



# Appeal Decision

Site visit made on 9 July 2008

by **J O Head** BSc(Econ) DipTP MRTPI

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

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**Decision date:**  
23 July 2008

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## Appeal Ref: APP/V2635/A/08/2070370

### Land rear of Chapel Row, Hilgay, Downham Market, Norfolk PE38 0JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Richard Palmer against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 07/02619/O, dated 15 December 2007, was refused by notice dated 15 February 2008.
- The development proposed is the erection of 2 No. semi-detached dwellings.

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### Decision

1. **I allow the appeal**, and grant planning permission for the erection of 2 No. semi-detached dwellings on land at the rear of Chapel Row, Hilgay in accordance with the terms of the application, Ref 07/02619/O, dated 15 December 2007, and the plans submitted with it, subject to the following conditions:

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Vehicular and pedestrian access to the dwellings hereby permitted shall be from the access road to the north of No 1 Chapel Row and not at any time from the access road to the south of No 5 Chapel Row.
- 5) No dwelling shall be occupied until space has been laid out within the site for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

### Main issue

2. The proposal is in outline form, with all details intended to be reserved for future consideration. I have had regard to Appendices A & B of the Design and Access Statement as indicative of possible layout and access arrangements. The main issues are the impact of the proposed development on the character and appearance of the locality; its impact on the living conditions of the
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occupiers of adjacent dwellings; and whether access to the site can be achieved without detriment to highway safety.

### Reasons

3. The appeal site is a piece of land between the rear boundary of the cottages in Chapel Row and the side boundary of No 1 New Row, within the village of Hilgay. There are terraces of small cottages to the east and west, and to the north are recently constructed dwellings in Manor Farm Gardens and at Wedge Cottage and Eden House. There is further residential development beyond the allotments to the south of the site. The recent developments are particularly dominant visually when the site is approached along the northern access to New Row and the surroundings have a close-knit character that I consider to be urban rather than semi-rural. The Council confirms that the site is within Built Environment Type C as specified on the proposals map of the Local Plan, in which new residential development is acceptable in principle.
4. Whilst I note the Council's views with reference to the 1993 appeal decision, it is evident that further development has taken place since that time. The appeal site is a rather untidy plot of land surrounded at its northern end by a tall and overgrown Privet hedge. In my view, the site no longer functions as a visual gap and makes no positive contribution to the character of the surroundings. Having regard to the mixture of dwelling types and sizes in the vicinity, I consider the site to be of sufficient size to accommodate a pair of modest semi-detached dwellings, together with parking and turning areas and amenity space. Subject to suitable design, perhaps reflecting features of the older surrounding buildings, such a development would, in my view, represent an opportunity to enhance the character and appearance of the locality.
5. As to the impact of the proposal on the surrounding occupiers, careful attention to the design, footprint and siting of the proposed dwellings could prevent any undue overbearing impact on the surrounding cottages and their gardens, or any harmful impact on sunlight or daylight. Whilst there would be potential for overlooking of gardens and dwellings, and consequent loss of privacy, this is also a matter that could be resolved at the detailed design stage with particular attention to the positions of habitable room windows in the proposed houses. These constraints would not preclude the development of the site, but they indicate that the proposed dwellings would need to be of a modest size, similar to that of the existing development in the immediate vicinity. On that basis, the proposal would cause no significant harm to the living conditions of the occupiers of adjacent dwellings.
6. Turning to the question of access, two alternatives are suggested. Of these, the southern access adjacent to 5 Chapel Row and Primitive Cottage is narrow and runs close to and between existing dwellings, windows and private garden areas. Any increased use by vehicles and pedestrians in connection with the proposed development would lead to noise and intrusion that would, in my judgment, be unacceptably disturbing to the occupants of those adjoining dwellings. In addition, the standard of visibility at the junction of the access with High Street appears to me to be unsatisfactory having regard to the advice in the *Manual for Streets*.

7. The northern access serves the cottages in New Row and the recently built houses at its junction with High Street. It is wider and has better visibility than the southern access and does not pass in such close proximity to dwellings and windows. Provided that adequate parking and turning space for vehicles is included as part of the proposed development so that the access road is not obstructed, the existing arrangement could, in my opinion, serve two further dwellings without any detriment to amenity or to highway safety. Whilst I note the comments of the highway authority, I saw at my site inspection that the junction of the northern access road with High Street has recently been resurfaced and appropriate radius kerbs provided. The existing standard of visibility is, in my judgment, adequate to avoid any hazards to highway users. Accordingly, provided that only the northern access was to be used to serve the proposed development, there would be no detriment to highway safety.
8. Notwithstanding this conclusion, neither of the proposed access roads has been included within the boundary of the planning application site. My decision does not confer or alter any legal rights that may be required in order to use these access roads to serve the proposed development.
9. The proposed development could, in my view, take place without conflict with Structure Plan Policy T.2 or with Local Plan Policies 4/21 and 8/1. It would accord with the general aim of Government policy in Planning Policy Statement (PPS) 1 *Delivering Sustainable Development* and PPS 3 *Housing* to increase the supply of housing by making efficient use of land in sustainable locations and to take the opportunities that are available for improving the character and quality of an area. I find that the proposal is acceptable, subject to the conditions that I have imposed in paragraph 1 above. These include the standard conditions for outline planning permissions together with conditions relating to access and car parking, which are necessary in the interests of highway safety and amenity.

*John Head*

INSPECTOR