
Appeal Decisions

Site visit made on 15 October 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal A Ref: APP/V2635/W/24/3336337

5 Saturday Market Place, King's Lynn, Norfolk, PE30 5DQ

- 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 S Blackmur against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref is 23/01449/F.
- The development proposed is construction of a dwelling following demolition of outbuilding.

Appeal B Ref: APP/V2635/Y/24/3336368

5 Saturday Market Place, King's Lynn, Norfolk, PE30 5DQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Mr S Blackmur against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref is 23/01450/LB.
- The works proposed are the construction of a two storey dwelling following demolition of outbuilding.

Decisions – Appeals A & B

1. The appeals are dismissed.

Preliminary Matters

2. Both appeals relate to the same proposal under different but complementary legislation. I have therefore dealt with both appeals together in my reasoning.

Main Issues

3. The main issue common to both appeals is whether the proposals would preserve the Grade II listed building, 5 Saturday Market Place, or any features of special architectural or historic interest which it possesses; and, the effect of the proposal on the character and appearance of St Margarets Conservation Area.
4. In relation to Appeal A, a further main issue is whether the proposal would provide acceptable living conditions for future occupiers with regard to internal space and private amenity space.

Reasons

Listed building

Special interest and significance

5. The National Planning Policy Framework ('the Framework') identifies at paragraph 195 that heritage assets are an irreplaceable resource. Paragraph 205 of the Framework advises that when considering the impact of a proposal

- on the significance of a designated heritage asset, such as a listed building or conservation area, great weight should be given to the asset's conservation.
6. In considering whether to grant planning permission affecting a listed building and whether to grant listed building consent for any works, the statutory requirement is that special regard is had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
 7. 5 Saturday Market Place is a Grade II listed building (List Entry No:1211313) located in the historic centre of King's Lynn. It is a two storey, former public house dating from the mid-nineteenth century and is positioned within the middle of a terrace on the back edge of the pavement directly opposite St Margaret's Church.
 8. Constructed from rendered and whitewashed brick and roofed in slate, the front elevation of the building has a symmetrical appearance with a central ground floor plate glass window enclosed on both sides by double leaf doors that are framed by Corinthian pilasters. On the first floor, directly above the ground floor window, is a smaller casement window framed by scrolled consoles and a plain hood. Vermiculated quoins mark the edges of the building.
 9. On the basis of what I have read and seen, as far as is relevant to the proposed works, the special interest and significance of No 5 includes the classical architectural style of its front elevation, its historical use as a public house and its authenticity.
 10. The right side double leaf doors provide access along the side of No 5 to its rear. The building has a two storey back addition that occupies the vast majority of the building's long, narrow, rectangular plot. It is within the remaining space in the north eastern rear corner of the plot, close to the back addition, that the outbuilding which is the subject of the appeal is located.
 11. The appeal outbuilding is a lean to single storey building built in red brick with a pantile roof in good repair. It is not a matter in dispute between the main parties that this building was constructed before 1948. I agree with that assessment. As a result, it is a curtilage building that is protected by the listed status of No 5. It is clear that another now demolished outbuilding was attached to the front of the appeal building along the side boundary with No 4. Evidence in the form of a shadow on the unattached side of the building, which partly consists of remnants of thick paint, also suggests that an outbuilding was once also attached to the flank of the building.
 12. The outbuilding has two doorways, one of which it appears may have been an internal door to the demolished building in front. Internally, there is a largely bricked up fire place and concrete floor. The ceiling has collapsed revealing historic joists. Recent roof rafters with modern roofing underlay are visible which shows that the roof to the building has been replaced in recent years. The presence of the fireplace indicates that the building was used as living or work space, and not simply for storage. The appellant speculates the building could have provided accommodation for staff. Certainly, it would have been large enough to have been used for sleeping.
 13. Whilst it is clear that the building has been altered over its life there is sufficient retention of historic fabric for its purpose as an ancillary outbuilding to be discernible. Its presence therefore better reveals the history and significance of the main listed building. This assessment is supported by the

position of the Conservation Area Advisory Appraisal Panel, which has not been refuted by the appellant, that the outbuilding is a rare example of an ancillary building in the heart of the historic centre of King's Lynn. Such buildings were used for a variety of purposes, including stores, laundries and staff sleeping accommodation.

Appeal proposal and its effects

14. The proposed development would involve demolition of the outbuilding in order to allow its replacement with a small dwelling house built in the local vernacular using reclaimed brick from the building.
15. The appearance of the replacement building would be inoffensive. However, demolition of the outbuilding would result in the loss of historic fabric and diminish the understanding of the main listed building by eroding its link with ancillary activity that took place on the site. This would adversely affect the historical special interest and significance of the main listed building.
16. I recognise that consent was granted to demolish a lean to building attached to this outbuilding several years ago. However, the impact of that work on the significance of the listed building was lessened by the fact that the appeal outbuilding would remain.
17. The structural assessment of the building found that the building is capable of being repaired and brought back into use, but that it would be uneconomic to do so given its small floor area. In the absence though of substantive evidence to the contrary, it appears to me that following relatively basic repair work the building could be made secure and suitable for use incidental to the residential or retail uses of the principal building. I am therefore not persuaded that the nature of the building prevents its re-use or that re-use would be unviable.

