



Appeal Decision

Site visit made on 8 November 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2023

Appeal Ref: APP/V2635/W/23/3317542

6 Kenwood Road, Heacham PE31 7DD

- 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 S Goldring against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/01610/F, dated 8 August 2021, was refused by notice dated 7 October 2022.
 - The development proposed is proposed dwelling following sub-division.
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Decision

1. The appeal is allowed and planning permission is granted for proposed dwelling following sub-division at 6 Kenwood Road, Heacham PE31 7DD in accordance with the terms of the application, Ref 21/01610/F, dated 8 August 2021, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues are the effects of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of neighbouring properties, with particular regard to light, outlook, privacy and noise.

Reasons

Character and appearance

3. The appeal site comprises a parcel of land to the side of an existing semi-detached bungalow at 6 Kenwood Road. On the opposite side of the appeal site is 4 Kenwood Road and 16d High Street. To the front, the site is bounded by the unadopted highway, and enclosed by a timber fence with tree and shrub planting behind.
4. Kenwood Road is characterised by a mix of detached and semi-detached bungalows and two storey dwellings of varying styles and forms. Plots are often narrow and elongated. Accordingly, there are several examples of dwellings that are appreciably deeper than they are wide, with dual pitched roofs and front facing gables. Dwellings are typically set back from the highway behind modest front gardens and car parking, with varying degrees of openness. They also often sit close to the side boundary on one side. Finishing materials include a mix of brick, light coloured render and cladding.
5. The appeal proposal would introduce a modest two-bedroom detached bungalow to the side of the existing bungalow at No 6. Though the orientation of its roof would differ from its immediate neighbours, it would be of a design,

- height, form and finish in keeping with other dwellings in the wider street scene and its front facing gable would reflect the forward projecting gable at No 6.
6. Though it would extend forward of the front elevation of No 6, the proposed bungalow would be set back from the highway further than No 4. This would provide a transitional step in the frontage between the two existing dwellings either side. The gap provided by the proposed driveway and those of the adjacent properties would also ensure sufficient space is maintained between dwellings along this part of the street.
 7. I recognise that the proposed driveway to the front and side of the bungalow would be somewhat constrained due to the site layout. Vehicles would likely be required to park perpendicular to one another and in tandem. The space to the side of the proposed bungalow would be particularly limited.
 8. However, even if the space to the side of the bungalow were not used, the plans before me indicate that the proposed driveway would be of sufficient size to accommodate two cars to the front of the bungalow, within the site boundary and with space for occupants to enter and exit each vehicle. I saw that tandem parking and parking to the front of dwellings, particularly on narrow plots, is also common along Kenwood Road.
 9. Notably, the proposed parking provision would comply with Policy 6 of the Heacham Neighbourhood Plan 2017-2036 Made (Adopted) Version June 2022 (the NP) and the Local Highway Authority (LHA) did not object to the proposal. I therefore find that the space provided on site for vehicle parking would not appear unduly limited or contrived, or uncharacteristic of the area.
 10. A commensurately sized external amenity space would be reserved to the rear of the bungalow, sufficient for a two-bedroom dwelling and comparable to those of its immediate neighbours. The proposal would result in an appreciable reduction in the external amenity space available to No 6. However, No 6 benefits from a relatively large front garden on its southern side that is partially enclosed. It would therefore retain a commensurate amount of external amenity space, of a size comparable to other properties in the vicinity.
 11. The proposal would result in the loss vegetation on site, particularly along the front boundary, some of which contributes positively to the character and appearance of the area. However, a small parcel of land suitable for soft landscaping would be retained to the front corner of the plot. This would be notable in views looking north along Kenwood Lane and provide an opportunity to soften the development. The garden space to the rear of the site would provide further opportunities for tree and shrub planting. Details of soft landscaping can be secured by way of a planning condition. The layout and appearance of the site from Kenwood Road would ultimately remain in keeping with the street scene.
 12. I conclude that the proposal would not harm the character and appearance of the area. It would be in accordance with Policy CS08 of the Local Development Framework - Core Strategy Adopted Version July 2011 (the Core Strategy) and Policy DM15 of the Site Allocations and Development Management Policies Plan Adopted September 2016 (the SADMPP) in this regard. These policies, among other provisions, seek to ensure new development is of a high-quality design, responds to the context and character of places and is sensitive and

sympathetic to the local setting and pattern of adjacent streets including spaces between buildings.

