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## Appeal Decision

Site visit made on 19 May 2025

**by G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> of June 2025

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**Appeal Ref: APP/V2635/W/25/3360349**

**59A Manor Road, Dersingham, Norfolk PE31 6LH**

- 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 Bespoke Norfolk Group against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref is 24/00504/F.
  - The development proposed is a new dwelling.
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### Decision

1. The appeal is allowed, and planning permission is granted for a new dwelling at 59A Manor Road, Dersingham, Norfolk PE31 6LH, in accordance with the terms of the application, Ref 24/00504/F, and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Since the determination of the application, the Council has adopted the King's Lynn and West Norfolk Local Plan (27 March 2025) (KLWNLP). Accordingly, the Council has updated its reasons for refusal in its appeal statement and the appellant has had the opportunity to make comments on this revision. I am satisfied that the revised policy position does not fundamentally change the issues relating to this appeal. I have also taken account of the revised National Planning Policy Framework (the Framework) which was published prior to the appellant submitting this appeal.
3. Although the effect on a designated heritage asset does not form one of the Council's reasons for refusal, I have a statutory duty under section 72(1) of the Act to give special attention to the desirability of preserving or enhancing the character or appearance of the Dersingham Conservation Area. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The officer report also finds less than substantial harm to the significance of the conservation area. Therefore, I have included this in my main issues.
4. I understand that the development falls within the 'Zone of Influence' (ZoI) for several European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS). As a competent authority I need to consider whether there would be adverse effects on the integrity of the Habitats sites in accordance with The Conservation of Habitats and Species Regulations 2017 (the Regulations). It is therefore necessary to consider this matter as a main issue.

## Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the surrounding area, including the Dersingham Conservation Area;
- the effect of the proposal on the living conditions of the occupants of 59a Manor Road, with particular reference to outlook; and
- the effects of the proposal on the integrity of habitat sites.

## Reasons

### *Character and appearance*

6. The host building is a chalet-style bungalow which stands in a relatively large plot set well back from Manor Road and to the rear of several other properties. Other dwellings are located to either side of the appeal site and they share a largely contiguous boundary line with a playing field to the rear.
7. From my observations and the details available to me, I consider that the significance of the Dersingham Conservation Area is mainly drawn from the predominantly rural character and range of traditional buildings that it contains, together with its use of materials, the pattern of development and the relationship of the buildings to the spaces around them. Of note are the variety of historic cottages and dwellings of simple form and massing which typically address the road or are set back behind front gardens. The positioning of these dwellings in varied plot sizes, together with other historic buildings, creates a generally compact settlement form which is mainly experienced from the street frontage. Key views are mainly directed along the facades of buildings towards the road frontage. There is a distinctive, cohesive character to the materials and vernacular detailing of the buildings. Mature gardens, trees and boundary walls create a pleasant, rural character and appearance to the Conservation Area which is set within a predominantly agricultural landscape.
8. The appeal site is located to the rear of several historic properties on Manor Road and is part of a garden associated with the host dwelling, a recently constructed bungalow. Public views of the site are mainly limited to those along the access drive to the host building and across the rear car park of the adjoining premises. The appeal site forms part of a green backdrop of shrubs and trees which to some extent helps reinforce the rural character of the settlement. However, views of this set-back area are not especially noticeable in the conservation area and the eye is mainly drawn towards the new bungalow, modern fencing and the parking area.
9. The proposed dwelling would be a detached bungalow, of one and a half storeys of simple form with a ridged roof and constructed in red brick with a clay pantile roof. It would be located roughly in line with the main body of the host dwelling. Its footprint would be less than the host building but similar to adjoining dwellings to the east. Given the set back from the traditional, historic buildings, the proposed dwelling would be viewed in conjunction with the more recent dwellings to either side and its scale, form and massing would also be similar to them, and it would sit comfortably within its plot. Whilst the rural green backdrop to the conservation area would be impacted to some extent, the plans show that some of the vegetation on the site would be retained and several of the more conspicuous trees appear to be

outside the appeal site. The rural backdrop to the settlement in this area would therefore be largely maintained.