Conservation Area

18. The appeal site is located within the St Margaret's area of the King's Lynn Conservation Area which covers the historic core of the town. Here, laid out on an intimate street pattern, well designed residential and commercial buildings from the medieval period onwards predominate reflecting the maritime history and wealth of the town. The significance of the Conservation Area is historical and architectural. As a purpose built former public house 5 Saturday Market Place makes a positive contribution to its character and appearance.
19. As I have noted, the loss of historic fabric resulting from the demolition of the outbuilding and its replacement with the proposed dwelling would harm the significance of the listed building. It therefore follows that despite the outbuilding not being visible in public views its demolition and replacement would adversely affect the integrity of the Conservation Area and the contribution that No 5 makes to it.

Public benefits and heritage balance

20. The harm caused to the significance of the listed building and Conservation Area would be less than substantial. Paragraph 206 of the Framework requires clear and convincing justification for any harm to the significance of a designated heritage asset. Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
21. In accordance with the statutory duty, I attach considerable importance and weight to the harm that would be caused by the proposed development and

works. On the other side of the balance, the proposed demolition of the outbuilding and its replacement with a small dwelling would increase the housing stock of the Borough by a nominal amount. It would also make efficient use of land in a town centre location with good access to services and facilities.

22. Taking all these matters into account, my overall conclusion is that the public benefits of the proposals do not outweigh the considerable importance and weight that I attach to the harm that would occur.
23. Accordingly, the proposal would not preserve the Grade II listed building, 5 Saturday Market Place, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Conflict would also occur with policy DM15 of the Site Allocations and Development Management Policies Plan (SADMP), policy CS08 of the Core Strategy, as well as the provisions within the Framework, which seek to conserve and enhance the historic environment and good design.

Living conditions – Appeal A

24. Owing to the limited space to the rear of the main building, the footprint of the proposed dwelling would be small and its first floor would occupy the roof space.
25. The Nationally Described Space Standard (NDSS) was published by government as part of its Technical Housing Standards in 2015 and sets minimum internal space standards for new dwellings. Whilst compliance with the NDSS is not required by the development plan, it is a useful objective measure of the adequacy of internal space, and I attach notable weight to it in assessing the living space provided by the proposed dwelling.
26. The internal floorspace of the proposed dwelling would be too small to meet the NDSS for two people. In relation to a single person occupancy, the floorspace would slightly exceed the minimum requirement of 37sqm for a dwelling with a shower room. However, as the first floor is located within the roof space the proposed dwelling would not provide a sufficiently high ceiling across enough of the property to meet the minimum NDSS requirement. In practice, this would result in the proposed accommodation feeling small and cramped and would result in poorer living conditions for future occupiers than it is reasonable to expect.
27. A small private secure outdoor area would be provided outside the dwelling which would be just large enough to use for sitting out and the accommodation of some plants in containers. However, this outdoor area would be enclosed on two sides by very tall blank brick walls and on the remaining side by the back addition of the main building. This would result in an oppressive, overbearing outlook and poor living conditions. The presence of the river front and open spaces, such as St James Park, only a few minutes away on foot would not adequately compensate for the adverse effect caused.
28. The poor living conditions that would be provided would be contrary to policy DM15 of the SADMP and paragraph 135 of the Framework which, amongst other matters, also seek high standards of amenity in relation to new development. Policy CS08 was cited by the local planning authority in its

reasons for refusal in relation to this matter. However, as it only obliquely refers to amenity, I consider this policy is not relevant to this issue.

Other Matters

29. 4 Saturday Market Place located next to No 5 is also a Grade II listed building. As a building dating from around 1700 with an attractive early nineteenth century shopfront its significance is both architectural and historical. Although the outbuilding lies within the setting of No 4 it is too small to be a prominent feature in views from its rear. For this reason, and because its historical use would have related to the activities carried out at No 5, its demolition and replacement would not harm the setting of No 4.

Conclusion

30. **Appeal A:** The appeal site is located within the principal urban centre of the Borough where new residential development is supported by the spatial strategy and housing policies of the development plan. It is also in a location where services and facilities are readily accessible by sustainable modes of transport, as supported by policy CS11 of the Core Strategy.
31. The proposal though would demolish a curtilage listed outbuilding harming the special interest and significance of the principal listed building, contrary to policy DM15 of the SADMP and policy CS08 of the Core Strategy. It would also provide poor living conditions for future occupants of the proposed dwelling contrary to policy DM15 of the SADMP. As a result, I find that in addition to the proposal failing to meet the statutory duty in relation to listed buildings, the proposed development would be contrary to the development plan considered as a whole.
32. There are no other material considerations that have been put forward that outweigh the harm that would be caused and non-compliance with the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that Appeal A should be dismissed.
33. **Appeal B:** For the reasons given above, I conclude that Appeal B should be dismissed.

Ian Radcliffe

Inspector