



Appeal Decision

Site visit made on 28 January 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/V2635/W/24/3347776

23 York Road, King's Lynn, Norfolk PE30 5RB

- 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 James Hampton, New Makers Bureau against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/00989/F.
 - The development proposed is two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the planning application form, removing wording that does not form an act of development, in the interests of clarity.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2024. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issue in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide suitable living conditions for future occupants with regard to external amenity space provision; and
 - the effect of the proposal on the living conditions of existing occupants of neighbouring dwellings, in terms of privacy, outlook, daylight and sunlight.

Reasons

Character and appearance

5. 23 York Road is a two storey end of terrace property located on a corner plot, with the side elevation facing Vancouver Avenue. The appeal site comprises part of the rear garden space of No 23 and is formed of a triangular area of garden land that currently houses a garage and summer house.

6. The surrounding area is residential in character with a mixture of terraced, semi-detached and detached dwellings. Roofs in the surrounding area are generally simple in form and design. The established dwellings are laid out in a relatively uniform manner with most dwellings set behind front gardens of varying depths with private garden spaces to the rear. This layout adds to the spaciousness of the area. Dwellings on corner plots in the vicinity generally have larger garden spaces that are more irregular in shape. The uniformity and spaciousness of the established layout contributes positively to the character and appearance of the area. No 23 is not a listed building and the appeal site is not within or adjacent to a conservation area boundary.
7. The proposal includes the provision of a two storey pair of semi-detached dwellings with accommodation in the roofspace. Due to the limited depth of the plot, the proposed two storey built form would run along the boundaries with the existing rear alleyway and the neighbouring rear gardens. The positioning of two storey built form along the boundaries in combination with the overall depth proposed would result in the development appearing cramped and uncomfortable and out of keeping with the character and appearance of the area.
8. The proposed roof arrangement would not reflect the simple roof forms in the surrounding area. Undercroft parking arrangements, do not appear to be a prevailing feature of the area and as such the proposal would result in a type of urban development that is not reflective of the surrounding context. The extensive use of blinkers on the windows, to overcome amenity issues, would also be an incongruous feature that would not be in keeping with the surrounding area. The development would be in a prominent location and would be highly visible from the public realm. From these views the incongruous and uncharacteristic layout and appearance of the proposed dwellings would be readily apparent.
9. The proposal would result in a pair of semi-detached dwellings built of materials that would reflect the local characteristics. The built form would be of comparable height to existing dwellings in the surrounding area. It would also result in dwellings fronting onto Vancouver Avenue which is an established feature within the area. Nevertheless, these considerations would not overcome the harm I have identified above.
10. The appellant has referred me to the new dwelling opposite the appeal site attached to 3 Sidney Street. I find this example different to the proposal before me, given the set back from the frontage across the full width of the site and due to the layout and form largely following the pattern of the built form to which it is attached. A number of other nearby planning applications are also referenced but none of these are comparable to the proposal in terms of the type of development.
11. I therefore find that the proposal would be harmful to the character and appearance of the area. It would conflict with Policy CS08 of the King's Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy Adopted Version July 2011 (CS) and Policy DM15 of the Site Allocations and Development Management Policies Plan Adopted September 2016 (SADMPP). These policies seek, amongst other things, that all new development is of high quality design and that it responds to the context and character of the area.

Future occupants

12. The local development plan policies do not stipulate minimum size requirements for garden areas. However, Policy DM15 of the SADMPP requires that the amenity of any future occupiers of the proposed development is assessed and that poor design will be refused. The proposal is for 2 three bedroom dwellings which would be family sized homes. The overall footprint of the proposed development would take up a significant amount of the site leaving limited usable external amenity space. Each dwelling would have its own separate space, but the gardens would be small and would be directly adjacent to Vancouver Avenue.
13. I note the existing boundary wall would provide some screening to the external spaces, and that the two pedestrian openings created in this boundary treatment may have gates to separate them from the footpath. Nevertheless, the constrained size and layout of the garden would impact negatively on its quality and usability and would limit the ability for children to play and families to sit, relax, socialise, and dry clothes in privacy. While access to nearby public open space could be beneficial to future occupants it would not ameliorate the harm to the living conditions of the occupants resulting from the poor standard of external amenity space.
14. I am referred to the dwellings opposite, where the garden space is more limited and to other examples in the local area where garden sizes vary quite significantly. I accept that there is variation in the surrounding area as to the size of gardens provided, nonetheless, if any of these other dwellings are deficient in this regard, it is not a reason to support new development which is substandard in this respect.
15. For the reasons detailed above, the proposal would fail to provide acceptable living conditions for future occupants with regard to the provision of external amenity space. It would therefore be contrary to Policy DM15 of the SADMPP, the aims of which are set out above with regard to this main issue.

