters.
4. The site comprises of a modest bungalow which lies within a ribbon of development along the eastern side of Peddars Way, forming the edge of the settlement. To the rear of the properties sits the undeveloped historic core of the settlement. There is variation in the design and type of dwellings along the road, with a number of instances of pairs or small groups of more modern detached dwellings. Directly adjacent to the appeal site is 29 Peddars Way, a two storey flat roofed dwelling of contemporary character and appearance, with large, glazed areas, timber cladding and detached garage building to the front. Alongside the opposite side of the road is a high hedgerow with open land beyond.

5. Policy CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy Adopted July 2011 (CS), amongst other things, seeks high quality design in new development and the optimisation of site potential, making the best use of brownfield land. In that regard, Policy CS12 of the CS seeks that proposals protect and enhance, amongst other things, landscape character with particular regard to their location, scale, design and materials and including landscape setting and distinctive settlement character.
6. In the context of the above Policy DM15 of the Site Allocations and Development Management Policies Plan Adopted September 2016 (SA-DMP) also requires that the scale, height, massing, materials and layout of the development responds sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.
7. Policy HNTS 11 of the Holme-Next-The-Sea Neighbourhood Plan 2016-2036 Adopted July 2021 (NP) relates specifically to street scene, character and residential environment seeking respect for the layout, spacing and established character of neighbouring properties, as well as the amenity from external space. Policy HNTS 16 of the NP goes on to address replacement dwellings specifically and states that 'proposals for replacement dwellings will be permitted provided that they conserve and enhance landscape and scenic beauty and are appropriate to their location in the Norfolk Coast AONB and provided that they do not result in a net increase of more than 40% Gross Internal Floor Area (GIFA) of the original dwelling excluding any outbuildings'.
8. The limitation on the amount of additional GIFA set out in the policy aims to restrict the size of replacement properties in order to retain smaller dwellings in the housing stock, as well as ensuring that they are appropriate to their location within the AONB. There is dispute between the parties as to whether the GIFA of the proposal would meet the quantitative restriction of Policy HNTS 16.
9. The definition of GIFA set out in the glossary of terms in the NP is 'the total area enclosed by the external walls measured to the internal face of those walls and taking into account every floor in the building'. Reference is made by interested parties, to the inclusion of certain external first floor space under the RICS Code of Measuring Practice, however, Policy HNTS 16 and the glossary of terms set out in the NP are silent on the inclusion or exclusion of external first floor spaces in the calculation. No reference is made to the use of the RICS Code of Measuring Practice in the Policy Text, Supporting Text or the Glossary of terms within the NP. On the information before me therefore, I consider that as the balcony spaces would not be enclosed entirely by external walls, they do not meet the definition set out in the NP and therefore, do not contribute to the GIFA to be calculated for the purposes of Policy HNTS 16.
10. With regard to the floorspace of the two proposed outbuildings, Policy HNTS 16 states that when calculating the GIFA of the original dwelling, outbuildings should be excluded. Whilst the policy does not specifically address the situation of calculating the GIFA for a replacement dwelling where outbuildings are proposed, I consider it reasonable that they are similarly excluded so as to ensure a like for like comparison. I therefore consider that the proposal does

comply with the requirements of Policy HNTS 16 and it does not go beyond a 40% increase in GIFA.

11. In reaching the above view, I have taken into account that outbuildings are alternatively addressed specifically by Policy HNTS 17 of the NP which states that 'development proposals for extensions to existing dwellings and the provision of annexes and outbuildings will be permitted, provided that they conserve and enhance landscape and scenic beauty and are appropriate to their location in the Norfolk Coast AONB, where the proposal does not increase the Gross Internal Floor Area of the original dwelling by more than 40% excluding any outbuildings'.
12. Given that the proposed outbuildings would serve the replacement dwelling in terms of their functional relationship and that they are located within the established plot, they would conserve and enhance the landscape and scenic beauty and would be appropriate to their location. The internal floorspace to be provided by the outbuildings would not appear to exceed the 40% threshold of the proposed dwelling. Therefore, if they were proposed following the construction of the replacement dwelling, they would be policy compliant, in terms of the resultant GIFA, based on the replacement dwelling becoming the original dwelling. I am therefore satisfied with regard to the size of the proposed outbuildings, that they would comply with the 40% threshold requirement of Policy HNTS 17, and that this would provide a realistic fallback situation in this case.
13. Having regard to all of the above, I find that the development is in accordance with the 40% threshold in Policy HNTS 16 and the principle, with regard to the size of the proposed outbuildings accord with Policy HNTS 17, subject to the consideration of the suitability of the design and appearance of the development within the Norfolk Coast AONB which I deal with below.
14. The proposal would result in the replacement of the existing single storey dwelling with a two storey dwelling which takes design cues from the adjacent contemporary dwelling, No 29. The alterations made to No 29 to form the more contemporary design approach pre-dated the adoption of the NP. However, No 29 does make a contribution to the character and appearance of the area that needs to be considered.
15. The size of the proposed dwelling would have a similar height, width and depth to No 29 directly adjacent and would not appear overly large in comparison with others in the street scene. Space would be retained for an adequately sized rear garden and parking would be within the garage or to the front of the property with soft landscaping included to soften the frontage. The front elevation of the proposed dwelling would be in line with the principal elevation of No 29 and would respond to the general positioning of dwellings with a set back from the road retained. Whilst the garage to the front would be situated further forward than the principal elevation of the neighbouring property, it would be set back from the detached garage to the front of No 29, making it appear less prominent in the street scene, particularly given its single storey height.
16. Separation at first floor level from the shared boundary with No 29 would provide a feeling of spaciousness between the properties. The existing bungalow is currently situated right up to the boundary with the adjacent access track and this arrangement would be retained with first floor level in

