



Appeal Decision

Site visit made on 30 May 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2023

Appeal Ref: APP/V2635/W/22/3304312

Queens Head, 33 Gaultree Square, Emneth, Wisbech PE14 8DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs Skeels against King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/00310/F is dated 17 April 2022.
 - The development proposed is single storey extension to accommodate Tea Rooms.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs has been submitted by Mr and Mrs Skeels against King's Lyn and West Norfolk Borough Council. This matter is the subject of a separate decision.

Preliminary Matters

3. The appeal form refers to a two-storey side extension to accommodate tea rooms and function room. However, the application form describes a single-storey side extension. The submitted plans and accompanying evidence refer to the form of development described on the application form. On this basis and as both main parties refer to a single storey extension, I have adjusted the description of development in the above banner heading to reflect this which more accurately describes the development proposed.
4. The Appellants identify, in correspondence with the Council, that the proposal includes the change of use of the ground floor to tea rooms. The Council took this element into account within its consideration of the proposal. As a result, I have considered the appeal in the same manner, without causing prejudice to any party.
5. The appeal site was granted planning permission¹ in 2017 to be converted to a dwelling, which has been implemented. The Appellant explains that the building was partly used to run a business for many years for cake decorating and outside catering. This business ceased during the pandemic. A new business opened in May 2021 for outside food and drink with a room being made available for commercial use within the building from September 2021. During

¹ Planning Application Reference: 17/01633/F

my visit I noted that the tearoom, within the existing building, was open and serving customers.

6. The Council has explained that outline planning permission² was granted for a dwelling within the former car park area to the rear of the site. During my visit I noted that this area was overgrown and not in use. The Appellants have confirmed that this site is now in separate ownership.

Main Issues

7. The application was not determined by the Council within the statutorily prescribed 8-week timeframe. As such, following the submission of an appeal it falls to me to determine whether planning permission should be given.
8. In consideration of the Council's Statement of Case, and the evidence before me, the main issues in dispute are:
 - The effect of the proposed extension and flue of the character and appearance of the area, and
 - The effect of the proposal on highway safety with particular regard to parking provision.

Reasons

Character and appearance

9. The appeal site comprises a dwelling, part of which is in use as tearooms. Gaultree Square runs to the front and side of this corner plot. The building is surrounded by a combination of residential properties and commercial uses within a rural setting. The building is a wide two-storey structure, with brick stacks at both ends and with a balanced frontage with a symmetrical window configuration. It is attached to the neighbouring property, but this is a separate entity evident by the change in eaves, roof profile and window arrangement. The host building is within a prominent location being at a junction, and opposite the bend formed by Hollycroft Road, affording wide and distant views from approaches. Due to its traditional form, and prominence within the street, the building makes a strong contribution to the character and appearance of the area.
10. The proposed side extension would be relatively wide and would include large patio doors to its frontage. It would have a flat roof and would extend the building close to the side road. These features would be at odds with the character of the existing building with elements that would create a poor juxtaposition of features. Consequently, the proposed extension would not complement the traditional design features of the host building. Moreover, the mass of the proposal would occupy most of the space to the side of the building. Due to its scale and prominence, the proposal would infill this space with a dominant addition. Consequently, the proposal would introduce a form of development that would fail to integrate well with the building or the surrounding area.
11. The flue would be located on the side wall and terminate above the roofline. It would consist of galvanised metal and have an industrial character. This would be on an exposed part of the building, close to its front elevation. Due to the

² Planning Application Reference: 17/02314/O

corner nature of the plot, the flue would be a strident and dominant feature that would be obtrusive in this setting. As such the flue would also not complement the character of the existing building or its setting within this rural context.

12. As a result, the proposed side extension and flue would harm the character and appearance of the site and surrounding area. Accordingly, the proposal would conflict with policies CS06 and CS08 of the Core Strategy [2011], policy DM15 of the Site Allocations and Development Management Policies Plan [2016] (SADDP). These policies seek, among other matters, for development to respond sensitively and sympathetically to the local setting and to existing street patterns including the spaces between buildings.

