



Appeal Decision

Site visit made on 16 September 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/V2635/W/25/3369402APP/V2635/W/25/3369402
Rear of 7-13 Tower Street, King's Lynn

- 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 L Howe against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/00457/f.
 - The development proposed is development of 9 flats including conversion of existing to the rear of 7-13 Tower Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the Kings Lynn & West Norfolk Local Plan 2021-2040 (KLWNLP) in March 2025, after its refusal of planning permission. The KLWNLP replaces the Kings Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (2011) and Site Allocations and Development Management Policies Plan (2016) which are cited within the Council's Decision Notice. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my Decision. The appellant and Council have made comments on the revised policies, and I have taken these comments into account in reaching my decision.
3. Amended plans were submitted during the processing of the application, that reduced the number of storeys and the overall height of the proposed development. It is clear that the Council determined the proposal on this basis, and so shall I.
4. The appeal site lies within a conservation area and is proximate to a listed building. I have, therefore had special regard to sections s66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues are:
 - i) whether the proposed development would preserve or enhance the character or appearance of the Kings Lynn: St Margaret's Conservation Area; and
 - ii) the effect of the proposal upon highway safety.

Reasons

Character and appearance

6. The appeal site lies within the town of King's Lynn, located within the St Margaret's Conservation Area (CA). Neither the application nor the appeal is supported by a Heritage Statement. However, I have been provided with a copy of the St Margaret's Area Conservation Area Character Statement (CS) (July 2003). The CA is based around the medieval core of the town wherein lies a concentration of high-quality historic buildings. The significance of the CA is derived from its intimate street pattern with well-designed residential and commercial buildings from the medieval period onwards predominantly reflecting the maritime history and wealth of the town.
7. The frontage of the appeal building forms part of a historic streetscape characterised by a tightly developed pedestrianised street comprising terraced properties in a mix of commercial uses. In my judgement the properties fronting Tower Street, with narrow long linear plots, illustrate the surviving pattern of medieval burgage plots and contribute positively to the historic environment. Tower Street is pleasantly erratic in its varied commercial frontages. This contrasts with the more informal arrangement to the rear of plots which front onto Clough Lane. The appeal building has been previously extended to its rear and is viewed as part of the piecemeal developments that form the wider streetscene. Clough Lane links Blackfriars Street and Regent Street and the rear of the appeal property is sandwiched between a large multi-storey car park and one of the town's pedestrianised commercial streets.
8. The Tower Street frontage contributes positively to the townscape and historic interest of the CA. Numerous single and two-storey extensions are visible from Clough Lane, along with other ancillary structures and boundary treatments of varying heights and designs and areas of hardstanding used for the parking of vehicles. Given the ad hoc arrangement of built form, predominantly in the form of rear extensions, there is no prevailing character on Clough Lane. Development in view of this part of Clough Lane is experienced as being subservient to the historic Tower Street frontage. Despite modern interventions within the Clough Lane streetscene, the appeal site is an example of a historic burgage plot and the evolution of the town which is of value to the significance of the CA as a whole.
9. The proposal seeks consent for a two and a half storey building to the rear of the donor properties in a classical form, proposing a large mansard roof structure with integral solar panels. The reduced height of the building would be more reflective of the height of nearby built form. Nevertheless, the mock classical design and dormer windows would significantly be at odds with the simple fenestration and roofscape of the older buildings within the CA, including those visible within the Clough Lane streetscene. Furthermore, the proposal includes a complex roof arrangement, which adds to the bulk and mass of the development. Owing to its grand design and the proximity of substantial built form to the back edge of the highway, the proposal would be visually prominent within the streetscene.
10. The appellant submits that the design of the proposal has taken cues from various buildings within the town centre. Whilst I did observe some buildings of a similar architectural appearance, they are not viewed within the context of the streetscene in which the appeal site lies. I recognise that the proposal would obscure some of

the piecemeal extensions visible within the Clough Lane streetscene, however, the design of the proposal is such that it would be harmfully discordant with the character and appearance of the locality. The use of high-quality external materials would not overcome this harm.

11. The roof of the proposed development would protrude above the existing roof line, albeit not to a significant extent. By virtue of the tightly packed buildings either side of the narrow Tower Street combined with the height of existing buildings this element of the roof would not be discernible in the streetscene when viewed from Tower Street. This, however, does not overcome the harms identified.
12. For the reasons stated above, I find that the proposed development would fail to preserve or enhance the character or appearance of the CA. Conflict therefore arises with Policies LP18, LP20 and LP40 of the KLWNLP and the National Planning Policy Framework (the Framework) insofar as these require development to conserve and enhance the historic and natural environment and that new development within the historic core of the town is expected to be of high-quality design which respects and enhances the wider historic surroundings. Conflict also arises with s72(1) of the Act, which carries considerable importance and weight.
13. Given the scale of the impact of the proposals, the degree of harm to the significance of the CA as a designated heritage asset would be less than substantial. The Framework indicates that this harm should be outweighed by wider public benefits. I turn to this in the overall heritage and planning balance later in my decision.