10. Whilst the size of the proposed plot would be smaller than that of the host building and properties to the east, I have noted that there is great variety to the plot sizes and the siting of buildings within the settlement. For example, the terrace of houses to the front of the host dwelling are of higher density with relatively small linear gardens. The properties to the east of the appeal site, although with large gardens, are sited relatively close together, not unlike the appeal proposal. Therefore, given the surrounding context as well as the acceptability of the garden size, access and parking provision, the proposal would not appear cramped or overdeveloped. It may not directly conform with the overall plot sizes to the east or to the south west and it may have a smaller garden than many, but that would not automatically make the development unacceptable given the varied character and appearance of the area.
11. Therefore, given the visual detachment of the appeal site from the main views within the conservation area, the appeal site's relationship with other modern dwellings, and the similarity of built form, the proposal would not have a harmful effect on the character and appearance of the surrounding area, including the Dersingham Conservation Area. It would therefore meet the requirements of the Act and the Framework. It would also comply with KLWNLP Policies LP18 and LP21 which, amongst other things, require developments to respond to the character of places, and conserve and enhance the historic environment.

### *Living conditions*

12. The appeal building would be located centrally within the plot and alongside the host dwelling. Although they would be relatively close together, I saw on site that the nearest windows to the side of the host dwelling appeared to serve bedrooms and a bathroom which were largely screened by vegetation on the approximate line of the proposed boundary. I also saw that the host building's main aspect was onto a generous garden to the west together with an additional open aspect to the north. This secondary, side elevation is therefore not one which notably contributes to the feeling of light and spaciousness around the host property or readily connects with the garden. Although it is likely that a relatively tall fence would be erected between the two properties, this would not be unusual or unduly harmful given that these would be side elevations. Again, it is worth noting that the proposed separation distance appears similar to that of existing properties to the east. Therefore, the main outlook of the host building would not be impacted by the proposal, it would retain a spacious garden, and the separation distance would appear acceptable.
13. The proposed dwelling would be a bungalow of modest scale, similar in height and form to the host dwelling and would be roughly in line with it. The proposal would also not impact on the main outlook of the host dwelling, and it would retain a large garden. Therefore, considering the similarity of scale, orientation and relationship of the buildings, there is little to suggest that the proposal would cause unacceptable overshadowing or overbearing to the occupiers of the existing property. Nor would it appear oppressive or intrusive to them.
14. Considering the above, the proposal would have no harmful effect on the living conditions of the occupants of 59a Manor Road, with particular reference to

outlook. It would therefore comply with KLWNLP Policies LP18 and LP21 which require well designed homes which provide a good standard of environment for their users. It would also accord with the Framework which requires developments achieve a high standard of amenity for existing and future users.

### *Habitat Sites*

15. The development falls within the ZOI for multiple European designated sites. These include: The Breckland SAC and SPA, The North Norfolk Coast SAC, SPA and Ramsar, The Roydon Common and Dersingham Bog SAC, Dersingham Bog Ramsar, Roydon Common Ramsar, The Wash SPA, The Wash and North Norfolk Coast SAC, The Wash Ramsar and The Norfolk Valley Fens SAC. These sites have been designated for their international importance for, but not limited to, wetland habitats, the type of bird species present, and one of Europe's largest populations of common seal.
16. The conservation objectives of these sites aim to ensure that their integrity is maintained or restored. These include maintaining or restoring the extent, function and supporting processes of the habitats; and the population and distribution of each of the qualifying features within the sites. There is a threat to their integrity from public access and disturbance, including from recreational activities. The affected sites are covered by the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy 2021 (GIRAMS) and the Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan (2024) (RAMS), which ensure that the cumulative impacts of additional visitors, arising from residential growth and an increase in tourist accommodation, to European sites, will not result in any likely significant effects which cannot be mitigated.
17. The proposed development is for one dwelling and as such the number of additional recreational visitors would be limited. However, in combination with other developments, likely significant effects are not ruled out. As such, in accordance with the Regulations, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting planning permission on the integrity of the relevant sites. I have also sought further advice on this matter from Natural England.
18. The GIRAMS and RAMS represents a strategic approach to mitigation by several councils across the wider area. They comprise a range of mitigation measures, including monitoring, education and visitor engagement, collating information about habitats and working with landowners and partners. The GIRAMS and RAMS identify a financial contribution to be sought in connection with proposals that are likely to adversely affect the integrity of the European Sites, to fund avoidance and mitigation measures on a wider strategic basis. Natural England has advised that a contribution to the Norfolk GIRAMS should be sought from this development to ensure that the delivery of the GIRAMS remains viable. The appellants have indicated that they have made a per dwelling contribution to fund the strategic mitigation. The Council has confirmed receipt of the payment, and both the Council and Natural England confirm that it accords with the specified tariff. The evidence before me indicates that as a responsible public body the Council will transfer the funds to the organisation responsible for administering the mitigation strategy. I am therefore satisfied that the mitigation measures have been secured and would be used for their intended purposes.