13. The proposal would also accord with Policies 1 and 5 of the NP. These policies, among other provisions, seek to support proposals for infill residential development on their merits, taking account of factors including scale, the character of the area, the size of the village and other proposals in the locality. They also seek to ensure development proposals preserve and enhance Heacham, reinforce the character of the area, have gardens commensurate with the intended occupancy and car parking of sufficient size with minimal impact on the street scene, where appropriate.
14. It would also comply with Paragraphs 126 and 130 of the National Planning Policy Framework (the Framework), in respect of their aims of achieving good design and ensuring that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character.

Living conditions

15. The proposed bungalow would be positioned close to the shared boundary of the site with 4 Kenwood Road. This neighbouring dwelling is separated from the boundary by a driveway and its relationship to the proposed bungalow would be staggered, with the rear portion of the bungalow partially screened by No 4's detached garage. The roof of the bungalow would slope away from the shared boundary.
16. No 4 has windows at ground and first floor facing the appeal site. The proposed bungalow would sit opposite the northernmost windows on this elevation. The separation distance between the proposed bungalow and these windows would be limited. The bungalow would therefore be prominent in the outlook from these windows and would also have some effect on sunlight reaching them, albeit only for a limited time when the sun is low in the sky to the east. However, the single storey nature of the proposal combined with its roof design and orientation, its staggered relationship, and partial screening, would considerably mitigate any undue harmful loss of sunlight or outlook for No 4.
17. The other ground floor east facing windows in No 4 would not sit directly opposite the proposed bungalow and so the effect on sunlight to, or outlook from, these windows would be more limited. The first floor east facing window would be of sufficient height to avoid any undue loss of sunlight or outlook.
18. The western elevation of the proposed bungalow would feature a single kitchen window facing the shared boundary. However, the plans demonstrate that views from this window would be substantially obscured by No 4's detached garage immediately opposite. This would therefore not unduly overlook No 4.
19. The proposed bungalow would be located an appreciable distance from the rear facing elevations of 16C and 16D High Street. It would not sit immediately adjacent to the shared boundary with 16D, nor would it be position directly behind either of these neighbouring dwellings or their respective gardens. Given its modest height, the proposed relationship would therefore not result in any undue loss of sunlight or outlook.

20. While the bungalow would feature rear facing patio doors and a window serving the open plan kitchen/dining/lounge, views from these towards the rear elevations and rear gardens of Nos 16C and 16D would be oblique and appreciably screened by boundary fencing.
21. The proposal is for a residential development in a residential area and, given its modest size, there is no compelling evidence before me to indicate that it would result in any undue levels of noise or disturbance when in use.
22. I therefore conclude that the proposal would not harm the living conditions of the occupiers of neighbouring properties, with particular regard to light, outlook, privacy and noise. It would be in accordance with Policy CS08 of the Core Strategy and Policy DM15 of the SADMPP in this regard. These policies, among other provisions, seek to ensure new development is of a high quality and has regard to the impact on neighbouring uses and their occupants, including through overlooking, overbearing, overshadowing and noise.
23. The proposal would also comply with Policies 1 and 5 of the NP. These policies, among other provisions, seek to ensure that infill residential development does not cause an unacceptable impact on the residential amenities of adjacent residential properties and that all development minimises adverse impacts on neighbouring residences.
24. It would also be in accordance with Paragraph 130 of the Framework which, among other provisions, seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

25. Concerns have been raised in several of the representations before me with respect to the effect of the proposal on car parking and highway safety, with particular regard to the adequacy of the proposed parking spaces and access, and the potential for increased parking pressure and traffic on Kenwood Road. Kenwood Road is an unadopted road with no parking restrictions. I recognise there may be increased parking pressure at certain times of day. However, many properties benefit from off street parking spaces. Though only a snapshot in time, I observed few instances of on street parking on Kenwood Road at the time of my site visit. Vehicular and pedestrian traffic was also very light and vehicle speeds were low given the gravel surface of the road.
26. I am satisfied that there is sufficient space for future occupiers to park within the appeal site and it is therefore unlikely they would choose to park on Kenwood Road instead. As above, the proposal would comply with relevant local parking standards, and neither the Council nor the LHA appear to dispute this. Space would also be retained within the curtilage of No 6 that could accommodate parking and the existing access to this property would not be altered. It is therefore unlikely that the subdivision of the site would result in undue levels of additional on street parking.
27. Even if the proposal were to result in an increase in parking pressure on Kenwood Road, this would be marginal given the small scale and context of the development. There is otherwise no compelling evidence before me to indicate that there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Notably, the Council

did not refuse the application for this reason, nor did the LHA raise any substantive highway safety concerns.

