



Appeal Decision

Site visit made on 7 July 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th of July

Appeal Ref: APP/V2635/W/25/3361776

Land behind 27 Main Road, Brookville, Norfolk, IP26 4RB

- 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 Mrs Ruff against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 24/00738/F.
 - The development proposed is 4 super insulated, energy efficient houses built to Passivhaus standards, with landscaping, access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, the Council has adopted the King's Lynn and West Norfolk Local Plan 2021-2040 (2025) (the local plan). This replaces the former Core Strategy (2011) and the Site Allocations and Development Management Policies Plan (2016). The National Planning Policy Framework (the Framework) was also revised in December 2024. I must determine this appeal based upon the policies that are in place at the time my decision is made. The appellant was aware of the emerging local plan policies, and as the adoption of the new local plan was referred to in the Council's Statement of Case, the appellant had the opportunity to view and address this at the final comments stage. The revision of the Framework occurred prior to the submission of the appeal and was well publicised.

Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area; ii) highway safety and iii) wildlife and habitats within the site.

Reasons

Character and appearance

4. The appeal site is located within the development limit for Brookville, which is defined as a Tier 6 smaller village or hamlet, in the new local plan. Smaller villages and hamlets are those settlements which have little to no services. Growth in these areas is restricted to existing commitments, windfall development and neighbourhood plan allocations. Policy LP02 of the local plan does not restrict new residential development on windfall sites in Tier 6 settlements to limited frontage infill. It does however require it to respect and enhance local character and to reinforce local distinctiveness.

5. The site comprises an area of former garden land to 27 Main Road, which has been subdivided from the dwelling. It is occupied by a brick summerhouse and a shed, both of which are modest in scale and covered in overgrowth. There are high timber fences on the boundaries to the side and rear of adjacent 27 Main Road and Birch House. A low wall and established hedge planting run along the boundary with Gordon Fuller Close. The boundaries with the access drive serving numbers 21, 23, 23A and 25 Main Road, and with the side of number 25, are enclosed by trees and hedges, along with some low-level fencing.
6. Trees are scattered across the site, which together with the boundary trees and hedges, are visible from Main Road, above the low-level garages and bungalows, through the generous gaps between buildings, as well as from the private residential driveways and dwellings that surround the site. Despite not being considered worthy of a Tree Preservation Order, these trees and hedges make a positive contribution to the rural character and appearance of the local area and to the biodiversity value of the site. I acknowledge that many of the trees proposed to be removed are of low quality and a small number are dead or dying. However, it is unclear why three trees classified as category B1 and B2, moderate quality with significant remaining lifespan and contribution, are also proposed to be removed, particularly as the garages they are shown as being removed to facilitate on the drawings in the Tree Report are no longer proposed.
7. The root protection area of some boundary trees, including the tree within the rear garden of 27 Main Road, would be affected by the new access and utility services that would presumably need to run beneath this. I note that non-dig and porous surfaces can be utilised in some areas to minimise disturbance and compaction. However, representations submitted by local residents indicate that there are no mains drainage services in the area and accordingly package treatment plants would also be required below ground. It has not been demonstrated that these could be located, accessed and maintained without causing harm to the trees to be retained, including those on third party land outside of the appellant's control. Nor has it been demonstrated that the rear gardens of the dwellings would not be largely overshadowed by the large trees to be retained along the southern boundary, resulting in pressure for them to be removed.
8. The surrounding area comprises a mixture of house types, sizes and materials. There are houses, bungalows and dormer bungalows fronting onto Main Road with bungalows and dormer bungalows built behind and accessed by private drives. Dwellings fronting onto both sides of Main Road, are generally within generous plots with large spaces between them. The same also applies to the bungalows and dormer bungalows to the south and west of the site, with the bungalows to the north on Gordon Fuller Close and Bide A Wee Close being on smaller plots.
9. The proposed dwellings on plots 1 to 3, would be two-storey properties of similar size, with generous spaces between them. Despite the first-floor accommodation of these three plots being partially within the roof space, the eaves and ridge levels would be higher than other backland bungalows and dormer bungalows nearby. All three of the proposed two-storey dwellings would exceed 8 metres in height and would be visible through the gaps between frontage properties.
10. Although the height of the dwellings on plots 2 and 3 would not result in any significant harm, given their distance from the Main Road frontage, neighbouring properties, and the presence of intervening trees and buildings, the dwelling on

plot 1 would be likely to appear overbearing from the bungalow at 25 Main Road, due to its scale, height and siting. Whilst the submitted site plan fails to show the relationship between the proposed dwellings and existing dwellings to the south and west, it was apparent from my visit that the dwelling on plot 1 would be sited well beyond the rear elevation of 25 Main Road, and would have a first-floor balcony directly overlooking the swimming pool and garden to the rear of this dwelling. The balcony would be approximately 5 metres from a part of the boundary that is not screened.

11. Plot 4 would comprise a much smaller single storey dwelling, approximately 6 metres in height. Due to its siting, very close to and forward of plot 3, it would be somewhat cramped, appearing more as an outbuilding or annex to plot 3 than as a separate dwelling. There would also be overlooking between the front windows of plots 3 and 4 due to their proximity and orientation.
12. The front elevations of the dwellings would be built into an approximately 3 metre high wall, which would wrap around the side of the garden to plot 4 and infill the frontages between dwellings. Whilst described as creating a walled garden effect, this area to the front of the dwellings would function and appear as more of a car park and turning area, dominated by hard surfaces and cars and largely devoid of any meaningful soft planting. This would fail to reflect the rural character of the local area and would result in a poor-quality outlook for future occupiers of the dwellings from their main habitable room windows to the front. In addition to frontage parking, the site plan indicates double gates providing access to the side and rear of plots 2 and 3, and walls between the rear gardens of each plot, all of which would further urbanise the appearance of the site.
13. The two recent developments to the north, despite being narrower than the appeal site, extend further west, and each comprise only four bungalows, including the frontage property. Only two of the dwellings on each of these developments extend beyond the rear garden boundary of 27 Main Road, as it currently exists. The backland development to the south and west of the site comprises only bungalows and dormer bungalows, in generous gardens, divided by greenery. The proposal seeks to squeeze four dwellings between the existing frontage property and an existing bungalow to the rear of it, with very limited space between plots 3 and 4, and with very limited soft landscaping other than that being retained around the external boundaries of the existing site.
14. I acknowledge that the buildings themselves would be of high-quality sustainable design, and I do not consider the external appearance and materials of the proposed dwellings would be harmful given the wide and varied mix of dwelling designs and materials already present in the immediate surrounding area. However, the scale, layout and landscaping of the proposal fail to respect the local scale, pattern and rural landscape character of surrounding development, or to take account of privacy and outlook of future occupiers of the development or of existing and future occupiers of 25 Main Road.
15. I therefore conclude that the proposal would fail to accord with Policies LP02, LP18 and LP21 of the local plan and paragraph 135 of the Framework. Collectively these policies seek to ensure, amongst other things, that new development respects local character and landscape features, and considers neighbouring uses and their occupants as well as the amenity of future occupiers of the proposed development.

Highway safety

16. As the site is currently unused and was formerly part of the garden to 27 Main Road, the development of four dwellings would significantly increase the number and frequency of traffic movements to and from it.
17. The access to the site, from the 40mph B1112 Main Road, is located between two existing accesses, one serving 27 Main Road and the other a private road, Gordon Fuller Close, serving 4 bungalows. It currently comprises a little used grass track, which adjoins the vehicular crossover for 27 Main Road. A small section of the track has a concrete surface containing several covers, which I am advised provide access to the septic tank and/or other utility services for 27 Main Road. There is no information before me as to how often access is required to this or by what type of vehicles. Likewise, there is no information regarding access to maintain any private drainage systems required for the new dwellings given the absence of mains drainage in the area.
18. The access is not wide enough for two cars to pass, and adjoining land to provide widening or passing places is not within the appellant's ownership. It has been suggested that removing the boundary wall that runs between the site and Gordon Fuller Close would marginally increase the width of the access, but this would still be insufficient for two cars to pass along its approximate 70 metre length. Furthermore, I have not been advised who owns the wall, and the hedge behind the wall appears to be outside of the appellant's ownership and control. As the evidence before me does not indicate that the access could be satisfactorily improved without the use of third-party land, this matter could not be dealt with by conditions.
19. Concerns have also been raised regarding access for larger vehicles. Even if it is possible for large vehicles such as fire engines and waste refuse lorries to enter the site via the unadopted narrow drive, without damaging overhanging tree branches or underground tree roots and utility services, it is unclear how the turning area shown on the site plan would be retained clear for its intended purpose to ensure that such vehicles could turn and leave in forward gear. Parking in front of the garages to plot 1, or in front of the gates to the side of plot 2, would obstruct this. Moreover, refuse vehicles are unlikely to access the site if the road is not adopted, and the plans do not identify any space for the storage and collection of wheelie bins, on either the narrow access drive or on Main Road, without obstructing the site access or the accesses to either side of it.
20. Although Main Road is straight and has wide verges and footpaths providing unrestricted visibility in both directions, the presence of three separate vehicular driveways running parallel to each other, together with the additional traffic generated by the development, would lead to confusion and would increase the likelihood of vehicles waiting on the B1112 to turn into these. Vehicles waiting to enter the site could obstruct access and egress for drivers entering or exiting the existing accesses to either side. Priority signs have been suggested but these are unlikely to be enforceable on a private drive and would only be effective if drivers could see another vehicle waiting to turn into the site before they set off down the private drive, otherwise they would need to reverse back a significant distance along a narrow drive.

