The Planning Inspectorate

Appeal Decision

Site visit made on 6 July 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2023

Appeal Ref: APP/V2635/D/23/3318756
Old Butchers Shop, 54 Back Street, South Creake, Norfolk NR21 9PG

- 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 and Mrs Garfoot against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 22/01472/F, dated 11 August 2022, was refused by notice dated 23 December 2022.
- The development proposed is the demolition of a section of the south boundary wall.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of a section of the south boundary wall at Old Butchers Shop, 54 Back Street, South Creake, Norfolk NR21 9PG in accordance with the terms of the application, Ref 22/01472/F, dated 11 August 2022, and the plans submitted with it, subject to the following 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: Existing Drawings EX01; Planning Drawings BW01.

Applications for costs

2. The appeal is accompanied by an application for a full award of costs made by Mr and Mrs Garfoot against Kings Lynn and West Norfolk District Council. This is the subject of a separate decision.

Main Issues

3. The main issues are:

    - Whether the proposed development would preserve or enhance the character and appearance of the South Creake Conservation Area (SCCA); and

    - The effect of the proposed development on highway safety.

Reasons

Character and Appearance of the Conservation Area

4. The appeal property is on Back Street, a quiet, minor road characterised by traditional cobble and red brick-built cottages opening directly onto the street with short rows of buildings at right angles linked by flint and brick garden

walls. Modern infill properties generally follow the traditional building line and boundary treatments found within the street.

5. The South Creake Conservation Draft Character Statement (1992) notes the use of local materials in the construction of historic buildings as being a defining characteristic of the SCCA and the street is characterised by narrow gaps between properties which provide glimpses through to the rears of properties on Front Street.

6. The removal of a short section of more recent brick boundary wall facing Chequers Lane at right angles to Back Street, is proposed which would provide a new vehicular access to the appeal property. A sliding timber five-bar gate would be installed.

7. Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. In considering the effect of the proposal on the SCCA the impact must be weighed against the harm it would have on the heritage asset.

8. The limited scale of the proposed development, the retention of the flint and brick boundary wall along the Back Street frontage and the proposed timber five-bar gate would be in keeping with other similar vehicular accesses along the street and appropriate to the rural village nature of appeal property's location. As such, the proposal would not result in harm to its surroundings or to the special interest of the SCCA as identified above. Rather, it results in a neutral effect on the character and appearance of the SCCA as a whole, which would be preserved.

9. I therefore conclude that the proposed development would not cause harm to the character and appearance of the appeal site or its surrounding, with particular regard to the character of the SCCA. As a result, it does not conflict with Policies CS08 and CS12 of the King's Lynn and West Norfolk Local Development Framework Core Strategy 2011 (Core Strategy) along with Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP) which, amongst other things, seek to ensure that development is of a high quality which protect and enhance the historic environment. Nor would it conflict with the aims of the National Planning Policy Framework (the Framework) to protect the historic environment.

Highway Safety

10. Chequers Lane is narrow and provides pedestrian access between Front Street and Back Street and vehicular access to two properties. In turn, Back Street is also narrow. The proposed access would be onto Chequers Lane and would utilise the existing junction from the lane onto Back Street.

11. The Council has referred to the Manual for Streets (MfS) which recommends appropriate visibility splays for highways where speeds are likely to be in the region of 20-25 miles per hour (mph). However, given the short length, restricted width and limited accesses, together with the pedestrian bridge and ford through the river, it seems to me that traffic on Chequers Lane would be neither prolific nor swift moving. Moreover, it is likely that the absence of visibility splays would encourage drivers to emerge cautiously into the lane.

12. The Council has not provided any evidence of any accidents occurring as a result of vehicles emerging onto either Chequers Lane or Back Street. Whilst I also noted such assess arrangements are typical of the village's tight grain. Therefore, I am not persuaded that the creation of the proposed access would have a significant effect on the safe use of the highway.

13. Therefore, I conclude that the proposed development would not unduly compromise the safe use of the highway by pedestrians and vehicles. Accordingly, I find no conflict with Core Strategy Policy CS11 or SADMPP Policy DM15 which seek to ensure that development provides safe access. I also find no conflict with the Framework in respect of highway safety.

Conditions

14. I have considered the Council's suggested conditions in the light of the tests in the National Planning Policy Framework and the advice in Planning Policy Guidance. I have attached a condition which requires the development to comply with the submitted plans, in the interests of certainty.

Conclusion

15. For the reasons given above, having considered the development plan when read as a whole and all other issues raised, I conclude that the appeal should be allowed subject to the conditions set out above.

K L Robbie

INSPECTOR