28. Concerns have also been raised regarding the loss of trees and ecological impacts, with particular regard to nesting birds and bats. The removal of unprotected trees within the appellant's ownership could occur irrespective of the outcome of this appeal and the evidence before me indicates that trees on site are unlikely to be suitable for bat roosting in any event. Notably, the Council did not refuse the application for this reason.
29. Notwithstanding this, all bat species are protected under the Conservation of Habitats and Species Regulations 2017 and all wild birds are protected under the Wildlife and Countryside Act 1981, with additional protections applying to birds listed in schedule 1. Among other restrictions, it is an offence to intentionally kill, injure, disturb or capture protected birds or bats, or their nests. The appellant is bound by these provisions at all times and must act appropriately should they encounter protected species or their nests on site.
30. Guidance was issued by Natural England (NE) on 16 March 2022 requiring competent authorities to carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. The Borough Council of King's Lynn and West Norfolk has been identified as an affected Local Planning Authority by Natural England. However, the Council has confirmed that the appeal site lies outside of the relevant nutrient neutrality catchment area. It is therefore not necessary to consider this matter further.
31. No details of foul water drainage have been provided. However, I am satisfied that this can be adequately secured through a planning condition given the limited scale and context of the development.
32. Any additional parking, traffic, noise or disturbance associated with construction activities would be limited given the modest scale of the development, and for a temporary period only.
33. The evidence indicates that concerns raised by interested parties in respect of the accuracy of the submitted plans were addressed during the application. I have not identified any discrepancies in the plans before me.
34. Matters of land ownership and access rights, property devaluation and right to light are private matters and fall outside of the scope of the planning regime.

Conditions

35. The Council has suggested conditions should the appeal be successful. I have considered these and amended where necessary to accord with the Planning Practice Guidance (PPG) and the tests for conditions set out in Paragraph 56 of the Framework.
36. In addition to the required conditions I refer to above and the standard time limit condition, it is necessary to specify the approved plans as this provides certainty.
37. Details of hard landscaping and boundary treatments are required to be secured in the interests of the character and appearance of the area and to

protect the privacy of the occupiers of neighbouring properties. The Council has included a requirement for a boundary hedge within their suggested condition, however the reason for this prescriptive requirement is not clear. Nevertheless, final details of soft landscaping are secured by the condition. Maintenance of soft landscaping is required in the interests of the character and appearance of the area.

38. The proposed bathroom window facing the existing dwelling at No 6 is required to be obscure glazed given its relationship to this neighbouring property and to prevent any undue overlooking.
39. Removal of permitted development rights to preclude extensions or alterations to the proposed bungalow without a further planning permission is required given the modest size of the site and its relationship to neighbouring properties. This will protect the living conditions of neighbouring occupiers, the character and appearance of the area and car parking provision.
40. A condition to ensure the bungalow is occupied only as the primary (principal) residence of those persons entitled to occupy it is required in order to comply with Policy 4 of the NP.

Conclusion

41. The proposed development would adhere to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

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:
20248 02 E – Proposed Plans, Elevations, Section & Site
20248 03 – Proposed Site Plan
- 3) No development shall commence until full details of the foul water drainage arrangements for the site have been submitted to and approved in writing by the local planning authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 4) Prior to first occupation of the dwelling hereby permitted, full details of both hard and soft landscape works, including the positions, heights, design, materials and type of boundary treatments, shall be submitted to and approved in writing by the local planning authority.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation or use of any part of the development, or in accordance with a programme to be agreed in writing 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.

- 6) Prior to first occupation of the dwelling hereby permitted, the window on the east elevation serving the bathroom as shown on approved plan 20248 02 E shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.
- 7) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA, B, C and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, enlargement of a dwellinghouse by construction of additional storeys, the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, alterations to the roof or the erection or construction of a porch outside any external door of a dwellinghouse, shall not be allowed without the granting of specific planning permission.
- 8) The dwelling hereby approved shall be occupied only as the primary (principal) residence of those persons entitled to occupy it. The occupiers of the dwelling shall be required to keep proof that they are meeting the requirements of the condition and shall make this information available at all reasonable times to the local planning authority.