



## Appeal Decision

Site visit made on 16 January 2018

**by R A Exton Dip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> January 2018

---

**Appeal Ref: APP/V2635/W/17/3183849**

**94 Hall Road, Clenchwarton, Norfolk PE34 4AT**

- 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 PCD against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 16/00300/F, dated 12 February 2016, was refused by notice dated 29 March 2017.
  - The development proposed is described as construction of two detached chalet dwellings.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on: i) the character and appearance of the area; ii) living conditions of future occupiers of nearby dwellings, particularly Nos 94, 80, 82 and 84 Hall Road; and, iii) flood risk in the area.

### Reasons

#### *Character and appearance*

3. Development on the western side of Hall Road is characterised by detached dwellings within spacious plots, set back from the road along a well-defined building line. Planning permission Ref 15/01315/OM has approved the erection of 10 dwellings on the adjacent site. Although this permission does not approve layout or scale, it is apparent from the site area to which the permission relates, and the indicative site layout, that it would introduce a different style of development to the area.
4. The adjacent site extends in depth from its frontage to Hall Road to the back boundary shared with the appeal site. It therefore presents the opportunity to provide both a positive frontage and visual termination to development on the western side of Hall Road through comprehensive development of the site.
5. The appeal site differs from the adjacent site due to its backland position. As such, it presents a more limited opportunity for development due to its position behind other dwellings and the consequent necessity of a long access drive. As a result of this, the appeal proposal would not relate positively to the form of either existing frontage development or the development possible on the adjacent site. It would contrast harshly with these and appear as an incongruous addition. Consequently, it would have a harmful effect on the

character and appearance of the area. Views of the appeal proposal along the proposed driveway and in between properties fronting Hall Road would emphasise the difference between it and surrounding development and consequent harm.

6. In light of the above I conclude that the proposal would conflict with Policies CS06 and CS08 of the Core Strategy<sup>1</sup> and Policy 15 of the DMP<sup>2</sup>. These require development to be of a high quality that is sensitive to the surrounding area and maintains local character. It would also conflict with the Framework<sup>3</sup> insofar as it requires good design.

#### *Living conditions*

7. Although the appellant states an intention to demolish No 94 Hall Road, this does not form part of the appeal proposal. Based on inspection at the time of my site visit, and in the absence of evidence to the contrary, No 94 appears capable of habitation and therefore I must consider the effect of the proposal on living conditions of future occupiers.
8. The access drive to the appeal proposal would pass in very close proximity to the longest elevation of No 94. Although the vehicle movements associated with 2 dwellings would be limited, their passage so close to rooms within No 94 would cause noise and disturbance that would result in an unacceptable standard of living conditions for future occupiers. Consequently, I conclude the proposal would conflict with Policy CS08 of the Core Strategy and Policy DM15 of the DPD. These require development to be of a high quality that avoids significant adverse impact on the amenity of others. It would also conflict with the Framework insofar as it requires a good standard of amenity for all occupiers of existing buildings.
9. After passing No 94, the proposed access drive would continue to wrap around the rear boundaries of Nos 82 and 84 Hall Road. No 80 Hall Road would also share a boundary with one of the proposed dwellings. There would be much greater separation distances between the proposed access drive and rear elevations of Nos 80, 82 and 84 than between the proposed access drive and No 94. If I were minded to grant planning permission a suitably worded condition could require appropriate surfacing of the access drive. This would reduce noise from vehicle movements.
10. The proposed dwellings would be set back from the shared boundaries with Nos 80, 82 and 84 by a minimum of the width of the access drive. I consider that this, together with the relative garden sizes of Nos 80, 82 and 84 and the heights and locations of windows in the proposed dwellings would avoid any overbearing effect or loss of privacy to occupiers of Nos 80, 82 and 84.
11. In light of the above, and in terms of its effect on occupiers of Nos 80, 82 and 84, I conclude that the proposal would accord with Policy CS08 of the Core Strategy and Policy DM15 of the DMP.

---

<sup>1</sup> The Kings Lynn and West Norfolk Core Strategy adopted in 2011.

<sup>2</sup> The Site Allocations and Development Management Policies Plan adopted in 2016.

<sup>3</sup> The National Planning Policy Framework.

### *Flood risk*

12. The appeal site lies within flood zone 3 and comments from the Council and interested parties indicate that there has been recent history of surface water flooding events. Whilst the disruption and distress caused to nearby residents from such events is unfortunate, it is not in itself a reason to refuse planning permission for the appeal proposal. The relevant assessment in this case is whether or not the appeal proposal could be provided with a system of surface water drainage that would prevent an unacceptable increase in flood risk.
13. The Council's second reason for refusal relates to the appeal proposals failure to demonstrate it would not have a detrimental impact on neighbouring properties by virtue of flood risk. The planning application was not accompanied by a drainage strategy but one has been submitted as part of this appeal. The drainage strategy for the appeal proposal identifies two potential drainage options for the site involving a level of attenuation. The Council has had the opportunity to comment on this but has not done so.
14. I note the Council's allocation of the adjacent site for residential development and the subsequent approval of outline planning permission for 10 dwellings. On the adjacent site, the planning application was accompanied by a surface water drainage strategy. This proposed that the surface water from the development would discharge into a sustainable drainage system including a level of attenuation and water treatment. It also included a proposal for a maintenance scheme. The Council granted outline planning permission subject to a condition requiring the submission of detailed foul and surface water arrangements.
15. The appeal site is not physically separated from the adjacent site and there is an apparent similarity in ground conditions and topography. There is no evidence before me to suggest that the appeal site is otherwise likely to present different drainage issues to the adjacent site. Taking account of this, the Council's acceptance of a drainage condition on the adjacent site and the drainage strategy submitted as part of this appeal, I am satisfied that the appeal site could be provided with an adequate system of surface water drainage. If I were minded to grant planning permission, this could be required by a suitably worded condition including a requirement for future maintenance.
16. The proposal would therefore accord with Policy CS08 of the Core Strategy. This requires flood risk to be fully mitigated through appropriate design and engineering solutions. It would also comply with the framework insofar as it seeks to avoid increasing flood risk.

### *Other matters*

17. I note the contribution the proposal would make to boosting the supply of housing in the district and the visual changes it would result in. However, these matters do not outweigh the harm to the character and appearance of the area and living conditions of future nearby residents I have identified.

### **Conclusion**

18. Whilst I find no harm arising from flood risk or to the living conditions of Nos 80, 82 and 84 Hall Road, this does not outweigh the harm to the character and appearance of the area and the living conditions of future occupiers of No 94

Hall Road. This and the consequent conflict with policy justify the refusal of planning permission.

19. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

*Richard Exton*

INSPECTOR