



Appeal Decision

Site visit made on 30 April 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 05 June 2024

Appeal Ref: APP/V2635/W/23/3326108

Holkham View, 115 Burnham Road, North Creake, Norfolk NR21 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Smith against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 22/00345/F.
 - The development proposed is replacement dwelling and Garage (self-build).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was submitted by Mr & Mrs Smith against the Council. This matter is subject to a separate decision.

Preliminary Matter

3. An amended version of the National Planning Policy Framework (Framework) was published in December 2023. This has not raised any new matters which are determinative to the outcome of this appeal. I have referenced the revised paragraph numbers, where necessary.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area and the setting of 105-113 Burnham Road, a non-designated heritage asset and whether it would preserve or enhance the character or appearance of the North Creake Conservation Area (CA); and
 - the living conditions of neighbouring occupiers, with regard to privacy, outlooks and noise and disturbance.

Reasons

Character and appearance

5. The appeal site comprises a detached red brick bungalow with a part pitched and part hipped pantile roof with a single garage adjacent, located at the entrance to the settlement. The existing dwelling sits back from the road within a large plot. A close boarded fence with a trellis section along the top separates the appeal site from the neighbouring terrace of cottages. The remainder of the boundaries have hedging or soft landscaping present, with more substantial

trees along part of the southern boundary. The appeal site slopes up from the road and the bungalow sits on a higher ground level than the adjacent row of cottages, which front onto the road.

6. Boundary hedgerows within the landscape partly screen the existing dwelling in views from Burnham Road. Nevertheless, glimpses of the existing bungalow, particularly the roof, are gained through gaps in the vegetation. It is also visible across the access point and from neighbouring properties.
7. The appeal site is located within the North Creake Conservation Area (CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The significance of the CA derives from the linear development of the settlement, the presence of buildings of local vernacular and the dominant use of traditional and locally sourced building materials. Along Burnham Road the pattern of development has evolved, with buildings lining both sides of the road at the back edge of the footpath in the centre of the settlement but becoming more varied and less defined as you move north towards the appeal site. Whilst there is variation in the design and appearance of buildings within the CA they are in the main traditionally rural in design and pitched or hipped roofs prevail.
9. The dominant external materials present within the CA include flint, cobbles, pebbles, red brick, yellow brick for detailing, painted surfaces, some render and pantiles. This established palette of materials combined with the congruous design of buildings provides a local cohesiveness which contributes to the significance of the CA.
10. The proposal is for the demolition of the existing bungalow and its replacement with a two storey property. Whilst it is proposed to set the replacement dwelling back a similar distance from the road to the existing bungalow, it would be sited at an angle rather than facing the road in the same way other existing properties along Burnham Road generally do.
11. The scheme would comprise a contemporary design approach with a square plan form, flat roof, large areas of glazing and a mixture of external materials including knapped flint, standing seam pre patinated zinc and vertical timber cladding. A balcony would wrap around parts of the eastern and northern elevations. The proposed dwelling would be set into the slope of the site in order to limit its overall height above ground level. The appellant asserts that it would be only slightly higher than the ridge height of the existing bungalow. The width of the proposed dwelling would also be similar to the width of the existing bungalow and adjacent garage combined.
12. However, the existing bungalow has a simple and modest appearance with a hipped main roof and a pitched roof above the front projecting wing. The existing garage steps down in height and is also formed with a pitched roof. The roof of the garage is separate to the bungalow. Therefore, the existing built form on the appeal site appears broken up and not overly dominant as a result. The external materials of the existing bungalow are red brick and pantile which are in keeping with the palette of materials within the CA. Whilst the

existing dwelling is not in keeping with the design of other properties within the CA, given it is single storey and set back, its simple appearance, limited scale and materials used mean that it has a limited effect on the character and appearance of the CA.