- close proximity to the boundary. As a result, the proposal would not result in a cramped appearance and would not appear overly dominant in relation to the plot or the surrounding character and appearance with regard to its size. The proposal along with No 29 would appear as a cohesive pair of dwellings and would form a small complementary grouping of contemporary buildings that would provide visual interest amongst the varied character of the street scene.
17. The proposal would be consistent with the settlement pattern and form of the village and would respond to the locality in terms of its position within the plot. It would respond to existing design cues within the immediate vicinity and the materials would largely respond to those in the local area which are set out in the Style Sheet in Appendix E of the NP.
 18. Given the location of the plot within a ribbon of development along the edge of the village, and that the proposal is to replace an existing dwelling, it means that the effect on the AONB would be limited. This is because it is viewed in the context of a variety of other dwellings from public vantage points along Peddars Way and would be screened in part by soft landscaping from wider public view. The use of local materials characteristic of the area would connect the more contemporary design approach to the local vernacular of the settlement and the AONB in the same way that other modern properties do along Peddars Way.
 19. The proposal would result in an increase in the height of the dwelling on the site, however, the proposed height is not at odds with the scale of other dwellings along the road. When viewing the site from Beach Road, a national trail route, from gaps within the roadside hedgerow, whilst the ground floor level built form is screened more significantly through intervening roadside and field boundary hedgerows and trees, the roofscape of some of the existing two storey properties along Peddars Lane are visible.
 20. Intervening trees and vegetation screen the appeal site in part from these longer views and a requirement ensuring the retention of trees on site and the implementation of a soft landscaping scheme could be conditioned to ensure the proposal is appropriately integrated into the streetscene. It is acknowledged that newly planted trees will take time to establish, however requiring by condition, a scheme to protect retained trees during construction and to ensure that any newly planted trees are maintained for at least 5 years would ensure trees have time to establish.
 21. The potential for light spillage and the effect on dark skies is raised as a particular concern, given the size of the fenestration. The areas of glazing are larger than that of the existing dwelling on site. However, the main glazing areas to the front and rear are both recessed underneath a roof overhang with timber baton cladding positioned to limit any light emission to the sides of the main glazing. Integrated blinds and smart glass would also be used to reduce light pollution. A condition requiring the specification of the glazing to be submitted and approved prior to installation would ensure that light spillage is limited to an acceptable level. In addition, the Council have suggested a condition, should the appeal be allowed, requiring details of any external lighting to be agreed to mitigate unnecessary light spillage.
 22. The proposed detached garden room situated to the rear of the plot is located within the existing rear garden area. Although not forming part of the Council's reason for refusal, Holme-Next-The-Sea Parish Council have drawn to my

attention that the proposed outbuilding is located outside of the Development Envelope as set out in Policy HNTS 02 of the NP. In that regard, the policy is clear at (ii) that where large gardens extend beyond the Development Envelope, development will be restricted to that allowed under permitted development rights. Furthermore, the evidence before me indicates that the proposed garden room could not be developed under permitted development rights under the General Permitted Development Order.

23. It follows that the proposed detached garden room situated to the rear of the plot does technically conflict with Policy HNTS 02. However, the garden room is clearly related to the proposed dwelling and is located within the confines of the existing garden which would be enclosed by boundary treatments that provide screening, particularly given the limited height of the proposed garden room. The openness of the paddock beyond the rear boundary would be maintained. I therefore find that in this case, the limited conflict with Policy HNTS 02 does not result in specific harm or undermine the objectives of the policy in terms of the need to protect the form and character of the settlement, neighbouring amenity and privacy and the promotion of biodiversity.
24. Having regard to the above I conclude that the proposal would not be harmful to the character and appearance of the area and would conserve the landscape and scenic beauty of the AONB. The proposal would therefore comply with the requirements of Policies CS08 and CS12 of the CS, Policy DM15 of the SA-DMP and Policies HNTS 11 and HNTS 16 of the NP which seek amongst other things for developments to respond to landscape context, local setting and character of place and limiting the size of replacement dwellings to respond to the needs of the local housing stock.
25. In reaching the above findings, I have found limited conflict with Policy HNTS 02 of the NP with respect to the location of an outbuilding outside of the defined Development Envelope, however in the absence of any resultant harm in the particular circumstances of this case it is not reason to withhold planning permission when necessarily having regard to the development plan as a whole.

