

## AGENDA ITEM NO: 8/2(a)

<b>Parish:</b>	<b>Burnham Overy</b>	
<b>Proposal:</b>	<b>Demolition of existing house and construction of new house and boatshed</b>	
<b>Location:</b>	<b>Seaward House Wells Road Burnham Overy Staithe King's Lynn</b>	
<b>Applicant:</b>	<b>Mr Tim Holmes</b>	
<b>Case No:</b>	<b>16/01708/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty</b>	<b>Date for Determination: 24 November 2016</b>

**Reason for Referral to Planning Committee** – The views of Burnham Overy Parish Council is contrary to the Officer recommendation; former appeal for similar development.

### **Case Summary**

The site comprises a two storey detached dwelling and associated garden land. It is bounded to the east and west by other detached dwellings fronting Wells Road. To the north, on the opposite side of the road is a row of three terraced properties, beyond which is the creek and marshes. To the south is garden land associated with a property fronting New Road and to the south east is a caravan park.

This application seeks full planning permission for the construction of a replacement dwelling and boatshed following the demolition of the existing property.

### **Key Issues**

Planning History  
Principle of the development  
Design and scale  
Impact on Conservation Area and Heritage Assets  
Impact on neighbour amenity

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

The application is made for the demolition of the existing 2 story dwelling at Seaward House Wells Road, Burnham Overy Staithe and its replacement with a 2 ½ storey dwelling with a boathouse to the rear.

## SUPPORTING CASE

The application is supported by an extensive planning, design and access statement setting out the applicant's contention that the proposal is appropriate in terms of scale, appearance and impact having regard to the recent appeal decision and material planning policy.

## PLANNING HISTORY

16/01708/F: - Demolition of existing house and construction of new house and boatshed - Seaward House, Wells Road, Burnham Overy Staithe;

14/01316/F: Application Refused: 09/06/15 - Demolition of existing house and erection of new house and boatshed - Seaward House, Wells Road, Burnham Overy Staithe - **Appeal Dismissed 15/04/16**;

11/00119/TREECA: TPO Work Approved: 04/01/12 - Remove 4 Leylandii conifers. 1 in front garden and 3 in rear garden in a conservation area - Seaward House, Wells Road, Burnham Overy Staithe;

09/00450/CA: Application Permitted: 18/08/09 - Construction of dwelling following demolition of existing dwelling - Seaward House, Wells Road, Burnham Overy Staithe;

09/00448/F: Application Permitted: 19/06/09 - Construction of dwelling after demolition of existing dwelling - Seaward House, Wells Road, Burnham Overy Staithe;

08/01376/F: Application Refused: 17/09/08 - Construction of dwelling following demolition of existing - Seaward House, Wells Road, Burnham Overy Staithe;

08/01377/CA: Application Refused: 17/09/08 - Demolition of existing dwelling prior to construction of new - Seaward House, Wells Road, Burnham Overy Staithe;

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** to most recent amendments:

1. Not in keeping with surrounding properties
2. Five bedroomed house – not enough car parking spaces.
3. Too big for plot
4. The ridge is higher than the next door property of Windward
5. The balcony will overlook the Sisters Cottages opposite
6. It is very intrusive for the neighbours.
7. The war memorial is adjacent which is listed
8. This will be a business and will be intended as a holiday let

## Highways Authority: NO OBJECTION

In relation to highway issues only, given that this application is for a replacement dwelling with existing access from the highway, there is no objection to the above proposal, subject to planning condition to retain parking facilities.

## Conservation Officer:

Comments on original proposal: - This is broadly as per the previous approval and seems to address the Inspectors comments made in respect of the second proposal which was

dismissed on appeal. I therefore do not have any objection in principle but I do think that the windows need to be reconsidered. Having large windows on all three floors along with the front door and full length central doors on the first floor puts the solid/void relationship out of balance and the overall effect is uncomfortable.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions in respect to demolition.

**Arboricultural Officer: NO OBJECTION.**

## **REPRESENTATIONS**

Letters of objection from **4** households have been received in relation to the application raising the following:-

- Proposal being out of scale,
- Ridgeline higher than neighbouring property to the east
- Out of character with surroundings,
- Visual impact of balcony,
- Parking issues,
- Impact on privacy and amenity from balcony,
- Scale and detail of fenestration,
- Sewage capacity,
- General noise and disturbance conflict with policy
- Amended plans welcomed, but ridgeline should be reduced further and balcony removed.

## **NATIONAL GUIDANCE**

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

### **PLANNING CONSIDERATIONS**

This application raises the following issues: -

- Planning History
- Principle of development;
- Design and scale
- Impact on Conservation Area and Heritage Assets
- Residential amenity;
- Other matters

#### **Planning History**

The planning history of the site reveals that planning permission was refused for a replacement dwelling on this site in 2008 due to the scale and mass of the proposed replacement dwelling being too great for the site and dominating the streetscene, to its detriment. The mass of the proposed dwelling, combined with the erosion of the spacing between existing buildings, was considered to neither preserve nor enhance the character of the Conservation Area. Further it was considered that the scale and mass of the dwelling would have an overbearing impact and overlook neighbouring properties and have a significantly detrimental impact upon the amenity of the occupants of these dwellings.

In 2009 planning permission for a replacement dwelling, of an amended design of more modest proportion, was approved. However, this permission was not implemented.

In 2014 planning permission for a revised replacement dwelling, of similar proportions to the 2008 application, was refused planning permission for similar reasons to the 2008 refusal above. An appeal was lodged but was dismissed. The Inspector concluded that the works failed to preserve or enhance the character or appearance of the Burnham Overy Staithe Conservation Area, causing less than substantial harm to the significance of this heritage asset and would conflict with Policies CS08 and CS12 of the Council's Core Strategy and the Framework. However, he concluded that the proposal would not unreasonably harm the living conditions of neighbouring residents and would not conflict with the Council's Core Strategy and the Framework in this regard.

#### **Principle of development**

The site is located within the settlement of Burnham Overy Staithe, which is a Rural Village where limited minor development will be permitted, which meets the need of settlements and helps to sustain existing services in accordance with Policy CS06. The site is also within the Conservation Area and there is a listed war memorial in the front garden of the adjoining property to the east.

The site is within the AONB but is surrounded by other residential development so cannot be seen from long views across the countryside. The proposed development is not in such an

open setting or of significant enough dimension to have a significantly detrimental impact upon the natural beauty of the landscape in this designated area.

As stated above, planning permission was previously refused for a replacement residential property on the site in 2008 (08/01376/F) and 2014 (14/01316/F). This was because the scale and mass of the proposed replacement dwelling was considered too great and dominated the streetscene and the Conservation Area and raises neighbour amenity issues. It therefore did not accord with national, regional or local planning policy.

However, the principle of a residential property in place of an existing dwelling is considered appropriate in this residential area, subject to any such proposal preserving and/or enhancing the character and appearance of the Conservation Area.

### **Design and scale**

The existing dwelling is a two storey brick and slate roof detached property stated as being constructed in the 1960's. Its design does not particularly reflect typical, traditional design elements of north Norfolk villages.

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to their local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping.

Government Guidance also seeks quality design in housing, and states that Local Planning Authorities should encourage applicants to bring forward sustainable and environmentally friendly development. It also states that design should be well integrated with, and complements neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Design should promote local distinctiveness.

The NPPF states that new development should make a positive contribution to the character and local distinctiveness of the historic environment and preserve the heritage assets of the Conservation Area.

The proposed replacement dwelling is essentially a two storey property with accommodation in the roof. Dormer windows are to the front and rear of the property. To the rear there is a two storey projection and a single storey projection which runs along the western boundary. A boatshed is proposed in the south east corner of the rear garden. Access to this building would be gained from the eastern side of the dwelling.

Currently there is space on either side of the existing dwelling which breaks up the mass of the built form in the streetscene. The previous applications that were refused showed the dwelling spanning the full width of the plot and the combined width and height was considered too much for this site. This current proposal retains a spacing of approximately 2.7 m between the eastern flank wall and the nearest property to the east, Windward, which allows access to the rear garden. This is a similar amount of spacing as between Windward and the nearest property to the east, Marine Cottages.