Highway matters

13. The National Planning Policy Framework (the Framework) requires the planning system to actively manage the pattern of growth in support of promoting sustainable transport. This means that movement patterns should be taken into account at an early stage to take advantage of opportunities to promote walking, cycling and public transport. However, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
14. The site is within a rural location, providing limited access to public transport although it is noted that a bus stop is a short distance from the site. Whilst the Appellant asserts that most existing customers walk to the site limited technical evidence has been provided to substantiate this. Furthermore, whilst the site could accommodate cycle parking, such provision would only provide for part of the sustainable travel requirements of the proposed scheme.
15. The Council states that it employs parking standards. These would require around 13-14 spaces to be provided within the plot, at a rate of one space per 5 sqm of floorspace. The Council has not indicated whether it applies a reduced requirement in urban locations, where users would have greater access to public transport. This approach would be reflective of the Framework where car parking standards should take into account an areas accessibility and in supporting community needs in rural areas that may not be well served by public transport. Therefore, being within a rural area it appears that customers would be more reliant on accessing the site by private car, unless they live within walking distance. As a result, and in the absence of any transport evidence to the contrary and despite the Appellants' assertions, I find that many customers would be likely to attend the proposed use by private car. Without an on-site provision customers would seek parking on local roads.
16. Hollycroft Road/Gaultree Square is a small rural road that runs through the village. It benefits from footways and streetlights and is subject to a 30mph speed restriction. The site is close to a convenience store, car repair garage (service station) and a primary school. The convenience shop is on a nearby corner. The adjacent highway of the shop is protected by parking restrictions in the form of double yellow lines.
17. The car repair garage has a small forecourt, and the convenience shop has no dedicated on plot parking, both of which appear to create some on street parking. During my visit, I noted two traffic cones (placed by the Appellants in front of the site) were intended to deter parking at the junction. Other than the

location of the cones, the site's frontage was occupied by parked vehicles, which also were noted opposite the site and in front of neighbouring properties. This parking reduced the width of the carriageway and forced approaching vehicles cross the centre line and pass in turn through the remaining gap. Although offering only a snap-shot in time my observations illustrate that on street parking around the site can be in high demand on occasion. Parked cars in front of the site also obstruct views of motorists exiting the road to the side of the site.

18. The existing highway hazards would be exacerbated by increased on-street parking as a combination of the use of the existing building and the proposed extension. This combined demand would hamper the free-flow of traffic and increase the risk of collisions. As a result, the additional anticipated on-street parking, close to the site, would be unsafe. Although the Appellants' accident data identifies that only two accidents have been reported around the site, this does not account for the effect of additional parking that would be generated by a fully occupied and expanded facility.
19. The Appellant asserts that the Parish Council have a public car park that it makes available for users of the proposal. The Parish Council has written in support of the planning application, but it has not referred to the use of its car park in correspondence and this appears to be an informal agreement only which could be withdrawn. Furthermore, it is not demonstrated in evidence how many customers currently make use of this car park. As such, the stated available off-street parking facility does not guard against future changes to its availability. As a result, this informal, ad-hoc arrangement is of limited benefit in favour of the proposal.
20. The site is within walking distance of most of the village as defined by guidelines produced by the Institution of Highways and Transport. The Appellants assert that if parking were provided it would encourage car use and that an absence of parking would encourage walking and cycling. However, whilst this might be correct for urban areas where a wide range of travel choices might be available, this logic could not be applied to this site within a small village. The Appellant's cannot guarantee the catchment area of the business or limit the travel distance of future customers. Consequently, once formally established the proposed use would be likely to create demand for car parking that cannot be accommodated on site. This would result in significant levels of on-street parking in a location that would be hazardous to road users in conflict with highway safety.
21. As such, the proposal would be contrary to SADDP policy DM15 and the Framework. This seeks development, *inter alia*, to demonstrate that safe access can be provided, that adequate parking facilities are available and for the Council to refuse development on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

22. The Framework seeks development that provides the social, recreational and cultural facilities and services that the community needs. The Appellants state that the business would enter the 'Chatty Café' scheme. This is designed to encourage customers to meet and talk as a method to tackle loneliness and isolation. This scheme is commendable and would enhance the community benefits of the facility. The proposal would also deliver employment

opportunities and attract customers into the village who might spend in other facilities in the area. The proposal has been supported by many local residents and the parish Council. Nonetheless, the village appears to include a range of existing community facilities including a parish hall and church. Consequently, the benefits of the proposal offer moderate support to the proposal.

Planning balance and conclusion

23. The proposal would provide a commercial use that would deliver social and economic benefits of moderate weight in its favour. However, the proposed extension and flue would harm the character and appearance of the area and the use would increase on street parking in a hazardous location. Therefore, whilst the proposal complies with many policies in the development plan, this has not outweighed the conflict I have found with the relevant planning policies and subsequently the proposal conflicts with the development plan as a whole.
24. In this case, the moderate benefits advanced in favour of the appeal would not outweigh this conflict and do not indicate that a decision should be made other than in accordance with the development plan.
25. For the above reasons, the appeal is dismissed, and planning permission is refused for the above reasons.

Ben Plenty

INSPECTOR