13. Whilst I note the use of three different materials and the areas of fenestration would go some way to break up the appearance of the elevations, the proposed dwelling would be one building with a consistent massing and overall height across the full width of the built form. It would appear bulkier and visibly larger than the existing buildings to be replaced and would be more prominent as a result.
14. I acknowledge that parts of the external walls would comprise of flint. However, the flat roof, large areas of glazing and box shape would appear more urban in its character and appearance. It would not relate to the characteristics of the existing built form that I witnessed within North Creak. I am not aware of any specific design features proposed in the dwelling design that translate the various established built form characteristics of the area into a contemporary approach, that would preserve or enhance the CA.
15. The set back position, the presence of surrounding boundary hedgerows, the nature and orientation of the road and lack of a separate footpath outside the site means that the proposal would be screened to some extent or not as readily visible as some others. However, it would still be visible, at least in part, from Burnham Road, above the hedgerows and across the access point. It would be more visible during autumn and winter when the vegetation would be less dense. It would also be clearly visible from the neighbouring properties.
16. In my view the proposal would not be significantly intrusive in the skyline, given that it would not be significantly taller than the ridge height of the existing bungalow and due to the neighbouring built form and trees present in the views from the north and east. Nevertheless, this consideration would not outweigh my other concerns raised above.
17. I acknowledge that there is dispute between the main parties on which drawing numbers the Council determined the application on. However, the differences between drawing no. 22014 01 -4 and 22014 01 -7 are limited to a slightly lower overall height, and different material finish on the northern and western elevations, in the latter revision. The alterations made to the scheme between the two iterations of the drawings do not alter my view set out above.
18. Consequently, I find that the overall contemporary approach to the design would be in stark contrast to the rural character and appearance of built form in the surrounding area. It would not preserve or enhance the character or appearance of the CA and as a result it would be harmful to it.
19. Under the terms of the Framework, I find that the harm to the CA would be less than substantial in this case. Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. Whilst I note that the proposal is for a self-build dwelling and the appellant asserts that it would help to meet the Council's requirements in this regard, the

proposal is for a replacement dwelling and would not provide a net increase in housing stock. The overall benefit in this regard is therefore limited. The proposal would generate jobs and investment in the local economy during the construction phase, however, I attribute limited weight to such benefits due to them being time limited.

21. The appellant asserts that the proposed dwelling would benefit from more modern construction methods that would result in a more energy efficient home. It is intended that renewable energy sources would be utilised. I accept that this would be a benefit, however, given the scale of the development it would be limited. I therefore find that there are no public benefits of sufficient weight that would outweigh the less than substantial harm to the CA.
22. The appeal site is also within the setting of a terrace of cottages, 105-113 Burnham Road, which are regarded as a non-designated heritage asset (NDHA). Paragraph 209 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
23. Whilst the cottages have been altered and modernised over the years, the rural character and traditional materials used can still be appreciated and add to their significance. The NDHA is prominent in the view when entering the settlement from the north given it is positioned at the edge of the road. Whilst there would be separation between the NDHA and the proposed dwelling, they would be clearly viewed together.
24. The appearance of the proposed dwelling, given the stark contrast to the prevailing character and appearance of built form in the surrounding area, would result in harm to the setting of the NDHA. I accept that the presence of the existing bungalow affects the setting of the NDHA currently, nevertheless I have found that the proposed dwelling would be more harmful in terms of its character and appearance, than the existing situation.
25. I find that the proposal would result in harm to the character and appearance of the area and the setting of the NDHA. I also find that it would not preserve or enhance the character or appearance of the CA and therefore would be harmful to its significance.
26. The proposal would be contrary to Policy CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy Adopted Version July 2011 (CS) and Policy DM15 of the Site Allocations and Development Management Policies Plan Adopted September 2016 (SADMPP). These policies seek, amongst other things, that new development should respond sensitively and sympathetically to local setting and character and protect and enhance the historic environment.
27. The proposal would also be contrary to paragraphs 135 and 206 of the Framework which state that decisions should ensure that developments are sympathetic to local character and history and that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 139 states that development that is not well designed should be refused.

