



Appeal Decision

Site visit made on 21 March 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/V2635/W/24/3355225

Adj. White Gables, Shepherdsgate Road, Tilney All Saints, King's Lynn, Norfolk PE34 4RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Ylber Hoti on behalf of Top London Construction Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 24/01480/RM sought approval of details pursuant to condition No 1 of a planning permission Ref 21/02167/O, granted on 26 January 2023.
 - The application was refused by notice dated 17 October 2024.
 - The development proposed is residential development.
 - The details for which approval is sought are: appearance, landscaping, layout, and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, landscaping, layout, and scale details submitted in pursuance of condition No 1 attached to planning permission Ref 21/02167/O dated 26 January 2023, and subject to the conditions contained within the attached Schedule.

Background and Main Issue

2. The site has outline planning permission for residential development, with appearance, landscaping, layout, and scale comprising reserved matters¹.
3. Therefore, the main issue in this appeal is the effect of the proposed development on the character and appearance of the area, having particular regard to appearance, landscaping, layout, and scale.

Reasons

4. The appeal site comprises part of the front garden of White Gables, a detached bungalow set back from the street with an open frontage. The site therefore contributes an open, spacious character to the area.
5. The site lies between the host dwelling and the carriageway of Shepherdsgate Road and is therefore within a visually prominent location.
6. The surrounding area is predominantly residential in use. However, Tilney All Saints Primary School stands prominently opposite the site at the junction of Shepherdsgate Road, Church Road, and School Road.

¹ Appeal ref: APP/V2635/W/22/3299416

7. The prevailing pattern of development includes detached bungalows with a low roof profile, which are of modest scale and height. However, there are large, two-storey detached dwellings further south at School Road and to the east at Church Road. The primary school is similar in height to nearby two-storey dwellings but is substantially larger in scale. Therefore, whilst bungalows are prevalent in the area, nearby buildings are of a mix of sizes and styles.
8. Surrounding modern bungalows are typically set back from the highway and contribute to the area's open character. However, some nearby buildings, such as the primary school, no 42 School Road, and nos 159 and 161 Church Road, are close to the pavement. Therefore, there is variety in the layout of development.
9. The Tilney All Saints Neighbourhood Plan Character Appraisal indicates almost all buildings in the village are built of brick in traditional styles with a range of natural colours, and typically have tile roofs. Buildings within the vicinity of the appeal site are generally of brick construction, ranging in colour from red to buff, with a mix of roof tile styles and colours.
10. However, no 42 School Road is prominently sited near the junction to the southeast of the appeal site and is extensively clad with horizontal, blue-painted timber. There are also various timber outbuildings visible within the village's street scene. Therefore, whilst brick is dominant in the area, there is variety in the area's material palette.
11. The proposed dwelling would comprise a four-bedroom, detached dwelling. The proposed dwelling's main volume would have a 1.5 storey chalet-style form, and a projecting wing would provide a garage, study, utility room, and entrance, with bedrooms and bathroom in the roof space.
12. In the previous appeal decision relating to the outline planning permission, the Inspector noted the development would be viewed largely in the context of White Gables and no 7 Willow Drive, which are single storey dwellings with shallow roofs and low ridges. However, the Inspector also noted other nearby buildings are of greater height such as dwelling, Rustic Lodge, and the primary school².
13. As shown on the modelled street scenes³, in views looking west and south such as from Church Road and Shepherds gate Road, the proposed dwelling would be broadly concealed by the built form of Rustic Lodge and the primary school.
14. The modelled scenes show that looking north, such as from Willow Drive, the proposed dwelling's roof would be visible above the height of nos 6 and 7. However, the proposed dwelling would be viewed against a backdrop comprising Rustic Lodge, which would appear of broadly equal height, and the school building, which would appear substantially greater in height, scale and mass.
15. The proposed dwelling would exceed the height of both White Gables and no 7 Willow Drive but would have a smaller footprint. The proposed dwelling's roof ridge would be of similar height to Rustic Lodge but would have lower eaves and a smaller footprint. The proposed dwelling would be of lower height and would be substantially smaller than the primary school building. Within this context, the scale and mass of the proposed dwelling would not appear out of keeping with

² Paragraph 6 of APP/V2635/W/22/3299416

³ Drawing no. J194-PL 5B

surrounding buildings, and the proposed dwelling would not appear unduly high in relation to neighbouring dwellings.

