

# Appeal Decision

Site visit made on 26 November 2014

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

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

**Decision date: 18 December 2014**

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**Appeal Ref: APP/V2635/A/14/2225873**

**Land North of 19 Gaywood Road, King's Lynn, Norfolk PE30 1QT**

- 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 David Taylor against the decision of the Borough Council of King's Lynn and West Norfolk.
  - The application Ref 14/00309/F, dated 1 March 2014, was refused by notice dated 17 June 2014.
  - The development proposed is 7 dwellings and associated landscape works.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

3. The appeal site comprises an area of vacant land situated within a predominantly residential area of Victorian terraced dwellings. The development of this site for residential purposes would satisfy the principles of the National Planning Policy Framework (the Framework) concerning the effective use of land, especially for housing purposes. Policy CS03 of the Local Development Framework Core Strategy (CS) encourages developments within the urban area of King's Lynn that positively contribute to the regeneration of the town.
  4. The Framework also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Previously the Council has granted planning permission for the erection of an apartment scheme (Ref 05/02611/FM) but the proposed development includes the erection of 7 terraced dwellings.
  5. There is a difference of opinion between local residents and the appellant concerning the ability for future occupiers of the proposed development to use a footway to the rear of Archdale Street. The appellant claims that the footway would enable the future occupiers to access their rear gardens where the bin storage and cycle parking are proposed. Whether such a right of access exists
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is not a matter for me to determine as part of this appeal and I have considered the location of the bin and cycle storage areas based upon the scheme before me to assess.

6. The type of proposed dwellings would be similar to the surrounding 2-storey terraced properties, including those fronting Archdale Street and Eastgate Street. Reflecting the properties fronting Archdale Street, the proposed dwellings would form a crescent of terraced properties. The proposed dwellings would not face towards Eastgate Street but would front their own access road. For this reason the appeal scheme would be capable of creating its own character albeit taking clear references from the neighbouring properties.
7. Because the proposed development would not front the existing roads the differences in the fenestration and the proposed porches are not reasons for this appeal to fail, particularly because some of these features are associated with other near-by properties. I acknowledge the Council's claims that the appeal scheme currently fails to replicate some of the detailed design features of the neighbouring properties, including the lack of a string course and omission of chimneys. However, as suggested by the Council, some design details and the choice of materials could be the subject of conditions.
8. Although the site would be capable of accommodating 7 dwellings, I share the Council's concerns about the layout of the proposed development. The proposed private amenity spaces would be adequate in size but the overlapping nature of some of the gardens does not represent a high quality of design. Further, the single storey side additions do not reflect or reference the neighbouring properties and would fail to respect the character of the surrounding area. Accordingly, I agree with the Council that the layout of the appeal scheme would not be of a high quality of design and would result in the appearance of a cramped and contrived form of development contrary to the aims of CS Policies CS08 and CS12 concerning proposals needing to protect the special qualities of an area.
9. Off-street parking is proposed which would not achieve the provision of 2 spaces per 2-bedroom dwelling, plus appropriate visitor spaces, identified in the *Norfolk County Council Parking Standards*. However, these *Standards* are maxima and allow for reduction in parking provision where there is good access to jobs and services by means other than private cars. The appeal site is situated close to the town centre, railway station and other facilities and because of this good access the level of off-street parking proposed would be appropriate. This is similar to the assessment reached by my colleague when determining the appeal at 16-20 Gaywood Road.
10. However, I have sympathy with the Council's concerns about the natural surveillance by the future residents of their vehicles parked in the proposed spaces located adjacent to the footway of Gaywood Road. I have noted the appellant's comments about the location of other windows. The lack of natural surveillance of the spaces by the future occupiers of the proposed dwellings would not be a reason for this appeal to fail but it does add to my concerns about the quality of the scheme's layout.
11. There are benefits associated with the re-use of vacant land within the urban area for residential proposals and some of the Council's concerns could be

addressed by the imposition of suitable conditions. However, these benefits are substantially and demonstrably outweighed by the adverse harm caused by the layout of the appeal scheme not being a sufficiently high quality of design. Accordingly, it is concluded that the proposed development would cause adverse harm to the character and appearance of the surrounding area and, as such, it would conflict with CS Policies CS08 and CS12. These policies are consistent with the Framework's core principle of securing high quality design and permission being refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

*Other Matters*

12. Although the comments of local residents have been noted, the Council has not objected to the proposed development by reason of adverse harm being caused to the occupiers of neighbouring properties. Because of the character of the area and the relationship between the existing and the proposed dwellings layout there are no reasons for me to disagree with the Council's assessment.
13. I have noted the comments of local residents about the level of on-street parking, including by users of the railway station, but there were spaces available during my morning site visit and, in any event, there are other procedures which could be adopted to restrict parking. Therefore, and taking into account my assessment of the number of off-street parking spaces proposed, the appeal scheme would not be detrimental to the safety of other highway users and the transport network in general.
14. However, these matters do not alter the main issue in this case and are not sufficient to outweigh the adverse harm which has been identified. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail.

*D J Barnes*

INSPECTOR