



Planning Committee
Monday, 6th March, 2017 at 9.30 am
in the Committee Suite, King's Court, Chapel Street,
King's Lynn

Reports marked to follow on the Agenda and/or Supplementary Documents

- a) Decisions on Applications (Pages 2 - 10)

Appeal decisions and TPO scores to go with applications:

16/01461/F – Heacham
17/00017/F – East Winch
16/02162/F – Tilney St Lawrence
2/TPO/00556 – Downham Market

Contact

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Agenda Item 8a

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 4/1/17 Surveyor: R Fisher ARB officer

Tree details
 TPO Ref (if applicable): - Tree/Group No: 42 Species: Norway Spruce
 Owner (if known): Location: 100 Lynn Road, Downham Mkt

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes (5)
 Healthy trees in good condition

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes (2)
 will contribute into the future

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
 (4) clearly visible along Lynn Rd

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
 (1)

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
 (3) - Heavy pruning forthcoming

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
 (15)

Decision:
 serve TPO

Appeal Decision

Site visit made on 28 April 2005

The Planning Inspectorate
Room 4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS2 9DJ
☎ 0117 372 6372

by Mrs G R Stewart BSc DipTP MRTPI

an Inspector appointed by the First Secretary of State

Date

2005

Appeal Ref: APP/V2635/A/05/1171922

87 St John's Road, Tilney St. Lawrence, King's Lynn PE34 4QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr G Elyard against the decision of King's Lynn and West Norfolk Borough Council.
- The application ref: 04/01846/O, dated 25 August 2004, was refused by notice dated 23 November 2004.
- The development proposed is "1 residential dwelling".

