



Appeal Decision

Site visit made on 24 January 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/V2635/D/24/3350035

Saxons, 22 Dale End, Brancaster Staithe, Norfolk PE31 8DA

- 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. and Mrs. Marsden against the decision of King's Lynn and West Norfolk Borough Council.
 - The application reference is 24/00966/F.
 - The development proposed is glazed balustrade to flat roof area with staircase access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision on the application that led to this appeal, an updated version of the National Planning Policy Framework (the Framework) was published in December 2024 and is a material consideration in decision-taking from the date of its issue. The sections of the Framework most pertinent to this appeal were not significantly altered. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the Framework into account in my assessment of the appeal's merits.
3. There is no dispute that the site lies within the Norfolk Coast National Landscape (the NL), which is a protected landscape. I have, therefore, had special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed upon me by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of protected landscapes.

Main Issues

4. The main issues in this appeal are the effect of the proposal on the character and appearance of the site and the surrounding area, and the living conditions of the occupiers of neighbouring properties with particular reference to privacy.

Reasons

Character and appearance

5. Saxons is a single storey dwellinghouse lying between the A149 and an arm of Dale End. It lies within a row of dwellings of similar design, having a roughly consistent roofline and often, as with Saxons, featuring a pair of parallel pitched roofs, joined by a flat roofed link. Opposite Saxons, across Dale End, lies a row of two storey dwellings of similarly modern design. The dwellings fronting Dale End

are set back off the road by moderately sized front gardens, usually incorporating spaces for the parking of cars.

6. The dwellings, both single- and two-storey show a consistency of design approach and there is little visible evidence of alteration to their appearance, giving Dale End the visual appearance of a planned estate. This consistency of form and design approach is a positive feature that contributes to the character and appearance of the area.
7. In contrast, the dwellings across the A149, to the rear of Saxons, show a greater variance in design and materials and are of a more traditional appearance.
8. The proposal would introduce a glazed balustrade to the central, flat roofed section of Saxons to facilitate its safe use as a balcony. The roof ridges to the front and rear would remain unaltered.
9. From my observations on site passersby on the A149 would be able to see the balcony over the front ridge of Saxons and through gaps in the built form. Further, the balcony would be clearly visible from upper-storey windows in the façades of the dwellings facing towards the site from across the A149 and Dale End. The glass balcony would be an alien and incongruous feature in the otherwise consistent roofscape. Further, the reflective nature of the glass would be likely to catch the sun and attract the eye. Thus, the proposal would harmfully undermine the consistency of roof form that I have identified above as making a positive contribution to the character and appearance of the area.
10. My attention has been drawn to other elevated balconies in the area. I have no information regarding the planning history of these features. None of these balconies lie within the roofscape of Dale End and so do not inform the immediate context of the site in the same way as the proposal before me. I have thus given their presence very limited weight in my deliberations in this regard.
11. Section 85(A1) of the CRWA places a statutory duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the NL. However, the site is well enclosed in wider views from the countryside and, in wider views it would be lost within existing built form. Its visual impact would be limited mainly to the immediate vicinity. It would thus not be intrusive within the wider landscape and would, therefore, not harm the landscape and scenic beauty of the NL. In so doing it would conserve its scenic beauty.
12. Bringing these matters together, I conclude that the proposed development would have a harmful effect on the character and appearance of the site and the surrounding area. It would thus be contrary to policies CS08 and CS12 of the King's Lynn and West Norfolk Borough Council Core Strategy (2011) (the CS), policy DM15 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (2016) (the SADMP) and policy 2 of the Brancaster Parish Neighbourhood Plan (2015) in as much as they together, amongst other things, seek to ensure that new development blends with, preserves and, where appropriate, enhances the built environment and protects the visual amenity of the wider environment and of neighbours.

Living conditions

13. The existing roof form of Saxons would limit views into neighbours' private rear gardens from the proposed roof terrace. Nonetheless, it is likely that persons standing on the roof terrace would be able to look down into neighbouring gardens, particularly when standing near to the balustrade.
14. Thus, neighbouring occupiers spending time within those gardens would be aware of the persons above them and they would experience a harmful feeling of overlooking and loss of privacy. Whilst there have been no objections to the proposal by current neighbours, the addition to Saxons would be permanent and future occupiers would be affected by the use of the roof terrace.
15. The appellants have suggested that the proposed clear glass of the balustrade could be replaced by obscured glass. However, the balustrade would be relatively low. Anyone standing on the roof would be able to see and be seen over the glass and so this would not, in this case, negate the harm that I have found to the privacy of adjoining gardens.
16. There are windows in the upper storeys of the dwellings facing towards Saxons across the A149 and Dale End. However, these are separated from the roof that would be converted to a terrace by some considerable distance and so persons within the rooms behind these windows would be unlikely to experience any increased sense in overlooking from the proposed terrace.
17. As above, my attention has been drawn to the presence of elevated balconies in the area. As I have no planning history of these and so I do not know the circumstances of their creation. In any case, whilst some may overlook private gardens to a degree, they do not justify further harm to residents' privacy.
18. I conclude from the above that the proposal would harmfully undermine the living conditions of the occupiers of neighbouring properties with particular reference to privacy. This would be contrary to policy CS08 of the CS and policy DM15 of the SADMP which together seek, amongst other things, to ensure that new development enhances community wellbeing and protects the amenity of neighbouring occupiers from harmful overlooking.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal is dismissed.

I A Dyer

INSPECTOR