
Appeal Decision

Site visit made on 5 January 2015

by Ron Boyd BSc (Hons) MICE

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

Decision date: 12 February 2015

Appeal Ref: APP/V2635/A/14/2228294

Land adj. 23 & 25 Mill Road, Wiggshall St Germans, King's Lynn PE34 3HL

- 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 Diamond Developments Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 14/00885/F, dated 13 June 2014, was refused by notice dated 18 August 2014.
 - The development proposed is described as 'proposed 3 bedroom detached house on vacant land'.
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Decision

1. The appeal is allowed and planning permission is granted for a three-bedroom house on land adjacent to 23 & 25 Mill Road, Wiggshall St Germans, King's Lynn PE34 3HL in accordance with the terms of the application, Ref 14/00885/F dated 13 June 2014 subject to the conditions on the attached schedule.

Application for costs

2. An application for costs was made by Diamond Developments Ltd against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate Decision.

Main issues

3. I consider these to be:
 - the effect the proposed development would have on the character and appearance of the surrounding area;
 - whether appropriate private garden area would be provided for the proposed dwelling; and
 - the effect of the proposal on the area of amenity space available for Nos. 23 and 25 Mill Road;

Reasons

4. Mill Road is characterized by frontage development which includes both houses and bungalows, in a mix of building styles and materials, and in plots of varying sizes. The appeal site is a long narrow plot having a frontage on to the north side of the road of some 45m and a depth, limited by a ditch along its northern boundary, varying between around 8m and 14m. The proposal is to

construct a detached two-storey, three-bedroom, pitched-roof house in the western part of the site. Vehicular access, together with two off-street parking places and a turning facility to enable vehicles to enter and leave the site in forward gear, would be provided adjacent to the site's western boundary.

5. The principle of development of the site is accepted by the Council, the site lying within Built Environment Type C as defined in the Council's Local Plan Adopted 1998. However, prior to the appellants' acquisition of the site, a proposal for two semi-detached houses was dismissed at appeal (APP/V2635/A/12/2169536). The Inspector's concerns in respect of that proposal included that the then proposed houses would stand forward of the elevations of Nos. 23 and 25 Mill Road to the west, and would appear both cramped and intrusive, and that the car parking and turning facilities for the two new dwellings would involve unacceptably prominent areas of hard surfacing. He concluded that in combination those features would be harmful to the character and appearance of the area.
6. I consider the above concerns have been acceptably addressed by the present proposal. The proposed house would respect the building line established by the two semi-detached dwellings to the west. The proposed single dwelling would have dimensions reduced from those of the previously-proposed building, and, with a ridge height of 7m, would be compatible in scale with its neighbours. The northern elevation of the house would, at its closest be around 1.2m from the edge of the ditch. To my mind any cramped appearance resulting from such proximity would be mitigated by the open views to the north over farmland and the 26m or so long garden to the east. Parking provision for the single dwelling now proposed would be half that for the previous proposal. Gravel is now proposed for the parking spaces with grass reinforcement for the turning area to soften its presence.
7. As a flood mitigation measure the internal ground floor of the dwelling would be approximately 1m above the carriageway of Mill Road. This would be accommodated by means of a ramp to the principal entrance to the house located in the northern elevation and steps from the French window access to the garden in the eastern elevation. The Officer's Report acknowledges that the proposed dwelling's set back from the road of 4.5m would allow the change in level between the house and the road to be dealt with sensitively. Whether this could have been achieved for the earlier proposal was a further concern raised by the previous Inspector.
8. Notwithstanding the 4.5m set back, in the interests of appearance from the road the southern elevation is now proposed to feature a false front door with a 'threshold' level below internal ground floor. The height of the internal ground floor level would facilitate views northwards from the kitchen and living room windows over the 1.8m high close-boarded fence proposed for the site's northern boundary
9. In the light of the above I conclude that with appropriate use of materials and boundary treatment, including planting, all of which could be secured by condition the proposed development would be compatible with the character and appearance of its surroundings. As such it would be compliant with Local Plan Saved Policy 4/21, which requires development within Built Environment Type C to be in harmony with the building characteristics of the locality, and with the requirement of the National Planning Policy Framework that

development should reflect the identity of local surroundings. I further conclude that with the boundary treatment as proposed, comprising close boarded fencing with hedgerow planting behind the visibility splay along the roadside, an effectively screened and usable private garden of over 200sqm would be provided.

10. Whilst I note the Council's comments in respect of the area of private amenity space available for Nos. 23 and 25 these dwellings are not in the same ownership as the appeal site. I conclude that there is no reason to suppose that dismissal of the appeal before me would result in any additional amenity land being made available to the neighbouring dwellings.
11. I have taken into account all the other matters raised in the evidence, but have found nothing sufficient to outweigh my conclusions on the main issues which have led to my decision on this appeal. For the reasons given above I conclude that the appeal should succeed.
12. I have considered the conditions suggested by the Council in the light of the Government's Planning Practice Guidance and Annex A of Circular 11/95. I consider the conditions in the attached schedule to be reasonable and necessary – they deal with:
 - finished floor levels and flood mitigation measures to protect the property against flooding;
 - materials for external surfaces and boundary treatment to ensure a satisfactory appearance; and
 - vehicle access, parking and turning in the interests of highway safety.

In addition other than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

R.T.Boyd

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ADS/031/PL01 and ADS/031/PL02A.
 - 3) The finished internal floor levels of the building hereby permitted shall be set no lower than 3.50m AOD.
 - 4) Notwithstanding the submitted details, no development shall be carried out until full details of the type, colour and texture of all materials to be used for the external surfaces of the building and of those to be used for the car parking and vehicle manoeuvring areas, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. SEMI-CIRCULAR
SITE LEVEL
 - 5) No development shall take place until a scheme for the provision and implementation of flood resilient/resistant construction methods has been submitted to and approved in writing by the local planning authority. This shall include the provision of flood barriers to be installed on all entrances. The scheme shall be constructed and completed as approved.
 - 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Where this is to include planting and hedging the details submitted shall include the species, plant sizes and proposed numbers/densities. The building hereby permitted shall not be first occupied until the boundary treatment has been carried out in accordance with the approved details.
 - 7) No development within the site shall take place until vehicular access to the site has been provided, and thereafter retained, at the position shown on the approved plan ADS/031/PL02A together with the visibility splays shown on that plan. The visibility splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. The building hereby permitted shall not be first occupied until the vehicular access has been completed in accordance with the specification shown on Norfolk County Council Drawing No. TRAD 5, and arrangements made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriage way. The access shall be retained as so provided thereafter.
 - 8) The building hereby permitted shall not be first occupied until the proposed access/on-site car parking /turning area has been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan ADS/031/PL02A. The facility shall be retained thereafter for those specific uses.
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