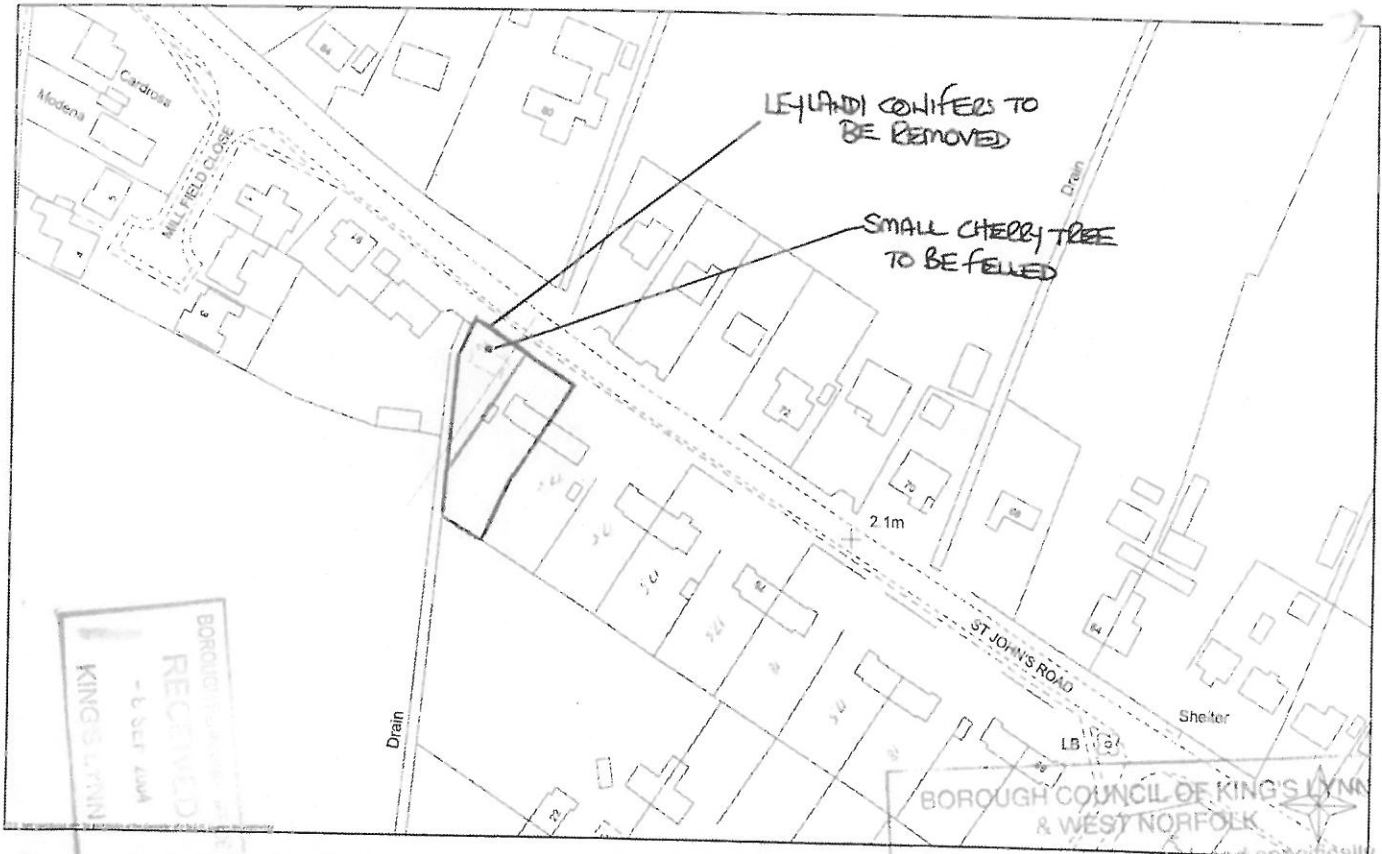
Decision

1. For the reasons given below, the appeal is dismissed.

Reasons

2. The appeal site is at the western end of a row of semi-detached houses laid out many years ago with very wide spaces between them. To the west, the gable of a small cottage is prominent in the street scene, as it stands forward of the uniform building line of the houses, but it is set apart from them by its overtly different age and character and by the width of its own side garden. The appeal site is seen as an integral part of the homogeneous area to the east.
3. The diminishing width of the appeal site towards the rear would require that any house built on it would have to stand much closer to the road frontage than the existing semi-detached houses which establish the prevailing character of the area, and its relationship with No 87 would look more cramped and overbearing than is the case in this row, even where the gaps between houses have been slightly eroded by side extensions. Although the design and appearance of the proposed dwelling are matters for subsequent consideration, I am satisfied that the shape of the appeal site would preclude the siting of a dwelling in a position that would be in keeping with the spacious character of the area.
4. The proposed dwelling would not "enhance the form and character of the village" as required by Structure Plan Policy H7, nor be "in harmony with the building characteristics of the locality" as required by Local Plan Policy 4/21.

INSPECTOR



Borough Council of King's Lynn & West Norfolk

King's Court, Chapel Street, King's Lynn.

Scale: 1 : 1250

DATE: 06-SEP-2004 TIME: 16:21:30

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

This copy has been produced specifically for Ordnance Survey Map return scheme purposes only. No further copies may be made. This is an original.



Appeal Decision

Site visit made on 20 May 2015

by **David Spencer BA (Hons) DipTP MRTPI**

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

Decision date: 3 June 2015

Appeal Ref: APP/V2635/W/15/3005626

45 Broadway, Heacham, King's Lynn, Norfolk PE31 7JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Desborough against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 14/01398/F, dated 26 September 2014, was refused by notice dated 28 November 2014.
 - The development proposed is a new build single storey dwelling & garage – all detached.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the appeal proposal on the character and appearance of the surrounding area and the effect of the proposed access on highway safety, with particular reference to vehicle movements on Broadway.

Reasons

Character and Appearance

3. The appeal site comprises a grass field enclosed by a combination of post and rail fencing and boundary hedging and trees to the east and south. The site primarily sits within a patchwork of small parcels of open and gently undulating land including paddocks to the west and grazing land to the south. Land to the west contains some outbuildings, but these are visually contained by hedging and trees. Therefore the appeal site and the adjoining fields form part of the countryside edge to Heacham at this location. This countryside character to the appeal locality can be appreciated in longer views from both the A149 to the south-east and from the public bridleway at the end of School Road to the south-west.
4. The appeal proposal would be situated to the rear of the dwellings on the southern side of Broadway. The proposed dwelling would be separated from these dwellings by their long rear gardens. Further separation would result from intervening land between the rear gardens and the appeal site which is primarily laid out to grass with some modest outbuildings and external storage of materials. Consequently, the appeal proposal would have a poor relationship with the existing linear pattern of development on Broadway and

would occupy a peripheral position, incongruously extending the built form of the village into the countryside setting described above.

