

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

<b>Parish:</b>	Old Hunstanton	
<b>Proposal:</b>	Removal of condition 2 of planning reference number 2/85/3706/CU/F/BR to enable the two storey dwelling and the annex to form two separate planning units	
<b>Location:</b>	1 Sea Lane Old Hunstanton Hunstanton Norfolk	
<b>Applicant:</b>	Mr & Mrs Wase	
<b>Case No:</b>	17/00444/F (Full Application)	
<b>Case Officer:</b>	Mr C Fry	<b>Date for Determination:</b> 9 May 2017

**Reasons for Referral to Planning Committee** – The views of Old Hunstanton Parish Council are contrary to the Officer recommendation and there has been a previous appeal on the site.

### Case Summary

The application site lies on the northern side of Old Hunstanton Road and within the Conservation Area of Old Hunstanton.

The site contains a two storey detached dwelling and associated outbuilding to the rear.

The proposal seeks consent to vary condition 2 of the planning reference number 2/85/3706/CU/F/BR to enable the two storey dwelling (1 Sea Lane) and the outbuilding (annex) to function as two separate planning units.

There has been a relevant previous appeal decision, and this application, along with another on the agenda (17/00445/F), seeks to address and overcome the issues raised.

### Key Issues

Principle of development and planning history  
Form and Character  
Impact upon Amenity  
Impact upon the Conservation Area  
Highway Safety  
Other Material Considerations

### Recommendation

**APPROVE**

### THE APPLICATION

The application site lies on the northern side of Old Hunstanton Road, Old Hunstanton and is within the Conservation Area and development boundary.

The site comprises of a two storey dwelling and associated outbuilding which has been used to provide single person accommodation in an ancillary function to the main dwelling.

Access to the outbuilding is achieved from the shared parking area to the rear of 1 Sea Lane.

The form and character of the development in the locality is predominantly linear with the character of the dwellings on the northern side of Old Hunstanton Road comprises of red brick and carrstone/flint dwellings that are set back behind walled boundary treatments.

The site has been the subject of recent planning history for the subdivision of the outbuilding from 1 Sea Lane has been the subject of an application 14/01075/F, which was dismissed on appeal, APP/V2635/A/14/2228705 which was refused on the grounds of poor living conditions for the new dwelling and highway safety issues from altering and providing a new access onto Sea Lane.

The proposal seeks consent for the subdivision of the outbuilding by providing a new access (17/0445/F – preceding committee item) and a re-arranged garden/amenity layout for the donor and new property to overcome the dismissed appeal.

## **SUPPORTING CASE**

The application has been supported by a Planning Statement:-

- 14/01075/F was refused as the plot left the donor property and proposed property with little private amenity space, which would be overlooked by the donor property and would have been given over to parking. The proposal failed to comply with the need to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings and did not function well or add to the overall quality of the area.
- This was dismissed on appeal for the subdivision of the plot into 2 separate dwellings was unacceptable as the Old Bakehouse would have limited amenity garden space. The windows were too close and would create an overlooking issue.
- The new property will be 1 bedroom – as per the existing layout of the building and will be served via the existing access off Sea Lane. No amendments are proposed to this access and an area for parking and turning will be provided. 126m<sup>2</sup> of private amenity space will be provided which is screened from Sea Lane by the existing hedge. A 1.8m high timber fence will be erected between the Annex and 1 Sea Lane.
- The existing dwelling will be provided with 260m<sup>2</sup> of private garden space. Both areas of amenity space are private and are screened from the highway by existing vegetation.
- The existing bedroom will be converted into a bathroom and all first floor windows on the rear elevation will be formed in opaque glazing. A 1.8m high fence is erected as identified on the submitted plan in order to provide some screening at ground floor level into the annex.

## **PLANNING HISTORY**

17/00445/F: New vehicular access –pending consideration

14/01075/F: Application Refused: 10/10/14 - Removal of Condition 2 attached to planning permission reference 2/85/3706/CU to allow the Annex to be occupied as a separate unit of accommodation

Appeal Dismissed 02/02/15;

12/00002/TREECA: Tree Application - No objection: 09/02/12 - Removal of 1x Horse Chestnut Tree and 1x Conifer Tree in a conservation area -

11/00435/F: Application Withdrawn: 20/05/11 - Extension to existing annex

11/00054/TREECA: Application Withdrawn: 11/01/12 - 20% crown thinning to Aesculus Hippocastanum and crown lifting/reduction to tree within a conservation area

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECTION** the parish council considers that the proposed vehicle access would cause a danger being close to the layby, shop, the bus stop and the playground.

**Highways Authority: TO BE REPORTED IN LATE CORRESPONDENCE**

**Conservation: NO OBJECTION**

## **REPRESENTATIONS**

**2** Letters of **OBJECTION**.

- People waiting for the bus would hinder the views of cars using the new exit.
- Proposed new access is already busy and congested. Bus stops are on both sides of the road, cars park on the road to visit the Post Office; cars exit both Sea Lane & the Lodge Hotel, and the social club gravelled area.
- Visibility is poor.
- Lead to accidents in the village
- Less attractive to the village by creating a new access.
- The annex has been used as a holiday let since 1999.
- impact upon privacy
- plan does not reflect the closeness of our house to the boundary.

**2** Letters of support

**1** Letter neither supporting or objecting

- The existing annexe should remain a one storey building with footprint as is.