Living conditions

28. The proposed dwelling would be two storey. A sitting room window , en-suite bathroom window and a bedroom window would be located at first floor level in the southern elevation. Given the orientation of the proposed dwelling, views from these windows would not be directly towards the rear windows of the row of cottages adjacent.
29. The en-suite bathroom window would not provide views out towards the neighbouring gardens to the south, given its high level position. The proposed separation distances, the intervening vegetation and the position of the proposed garage also mean that the sitting room and bedroom window would not have an unacceptable impact in terms of overlooking. A condition could be imposed to ensure that the southern section of the front balcony was obscured so that no direct views towards the cottages would be gained from this element of the scheme.
30. The proposal would be partly sited on the footprint of the existing bungalow and adjacent garage. It would be closer to the southern boundary than the existing dwelling and would be two storeys. Whilst the view from the rear windows and garden area of the cottages would change, given the separation distance and the angle at which the proposed dwelling would be situated I do not consider that it would result in significant harm to the outlooks from the rear windows and rear gardens of the adjacent row of cottages.
31. Views from the rear windows and gardens of the two end cottages, Bliss Cottage and No 113, would be towards the proposed single storey garage. The cottages sit lower than the appeal site. However, the proposed garage would be flat roofed and relatively low level. The existing boundary fencing was positioned at a level which at the time of my site visit significantly screened the cars parked within the appeal site where the garage is proposed, from the rear garden spaces of the cottages.
32. However, it appears from the drawings that the rear boundary of Bliss Cottage and No 113 may be altered as a result of the scheme. It is not clear what boundary treatment would be positioned along the new rear boundary line or how high it would be. Whilst planning conditions could be imposed to require boundary treatment and soft landscaping details, I am concerned that the rear garden depths of Bliss Cottage and No 113 would be significantly reduced, creating less private outdoor space and a garden environment which is more oppressive. The outlooks from the rear of these properties and from within the rear garden areas would be significantly altered, a change which would be harmful to the living conditions of occupiers.
33. The garage would be viewed in oblique angles from the other cottages within the terrace. However, the existing hedgerow along the southern boundary would provide significant screening. The much deeper rear garden space that serves the neighbouring cottage to the south means that the proposed garage would not be significantly overbearing to the occupiers of that property.
34. The creation of an extension to the existing driveway to access the proposed garage would mean vehicles would move further south into the appeal site than the current situation. However, the driveway would extend behind the garage associated with No 113 and not alongside the garden area which is located to the front of the garage. Whilst there would be noise from cars, given the

proposal is for a replacement dwelling, the use would align with the comings and goings of a residential property, which already exists on the site. Cars would be likely to move slowly on the extended part of the driveway given drivers would be approaching the parking area or garage. The turning area would be set further into the appeal site and would be largely screened from the gardens to the south and east by the proposed garage which would limit the effects of car lights and noise to an extent.

35. I therefore find that the proposal would not be likely to have an unacceptable impact on the living conditions of neighbouring occupiers with regards to privacy or noise and disturbance. However, I find that it would be likely to have an unacceptable impact with regards to the outlooks from Bliss Cottage and No 113, as a result of the reduction in the rear garden depths. The proposal would therefore be contrary to Policy DM15 of the SADMPP which seeks, amongst other things, that development that has a significant adverse impact on the amenity of others is refused. The proposal would also be contrary to paragraph 135 of the Framework in this regard which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

36. I note that the appellant sought permission for a different scheme previously and that extensive discussions were held with the Council's Conservation Officer who was supportive of a contemporary approach. I also note the appellant considers that the Council could have been more constructive. Whilst I note the appellant's frustrations with the advice they received, this is not a matter that weighs for or against the scheme and I must deal with the appeal before me on its own merits.
37. Whilst I accept that a contemporary approach can be appropriate in some cases, this is entirely dependent on how a scheme responds to the significance of the conservation area it would be located within. The appellant has referred me to an example in Brancaster. From the evidence before me the design of that scheme was very different to the one before me and I am not aware of the site context, the significance of the Conservation Area in that instance or how the proposal responded to it.
38. The appellant has confirmed that they would have no objection to the suggested conditions provided by the Council. However, I do not find that these would overcome the harm I have identified above. I note that a number of letters in support of the proposal were received. However, as set out above, I have reached a different conclusion on the effect that the proposal would have on the character and appearance of the area.

Conclusion

39. The proposal conflicts with the development plan as a whole and there are no material considerations that indicate that I should take a decision other than in accordance with it. The appeal is therefore dismissed.

G Dring
INSPECTOR