5. The appellant submits that the proposed dwelling would have a barn style appearance due to its single storey scale and materials, which would enable it to blend into its context. However, design details such as the proposed porch and garden room would lend an overtly domestic appearance to the building. Furthermore, given the degree of separation from any existing dwelling or sizeable structure, the appeal proposal would harmfully appear in longer views as an isolated new structure in the countryside and not as part of an established pattern of fringe development.
6. The appellant has also referred to a new dwelling to the east of the appeal proposal, which is separated by a paddock and an area containing glasshouses and ancillary buildings. I observed that this chalet style dwelling, like the appeal site, is beyond the settlement boundary for Heacham as defined in the King's Lynn & West Norfolk Local Plan 1998, to which I was referred to on the site visit. Neither party has presented me with the planning history of this dwelling, which represents a solitary incursion into the countryside edge at this part of Heacham. It has a limited relationship to the existing form and character of Heacham and as such I am not persuaded that it should set the pattern for development to the rear of The Broadway.
7. I therefore conclude that the appeal proposal would have a significantly adverse effect on the character and appearance of the surrounding area. It would also fail to respond to the local context including a poor relationship with the existing built form in this part of Heacham. It would represent a new dwelling in the countryside, outside of the defined settlement boundary, where no special circumstances have been advanced to justify a rural dwelling on an exceptional basis. Therefore, the appeal proposal would be contrary to Policies CS01, CS06 and CS08 of the King's Lynn and West Norfolk Local Development Framework – Core Strategy 2011 (the CS). It would also be contrary to emerging Policies DM2, DM6 and DM15 of pre-submission King's Lynn & West Norfolk Site Allocations and Development Management Policies document 2015. It would also fail to accord with the objectives of the National Planning Policy Framework (NPPF) to recognise the intrinsic character and beauty of the countryside and to secure high quality design, including responding to local character.

Highway Safety

8. The proposed access to the appeal proposal would involve a notable length of single width driveway between Nos 45 and 47 Broadway, which has restricted visibility at the entrance due to the position of a brick pier and electricity pole to the front of No.45. The appellant has sought to address the concerns of the Local Highway Authority by proposing a passing bay on land within the curtilage of No.45 and to widen the initial point of access where it meets the Broadway, which it is suggested could be secured by way of a condition.
9. Both of the proposed improvements to the site access involve land which is outside of the red line of the planning application. Whilst the adjoining blue line on the plans before me includes No.45 it is my understanding from the evidence before me and from the site visit that No.45 is owned by a family member. As such, whilst there may be no objection from the occupiers of No.45 there is also no guarantee of control that the appellant can undertake

the required works. I have therefore considered the content of the Planning Practice Guidance¹ which states that conditions that require works on land that is not controlled by the applicant often fail the tests of reasonableness and enforceability. I therefore accept the Council's submission that the appellant's suggested access solution cannot be appropriately conditioned.

10. The appeal proposal would generate vehicle movements using the narrow shared access with the existing dwelling and activities to the east of the appeal site. The appellant contests the use of TRICS estimates suggesting a much lower figure. However, it does not seem likely to me that daily vehicle movements from the appeal proposal would be restricted to just 2 movements a day and I have no compelling evidence that the appellant or future inhabitants of the proposed dwelling would not generate a scale of vehicle movements comparable with the more robust TRICS estimates.
11. Accordingly, it is reasonable to assume that there would be times when there would be a conflict of vehicle movements on the narrow length of access. This would be likely to lead to vehicles reversing out onto and stopping in the Broadway. Vehicles manoeuvring out of the proposed access would be doing so at a point where visibility is substandard. Whilst I accept the appellant's submission that junction changes at the A149 will have affected vehicle flows on Broadway, this does not apply to the unrestricted ability to turn left into Broadway when approaching from the south on the A149. As such the Broadway still functions at the appeal location as a connecting road into Heacham. As such I am concerned that the intensified use of the existing substandard access to the appeal site would be detrimental to the safety of highway users, including pedestrians on the footway, due to the likelihood of stopping and reversing vehicles.
12. I therefore conclude that the proposed access would be harmful to highway safety, with particular reference to vehicle movements on Broadway. Accordingly the proposal would be contrary to CS Policy CS11 which requires new development, amongst other things, to provide for safe and convenient access for all modes.

Conclusion

13. For the above reasons, and having regard to all other matters, I conclude that the appeal should be dismissed.

David Spencer

INSPECTOR.

