



## Appeal Decision

Site visit made on 12 August 2019

**by Sarah Dyer BA BTP MRTPI MCMi**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 August 2019**

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**Appeal Ref: APP/V2635/W/19/3223973**

**Church Pightle, Station Road, Burnham Market PE31 8HA**

- 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 Ben Saxby (MJS Investments (March) Ltd) against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 18/01525/F, dated 17 August 2018, was refused by notice dated 31 October 2018.
  - The development proposed is the demolition of a detached bungalow, and the subsequent erection of 1 x 2-storey 5-bed dwelling, 2 x 2-storey 4-bed dwellings and 1 x garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Local Plan review has yet to be examined and found sound, therefore it attracts very limited weight in my determination of the appeal as a further material consideration.

### Main Issues

3. The main issues are:
  - The effect of the development on the character and appearance of the surrounding area including whether the proposal would preserve or enhance the character or appearance of Burnham Market Conservation Area (the CA) with particular regard to the design and style of the proposed dwellings.
  - Whether the development would provide acceptable access for future residents to local shops and services.
  - The effect of the development on the safe movement of vehicles and pedestrians in the vicinity of the appeal site with particular regard to the use of the existing access onto Station Road.
  - Whether the site is a suitable location for new dwellings having regard to national and local planning policy for the delivery of housing.

## Reasons

### *Character and appearance/effect on the CA*

4. The majority of Station Road runs parallel to the principal street in Burnham Market. It is characterised by a wide variety of building types which appear to be mostly in residential use. Some buildings are positioned on the edge of the street whilst others address alleys which connect Station Road to the rest of the village. The domestic scale and appearance of terraces and individual buildings and the predominant use of red brick, flint infill and red clay tiles give the street a sense of homogeneity which makes a positive contribution to the street scene
5. Station Road and the buildings which are associated with it are within the CA which covers a large portion of the village. The Burnham Market Conservation Area Draft Character Statement (1975/1992) (the CA Character Statement), includes a section about Station Road which highlights the cottages and linking flint walls as features of importance and recognises Rogers Row which is a terrace of cottages as of particular significance.
6. Church Pightle occupies a secluded site at the point where Station Road turns 90 degrees to meet Church Walk. Views of the existing bungalow are limited by the narrowness of the access driveway and the hedges and walls which bound adjacent gardens. The steep pitched roof of the building is visible and specific reference is made to it in the CA Character Assessment. Nevertheless, as a consequence of its design and the mature gardens surrounding it, Church Pightle has a limited impact on the surrounding CA.
7. The appeal scheme would result in the removal of Church Pightle and the construction of three detached houses and a free-standing garage block. Whilst the design of the new dwellings draws inspiration from the surrounding area in terms of the materials of their construction, their appearance would be redolent of large converted barn buildings. The expanse of glass within the front gables of all three houses, in particular would emulate the treatment which is frequently used to fill large openings in barn conversions.
8. The glazed gable features of the new houses would result in the elevational treatment of the houses being significantly at odds with the ratio of walls and windows in the surrounding buildings. The images which have been submitted by the appellants demonstrate that the new houses would be visible from the access in Station Road. Also, given that the houses would have much higher eaves and ridge heights than the existing houses the new buildings would be more prominent in glimpsed views across the site from Station Road. Whilst the plans show trees to be planted in front of the dwellings, on the basis of the evidence, these would not necessarily fully screen views of the front elevations of the houses from the street.
9. Given the importance which I have placed on the domestic scale and appearance of buildings to this part of the CA, the new buildings as a consequence of their design would be incompatible with the character of the surrounding area. In view of their prominence in the street the design of the new houses would also be incongruous and out of keeping with the street scene. As a consequence, the development would not preserve or enhance the character or appearance of the CA.

10. The appellants refer to recently approved dwellings with glazed gables at Locksley Cottage, North Street (the Locksley Cottage scheme). The photograph provided shows a building of a similar style to that proposed, however there is limited information before me regarding that scheme which is in a different part of the village. Therefore, I am not able to draw a direct comparison between the Locksley Cottage scheme and the appeal proposals.
11. The appellants cite the relationship with the neighbouring dwellings, The Pound and Angles House, neither of which they consider to be of historic interest, in favour of the appeal scheme. However, The Pound is of a domestic scale and style which is comparable with other dwellings in Station Road. Consequently, the appeal scheme would be incompatible with the appearance of the Pound. Angles House is an anomaly in the street scene, but it is well screened by a brick and flint wall of traditional design and the impact which it has on the character and appearance on the surrounding area does not justify the further harm which could result from the appeal scheme.
12. I conclude that the appeal scheme would harm the character and appearance of the surrounding area and would fail to preserve or enhance the character or appearance of the CA with particular regard to the design and style of the proposed dwellings. The development is therefore contrary to Policies CS06, CS08, CS12 and CS13 of the Kings Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy (2011) (the Core Strategy) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) (the SADMP Plan). These policies jointly, require development in rural areas to maintain local character and a high-quality environment and to protect and enhance the historic environment and local distinctiveness.
13. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of their design and style the proposed houses would have a harmful impact on the Conservation Area. However, I find that the harm would be less than substantial.
14. Paragraph 196 of the National Planning Policy Framework (the Framework) directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. In this case the development would contribute towards the local economy both during the construction phase and as a result of future residents using local facilities and services and would boost housing supply. However, these benefits would be limited by the scale of the development and the benefits would not outweigh the harm to the designated heritage asset that I have found in this instance.

*Access to local services*

15. The appeal site is within walking distance of The Green and Church Walk which accommodate a range of shops and services. Access by this mode would necessitate walking in the carriageway on Station Road, however there is a pavement in front of Rogers Row, and this provides an alternative route via Emma's Court to The Green, avoiding the junction of Station Road and Church Walk. There are double yellow lines on the tight corner of Station Road from which the site takes access which reduces the need for pedestrians to negotiate parked cars.

16. The appeal scheme would increase the number of people living on the site and some of those residents would be likely to wish to walk to local shops and facilities. This would increase the number of people walking on the road. However, given the short distance involved, the availability of some pavement space and verges which would provide a degree of protection from oncoming traffic and the parking restrictions which are present, and which maximise the width of the available carriageway, I would expect the level of risk associated with the use of the road to be low.
17. The Council argues that the speed of traffic on Station Road is such that injuries could be caused as a result of a collision between a car and a pedestrian. However, the road is straight and lit by street lighting and vehicles would negotiate the corner close to the site access at slower speeds giving both parties the opportunity to react and take appropriate action. The Council also refers to higher speeds on Church Walk. Nevertheless, there are grass verges and pavements on this road which would provide opportunities for refuge and in any event, this is not the only route to the village centre amenities.
18. I conclude that the appeal scheme would provide acceptable access for future residents to local shops and services. Therefore, the development would accord with Policy CS11 of the Core Strategy and Policy DM15 of the SADMP Plan which require safe and convenient access to be provided for all modes of transport. For similar reasons the development would accord with the Framework in relation to providing safe and accessible places.

*Safe movement of vehicles and pedestrians*

19. The existing access serving Church Pightle presents an open aspect to drivers leaving the site as a consequence of its position on the outside of the bend. In contrast, vehicles entering the site from the inside of the bend are required to cross the opposing carriageway at a point where forward visibility is restricted. This already provides the potential for collisions between vehicles, however the alignment of the road and its limited width results in vehicles approaching this part of Station Road slowly in order to negotiate the corner notwithstanding whether or not they are accessing the site.
20. The additional houses would increase vehicle movements in and out of the existing access, leading to an increased potential for interaction between vehicles. However, given the level of traffic on Station Road, that is not in dispute, which already successfully negotiates the corner, the additional traffic generated by the development would be unlikely to substantially increase the risk of accidents. Thus, the increased intensity of use of the existing access would not have a significant effect on highway safety.
21. There is a disagreement between the main parties regarding the calculation of forward visibility on the bend. Even if the Council are correct, this does not alter my view that drivers will be approaching the corner cautiously based on the alignment of the road and that this will appropriately reduce the highway safety risks.
22. I conclude that the appeal scheme would not have a harmful effect on the safe movement of vehicles and pedestrians in the vicinity of the appeal site with particular regard to the use of the existing access onto Station Road. The development is therefore in accordance with Policy CS11 of the Core Strategy and Policy DM15 of the SADMP Plan which require safe and convenient access

to be provided for all modes of transport. For similar reasons the development would accord with the Framework in relation to the impact on highway safety.

#### *Location*

23. Policy CS01 of the Core Strategy focusses most new development to larger settlements and some new homes within or adjacent to Key Rural Service Centres (KRSC). Burnham Market is identified as a KRSC under Policy CS02 of the Core Strategy. Policy DM2 of the SADMP Plan limits development which is outside development boundaries of settlements to that which falls within a number of categories including rural workers housing and affordable housing.
24. There is no dispute between the main parties that part of the site falls outside the development boundary for Burnham Market. Nevertheless, the site is surrounded on three sides by existing development and the fourth side bounds allotment gardens. Consequently, the development would not be isolated and so its location, effectively in the countryside for planning purposes, would not conflict with paragraph 79 of the Framework.
25. Paragraph 78 of the Framework supports new housing where it will enhance or maintain the vitality of rural communities. Burnham Market accommodates a wide range of facilities and these can be easily and safely accessed from the site by foot or cycle. These services include public houses, churches, shops of various kinds and a pharmacy. There is also a regular bus service serving larger settlements which provide employment and schools. Thus, the amount of travelling required to access facilities providing for the day-to-day needs of residents would be modest and not restricted to use of a private car.
26. The development would be contrary to Policies CS01 and CS02 of the Core Strategy in as much as the site lies outside the development boundary and to Policy DM2 of the SADMP Plan because the proposed development does not fall within any of the exceptions set out in that policy. I have limited evidence before me to suggest that these policies are out of date or that they attract less than full weight. Nevertheless, on the basis of the location of the site relative to the shops and facilities in the village, the proposed development would meet the aims of the Framework to provide new housing in sustainable locations with access to transport and services where it will enhance or maintain the vitality of the rural economy.
27. The Council argue that the Borough has a generous housing land supply and that Burnham Market has already provided more than its identified needs. However, there is very little evidence before me to suggest that there is limited capacity for additional houses in the village and both parties agree that there is no limitation on the number of new houses that can be accommodated within the development boundary.
28. Notwithstanding the conflict with the Development Plan, given the particular circumstances of the site context, which is a material consideration, I find that the appeal site is a suitable location for new dwellings.

#### **Other Matters**

29. Church Close House is a Grade II Listed Building. It is separated from the appeal site by a paddock and the layout of the proposed development is such that the appeal scheme would not have a harmful effect on this heritage asset or its setting.

**Conclusion**

30. For the reasons set out above the appeal is dismissed.

*Sarah Dyer*

Inspector