Existing occupants

16. The proposal would introduce two storey built form in very close proximity to the boundaries with the neighbouring rear gardens that serve 21 and 19 York Road. Given the scale and massing of the development and the proposed siting I find that it would result in an oppressive and overbearing environment within the rear gardens of No 21 and No 19. As a result, it would be harmful to the outlooks of occupants using those neighbouring rear garden spaces.
17. Blinkers would be used on the windows at second floor level and in two of the elevations at first floor level to direct views away from neighbouring properties. However, two windows in the northwestern elevation at first floor level, serving a bedroom and living area would provide direct or oblique views towards the garden areas of Nos 21 and 19 and would cause an unacceptable level of overlooking. Consequently, the proposal would result in the loss of privacy for occupants using those garden spaces.
18. Whilst the proposed development would be clearly discernible from the windows in the rear elevations of Nos 23, 21 and 19 York Road and 11 Chase Avenue, I find that the separation distance would be sufficient to ensure that there would not be a significantly detrimental effect on outlooks from those windows. A sunlight and daylight assessment following the 2022 Building Research Establishment

guidance has been submitted by the appellant. This report considers the effect of the proposal on the windows within the closest neighbouring properties in terms of the amount of sunlight and daylight that would reach them if the development was built out. The report identifies that sunlight and daylight reaching those windows assessed would not be substantially affected. Without any substantive evidence to the contrary, I can find no reason to disagree with the conclusions of the report. Nevertheless, these considerations would not overcome the harm that I have identified above.

19. Therefore, I find that the proposal would be unlikely to result in unacceptable harm to outlooks from rear windows of neighbouring properties or the amount of sunlight or daylight reaching those windows. However, I find that the proposal would have an unacceptable harmful effect on the level of privacy currently enjoyed and the outlooks from the neighbouring rear garden areas of Nos 19 and 21 York Road. The proposal would therefore be contrary to Policy CS08 of the CS and Policy DM15 of the SADMPP. These policies seek, amongst other things, that new development is of high quality design and that it does not have a significant adverse impact on the amenity of others.

Other Matters

20. I note that the appeal proposal before me is an amended scheme following pre-application advice being sought by the appellant from the Council. I also acknowledge the concerns raised by the appellant about the delayed responses from the Council through this process. The appellant also suggests that the proposal could be a car free development due to the proximity to the railway station and town centre, which would allow for a smaller scale scheme of less bulky built form. Nevertheless, I must deal with the appeal proposal before me based on its individual merits.
21. The appeal proposal would contribute two homes to the housing supply. The appeal site is located where a range of services and facilities would be easily accessible. The proposal would also provide economic benefits during the construction phase and after with future occupants supporting local facilities and services. It is asserted that the proposal has been designed with sustainability measures in mind and that a green roof and other biodiversity enhancement measures would be provided. However, given the limited scale of the proposal any benefits would be modest.
22. The appellant states that the accommodation would meet the Nationally Described Space Standards and that sufficient refuse and cycle storage and car parking would be provided. Compliance with these policy requirements would weigh neither for, nor against the proposal.
23. I note the number of supportive comments made by interested parties, however, they do not lead me to a different conclusion in this case for the reasons outlined above.
24. The appeal site is located within the Zone of Influence of multiple European sites including The Wash and North Norfolk Coast Special Area of Conservation, Special Protection Area and Ramsar. These sites are designated as being of international importance for their nature conservation interest. A form has been submitted by the appellant under Section 111 of the Local Government Act 1972 securing a mitigation payment in this regard. However, even if I were to consider

this was sufficient when carrying out an appropriate assessment, given I am dismissing the appeal on the main issues identified, I am not required to consider this matter further.

Conclusion

25. I conclude that the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR