
Appeal Decision

Site visit made on 12 August 2025

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 3rd of October 2025

Appeal Ref: APP/V2635/W/25/3362235

Harvey's Removals, 4 Rope Walk, King's Lynn, Norfolk, PE30 2AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Harvey and Mr R Harvey against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 24/01303/O, dated 16 July 2024, was refused on 17 September 2024.
 - The development proposed is two dwellings.
-

Decision

1. The appeal is allowed and permission is granted for two dwellings at Harvey's Removals, 4 Rope Walk, King's Lynn, Norfolk, PE30 2AU, in accordance with the terms of the application, Ref 24/01303/O, dated 16 July 2024, subject to the attached schedule of conditions.

Preliminary Matter

2. The application was submitted in outline with all matters reserved. Indicative plans, as revised during the course of the application, show a pair of two storey semi-detached houses with single parking spaces. In the appellant's appeal statement these are described as one-bedroom dwellings with 58 sq m floorspace. However, the scheme could be different as its layout, scale and appearance are matters for future consideration.

Main Issues

3. The main issues are:
- the effect of the proposal on the character and appearance of the area;
 - whether sufficient car parking would be provided; and
 - whether the proposal is acceptable in relation to flood risk.

Reasons

Character and appearance

4. The proposal is for a pair of small semi-detached houses on a triangular shaped site in a densely developed area of housing to the northeast of the town centre. The site, currently occupied by an unattractive storage building, fronts onto an unmade track, Rope Walk, not far from the end of Walker Street. On either side lie two single storey dwellings, Nos 6 and 8 Rope Walk, whilst a terrace of two storey houses faces the site to the southwest with the rear gardens of further two storey terraced houses to

the south. With this mix of housing types in the immediate area, in terms of character and appearance either single or two storey dwellings would be appropriate on the site. Whilst the site is an unusual shape with a narrow frontage to Rope Walk reducing the scope for development, the indicative layout shows how two small dwellings with two parking spaces and adequate amenity space could be accommodated on the site, albeit slightly awkwardly. The plot sizes would be relatively small but would not appear out of character when seen in the context of those nearby, for example the densely developed rows of terraced housing to the west.

5. For these reasons the proposal would not significantly harm the character and appearance of the area and would comply with Policies LP18 and LP21 of the King's Lynn and West Norfolk Local Plan 2025 (the KLWNLP) which require new development proposals to be of high-quality design and to respond sensitively and sympathetically to its context/local setting.

Car parking

6. The indicative scheme, as amended, would provide one parking space for each dwelling. Like the single space which serves No 8 next door, the cars would need to reverse into Rope Walk in order to exit via Walker Street. The Council argue that this provision would be insufficient, but KLWNLP Policy LP14 states that only one space is required for a one-bedroomed dwelling. In addition, the site is well related to the town centre with its numerous facilities and public transport options, so car ownership is not essential, and the evidence of the site visit is that some car parking spaces remain on nearby streets, notwithstanding their heavy use by the existing terraced housing¹.

7. The prevalence of on-street parking along both sides of Sir Lewis, Cresswell and Burkitt Streets, which would be used for access, does reduce traffic to one way working in many places, but the area operates as a large residential cul-de-sac where residents are aware of the traffic and parking issues and will take the necessary care. Neither main party provide details of the traffic generated by the existing storage building on the site but this factor would reduce any net increase in traffic arising from the proposal; indeed there may be a net reduction in traffic.

8. For these reasons, subject to the house types, sufficient car parking could be provided, and any overspill on-street parking in surrounding streets would not result in an unacceptable impact on highway safety. The proposal does not conflict with KLWNLP Policies LP14 or LP18 which set minimum car parking standards and seek to optimise site potential, making best use of land including the use of brownfield land.

Flood Risk

9. The site lies within a tidal breach hazard area and flood zones 2 and 3. As a 'more vulnerable' type of development, both the sequential and exception tests need to be applied. In relation to the former, the Council argue that the proposal is unnecessary as there is 7.9 years housing land supply. However, this is only a projection of future housing completions, actual delivery in the most recent 2020-23 period only amounted to 87% of the number of homes required. The KLWNLP states King's Lynn is the most sustainable location to accommodate growth in the district and proposes a continued emphasis on brownfield redevelopment, regeneration and renewal in the town; the proposal would contribute towards these aims. The plan also relies on 25% of housing provision during the plan period coming forward from windfall sites such as the appeal

¹ Particularly on Walker Street which has few frontage properties.

proposal. The reality is much of the built-up area of the town lies within flood zones 2 and 3 but the plan nevertheless allocates housing sites within these zones, for example land west of Columbia Way not far from the appeal site. This demonstrates a shortage of reasonably available sites with a lower risk of flooding having regard to wider sustainable development objectives. Consequently, in the circumstances of this particular case, the sequential test is met.

10. The Environment Agency accept the conclusions of the submitted Flood Risk Assessment (FRA) that the development would be safe for its lifetime provided the floor level of the dwellings is raised by 1.0 m and other flood resistance/resilience measures are implemented; similarly, the Council's emergency planning officer raises no objection subject to flood warning arrangements and a flood evacuation plan. These measures can be secured by condition. The risk of surface water flooding in the vicinity is not likely to increase as the footprint of buildings on the site would be reduced and soft landscaping introduced allowing additional on-site infiltration compared to the current sealed concrete surfacing. The proposal therefore meets part (b) of the exception test. Contrary to the views of the Council, the redevelopment of this unattractive brownfield site with two dwellings adding to the housing stock near to the town centre would have wider sustainability benefits for the community that outweigh the flood risk, thus also meeting part (a) of the test.

11. For these reasons the proposal is acceptable in relation to flood risk and complies with KLWNLP Policies LP18 and LP25 which require proposals in flood risk areas to meet the sequential and exception tests, to include flood resilient/resistant measures and to minimise the risk of flooding on the development site and surrounding area.

Other Matters

12. Although the Council's officer report expresses concerns regarding the potential impact of the proposal on nearby dwellings and their occupiers, this issue does not form a reason for refusal. As an outline application with all matters reserved, the detailed form of the proposal is yet to be determined. The indicative plans suggest that a suitable scheme could be designed to avoid an unacceptable impact on adjacent properties in relation to loss of light or an overbearing outlook from nearby windows. The flank walls on either side need not include any overlooking windows towards Nos 6 or 8. The separation distance from the rear facing windows of Nos 49-55 Loke Road and the screening along the intervening passageway would also be sufficient to ensure adequate privacy for the respective occupiers. As the Council conclude, these concerns are not sufficiently clear cut to warrant refusal.

13. The Council suggest six conditions should the appeal be allowed, and these have been assessed against the relevant tests. In addition to the standard time limits for submission of reserved matters and implementation a condition is necessary to ensure the car parking/turning area is provided to minimise any on-street parking. A condition is also necessary to ensure the recommendations of the FRA are implemented and (as requested by the emergency planning officer) a further condition to require flood warning arrangements and an evacuation plan.

Conclusion

The proposal would provide two additional dwellings in a sustainable location which would make a useful contribution to local housing needs whilst replacing an unattractive storage building and assisting with the regeneration of the town. The proposal would not significantly harm the character and appearance of the area and would be

acceptable in relation to car parking and flooding. The planning balance is therefore in favour of the development and the appeal should be allowed.

David Reed

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the means of access, layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 2) Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 3) Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this decision.
- 4) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 5) 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.
- 6) Prior to the first occupation of the development hereby permitted, the mitigation measures recommended within the supporting Flood Risk Assessment prepared by ESP Ltd, submitted 22 July 2024, shall be strictly adhered to, in particular:-
 - (i) Finished floor levels will be set no lower than 1m above existing ground levels
 - (ii) Flood resistance/resilience measures will be incorporated up to 600mm above finished floor levels
 - (iii) There will be no ground floor sleeping accommodation
 - (iv) Non return valves to be fitted to all service entrances
- 7) The development hereby permitted shall not be first occupied until details of a flood warning system and flood evacuation plan have been submitted to and approved in writing by the Local Planning Authority. The details and plan shall then be adhered to at all times thereafter.