



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: 26 June 2024

Appeal Ref: APP/V2635/W/23/3328992

124 Gaywood Road, King's Lynn, Norfolk PE30 2PX

- 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 23/00340/F.
 - The development proposed is a two storey detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published in December 2023. However, the relevant policies have not materially changed therefore I have not sought further comments from the parties. In any event I note that final comments were received after this date. I will refer to the revised paragraph numbers where relevant.
3. There is some dispute as to the version of the drawings that the Council should have had regard to when determining the application. The Council has confirmed that drawings 22020 02-4 and 22020 03-2 were subject to consultation with interested parties and that the later versions submitted by the appellant including 22020 02-5 and 22020 03-5 were not.
4. The revised drawings show a different siting for the proposed dwelling closer to the adjacent dwelling to the south and an additional window at first floor level in the northern elevation. In my view, the determination of the appeal on the basis of the revised plans would prejudice the interests of interested parties as they have not been formally consulted on them. I have, therefore, proceeded to determine the appeal on the basis of the plans that the Council determined the application on.

Main Issue

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

Reasons

6. The appeal site comprises the rear garden area and detached double garage that currently serve 124 Gaywood Road, a two-storey detached dwelling of traditional design, located on the corner of King George V Avenue.

7. The dwellings within the surrounding area are of mixed style and type, with predominantly two storey semi-detached and detached properties. Adjacent to the appeal site, along King George V Avenue, is a row of ten semi-detached dwellings which are of consistent massing, height, separation, set back and fenestration pattern, all of which have a hipped main roof. On the opposite side of King George V Avenue there are 2 bungalows and a flat above a garage which depart from the prevailing character as set out above.
8. The amount of garden space serving properties does vary in the surrounding area and I accept that this forms part of the assessment of the character and appearance of the area. However, the plots along the eastern side of King George V Avenue and those in close proximity to the appeal site along Gaywood Road, which the appeal site is viewed alongside, generally have good sized rear gardens. The rear garden depths result in a characteristic spaciousness which contributes positively to the pattern of development in the area. The appellant asserts that the flat on the opposite side of the road does not benefit from any garden space. Whilst I accept this may be the case, this is uncharacteristic of the area generally.
9. The proposed dwelling would be two storeys with a hipped roof, in keeping with the surrounding built form. It would be positioned to maintain the established front building line of the adjacent dwellings that it would be viewed alongside. It is proposed to use materials that would be sympathetic to the area, and this could be secured by planning condition.
10. However, the provision of a dwelling on the appeal site would significantly reduce the rear garden space of No 124. Given the corner position of the property the loss of spaciousness would be clearly discernible from public vantage points. Whilst the existing single storey garage and boundary wall already has an impact upon the character and appearance of the area, the greater two storey height, width and depth of the proposal would considerably reduce the existing sense of spaciousness.
11. The proposal would result in a plot that would appear cramped, particularly given the lack of any meaningful separation between the proposed rear elevation and the rear boundary. Separation to the neighbouring dwelling to the south would not be consistent with the spacing between the semi-detached dwellings as you move south along the Avenue. Both of these elements of the scheme would be uncharacteristic of the prevailing pattern of development in the area.
12. The appellant refers to paragraphs 129, 132, 133 and 134 of the Framework which refer to area based character assessments, design guides and codes, masterplans and policies in local plans relating to design and density. I have not been provided with any such documents in relation to the appeal site, nor have I been referred to any specific local plan policies on density requirements. The appellant suggests that in the absence of local design guidance that reference should then be made to the National Design Guide and the National Model Design Code (NMDC).
13. The extract of the NMDC referred to relates to how it may be more appropriate to create a new identity rather than to scale up the character of an existing place and how new character may also arise from a response to how today's lifestyles could evolve in the future. However, given the limited size of the site

and how it sits in such a well-established residential area, I do not consider it would be appropriate in this case to try and create a new sense of place.

14. I therefore find that the proposal would be harmful to the character and appearance of the area. It would be contrary to Policy CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy Adopted Version July 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan Adopted September 2016. These policies seek, amongst other things, that new development responds to the context and character of places including the local setting and pattern of adjacent streets including spaces between buildings. The proposal would also conflict with paragraph 135 of the Framework which seeks to ensure that developments are sympathetic to local character and maintain a strong sense of place.

Other Matters

15. The proposal would contribute one dwelling to the housing supply which could be built out relatively quickly. The proposal would generate jobs and investment in the local economy during the construction phase and after through future occupiers using services and facilities in the local area. However, given the scale of the scheme, any benefits would be limited.
16. Whilst the appeal site would not be brownfield land, given the definition in the Framework excludes land in built-up areas such as residential gardens, I recognise that paragraph 124 of the Framework provides support for the development of under-utilised land and buildings. I attribute limited weight to this however, because the appeal site does provide private garden and garage space for the occupiers of the existing property, and whilst it may not be used to its fullest potential currently, that is not to say that future occupiers wouldn't use it more effectively. Whilst paragraph 128 of the Framework supports development that makes efficient use of land, it also requires that account is taken of the desirability of maintaining an area's prevailing character and setting (including residential gardens).
17. The appellant asserts that the proposed garden space to serve the occupiers of No 124 and the proposed dwelling would be of sufficient size, that appropriate parking would be provided, that there would be no harm to the living conditions of neighbouring occupiers and that no harm would be caused to heritage assets. Even if I were to agree, these would be neutral considerations that would weigh neither for nor against the proposal.
18. I note the appellant has been frustrated with how the Council considered the planning application. Nevertheless, I must consider the appeal on its individual merits.
19. 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.

Conclusion

20. 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.

21. The appeal site falls within the Zone of Influence of The Wash Special Protection Area and The Wash and North Norfolk Coast Special Area of Conservation which are both European designated sites protected under the Conservation of Habitats and Species Regulations 2017 (as amended). I have already identified harm to the character and appearance of the area, such that undertaking my own appropriate assessment would not alter the outcome of the appeal. On that basis, there is no need to examine this matter further.

G Dring

INSPECTOR