
Appeal Decision

Site visit made on 12 April 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 09 May 2016

Appeal Ref: APP/V2635/W/15/3132978

The Willows, The Marsh, Walpole St Andrew, Norfolk PE14 7JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Lee Walton against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 15/00819/RM, dated 23 May 2015, sought approval of details pursuant to conditions 1,5,6,8,9,11 of planning permission Ref 12/01717/O, granted on 13 December 2012.
 - The application was refused by notice dated 24 July 2015.
 - The development proposed is construction of a new dwelling.
 - The details for which approval is sought are layout and scale, appearance and landscaping, foul water drainage, parking and turning, surface water drainage floor levels.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice refers to draft Policy DM15 of the Site Allocations and Development Management Policies Pre-Submission Document (2015). In accordance with paragraph 216 of the National Planning Policy Framework (the Framework) weight may be given to emerging policies subject to the extent of unresolved objections. There is no evidence before me which allows me to make this judgement and as this Policy has not yet been examined I have attached little weight to it. However the aims of draft Policy DM15 do not appear so materially different from the adopted Development Plan Policies referenced such that it would have significantly influenced the outcome of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of future occupiers with regard to the provision of appropriate private outdoor space;
 - the effect of the proposal on the character and appearance of the area.
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Reasons

Living conditions

4. The appeal site is a relatively small parcel of land between two detached properties which occupy relatively large plots. To the rear of the site is an area of land which at the time of my site visit accommodated a mobile home. Whilst the land to the rear of the application site is shown on the plans as lawn and in the ownership of the appellant, it is outside of the appeal site.
5. The proposed detached dwelling would be relatively large in comparison to the plot with three large bedrooms, each with en-suite bathrooms. It would be positioned deep into the plot behind a lawn, parking area and turning space leaving a small area of private outdoor space to the rear.
6. Due to the size of the proposed dwelling, it would be likely to be occupied by a family or a large household. In my view, the limited size of the proposed private outdoor space to the rear would make it difficult to collectively accommodate features such as a comfortable sitting area, lawn, space for planting or a garden shed and overall would result in a cramped outdoor space which would have limited use and would be disproportionate to the amount of internal living space proposed. Furthermore, whilst I do not have details of the proposed boundary treatments, the distance of the ground floor rear elevation from the rear garden boundary, is such that if bound by a tall fence, wall or thick landscaping, it would be oppressive resulting in a poor ground floor outlook for future occupants.
7. I acknowledge that a relatively large outdoor space would be provided to the front of the proposed dwelling. However, the majority of this space would be taken up by parking and a turning area. Whilst a hedge may provide some privacy to this space, it would take some time to become established and the proposed lawn area is directly adjacent to the narrow road, such that the frequent passage of vehicles close by would be significantly detrimental to the enjoyment of this space, which I therefore consider is inappropriate as a private outdoor space for a relatively large detached dwelling.
8. I therefore find that the lack of a suitable private outdoor space would result in harmful living conditions for future occupants and for this reason the proposal would fail to comply with the Development Plan and the National Planning Policy Framework (the Framework). The proposal would specifically conflict with Policy CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011) (CS) which seeks to achieve good design and a good quality of life for residents.

Character and appearance

9. The appeal site sits between two detached dwellings in a ribbon of dwellings of varied character, size and height along The Marsh, a narrow rural lane.
10. The outline planning permission was subject to a condition including that the proposed dwelling should be of a chalet style. Although there would be a sizable amount of accommodation in the roof space, the ridge and eaves height would be below the height of a typical two storey building. I am therefore satisfied that the proposal would be of a chalet style.

11. The proposed dwelling would be set further back from the road than the neighbouring dwellings and would have a small rear private garden. However, it would be within in an area where the dwellings are of contrasting styles and set varying distances from the road. Due to the limited space to the side of the proposed dwelling, the uncharacteristically small rear garden would not be widely visible. Whilst the appeal property would be taller than Peek-a-boo Barn and Missbe-Haven, on the opposite side of The Marsh are 1 and ½ and 2 storey buildings sitting comfortably alongside single storey dwellings. Furthermore the proposed section of flat roof would not be prominent in the street scene as the proposed dwelling would be set some distance back from the road.
12. I have taken into account the planning permissions at Peek-a-boo Barn and Beacon Cottage; however, overall, I find that the proposal would not result in a form of development that would appear out of character in an area which has a varied character and appearance.
13. For these reasons, the proposed development would comply with the Development Plan and the Framework, specifically saved Policy 4/21 of the King's Lynn & West Norfolk Local Plan (1998) and Policy CS06 and CS08 of the CS which aim to ensure good design and that new development is in harmony with the characteristics of the locality.

Other Matters

14. I note that the appellant is dissatisfied with the Council's handling of the planning application. This is a matter which would need to be pursued with the Council. I also note the Council's comment with regard to unauthorised development and whether there have been breaches in planning conditions. However, these matters are not before me, and I can confirm that I have had regard only to the planning merits of this proposal.

Conclusion

15. For the reasons set out above, whilst I have found no harm to the character and appearance of the area, I have found harm to the living conditions of future occupiers with regard to insufficient private outdoor space, which is the prevailing factor. I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