Other dwellings along this stretch of Wells Road break up their principle elevation by dropping the ridge line or stepping back part of the frontage. This dwelling has submitted a continuous eaves line across the frontage but this front elevation is broken up by a projecting first floor balcony.

It is worth noting that the Planning Inspector for the previous appeal commented on the design of the former dwelling thus:

'...because of their size I am not satisfied that the front dormer windows would satisfactorily reflect what is otherwise characteristic of the Conservation Area. Moreover, the size, design, materials and prominence of the front balcony mean it would be a discordant and unduly striking feature that would contrast in a jarring manner with the more traditional form and arrangement of housing around.'

Following discussions with the applicant amended plans have been received which show the extent of the balcony now reduced in depth from 3m at its longest to just over 1m. These amended plans also show a reduction in the overall ridge and eaves heights of the proposed dwelling and amendments to the shape of the dormer windows from flat roof to catslide, and a reduction in the width of the windows at first floor level and dormer windows from three panes to two.

An illustrative streetscene elevation has been provided which shows the replacement dwelling in context with the adjoining dwelling to the east, Windward and the property to the west, West Harbour House. This shows the eaves height of the proposed dwelling would be similar to that of Windward. Although the ridge height would be slightly higher, it would not be as high as that of the property to the west or the row of cottages two doors away to the east.

It is considered that these changes result in a dwelling which is now more in keeping with surrounding properties. The materials of brick and flint with pantile roof are traditional and reflect those found locally.

There are a few examples of balconies in the village, although none so prominent on the main coast road through the village. The amendments to reduce the size of the windows and balcony are welcomed and, combined with the overall reduction in scale of the building which retains a significant amount of spacing between properties; it is considered that it will no longer be unduly prominent in the streetscene.

Third party comment has been made regarding the details of the materials for the windows, claiming that they should be of timber construction in the Conservation Area. The plans show powder coated aluminium frame windows and there is no objection to the use of this material as they can offer a slender profile. It is recommended that a planning condition be imposed to submit the window details should planning permission be forthcoming.

In this case, however, the combined reduction in height of the property and improvements to the windows, dormer windows and balcony are considered to result in a dwelling which would no longer dominate the plot or the streetscene to its detriment. In context the reduced mass and the retention of a significant degree of spacing between existing buildings, now results in a dwelling which preserves and enhances the character of the Conservation Area. It would be sufficiently in harmony with the building characteristics of the area, and accord with national and local policy.

### **Impact on Conservation Area and Heritage Assets**

The loss of the existing 1960's dwelling does not raise concern as it does not contribute to the character of the Conservation Area. The Conservation Officer has no objection to the loss of this dwelling in principle.

The proposed replacement dwelling should preserve or enhance the character of the Conservation Area, and, for the reasons set out in the section above, the proposed dwelling is considered to now sit within the existing street scape and no longer dominate its plot. It is considered that the proposal, as amended, now preserves and enhances the character of the Conservation Area.

To the front of the property to the east, Windward is a Grade II listed war memorial. The impact upon the setting has been considered as part of this proposal and found that it will not harm its character.

This memorial was listed when the Planning Inspector considered the previous appeal and he commented:

‘...it is already seen within the context of the existing house on the appeal site and its associated parking, and I consider that the setting of the memorial is quite tightly defined. Taking these points together...I conclude the proposal would not have an unacceptable effect on the setting of this listed building.’

### **Residential amenity**

The relationship between the dwelling as proposed and existing dwellings has been examined. Consideration has been given to overlooking, overshadowing and the whether the dwelling is overbearing.

The applications refused in 2008 (Ipa ref: 08/01376/F) and 2014 (14/01316/F) both cited the impact upon neighbouring properties as the second reason for refusal. However, the Inspector into application 14/01316/F did not share these concerns and found the proposal would not unreasonably harm the living conditions of neighbouring residents and therefore found no policy conflict.

The applicant has submitted section drawings to demonstrate there will be no significant overlooking between properties from some of the proposed new windows.