21. I therefore conclude that the proposal would be contrary to Policies LP02(1)(e) and LP21(5) of the local plan, which seek to ensure proposals would not result in unacceptable impacts on highway safety and require development proposals to demonstrate that safe access can be provided. However, I do not find any conflict with the transportation and parking policies LP13 and LP14.

Wildlife and habitats

22. Licensing records and sightings by local people confirm that Bats are known to be present in the area, and it is proposed to remove buildings and trees, which may provide roosting and foraging habitat for this European protected species. No surveys have been undertaken to establish whether Bats are using the site, and if so what type and number of Bats would be affected and how. Without knowing the facts, it is not possible to impose conditions or to identify appropriate mitigation measures.
23. The Council's Ecology Officer states that there are at least two water bodies within 250 metres of the site and that consequently, given the terrestrial habitat on site, there could be an effect on Great Crested Newts (GCNs). I have not been advised where these water bodies are, what type they are, or whether they are known to, or are likely to support GCNs. I also note that no local residents have mentioned a presence of GCNs in the area. However, the appellant has not investigated this matter further or provided any evidence either in the way of the ecological survey reports requested or justification as to why they are considered unnecessary. Nor has any response been made to the comments of local residents, that indicate a possible presence of other protected species, including Badgers.
24. Whilst not reasons for refusal, the contradictions between the submitted Tree Assessment and Biodiversity Net Gain (BNG) Report, have not been resolved, and as such the baseline against which BNG would need to be calculated is unclear. Having regard to the current local plan, I also note that the proposed high level solid boundary walls and large areas of hardstanding would not be wildlife friendly, would offer little habitat value and would prevent animals from passing through the site, contrary to Policy LP19 of the local plan, which encourages safe crossing methods for animals such as hedgehogs.
25. I therefore conclude that the proposal would be contrary to Policies LP02, LP18 and LP19 of the local plan and paragraph 187(d) of the Framework, which require proposals to make a positive contribution to, and to conserve and enhance the local and natural environment including minimising impacts on biodiversity and ecological networks and incorporating features that support priority or threatened species.

Other Matters

26. The site is within the Zone of Influence of one or more European designated sites. The Council's report confirms that a financial contribution was made when the application was submitted, to mitigate the recreational impact of the development on the protected sites, in accordance with a strategic approach adopted by several councils across the area, in agreement with Natural England. As I have found the proposal to be unacceptable for other reasons, it is not necessary for me to consider this matter further.

27. Although there is no policy requirement to provide any affordable housing on a development of this scale, the proposed single storey one bedroom dwelling on plot 4 has been offered as an affordable dwelling, as an additional benefit in favour of the overall scheme. However, there is no mechanism before me to secure this dwelling as an affordable home, and no details have been provided regarding its tenure, or of any registered affordable housing providers requiring this type of accommodation in this area that would be willing to take it on. Accordingly, I can afford this benefit very limited weight.
28. I am advised that the dwellings would be constructed to Passivhaus standards, providing exceptional energy efficiency, well beyond that required by current building regulations. This would make the dwellings cheaper to run and would assist in meeting Net Zero targets. Whilst I afford this benefit considerable weight, it does not outweigh the harms I have identified or the need to comply with other standard planning policy requirements.

Conclusion

29. For the reasons given above, the proposal would not accord with the development plan as a whole and the material considerations before me do not indicate that a decision should be taken other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR