



Appeal Decision

Site visit made on 1 February 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2023

Appeal Ref: APP/V2635/W/22/3305682

Cley Cottage, The Marsh, Walpole St Andrew PE14 7JG

- 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 W Reeve against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/02483/F, dated 22 December 2021, was refused by notice dated 20 June 2022.
 - The development is side porch, raised patio, detached garage, new access and change of use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal in the Council's Decision Notice indicates that the change of use is for a part of the existing agricultural grassland to host the proposed garage. As this is undisputed, I have determined the appeal on that basis.
3. From my site observations and on the basis of the evidence before me, the proposed development has been erected and therefore I am considering this appeal retrospectively.

Main Issues

4. The main issues of this appeal are:
 - Whether the location is suitable for the development; and
 - The effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site consists of a detached chalet bungalow with the addition of those elements which are the subject of this appeal comprising a triple-bay, 1.5 storey garage, side porch and raised patio area. The host dwelling and garage abut The Marsh Road, with a gravelled parking and turning area between the two buildings.

6. It is highlighted that planning permission was previously granted¹ for the erection of two houses which indicates the appeal property as plot 2 with a garage to the rear.

Suitability of location

7. Both parties do not dispute that the appeal site is situated outside a defined settlement boundary and subject to Policy DM2 of the Council's Site Allocations and Development Management Policies Plan (2016) (SADMPP). This appeal site is therefore classed as being within countryside where development would be strictly controlled, and only defined exemptions would be allowed. The proposed development does not fall into any of these exemptions. Furthermore, Policy CS06 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (the CS) seeks to resist the development of greenfield sites unless for agricultural or forestry purposes.
8. The appellant maintains that the proposal can be considered as a domestic extension, rather than a new development, and that therefore Policy DM2 will not apply. However, this policy does not specify that any specific forms of development, including extensions to domestic properties, should be excluded from consideration, and the nature or definition of this proposal does not therefore exempt it from being subject to this policy. In addition, although the side porch attaches to the main dwelling, the detached garage is set wholly and noticeably apart from it so cannot reasonably be considered as an extension. I have therefore given this argument no weight in my decision.
9. The appellant has also raised the argument that the appeal site is within a built-up area with continuous road frontage residential development to the south-west and continuous road frontage residential development opposite. My attention has also been drawn towards recent case law² which the appellant maintains gives a basis for concluding that the site is within a settlement and therefore not within the open countryside.
10. The appeal site is located on the edge of Walpole Marsh rural village at the end of a loose ribbon arrangement of residential dwellings predominantly on the north side of The Marsh Road, as well as being away from the core of Walpole St Andrew. Notwithstanding the location of the development is outside of a policy defined settlement boundary, I acknowledge that the site is located on the fringe of this rural village. I also note that the hedgerow running along the north-east site boundary provides some degree of demarcation between the wider open countryside and the appeal site. However, it is nevertheless a village fringe location whereby there is a significant degree of separation between that hedge and the main host dwelling. The garage concerned noticeably encroaches into that intervening space that is closely aligned with the prevailing spacious and open countryside characteristics of the immediate locality.
11. The majority of the porch on the side elevation of the host property is situated within the existing extent of the approved residential land boundary, albeit that the steps are situated beyond this boundary. As such, I consider the porch is

¹ 14/00972/F and 11/00418/F for the erection of two houses.

² Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

an acceptable addition to the host property in respect of this issue. However, this does not deflect from my finding in respect of the garage.

12. For the above reasons, I conclude on this issue that the location is not suitable for the development and therefore conflicts with Policies DM2 of the SADMPP and CS06 of the CS.

Character and appearance

13. The porch is finished with materials to match the existing building and is of a design, scale and proportions that is subservient to the host dwelling. Combined with its location which is set back from The Marsh Road, it has a limited effect on the character and appearance of the area.
14. In respect of the garage, hedging to the northeast and along The Marsh Road provides it with some screening, however, given the 7m height and scale of the garage the degree of such screening is limited. There is a considerable margin of undeveloped land around three sides of the garage, but it is positioned close to the front access and street scene.
15. My site observations indicate that due to its position near the road the garage is visible from various directions above the hedge and front access. The appellant highlights that when viewing the garage from the street scene and wider distances along The Marsh Road and beyond, the existing dwellings will form a backdrop of built form to the garage. I acknowledge that there is some degree of backdrop provided by the small number of adjacent dwellings and the host property in the street scene as seen when approaching the appeal property from the northeast. However, the garage does not benefit from any such backdrop when approaching from the opposite direction. Furthermore, it has a distanced relationship with the host dwelling and projects onto the otherwise and previously open field.
16. For the above reasons, the garage is unduly prominent in the context of the street scene, has an urbanising influence on the countryside and detracts from the rural identity of the countryside setting of Walpole St Andrew.
17. The change of use of agricultural land to residential garden to facilitate the driveway alterations and detached garage has significantly increased the size of the residential plot based on the originally approved plans for the existing dwelling. My site observations indicated that other properties along The Marsh Road have modest sized driveways in comparison to the driveway alterations at the appeal site which is larger in scale and therefore not sympathetic to the local setting nor the prevailing pattern of adjacent driveways.
18. I therefore find the development causes harm to the character and appearance of the surrounding area and conflicts with Policy DM15 of the SADMPP and Policies CS01 and CS06 of the CS. Policy DM15 states that the scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials. Policy CS01 of the CS refers to protecting the countryside beyond the villages for its intrinsic character and beauty. Policy CS06 states the strategy for rural areas is, amongst other things, to maintain local character and a high-quality environment.

Other Matters

19. The appeal site is located within the proximity of the North Norfolk Coast Special Area of Conservation (SAC), the Wash Special Protection Area (SPA) and the Wash Ramsar Site and the Wash Site of Special Scientific interest (SSSI). The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment (AA) of the project's implications in view of the relevant conservation objectives. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an AA, or consider this matter further.
20. The appellant states that the field is too small to be commercially farmed and any impact on the character and appearance of the area would be outweighed by the benefits gained in terms of enhancing a family home. Whilst I have given this careful consideration, I am mindful of the advice contained in the Planning Practice Guidance³ that in general planning is concerned with land use in the public interest. There is also insufficient information before me to support this contention. For these reasons, I therefore find that these factors are not sufficient to outweigh the harm that I have found is caused in respect of the main issues.
21. The proposed raised rear patio area is situated within the residential curtilage and the Council do not consider it to have any significant adverse impact on the character and appearance of the street scene or residential amenity, and state that it could be acceptable subject to the provision of full screening details. I have no reason to disagree with this position, however, this does not outweigh the harm from the other elements of the development as outlined above.
22. The Parish Council and other interested parties have given their support for the development and no objections were raised by technical consultees. However, this does not automatically justify allowing the appeal which I have determined on its merits based on all of the evidence before me.
23. Although it is reasonable to expect a garage capable of accommodating more than one car to be associated with the dwelling, this factor is not sufficient to outweigh the harm identified above.

Conclusion

24. For the reasons given, I conclude that the proposed development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Wellstead

INSPECTOR

³ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'