Highway safety

14. The Council raised concern that some of the proposed development appears to be indicated on verified highway at Clough Lane, and that in the absence of detailed plans of features outside of the appeal site boundary the impact upon highway and pedestrian safety could not be adequately assessed. However, the Council's comments on this appeal now suggest this could be resolved through the imposition of a pre-commencement of works condition requiring the highway to be stopped up. Based on the evidence before me I have no reason to reach a different view.
15. For these, reasons, subject to the imposition of conditions I am satisfied that the proposal would not cause unacceptable harm to highway and pedestrian safety. On this basis the proposal would accord with Policies LP13 of the KLWNLP, which amongst other things require a safe access to be demonstrated.

Other Matters

16. I am satisfied that the proposed residential units would not cause harm in respect of the living conditions of future occupiers or existing occupiers of neighbouring properties. Nor would there be harm in respect of flood risk and drainage. However, these are neutral matters that neither weigh for or against the proposal.
17. My attention has been drawn to a previously approved applications at the site¹. Limited information is before me in this respect. Nevertheless, it is understood that

¹ 08/02481/FM approved in 2009 and an extension of implementation date later granted in 2012.

the proposal related to a larger scheme of four shops and eleven apartments. In any event, it is not disputed between the parties that the none of the previous consents on site were implemented. Consequently, these do not constitute a lawful fallback position, and I therefore attach very limited weight to this as a material planning consideration.

18. My attention has also been drawn to a modern library/hub visible from Clough Lane and adjacent to the Majestic Cinema. The appellant also advances that the appeal scheme would have a similar impact to the development of flats at the former Royal British Legion building further along Clough Lane. Even if there would be some similarities to the appeal scheme, their overall design differs significantly and the respective sites are located a reasonable distance from the appeal site and therefore, they do not form part of the immediate site context. Moreover, I am not party to the evidence before the decision-maker to reach a view as to whether they are comparable or not. The schemes would have been assessed considering their own particular context and so do not set a precedent that I am bound to follow with this appeal. In any event, I have decided the appeal bearing in mind the site-specific circumstances and the proposals before me.
19. I have had special regard to whether the settings of nearby listed buildings would be preserved, notably the Grade II listed Majestic Cinema, located to the west of the appeal site. A view of the dome at the top of the cinema is possible from Clough Lane. The significance of which is derived from its architecture and history. The reduced height of the proposal would ensure that the development would not materially impinge on views currently experienced. The impact of the proposed development would also be negligible due to the distance and the built-up nature of the intervening streets. Therefore, I am satisfied that there would be no adverse effect on the setting of the listed building.
20. The proposed development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS'). It is anticipated that certain types of new development in this area are likely to have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure when considered either alone or in combination with other plans and projects.
21. The GIRAMS has been put in place to ensure that this additional recreational pressure does not lead to an adverse effect on European designated sites in Norfolk. During the processing of the application a payment was made. However, there is dispute over the fee paid. The appellant is willing to make a further payment to comply with the GIRAMS. Had I been minded to allow the appeal, it would have been necessary for me to undertake an Appropriate Assessment. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.
22. Concerns regarding due process during the processing of the planning application fall outside of the remit of this appeal, which has been decided on the evidence and merits of the proposals before me.
23. I have had regard to the comments raised in support of the proposal. However, they do not alter my findings set out above.

Heritage and Planning Balance

24. The appeal scheme fails to preserve the special interest of the CA. In finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the works, I find the harm to the significance of the CA to be 'less than substantial' and at the mid-point of the scale. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the scheme, including where appropriate, securing its optimum viable use.
25. There is no dispute between the parties that the principle of development is acceptable in this location. The proposal would make effective use of this previously developed site, including the re-use of upper floors, in a sustainable location with access to a vast array of services and facilities. The Council's ability to demonstrate adequate housing land supply is not contested. Nevertheless, the proposal would deliver residential accommodation that would add to the choice of homes and supporting the Government's objective to boost the supply of housing.
26. I note the benefit of incorporating energy efficiency measures into the build, seeking to meet environmental targets. However, there is nothing before me to suggest that this would go beyond what is already required by building regulations.
27. There would be some economic benefits associated with the construction phase. As future occupiers would feed into the local economy there would be some economic and social benefits derived from support to local services and facilities within the town.
28. The appellant submits that a public realm enhancement project has been designed and intended to be built in the locality of the appeal site. However, no further details are before me. The re-development of the appeal site would result in some visual enhancement of the eastern part of the site and the wider Clough Lane streetscene that would be of benefit to the users of the public realm. Be that as it may, for the reasons stated, the proposal would be discordant with the immediate character and appearance of the streetscene, to the detriment of the appreciation of the CA.
29. Even when considered cumulatively, the weight of public benefits in favour of the proposed development would not be sufficient to outweigh harm to the significance of designated heritage asset. The proposal therefore fails to accord with the historic environment protection policies of the recently adopted development plan, the Framework and would fail to satisfy the requirements of the Act.

Conclusion

30. For the reasons given the proposal conflicts with the development plan when read as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, for the reasons given, the appeal should not succeed.

R Gee

INSPECTOR