



Appeal Decision

Site visit made on 9 August 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2022

Appeal Ref: APP/V2635/W/22/3294135

Land at Pal-Mar, Chapel Lane, Emneth, Norfolk, PE14 0DJ

- 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 Mrs B Palmar against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/01040/O, dated 22 May 2021, was refused by notice dated 27 January 2022.
 - The development proposed is the erection of 2 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. This appeal relates to an outline planning application in which all matters other than access are reserved for subsequent approval.

Main Issues

3. The main issues in this case are the effects of the proposed dwellings on:
 - The character and appearance of the area around Chapel Lane, and
 - The living conditions of future occupiers of the dwellings by way of privacy.

Reasons

4. Pal-Mar is a detached bungalow situated on the northern side of Chapel Lane. At the time of the planning application, it would appear that the property included a large detached garage and outbuilding which extended to the east onto what is now part of the appeal site. From the information before me, the rest of the appeal site comprised part of the front/side garden of the bungalow with a parking area further to the east. At the time of my visit, the garage and outbuilding had been demolished and a wooden fence erected close to the eastern elevation of the bungalow, presumably to demarcate a physical boundary between the bungalow and the appeal site. The bungalow now has a new open parking area to the front, and the rest of the property is vacant.
5. The development proposed is the erection of 2 dwellings on the site. The site has a straight boundary to the south, fronting the road, but a very irregular boundary to the north, where it backs onto the large rear gardens of properties on the southern side of Elm Hill Road. Access to the site is from Chapel Lane, which is a narrow residential road that has no footpaths.

6. Policy CS06 of the Council's Core Strategy (CS) indicates that new development should maintain local character and a high quality environment. Policy CS08 of the CS indicates that development should also respond to the context and character of places.
7. Policy DM15 of the Council's Site Allocations and Development Management Policies Plan (DMP) indicates that development must protect and enhance the amenity of the wider environment. Proposals will be assessed against a number of factors including a requirement that the scale and massing of a development should respond sensitively and sympathetically to the local setting, including spaces between buildings, through high quality design. In addition, it indicates that proposals will be assessed against their impact on neighbouring uses and their occupants, as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including overlooking, outlook and impact on light.
8. The Council contends that the introduction of two dwellings on the appeal site would result in a cramped form of development at odds with the form and character of this locality, and would fail to be sympathetic to the local character. Also, the Council considers that the proposed development has failed to demonstrate that it would provide adequate private amenity space, and that there would be overlooking into the site from a first-floor window in the adjacent 'Violet House', which is in close proximity.
9. The appellant contends that the shape and size of the plots are directly comparable with the surrounding development. The indicative drawings demonstrate that dwellings of an appropriate scale and with parking which meets the adopted standards can be achieved on site. With regard to the form and pattern of development in the area, it is submitted that the proposal will not appear cramped or out of keeping and that, in any case, the specific details of the scheme such as the scale and layout are reserved matters. Finally, the window serving Violet House can be screened by means of additional landscaping within the site or by the erection of an outbuilding, so protecting the rear aspect of Plot 1 from view of the window in question.

Character and appearance

10. Chapel Lane runs first south-east, and then north-east from High Road to its junction with Elm High Road. The three roads enclose something of a triangular area of residential properties. Apart from a small number of dwellings at the extreme eastern corner of the triangle, the area is characterised by a mix of properties, mainly detached houses and bungalows of varied design, in good-sized plots. Pal-Mar itself is a wide-fronted bungalow set in a large, wide but shallow plot. The proposed development would effectively result in the plot of the host property being split into two almost equal segments, one containing the existing dwelling and one containing two dwellings.
11. The appellant has provided some sketch drawings of possible layouts for two houses on the appeal site, and I acknowledge that it may well be possible to fit two dwellings into the available space. However, given the shallow nature of the site, its irregular northern boundary, and the need to fit car parking and adequate private amenity space into each plot, I have significant concerns that the resultant development would appear cramped and out of character with the surrounding area.

12. In addition to the above, whilst there already exists vehicular access into the overall property, the proposed development would require access to parking areas for two new dwellings, as well as a replacement access to serve the parking needs of the bungalow. In fact, the new replacement access is already in place and, in my opinion, the addition of this access into what would become a much reduced plot, increases the sense of overdevelopment that would result from the development of two further dwellings on the appeal site, with further accompanying access to serve each one. This would be particularly the case given the narrow and constrained nature of Chapel Lane itself.
13. In conclusion on this issue, I find that the scale and massing of the proposed development would not respond sensitively and sympathetically to the local setting, including spaces between buildings, and that it would be harmful to the general character and appearance of the area around Chapel Lane. On this basis it would conflict with Policies CS06 and CS08 of the CS and with Policy DM15 of the DMP.

Living conditions

14. To the east of the appeal site lies Violet Cottage. This two-storey dwelling has a front door and first-floor window facing west into the appeal site, in very close proximity to its boundary. With two dwellings on the appeal site, it would seem inevitable that the first-floor window in Violet Cottage would overlook the private amenity area to the easternmost of the proposed dwellings from close range. The appellant contends that the privacy of the occupiers of the dwelling on that plot could be protected by way of additional landscaping or the erection of an outbuilding. However, the constrained nature of the appeal site makes it unlikely that there would be room for sufficiently strong landscaping or an outbuilding to be placed on the plot, along with the provision for adequate private amenity space, car parking, and the dwelling itself.
15. On the basis of the above, I find that the proposal would be highly likely to result in harm to the living conditions of the occupiers of at least one of the proposed dwellings by way of lack of privacy. Furthermore, given the restricted space available, any attempt to adequately screen the overlooking from Violet Cottage would be likely to result in an oppressive outlook from both the proposed dwelling and Violet Cottage itself.
16. On this issue, therefore, I conclude that the proposed development would have a harmful impact on the amenity of future occupiers of the proposed development by way of overlooking and outlook. It would, therefore, conflict with Policy DM15 of the DMP.

Conclusion

17. I find that the proposed development would be harmful to the general character and appearance of the area around Chapel Lane, by virtue of a cramped nature and appearance, and that it would have a harmful impact on the amenity of future occupiers of the proposed development by way of overlooking and outlook. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR