



Appeal Decision

Site visit made on 20 May 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Appeal Ref: APP/V2635/D/23/3336007

Gable House, High Street, Docking, Kings Lynn, PE31 8NH

- 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 Martin Gough against the decision of Kings Lynn and West Norfolk Borough Council.
 - The application Ref 23/01440/F dated 4 August 2023, was refused by notice dated 2 November 2023.
 - The development proposed is the adaptation/extension to existing single storey garage to be revised to a one and a half storey unit with garage and gym at ground floor level and studio at first floor level. All site levels are to remain unchanged.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development stated in the heading above is taken from both the planning application form and the Council's decision notice. I sought clarification on the wording from both parties on two matters.
3. With regard to site levels, notwithstanding the description, it has been confirmed that the ground level of the proposed building will be lower than the existing ground level by 1.0m. This lower level is shown on the submitted plans and I have determined the appeal on that basis.
4. The description also states that the proposal is to adapt and extend the existing garage building. It does appear to me that there would be little, if any, of the existing garage retained and I queried this with both parties. The responses indicate that the terms adaptation and extension are correct and, therefore, I have determined the appeal for the development as described.
5. Finally, the description also refers to a studio at first floor level. However, the plans were amended during the application determination period and a first floor is no longer proposed.

Main Issues

6. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and

- The effect on the living conditions of the future occupiers on the new dwelling to the north of the appeal site.

Reasons

Character and Appearance

7. The appeal property is a detached dwelling, which is situated within a group of properties that are served by a private drive leading to and from High Street. It is secluded and the site is not visible from the High Street. The area is characterised by dwellings that vary in terms of their age, scale and appearance. Spacing between the buildings also varies. The site includes a detached double garage positioned to the north of the dwelling. The garage is relatively modest in scale and it does not feature prominently in the streetscene. At the time of my site visit, a new dwelling was being constructed on adjoining land to the north of the appeal site.
8. The proposal is effectively a resubmission of an earlier application for a larger building that was refused by the Council on 24 May 2023, under reference 22/02000/F.
9. The finished proposal would result in a building that would be partially sunk into the ground and it would contain a workshop, home gym, shower room and garden store. The eaves height would be lower than the previous application and the earlier proposal also showed that the site levels would not be altered. The external materials to be used on the appeal building would be timber vertical cladding and pantiles.
10. Policies CS06 and CS08 of the Council's Core Strategy 2011 (CS) seek (amongst other things) to protect local character and ensure that the design of new development is of high quality. In addition, Policy DM15 of the Site Allocations and Development Management Policies Development Plan 2016 (SADMPDP) requires the scale, height, massing, materials and layout of development to respond sensitively and sympathetically to the local setting, including spaces between buildings.
11. The Development Plan policies are consistent with the requirements of paragraph 135 of The National Planning Policy Framework 2023 (The Framework), which contains similar provisions.
12. In reaching my decision, I have given weight to the reduction in the scale of the building and the lowering of ground levels, when compared to the previous proposal. The possibility of constructing a building using permitted development rights is also a material consideration. However, I am also required to assess the proposal on its individual merits.
13. At present, the spacing between the appeal site and the dwelling under construction makes a positive contribution to the appearance of the area. The proposed building would significantly reduce this space and have an imposing presence, due to its scale and overall mass. Furthermore, its contemporary design and appearance would be at odds with the more traditional form of buildings in the vicinity of the site and it would fail to reflect the predominant character of the area. I therefore conclude on this issue that the proposal would conflict with the provisions of the Development Plan and with The Framework, as referred to above.

Living Conditions

14. The Council contends that the proposal would have a harmful overbearing and overshadowing impact on the living conditions of the future occupants of the new dwelling currently under construction to the north of the site. It cites a conflict with Policy CS08 of the CS and with Policy DM15 of the SADMPDP. Policy DM15 states that development that has a significant adverse effect on the amenity of others will be refused.
15. The appeal building would be positioned close to the shared boundary with the new dwelling. The side facing wall of the new dwelling does not contain any habitable room windows and, therefore, I am not persuaded that the impact would be unacceptably harmful when the occupants of the new dwelling would be inside their property. However, the appeal building would be overbearing and detrimental to the outlook from the rear garden of the new property, by virtue of its height, length, and overall mass. Consequently, the proposal would conflict with the provisions of the Development Plan, as referred to above.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Ian McHugh

INSPECTOR