



Appeal Decision

Site visit made on 20 May 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal Ref: APP/V2635/D/24/3340376

30A Low Road, South Wootton, Kings Lynn, PE30 3LF

- 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 D Chan against the decision of Kings Lynn and West Norfolk Borough Council.
 - The application Ref 23/02265/F, dated 19 December 2023, was refused by notice dated 12 February 2024.
 - The development proposed is a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage at 30A Low Road, South Wootton, Kings Lynn, PE30 3LF in accordance with the terms of the application, Ref 23/02265/F, dated 19 December 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Location Plan – DTD03-03-3; and Proposed Plans – DTD03-03-4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a recently constructed bungalow, which can be described as a form of backland/ tandem development sited at the rear of properties fronting Low Road. The original attached garage at the property has been converted into living accommodation.
4. The proposal, which is effectively a resubmission of an earlier refused proposal for a larger building, is to erect a detached garage on part of the side garden to the south of the dwelling. The side wall of the garage would be built close to the rear boundary of the number 30 Low Road, which is owned by the appellants.

5. The Council considers that the proposal would create further backland development that would result in a cramped and overdeveloped site. As such, the Council states that the proposal would conflict with Policies CS08 of the Core Strategy 2011, Policies DM1 and DM15 of the Site Allocations and Development Management Policies Development Plan 2016, and with Policies H2, H3 and H4 of the South Wootton Neighbourhood Plan. These policies generally require new development to respond to local character and the pattern of development and to be of high-quality design. These also accord with paragraph 135 of the National Planning Policy Framework 2023, which contains similar requirements.
6. Whilst the proposed garage would be positioned to the rear of existing development and would, in theory, be a form of backland development, I am not persuaded that the garage would be unacceptably harmful. I observed at my site visit that the character of the site and its immediate surroundings was that of a close-knit group of dwellings and related structures with limited spaces between the buildings. It was also my impression that the amount of space that would be retained on the site following construction of the garage would be acceptable and would be sufficient to cater for the occupants of the appeal property. Furthermore, the proposed garage would not have an adverse impact on neighbouring properties, due to the separation distances involved.
7. For these reasons, I conclude that the proposal would not be unacceptably harmful to the character or appearance of the area and, therefore, it would not conflict with the provisions of the Development Plan or with The Framework, as referred to above.

Conditions

8. The Council has suggested conditions in the event of the appeal being allowed. I have considered these. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.
9. The Council has also recommended that a condition be imposed requiring that the garage be used only for purposes incidental to the residential use of the site and not for business or commercial purposes. As use for commercial purposes would be likely to require planning permission, I am not persuaded that the suggested condition is necessary.

Conclusion

10. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR