
Appeal Decision

Site visit made on 12 February 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/V2635/D/24/3347021

Howards Barn, Creak Road, Burnham Market, Norfolk PE31 8EN

- 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 Guest against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 24/00783/F.
 - The development proposed is construction of a single storey first floor extension, with internal alterations to the ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The updated version of the National Planning Policy Framework (the Framework), which came into force on 12 December 2024, introduces no changes that would materially affect the outcome of this appeal.

Main Issue

3. The main issue is whether the proposed development would safeguard the living conditions of the occupiers of the neighbouring property at Beaver's Cottage, with specific regard to outlook.

Reasons

4. The appeal site of Howards Barn is a roughly U-shaped dwelling, with northern and southern wings connected by an eastern wing. Together, these sections enclose a central courtyard, which is accessed from the southwest.
5. The building is predominantly single-storey except for the two-storey southern wing. The development would extend the northern wing to two storeys, proposing a similar scale and appearance to the existing southern wing.
6. The site's planning history includes a 2017 planning permission (the 2017 permission), which has since lapsed, and a 2023 planning permission (the 2023 permission), which remains extant. Both approvals described developments similar to the current appeal proposal. Whilst I have been provided with full copies of the approved plans for the 2017 permission, I have only received excerpts of those approved under the 2023 permission.
7. The adjacent dwelling, Beaver's Cottage, has a first-floor window on its east elevation facing the northern wing of Howards Barn. Currently, the single-storey

height of the appeal property affords relatively clear outlook from this window. However, if the 2023 permission were implemented, this outlook would be reduced, as the window would face the gable wall of a two-storey structure.

8. Although I have not been provided with full details of the 2023 permission, it appears to have some similarities in scale and appearance to the proposal before me. However, the evidence suggests the current proposal would be taller and would extend approximately 1.5 metres closer to the window of Beaver's Cottage, resulting in a separation distance of approximately 7.8 metres between the window and the gable wall.
9. The evidence indicates that Beaver's Cottage has been used as a holiday let. Photographs submitted from the lettings advert suggest that the affected window serves a bedroom, and this room is also served by an additional window on the southern elevation.
10. However, regardless of how the property is used, the existing living conditions of its occupiers must be considered as the baseline. There appears to be no dispute between the main parties that the proposal would be acceptable in terms of daylight and sunlight. However, even if the affected window serves a dual-aspect room, the proposed development would sit uncomfortably close to this window. Coupled with the scale and massing of the extension, the effect would appear overbearing and would significantly reduce the outlook currently enjoyed by occupiers, compared to both the existing situation and what could be built under the 2023 permission.
11. I acknowledge that the traditional built form of the village includes closely spaced buildings, often in close proximity to windows. However, this would not justify a new development that would clearly have an adverse effect on the living conditions of neighbouring occupiers, as is the case here.
12. For these reasons, I conclude that the proposed development would appear overbearing and would unduly reduce the outlook from the east-facing first-floor window of Beaver's Cottage. This would harm the living conditions of its occupiers and conflict with 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. Together, these policies seek to ensure that developments avoid impacts on neighbouring uses and their occupants, and that they are of an appropriate scale, density and layout. The proposal would also conflict with the relevant provisions of the Framework, which have similar aims. Although the decision notice references conflict with the Burnham Market Neighbourhood Plan 2023, it does not cite any specific policies. Furthermore, based on the policies for which I have received details, I note no direct conflict.

Other Matters

13. The appeal site is located within the Burnham Market Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.

14. The significance of the CA is primarily derived from its traditional medieval plan form, which is centred around The Green, and the character of its built environment, which largely dates from the 18th century onwards. Buildings within the CA exhibit a distinct palette of traditional materials, particularly the widespread use of brick and flint.
15. Although the Council has not formally refused the application on grounds of harm to the CA, I note the concerns raised by the Conservation Officer and several interested parties regarding its potential impact.
16. The existing building reflects the traditional design characteristics of the CA. As it is currently predominantly single storey, the proposed development would notably increase the building's overall mass. However, this would remain in keeping with the wider pattern of development in the area, which features a mix of single and two-storey buildings. Additionally, the scale, massing and materials of the proposed extension would closely match the existing two-storey southern wing of the dwelling.
17. For these reasons, I conclude that the proposed development would not harm the character or appearance of the CA, and its significance would be preserved. However, given the harm previously identified in relation to the main issue, the absence of harm in this instance is a neutral factor that does not weigh in favour of the proposal.

Conclusion

18. 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. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR