



## Appeal Decision

Site visit made on 6 December 2016

by **Nick Palmer BA (Hons) BPI MRTPI**

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

Decision date: 13 December 2016

**Appeal Ref: APP/V2635/W/16/3158076**

**15 Field Lane, Gaywood, King's Lynn PE30 4AX**

- 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 Stuart Dickerson against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 16/00944/F, dated 16 May 2016, was refused by notice dated 20 July 2016.
- The development proposed is to renovate the cottage and construct 2 No dwellings.

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the Council made its decision the Site Allocations and Development Management Policies<sup>1</sup> has been adopted and the King's Lynn & West Norfolk Local Plan (1998) no longer forms part of the development plan. I shall consider the proposal accordingly.

### Main Issues

3. The main issues in the appeal are:
  - i) the effect of the proposal on the character and appearance of the area;
  - ii) whether the proposal would make adequate provision for the living conditions of its occupants in terms of garden space; and
  - iii) the effect of the proposal on highway safety.

### Reasons

#### *Character and Appearance*

4. The host property and others on Field Lane that were built at the same time are small semi-detached houses which are spaced apart from each other. There is also later development in the surrounding area comprising semi-detached houses and bungalows which are built at higher densities and there is a modern development of detached houses on land to the rear of the site which is served by a private road which runs alongside the site. Although there is variation in the area in terms of layout, for the most part the dwellings occupy good sized gardens.

<sup>1</sup> King's Lynn & West Norfolk Site Allocations and Development Management Policies Document (2016)

5. The existing side and rear extensions to the host dwelling would be removed and the dwelling would be linked to the proposed new dwellings by a two storey side extension which would be recessed from the frontage. A drive would be provided to the side of the development which would provide access to a three-bay car port and small parking area to the rear. This arrangement would limit the space available for the rear gardens to the dwellings. Although the design of the proposed dwellings would be in keeping with the existing house and others in the area the layout would be at a very high density in comparison with the surrounding area and as such the development would have a crowded appearance. This would be particularly apparent in the very limited size of the proposed rear gardens which would be out of character with the generally more spacious surroundings.
6. For these reasons I find that the proposal would unacceptably harm the character and appearance of the area. Policy CS08 of the Core Strategy<sup>2</sup> requires development to respond to the context and character of the area including in terms of density. The proposal would not accord with that policy for the reasons given.

#### *Living Conditions*

7. No details of the areas of the proposed gardens have been provided but it is clear that they would be very small in comparison with others in the area. Given that the existing dwelling would have two bedrooms and could accommodate a family with children, this would be particularly restrictive in relation to that dwelling. Furthermore the close proximity of the rear gardens to the car parking area would increase the likelihood of disturbance to the occupants.
8. The National Planning Policy Framework (the Framework) requires as a core planning principle high quality design and a good standard of amenity. Policy DM15 of the Site Allocations and Development Management Policies has a similar requirement. For the reasons given I find that the proposed design would not be of a sufficient quality and would not provide a good standard of amenity. The proposal would not provide adequate living conditions for its occupants and would not accord with the Framework or with policy DM15.
9. The appellant has referred to other developments both in the area and in another part of the town. The circumstances of individual sites and proposals vary and each proposal must be considered on its individual merits. I see no reason to alter my conclusion on this or the first main issue on this basis.

#### *Highway Safety*

10. The submitted illustrations show that the car port would have three separately enclosed bays and would be similar to a garage building but without doors. The Highway Authority has concerns that the northernmost bay would be inaccessible by a medium sized car because its width would be limited and the boundary fence would restrict the ability to turn into that space. Furthermore, the proposed turning space would be of restricted size and would not enable a car to turn within the site. The Highway Authority has superimposed tracking movements of a medium sized car onto the plan to demonstrate these points. The appellant says that he has manoeuvred a car within the site with the

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<sup>2</sup> King's Lynn & West Norfolk Core Strategy (2011)

proposed fencing marked out but this statement does not provide conclusive evidence.

11. The County Council's standards<sup>3</sup> make recommendations for the number and size of parking spaces and garages and the dimensions of vehicle turning areas and drive widths. The proposal whilst meeting the standard for the number of parking spaces would not accord with the guidance in terms of their size, the dimensions of the turning area and the width of the access drive. It is likely that these deficiencies would result in additional cars parking on Field Lane and cars reversing out of the access onto the road.
12. The site is about 15m from the mini-roundabout junction of Field Lane with Gloucester Road. Field Lane is a busy road which provides access to two schools and a church. There are 'no waiting at any time' restrictions in place on the section of Field Lane next to that junction and past the appeal site but a limited amount of unrestricted on-street parking as well as time-limited parking is available further along the road.
13. Given the close proximity of the site to the junction and the busy nature of the road, any reversing manoeuvres within the highway would have the potential to be hazardous. For this reason I find that the proposal would be harmful to highway safety and that the harm would potentially be severe. Increased on-street parking could increase the likelihood of vehicles obstructing visibility along the road which adds to my concern but this matter is not determinative in my decision.
14. The appellant says that additional land outside the site could be made available for parking and that the car port could be omitted but I can only consider the proposal before me. The proposal would accord with policy DM17 of the Site Allocations and Development Management Policies in terms of the number of parking spaces but would not meet the minimum size requirements for garages in that policy. Policies CS11 of the Core Strategy and DM15 of the Site Allocations and Development Management Policies require the provision of safe access and for the reasons given the proposal would not accord with those policies. Neither would the proposal accord with policies CS03 and CS08 of the Core Strategy which require that there is no detrimental impact on the transportation network and that development is safe.

### **Conclusion**

15. For the reasons given I conclude that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR

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<sup>3</sup> The Parking Standards for Norfolk (2007) and Safe, Sustainable Development (2015)