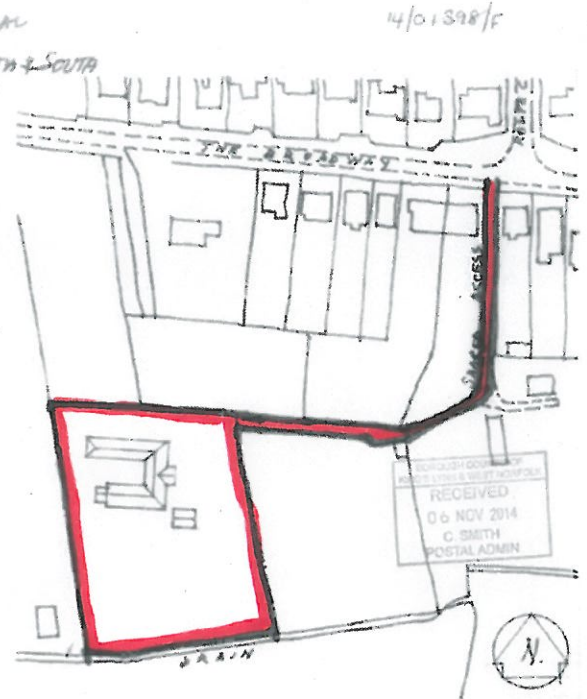
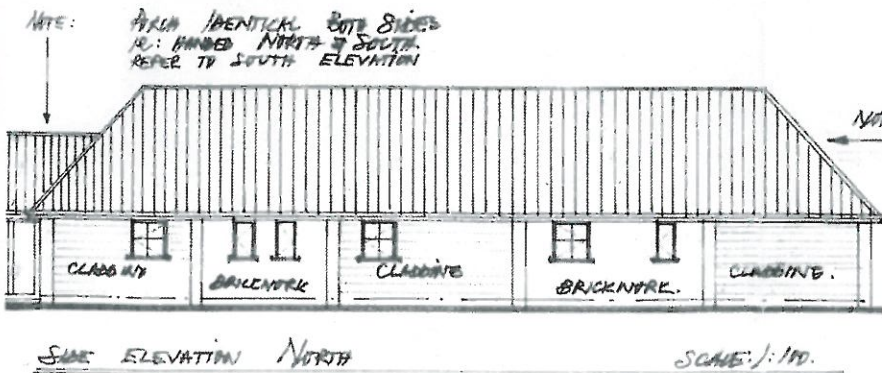
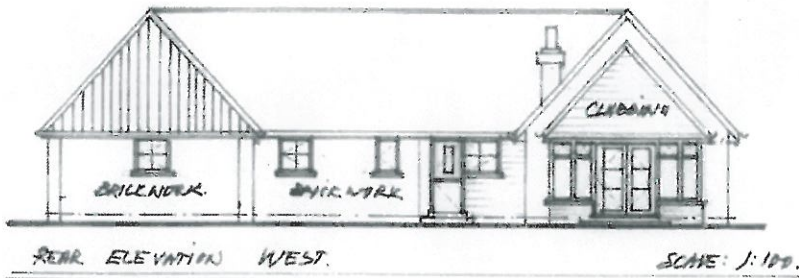
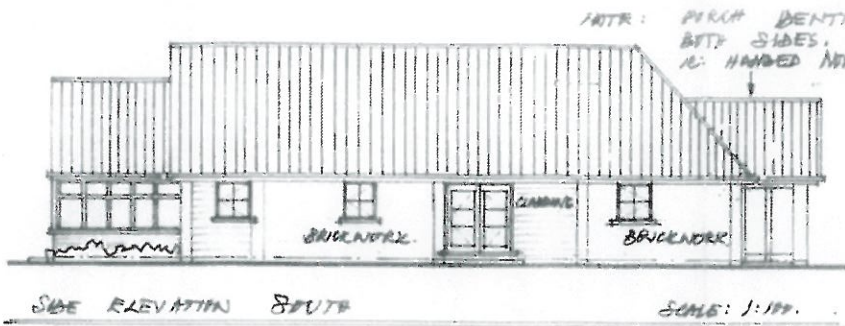
¹ Planning Practice Guidance ID Ref: 21a-009-201406

Site for
New Dwelling

→ APPLICATION 14/01398/F
REFUSED. 28/11/14.
APPEAL DISMISSED

PLAN NO 1189-03B
DATED SEPT 2014.

LAND 80M WEST OF
PROPOSED SITE



LOCATION PLAN SCALE: 1:1250

NOTE: NORFOLK FRUITLE
ROOF FINISH
W APPROX. 4.8° PITCH

18 NEW POSE, BROADWAY
CLIENT NEIL JESBROUGH.
DWG. ELEVATIONS
SCALE AS NOTED DATE SEPT. 2014

NEIL JESBROUGH, 86 HANSTON ROAD, DERBYSHIRE, N.W. LEICESTER NORFOLK. PE31 6ND
1189
D3B

RE REQUESTED THIS PLAN BUT AGREED TO
P/Comm. FOR DISPUTY 6/3/17.



Appeal Decision

Site visit made on 23 November 2010

by Ron Boyd BSc (Hons) MICE

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

Decision date: 21 January 2011

Appeal Ref: APP/V2635/A/10/2133176

32 Town Close, East Winch, King's Lynn PE32 1NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Client of David Taylor Associates against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 10/00527/F, dated 27 March 2010, was refused by notice dated 24 May 2010.
 - The development proposed is a detached dwelling.
-

Decision

1. I dismiss the appeal.

Main Issue

2. I consider this to be the effect the proposed development would have on the character and appearance of the surrounding area.

Reasons

3. The appeal site is the eastern side-garden to No 32 Town Close, the eastern half of a pair of semi-detached ex-Local Authority 2 storey dwellings fronting the north side of Gayton Road to the east of its junction with Town Close. A similar pair, Nos 33 and 34, adjoins the site to the east. The area lies within Built Environment D, as specified in the King's Lynn & West Norfolk Local Plan Adopted November 1998 (the Local Plan), where there is a conditional presumption in favour of development. As a result of recent changes to Planning Policy Statement 3 (PPS3) *Housing*, the appeal site is not classed as previously-developed land, but as a residential garden.
4. Whilst the streetscape includes a variety of dwelling sizes and designs, the appeal site would be situated between 2 pairs of semi-detached houses which are characterised by relatively wide front elevations and generous side gardens. The space around these properties contributes positively to the character and appearance of the street scene. In marked contrast the proposed detached house would have a relatively narrow front façade, albeit detailed to reflect those of its neighbours, and the separation distances between it and its side boundaries would be small. There would be a 2m gap between its western elevation and the eastern elevation of No 32. The combination of the narrower façade, and the proximity to No 32 would give the house an awkward and incongruous appearance to the detriment of the character and appearance of the surrounding area.

5. Of the Policies referred to in the Council's reason for refusal I consider that the Local Plan Policies are of particular relevance, given the non-strategic nature of the proposal for a single dwelling. A key principle of Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1), in common with PPS3, is that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Policy 4/21 of the Local Plan is consistent with this approach, stating that development which damages the appearance of its built surroundings will not be permitted. In the light of the harm I have identified above the proposed development would conflict with PPS1, PPS3 and the Local Plan. I conclude that the proposal would unacceptably harm the character and appearance of the surrounding area and in this respect it would conflict with Local Plan Policy 4/21 and, as a result, Policy 8/1.

Other matters

6. The appellant refers to 2 designs for a detached dwelling proposed for the western side-garden of No 7 Town Close, a similar property to No 32, and states that both designs received planning permission. I note from the details provided to me that both designs appear to incorporate wider front elevations, and greater separation from the host dwelling, than is the case in respect of the proposal the subject of this appeal. Therefore they are not directly comparable to the proposal before me which I have determined on its own merits.
7. Both PPS3 and PPS1 give encouragement to the development of land in a sustainable way, whilst respecting local character. This includes making effective use of land by re-using that which has been previously developed. As explained above, the appeal site is not classed as previously-developed land, but as a residential garden. Nevertheless, in housing density terms the proposal would make more efficient use of a site which the appellant advises is suitably located for local services, facilities (including recreational), infrastructure and public transport. Furthermore, the appellant's intention is that the dwelling would comply with certain standards set out in the Code for Sustainable Homes and neither the Parish Council nor local residents have raised objections to the proposal.
8. However, neither these, nor any other matters raised are sufficient to outweigh the harm I have identified in my consideration of the main issue. Whilst I note the concerns of the appellant with respect to the manner in which the Council responded to the application, they do not alter the planning merits of the case upon which my decision is based.

Conclusion

9. For the reasons given above, and having considered all other issues raised, I conclude that the appeal should be dismissed.

R.T.Boyd

Inspector