19. I therefore find there would be no adverse effect from the proposed development on the integrity of the designated European sites. Consequently, the proposal would be consistent with the Framework, which requires adequate mitigation if significant harm to sites protected under the Habitats Regulations cannot be avoided.

### **Other Matters**

20. I have had regard to all other concerns raised by interested parties. Regarding the effect on trees, the evidence indicates that several trees already have permission to be removed, the Council has also raised no objection to their loss. Conditions will secure the protection of remaining trees on the site. Regarding habitat and ecology, traffic and drainage, I have little substantive evidence to explain the likely impact, and, in any event, they are not matters of concern raised by the Council or its consultees. I am satisfied that these matters can be addressed through conditions which are addressed below. I have considered all the matters raised but none would present me with a sufficient reason, either individually or collectively, to withhold permission.

### **Conditions**

21. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and to accord with the advice in the Framework and Planning Practice Guidance. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary for certainty.
22. Several pre-commencement conditions are required to address issues that are fundamental to the development and need to be planned for and agreed at the start of the works. A condition is required to ensure that tree protection measures are put in place at an appropriate time given the potential for damage during the construction work to protect the visual amenity of the area. A condition is also required to ensure that trees are retained in accordance with the approved scheme. Drainage details are also required to avoid detrimental impacts to any existing watercourse before development commences and to secure appropriate drainage of the site.
23. Conditions relating to vehicular access, parking and turning are required in the interests of highway safety and traffic movement. Conditions are also required to secure the materials and finish of the property and its boundaries to secure good design and local distinctiveness. A condition is also required to ensure that biodiversity enhancement measures are put in place to help mitigate for the development hereby approved.

### **Conclusion**

24. The proposal would accord with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*G Bayliss*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 1086.05: Plans as Proposed, 1086.06: Ecological Mitigation and Enhancement Plan, Tree Protection Plan by Plandescil Consulting Engineers: Job No. 27141.
- 3) Prior to the commencement of the development hereby permitted all Tree Protection Measures shall be implemented in strict accordance with the approved Tree Protection Plan Drawing No. 27141/901A and Method Statement at part 5 dated February 2024 by Plandescil.
- 4) No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use. The drainage arrangements shall be managed and maintained thereafter in accordance with the approved details.
- 5) Prior to the commencement of the use hereby permitted, the vehicular access shall be upgraded with a permeable surface (other than loose gravel) for the first 5 metres as measured back from the near channel edge of the adjacent carriageway/constructed in accordance with details to be agreed in writing by the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 6) Prior to the first occupation of the development hereby permitted, the visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway by lowering of walls.
- 7) Prior to the first occupation of the development hereby permitted the proposed access/on-site car parking/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 8) No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing

technique. The development shall be constructed in accordance with the approved details.

- 10) Prior to their installation, full details of the doors and windows, including the rooflights, within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include 1:20 drawings, showing joinery details, cross-sections and the opening arrangements. The development shall be implemented and retained in accordance with the approved details.
- 11) Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building is occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the approved details.
- 12) Prior to the first occupation of the development hereby approved, all proposed Ecological Enhancement Measures shall be installed in accordance with the approved Ecology Plan: 1086.06 and maintained thereafter as such. The enhancements shall include a minimum of the following measures: -
  - A bat shelter
  - A swift nesting box
  - A small bird nest box
  - A bee brick
  - Pollinator friendly planting
  - Hedgehog holes within boundary fencing
- 13) No trees other than the tree shown to be removed on the approved Tree Protection Plan and detailed in the Method Statement by S Case dated June 2023, shall be felled without the prior written agreement of the Local Planning Authority.