Other Matters

26. A lack of evidenced need for a dwelling is highlighted by interested parties in relation to the settlement hierarchy for the Borough and the identification of Holme Next The Sea as a smaller village or hamlet where it is considered that it would be inappropriate to seek further development, under Policy CS02 of the CS. However, given the proposal relates to a replacement dwelling and would not result in a net increase in the number of dwellings within the settlement, this is a neutral factor in this case.
27. I note concerns expressed by the Parish Council in terms of the replacement of a smaller dwelling and the impacts on the resident population and recognise that inevitably there will be a threshold where the cumulative effect of such development could have a detrimental impact in terms of unbalancing the locally available housing stock. However, as previously stated I have found no conflict with the 40% threshold in Policy HNTS 16 of the NP which, amongst other things, seeks to retain the availability of smaller homes for local people. Furthermore, based on my observations of the surrounding area, a sufficient range and type of dwellings currently remain to provide a suitable housing

choice for local residents and therefore, such matters are not reason to withhold planning permission in this case.

28. I also note the interested party reference to the presumption in favour of sustainable development set out under paragraph 11 of the Framework. The Council have not suggested that the requirements set out under paragraph 11 d) of the Framework have been applied in this case, and I have no evidence before me that leads me to consider that it should be.
29. Interested party concerns are also raised about the condition of the appeal site currently and questions around the need for a replacement dwelling when the existing bungalow could be upgraded and that no evidence has been provided in relation to energy efficiency or carbon footprint benefits, when comparing the proposal with the upgrade of the existing dwelling. However, the proposal is for a replacement dwelling and I must therefore consider the proposal on that basis.
30. The Planning Inspectorate have carried out a screening exercise in respect of the need for an Environmental Impact Assessment and I am satisfied that this is not required in this case.
31. Interested parties have raised concerns about the proposal, with regard to it appearing overbearing and creating an issue of overlooking of neighbouring properties. Given the design of the dwelling layout, the location of the balcony spaces in relation to the neighbouring properties and the partial enclosure of the balconies to limit views, along with the separation distances to neighbouring properties and boundaries, the proposal would not result in an overbearing form of development or create significant detrimental levels of overlooking of neighbouring properties which would warrant refusal of planning permission.

Conditions

32. I have considered the conditions suggested by the Council, in light of the Framework and the Planning Practice Guidance and have necessarily made some minor wording changes to accord with them when imposing the following conditions. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty.
33. A condition requiring a hard and soft landscaping scheme to be submitted to and approved by the Council, prior to development commencing is imposed to ensure the retention of existing trees and that the specification and size of proposed trees are appropriately identified so that the scheme contributes to the character and appearance of the area. A condition is also imposed to ensure implementation and replacement of planting where necessary within the first five years to ensure the planting contributes to the street scene in the longer term. A condition requiring a sample panel of external materials is also imposed to ensure the satisfactory appearance of the dwelling.
34. An additional condition requiring details of the glazing specification to be submitted and approved prior to installation is also imposed along with a condition requiring details of external illumination in order to limit light spillage from the development. Conditions requiring that the parking and turning area is provided prior to occupation and that any obstruction to access the parking

area, such as gates, bollards, chains for example are set back an adequate distance and that side walls are splayed are also imposed in the interests of highway safety.

35. A condition limiting the use of the outbuildings so that they remain incidental to the dwelling is imposed so that if any changes are proposed to the use of them in the future they could be adequately assessed by the Council.

Conclusion

36. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed and planning permission is granted subject to the attached conditions.

G Dring

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, 2016-001 Rev P1, 2016-100 Rev P4, 2016-110 Rev P3, 2016-111 Rev P3 and 2016/112 Rev P2.
- 3) No development shall commence until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. 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. Details of soft landscape works shall include a planting plan, schedule of trees noting species, plant supply sizes and proposed numbers.
- 4) The landscaping scheme as required by condition 3), shall be carried out in accordance with the approved details before any part of the development is first occupied or in accordance with an implementation programme agreed with the local planning authority. Any trees or plants that within a period of 5 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 as those originally planted, unless the local planning authority gives written approval to any variation.
- 5) No development shall commence on any external surface of the buildings hereby permitted until a sample panel of the materials to be used for the external surfaces of the buildings hereby permitted has been erected on the site for the inspection and written approval of the local planning authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.

- 6) Prior to the installation of any glazing in the development hereby approved, details of the specification of the glazing will be submitted to and approved in writing by the local planning authority. The glazing shall be implemented as approved prior to the occupation of the development and thereafter maintained and retained as agreed.
- 7) Prior to the first occupation of the development hereby permitted the proposed on-site car parking/ turning area shall be laid out, levelled and surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 8) Prior to the first occupation of the development hereby approved, details of the method of external lighting and extent of illumination shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be implemented as approved prior to the occupation of the development and thereafter maintained and retained as agreed.
- 9) Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/ fences/ hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- 10) The use of the outbuildings hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used as an independent unit of residential accommodation or for business or commercial purposes.