In this case it is not considered there will be a significantly detrimental impact upon the amenity of the occupants of the adjoining properties in terms of overlooking, being overshadowed or the dwelling being over bearing, as a result of this proposal.

Parish Council and third party concern has been raised regarding overlooking from the balcony proposed to the front of the house facing north. The balcony overlooks the front gardens of neighbouring properties and does not overlook private rear gardens of neighbouring properties. The floor area of the balcony is fairly modest, and it will not allow for large groups of people to congregate at any one time. Its use will likely be sporadic during bouts of good weather. It is not considered this will lead to an unneighbourly situation with any significant detriment to neighbour amenity.

### **Crime and Disorder Act 1998**

Section 17 of the above act requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Board will not have a material impact upon crime and disorder.

### **Other considerations**

Most of the Parish Council and third party comments have been addressed earlier in the report.

Parish and third party concern has been raised regarding the lack of on-site parking. The site is currently used for holiday rentals but in planning terms this is the same use as a dwellinghouse and the parking standards are the same. The site currently has parking to the front of the site and three parking spaces are shown to the front of the site with adequate turning space for vehicles to leave in forward gear. .

The greater number of bedrooms may encourage more visitors to the site but the parking requirement is the same. Concerns about the parking and turning facilities are therefore noted, but sufficient facilities have been provided to cater for their own use according to the adopted parking standards. The Highways Authority raises no objection to this proposed provision and parking layout for this five bedroom property.

Third party comment has been made regarding sewage capacity in the village; however, this is a replacement dwelling and the current situation will remain unchanged.

Third party comment has been made regarding the insertion of a rooflight into the boat shed building and potential future uses of the building. However, the building is shown to be used for the storage of boats and bikes and this raises no amenity issues. It is recommended that a planning condition be imposed to ensure that this is not used for business purposes.

## **CONCLUSION**

To summarise, the proposed amendments to the submitted scheme now result in a dwelling which no longer dominates the streetscene to its detriment. In its setting a reduction in the mass of the proposed replacement dwelling, combined with the retention of a significant amount of the spacing between existing buildings, is now considered to preserve and enhance the character of the Conservation Area. It is now sufficiently in harmony with the building characteristics of the area and therefore accords with national and local plan policy.

The proposal raises no significant neighbour amenity issues.

In the light of National Guidance, Development Plan Policies and other material considerations it is recommended that planning permission be approved for the development as proposed subject to the following conditions.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Drawing No GA 01 Rev No. 3, Proposed Ground Floor
  - Drawing No GA 03 Rev No. 3, Proposed First Floor
  - Drawing No GA 03 Rev No. 3, Proposed Second Floor
  - Drawing No GA 04 Rev No. 2, Proposed Roof Plan
  - Drawing No GA 05 Rev No. -, Proposed Elevations
  - Drawing No GA 06 Rev No. -, Proposed Elevations
  - Drawing No GA 07 Rev No. 4, Proposed Site Plan
  - Drawing No GA 08 Rev No. -, Proposed Boat Shed and Bike Store
  - Drawing No GA 09 Rev No. -, Section
  - Drawing No GA 10 Rev No. 2, Proposed Long Elevation
  - Drawing No EX 00 Rev No. -, Existing Site Plan



- Site Location Plan, Scale 1:1250

- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) 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.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition Prior to the first occupation of the development hereby permitted the proposed access/ on-site parking/ turning shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason To ensure the permanent availability of the parking/ manoeuvring area in the interests of highway safety.
- 5 Condition The first floor windows to the east and west elevations shown on Drawing Nos. GA06 and GA05 serving the Drawing Room, Bedroom 1 and Bathrooms 1 and 2 shall be fitted with obscure glazing and non-opening and thereafter permanently retained as such.
- 5 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 6 Condition No development over or above foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 Reason To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF.
- 7 Condition The boat shed building shall only be used for purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for business or commercial purposes.
- 7 Reason In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.



