



Appeal Decision

Site visit made on 5 December 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/V2635/W/22/3299416

White Gables, Shepherdsgate Road, Tilney All Saints PE34 4RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Harry Green against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/02167/O, dated 5 November 2021, was refused by notice dated 11 April 2022.
 - The development proposed is proposed residential development.
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Decision

1. The appeal is allowed and outline planning permission is granted for proposed residential development at White Gables, Shepherdsgate Road, Tilney All Saints PE34 4RP in accordance with the terms of the application, Ref 21/02167/O, dated 5 November 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The planning application was made in outline with layout, scale, appearance and landscaping reserved. As such, I have regarded all elements of the drawings submitted as indicative apart from the access details.

Main Issue

3. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

4. The appeal site forms part of the garden of White Gables, a detached bungalow situated on a relatively large plot within a mainly residential area. The host property is bounded by 7 Willow Drive to the south and by a golf course to the west. Tilney All Saints Primary School is located opposite on the other side of Shepherdsgate Road. The site is enclosed by an established hedge to the south and is largely open to the road frontage. There is an existing driveway off Shepherdsgate Road which would be shared by both the existing property and the proposed dwelling.
5. The host property is set back from the road which, in combination with the large garden, creates an open character on this corner of the road. Although there is a mix of house sizes and styles in Tilney All Saints, the prevailing pattern of development in the surrounding area is that of detached bungalows

- constructed externally in brick with tiled roofs and partly characterised by their low roof profiles.
6. The proposal would be sited within close proximity of White Gables and 7 Willow Drive and would be viewed largely in the context of these properties. Both are single storey with shallow roofs, low ridge heights and consequently sit comfortably within their surroundings. However, there are other neighbouring buildings of greater height in the area, such as the primary school and Rustic Lodge, though these are located slightly further away from the site and on the opposite side of Shepherds gate Road.
 7. The submitted indicative plans show a chalet style bungalow which would be set off the ground to mitigate flood risk and include first floor accommodation. The Council does not object to the principle of the development but is concerned that the need to raise the finished floor level of the proposed dwelling would be likely to result in a building whose scale and height would be at odds with its surroundings, exacerbated by its prominent location in close proximity to the primary school, which would be harmful to the character and appearance of the area. However, details of layout, scale, appearance and landscaping are not before me for consideration.
 8. The plans indicate that the finished floor level would be raised to 3.4m above ordnance datum (AOD) which would be around 1.1m above the existing ground level of the site and about 800mm above the finished flood level of White Gables. However, the appellant's Flood Risk Assessment recommends that the finished floor level of the dwelling be 400mm above ground level with a further 600mm of flood resistant construction incorporated above finished floor level. I note that the Environment Agency has raised no objections to those recommendations. This does not suggest that the dwelling would need to be raised significantly above the existing ground level. Moreover, the site is set slightly lower than road level which would have the effect of reducing the apparent height of the dwelling when viewed from the road.
 9. I accept that any new dwelling on the site will be prominently located. However, subject to appropriate scale, massing and height, it is not inevitable that a new dwelling would be unduly high in relation to the neighbouring properties or harmful to the street scene, particularly given that there is some variation in the scale and height of properties in the area. Thus, I do not consider that a dwelling on the appeal site would be out of character with the area, though details of scale, layout and appearance would need to be agreed as part of a subsequent reserved matters submission.
 10. Therefore, on the basis of the evidence before me, I consider that it would be possible to develop the site with a new dwelling in a manner that would reflect the character of neighbouring built development. As such, the proposal would not be at odds with the prevailing pattern of development in the surrounding area and would promote local distinctiveness.
 11. For these reasons, I conclude that the development proposed would not be harmful to the character and appearance of the area. It would accord with Policies CS06 and CS08 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (2011), Policy DM15 of the Site Allocations and Development Management Policies Plan (2016), Policy 1.3 of the Tilney All Saints Neighbourhood Plan (2021) and paragraph 130 of the National Planning Policy Framework (the Framework), which in summary, and

amongst other things, require that development responds positively to local character and enhances the quality of the environment.

Other Matters

12. Given that the proposal is in outline form, precise details of the development, including its siting, layout and orientation, are not before me for consideration. However, on the basis of the size of the plot, the likely spacing between the proposal and the neighbouring properties, and hedge screening on the southern site boundary, I consider that a satisfactory layout and scale of development could be accommodated within the site which would protect the living conditions of the neighbouring occupants. The Council has not objected to the proposal in respect of the effects on highway safety, drainage and wildlife and there is no substantive evidence before me that would lead me to reach a different conclusion in respect of these matters.

Conditions

13. I have had regard to the conditions suggested by the Council. In imposing conditions I have had regard to the relevant tests in the Framework, Planning Practice Guidance and of statute. In that context I have modified the wording of conditions proposed by the Council without altering their fundamental aims.
14. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty.
15. Details of drainage for the disposal of surface water and foul sewage are required by condition to secure the satisfactory drainage of the site. In order to mitigate flood risk, a condition is necessary to require the implementation of the flood risk measures outlined in the Flood Risk Assessment which would include the need to raise the finished floor level of the dwelling by 400mm above existing ground level.
16. In the interests of highway safety, I have included conditions to require the upgrading of the vehicular access, the provision of visibility splays and to prevent obstruction of the access.
17. A condition relating to unexpected contamination would prevent any potential impacts on human health and the pollution of the environment.

Conclusion

18. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

M Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale (the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission, and the development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: HAL21-HG-100 Rev B (other than in respect of reserved matters).
- 4) No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The agreed foul and surface water drainage scheme shall be implemented before the dwelling hereby permitted is first occupied as such, and thereafter retained.
- 5) The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment by Geoff Beel Consultancy (GCB/Holt Architectural), dated June 2021, and shall include the following measures:
 - (i) the finished floor level of the dwelling hereby permitted shall be set no lower than 400mm above existing ground level;
 - (ii) flood resistant measures shall be incorporated up to 600mm above finished flood level.
- 6) Prior to the first occupation of the development hereby permitted, visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the nearside carriageway edge. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 7) Prior to the commencement of the use hereby permitted, the vehicular access indicated for improvement shall be upgraded in accordance with the Norfolk County Council residential access construction specification for the extent of the highway verge affected. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, amending or re-enacting that Order with or without modification) no gates, bollards, chains or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

END OF SCHEDULE