16. The proposed dwelling would be sited within an open area of front garden. However, in the former appeal decision, the Inspector accepted that any new dwelling on the site would be prominently located⁴.
17. The dwelling would be situated in the centre of the site, with the projecting wing extending toward the highway. The end elevation would be set back from the highway verge to provide visibility from the site access along this curved section of Shepherds Gate Road. Therefore, sight lines along the road would be maintained, and any adverse impact on the area's open character would not be significant.
18. As indicated by the modelled scenes, the proposed dwelling would be either concealed by built form or perceived within the context of taller, larger scale buildings sited around the road junction. The proposed dwelling would not therefore appear visually dominant by virtue of its siting, scale and height within the setting of nearby bungalows and would not adversely impact the street scene.
19. The proposed dwelling would be of contemporary design with a catslide, half-hipped gable roof to the main dwelling volume, and full-length glazing.
20. The projecting wing would be constructed of red/orange farmhouse brick. This volume would reflect the traditional brick construction that is typical within the village, as identified by the Character Appraisal. The proposal would therefore utilise building materials common in the parish.
21. The black horizontal timber boarding proposed for the exterior of the dwelling's main volume would not be typical of dwellings in the area. However, it would provide contrast and visually break up the dwellings mass. Since the timber-clad volume would be set back in the site, it would be of lesser visual prominence in the street scene than the brick-faced volume. Moreover, the proposed horizontal timber would be visually similar to the exterior of nearby dwelling no 42 School Road, and various outbuildings such as those at no 159 Church Road.
22. The proposed full-length glazing would be similar to the prominent modern glazing at no 159 Church Road and would be analogous to the primary school's tall windows. In addition, the proposed terracotta pan tiles would be similar to the roof tiles of No 42 School Road.
23. The proposed development would therefore utilise external materials that exist within the surrounding area. This would assimilate the dwelling's contemporary design into its surroundings. In addition, a planning condition would require the Council's approval of full details of external materials prior to their use.
24. For the reasons set out above, having particular regard to appearance, landscaping, layout, and scale, the proposed development would not harm the character and appearance of the area.
25. The proposal would therefore comply with Policy CS08 of the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 which together

⁴ Paragraph 9 of APP/V2635/W/22/3299416

require proposals be of high-quality design, respond to the context and character of places in West Norfolk, and protect and enhance the amenity.

26. Furthermore, the proposal would comply with Policy 1.3 of the Tilney All Saint's Neighbourhood Plan 2021 which supports infill development to sustain rural and open amenity, and requires proposals to have due regard to the Character Appraisal, complement the rural character and appearance of the parish, be well-integrated visually and functionally, utilise traditional building materials common in the parish, and have careful regard to the height, layout and scale of existing homes in the immediate area.
27. In addition, the proposal would satisfy paragraph 135 of the National Planning Policy Framework (the Framework) which requires development be sympathetic to local character.

Other Matters

28. Concerns were raised regarding the effect of the proposal on occupants of the host dwelling. The planning officer's report concluded the proposed development would be adequately screened by boundary treatments and would not result in an unacceptable loss of light or overlooking. Therefore, I have no substantive evidence to suggest the proposal would harm the living conditions of neighbours, and I have identified no conflict with the development plan in this regard.
29. Some respondents expressed a preference for affordable housing or smaller dwellings and suggested the proposal is larger than the indicative design submitted with the outline proposal. However, a development of this type and scale proposed is not prohibited by the development plan.
30. Concerns were raised regarding the effect of the proposal on ecology. The proposal pre-dates, and is thus exempt from, the statutory requirement for biodiversity net gain. I have no evidence the proposal would harm biodiversity. In the event protected species would be affected by the development, works would be subject to the conditions of a licence from Natural England.
31. In addition, concerns were raised regarding the effect of the proposed development on local infrastructure such as traffic and parking, drainage and flood risk, electricity supply, and sewerage. However, there is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters. Therefore, none of the concerns raised provide a compelling reason why planning permission should not be granted.

Conditions

32. The nine planning conditions attached to the outline planning permission remain in effect until discharged. The Council has provided a list of additional suggested conditions which I have considered against the Framework's tests. To provide certainty, I have attached the suggested condition specifying the approved plans.
33. In the interests of highway safety, I have included a condition requiring parking and turning areas be laid out prior to occupation of the development.

34. To maintain the character and appearance of the area, I have attached conditions requiring submission and approval of details of external materials and finishes and hard and soft landscape works.
35. To maintain the privacy of neighbouring occupants, I have included a condition requiring the rooflights be obscured-glazed and any eye-level part be non-opening.

Conclusion

36. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out using only the following approved plans: J194-PL 3B Elevations; J194-PL 2B Ground Plan; J194-PL 1B Block and Location Plans.
- 2) Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 3) Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development until the type, colour and texture of all materials to be used for the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Before the first occupation of the building hereby permitted the roof lights serving the first-floor bathroom and ensuite shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details identified on J194-PL 1B (Block and Location Plans). The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted.

END OF SCHEDULE