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## Appeal Decision

Site visit made on 23 March 2016

by **Mr JP Sargent BA(Hons) MA MRTPI**

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

Decision date: 15 April 2016

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**Appeal Ref: APP/V2635/W/15/3139129**

**Seaward, Wells Road, Burnham Overy Staithe, King's Lynn, Norfolk  
PE31 8JD**

- 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 Tim Holmes against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 14/01316/F, dated 19 August 2014, was refused by notice dated 9 June 2015.
  - The development proposed is the demolition of the existing house and the erection of a new house and boatshed.
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### Procedural matters

1. Despite the details on the planning application form, I understand the full name of the settlement to be Burnham Overy Staithe.

### Decision

2. The appeal is dismissed.

### Main Issues

3. The main issues in this case are whether the proposal would preserve or enhance the character or appearance of the Burnham Overy Staithe Conservation Area, and its effect on the living conditions of adjacent residents.

### Policy

4. I received a copy of the *Branchester Parish Neighbourhood Plan* but Burnham Overy Staithe appears to lie outside of the plan area. This has therefore not had a bearing on my decision.
5. Moreover, the Council submitted policies from its *Site Allocations and Development Management Policies Pre-submission Document (DMP)*. Whilst I have noted these, I cannot be confident they will be adopted in the form before me, and so the weight they have been given is limited.

### Reasons

#### ***Effect on the conservation area***

6. The conservation area covers much of the older part of Burnham Overy Staithe, and its significance lies in part in the way it illustrates the incremental growth of this small historic coastal settlement over the years. It contains buildings of differing ages, styles and scales that are arranged in an informal
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manner with some gaps and spaces in between, and these elements all contribute to the significance of the conservation area by emphasising the organic and loose-knit nature of the village.

7. The appeal property sits in a row of newer houses to the south of Wells Road and to the east of its junction with New Road. The existing dwelling on the site is of a design and detailing that contributes relatively little to the conservation area, but it nonetheless respects the conservation area's spacious, loose-knit arrangement with its hipped roof, its set back from the road and its relatively wide gap to Windward, the neighbouring house to the east. Such factors ensure the built form on the site does not appear cramped in a manner that would be in conflict with the surrounding conservation area.
8. I raise no objections in principle to the demolition of the existing dwelling, considering the conservation area would not be harmed by its removal.
9. The proposed would run across virtually the full width of the plot, and have a gabled roof. It would also be taller than the present building with 2 relatively large front dormer windows emphasising its height and scale still further. As a result, the proposal would appreciably diminish the way in which the site now reflects the spaciousness of the surroundings. This adverse impact would be further exacerbated by its proximity to Windward and the terrace of Marine Cottages beyond, as the size of these building and the limited gaps in between mean that together they would create an unduly dominant mass of built form. Such an arrangement would again be at odds with the sense of spaciousness that contributes to the significance of the conservation area.
10. In coming to this view I appreciate that there are some larger properties in the conservation area, but their arrangement in relation to their plots means they do not appear as bulky or dominant as would the development before me, and so they do not affect the significance in a comparable manner. I have noted that the ridge would be slightly lower on the eastern side, but consider this would not be sufficient to affect my findings. Reference was also made to an approval for a dwelling on the site in 2009, but that permission has now lapsed and so it cannot have a significant bearing on my reasoning.
11. Furthermore, the Appellant contended that the considerable scale and mass of West Harbour House to the west and Marine Cottages to the east set a precedent to which comparisons can be made, but this is not a view I share. Although the main part of West Harbour House is large, it sits in the middle of a sizeable plot with single storey wings to either side, and so maintains some sense of spaciousness. With regard to Marine Cottages, I accept that terrace has a considerable scale and mass, which is further emphasised by its closeness to Windward. However, I see no reason why that should, in turn, justify this scale and mass of built form being extended further.
12. Turning to design, conditions could control much of the fine detail without affecting the nature of the development. However, because of their size I am not satisfied that the front dormer windows would satisfactorily reflect what is otherwise characteristic of the conservation area. Moreover, the size, design, materials and prominence of the front balcony mean it would be a discordant and unduly striking feature that would contrast in a jarring manner with the more traditional form and arrangement of housing around. While there is a large balcony of a contemporary appearance on West Harbour Way, the

arrangement of buildings near that property mean that is not as prominent as the balcony now proposed.

13. Finally, it was contended cars would be parked much closer to the highway. There was some debate between the parties as to the accuracy of the plans in this respect, but that is not a matter on which I can arbitrate. However, I note the site plan indicates that the parking spaces would be some 8m or so from the road and on that basis I consider this to be satisfactory in visual terms.
14. I therefore find the proposal would fail to preserve the character or appearance of the conservation area, and would cause harm, albeit less than substantial, to its significance as a designated heritage asset.
15. In front of Windward is the Grade II listed Burnham Overy Staithe War Memorial. However, it is already seen within the context of the existing house on the appeal site and its associated parking, and I consider that the setting of the memorial is quite tightly defined. Taking these points together, and despite my concerns above, I conclude the proposal would not have an unacceptable effect on the setting of this listed building.
16. In the *National Planning Policy Framework* (the Framework) one of the core planning principles is the need to conserve heritage assets in a manner appropriate to their significance. Paragraph 132 says great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification. In paragraph 134 it goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits.
17. In this case the scheme is providing no more housing. I accept that it would be resulting in the loss of a dwelling of little design merit, and would be creating improved holiday accommodation with possible economic benefits. However, I consider the visual impact of what is proposed to be unacceptable and, given the emphasis in paragraph 132 of the Framework referred to above, any benefits from those elements do not outweigh the harm identified.
18. Accordingly I conclude that the works would fail to preserve the character or appearance of the Burnham Overy Staithe Conservation Area, causing less than substantial harm to the significance of this heritage asset. In the absence of any public benefits to outweigh this harm I conclude the works would conflict with Policies CS08 and CS12 in the Council's Core Strategy and the Framework.

#### ***Living conditions***

19. A core planning principle in the Framework is the need to seek a good standard of amenity for all existing residents and future occupiers.
20. The proposal would include a part 2 storey/part single storey element along the boundary with West Harbour House. The 2 storey section would project only a little beyond the side wing of that neighbouring dwelling, and so would not be unduly dominant and would not have an appreciable effect on sunlight. The single storey portion would project somewhat further. However, it would be at a lower ground level and that area of West Harbour House's plot is already enclosed to some degree by the tall hedge and the various buildings in the curtilage of that property. Therefore, the proposal would not have an unacceptable effect on the living conditions of those residents.

21. The new dwelling would be to the north-west of the rear garden of Windward, and so in my opinion it would have no significant effect on sunlight to that house or garden while its impact on daylight would be limited.
22. With regard to overlooking, the side window to Bedroom 3 could be obscured as there is a second window to that room facing the south. The closest first floor window to Windward, which would serve a bathroom, could also be obscured. The dormer window and the bedroom windows on the first floor would be in a roughly central position on the rear elevation, and so would only allow angled views to Windward that were not uncommon in a village context. In the light of these factors, and mindful that a house is already present, I consider there would not be unacceptable overlooking of that neighbouring curtilage. I also have no reason to assume the proposal would cause unacceptable noise nuisance.
23. There was a further concern raised about the new house being overdominant when seen from Windward. I accept that it will be bigger and more bulky than what is now present, and also nearer to the boundary. However, to my mind the resultant relationship would not be particularly unusual. Windward also has a sizeable rear garden and so, taking these points together, the dominance of the development would not be sufficient to create unreasonable living conditions for that neighbour. Any difficulties of maintenance that may arise from the development would not justify dismissing this planning appeal.
24. A boat house is proposed at the end of the garden, but that would be a relatively low structure and would not be unduly dominant. In this case whether or not it could be used for that purpose has no bearing on its planning merits.
25. Accordingly I conclude the proposal would not unreasonably harm the living conditions of neighbouring residents and so would not conflict with Core Strategy Policy CS08, Policy DM15 in the DMP or the Framework.

***Other matters***

26. The site lies within an Area of Outstanding Natural Beauty, and as stated in the Framework, great weight should be given to conserving the landscape and scenic beauty in this area. However, noting the proposal's location in a settlement and the fact that it is replacing an existing dwelling, it would not cause harm in this regard.

**Conclusions**

27. For the reasons stated in relation to the first issue I conclude the appeal should be dismissed.

*J P Sargent*

INSPECTOR