## **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

**CS11** - Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **PLANNING CONSIDERATIONS**

The main planning considerations in regards to the application are:-

- Principle of Development and Planning History
- Impact upon Form and Character
- Impact upon Neighbour Amenity
- Highway Safety
- Other Material Considerations

### **Principle of Development and Planning History**

Old Hunstanton is classified as a “rural village” according to Policy CS02 of the Local Development Framework Core Strategy. Rural villages could accommodate limited minor development.

The application site comprises of 1 Sea Lane and its outbuilding. The outbuilding (known as the Old Bakehouse) was granted consent 2/85/3706/CU/F/BR – to provide “single person accommodation and double garage extension”. Condition 2 of the permission states

“This permission relates to the creation of ancillary accommodation to the existing dwelling for occupation in connection with that dwelling. The ancillary accommodation shall at all times be held and occupied with the existing dwelling within the same curtilage and shall at no time be occupied as a separate unit of residential accommodation”.

An application was submitted in 2014, 14/01075/F, to remove this condition and to subdivide the old bakehouse from the donor property 1 Sea Lane. The proposal was refused under delegated powers on a poor standard of living condition and highway safety issues. The following reasons for refusal were given:

1. The subdivision of 1 Sea Lane would be contrary to the built characteristics of the locality. The subdivision of the plot leaves the donor property and proposed property with little private amenity space. The proposed property would have the majority of the space associated with it given over to parking which is also overlooked by the donor property. The proposal therefore does not comply with the need to secure high

quality design and a good standard of amenity for existing and future occupants of land and buildings neither does it function well nor does it add to the overall quality of the area. The proposal does not comply with Policy 4/21 of the King's Lynn and West Norfolk Local Plan 1998; Policies CS06 and 08 of the Local Development Framework Core Strategy 2011; paragraphs 17, 56, 58 and 64 of the National Planning Policy

2. The new access to facilitate the new dwelling is served by inadequate visibility splays at the junction of the access with the County Highway and this would cause danger and inconvenience to the users of the adjoining public highway.
3. The proposal, if permitted, will result in the loss of existing on-site turning facilities which would lead to the reversing of vehicles onto the highway which would give rise to conditions detrimental to highway safety.

The proposed sub-division was dismissed at appeal APP/V2635/A/14/228705- on the grounds that the appeal proposal would result in the newly created property occupying a restricted plot with its curtilage principally laid out for parking. The Inspector stated "Whilst there is a very small area of garden adjoining the boundary to Sea Lane and a narrow concrete passageway area to the west of the building I do not find either of these spaces would provide the necessary quantum or quality of private amenity space for basic activities such as sitting out or drying clothes. There would be overlooking from the 2 first floor windows on the north elevation of no.1 as well as being generally exposed to passers-by on Sea Lane through the proposed entrance. This adds to my concerns about the quality of the private amenity space proposed for the old bakehouse.

Whilst I understand that existing occupiers of the old bakehouse experience overlooking due to the close relationship of the host property, as ancillary accommodation tied to the occupation of No.1 this would be an acceptable arrangement. However, the appeal proposal seeks to create a separate dwelling and I find the degree and proximity of overlooking would be unacceptable for future occupiers of the old bakehouse who have no association or connection to the residents at No.1.

I therefore conclude that the removal of the condition would result in unacceptable living conditions for future occupiers of the old bakehouse, with regard to the provision of private amenity spaces."

The proposal has sought to overcome this issue by providing the donor property with a new access from Old Hunstanton Road (preceding item on this agenda). A small area is retained to the rear of the donor property and the newly formed dwelling will use the existing vehicular access and have its own garden.

### **Impact upon Form and Character and Conservation Area.**

The inspector concluded that there was suitable space to the front of 1 Sea Lane, as a result of the garden area being enclosed by a low brick wall and planting, additionally the sunken part of the garden immediately to the south of the house provided it with a secluded space. The proposal to subdivide the site is not considered to result in a cramped form of development. Furthermore unlike the dismissed appeal, 1 Sea lane will also have a rear amenity space, mainly provided for access.

The proposed property now has a larger garden area, this is considered to be an acceptable sized amenity space that would enable the occupiers to enjoy sitting out and drying clothes as required. The layout as shown is not therefore considered to be a cramped form of development any longer.

The Conservation team has no objection to the proposed subdivision of the plot to enable the annex to be an independent dwelling.

### **Impact upon Amenity**

In order to facilitate an independent property a fence is proposed that will separate the proposed property from the donor property. The new property will use the existing access enjoyed by 1 Sea Lane. Sheds to the front of the outbuilding will be demolished to make room for parking on the site.

The amenity space now shown is larger than the previous proposal and is adequate to provide the future occupiers of the property with an appropriate standard of amenity.

A condition can be imposed that ensures the landing and bathroom windows will be glazed the first floor windows to the donor property to avoid overlooking.

The proposal now leaves the donor property with an appropriate size private amenity space that can be used for their enjoyment, especially with the secluded sunken garden area being retained.

### **Highway Safety**

Third party objectors raise issues in regards to highway safety in regards to the provision of the new access for 1 Sea Lane. The new access to 1 Sea Lane is being considered under a separate application, 17/00445/F. The new property will use the existing access and has its own independent parking and turning facility. Being a 1 bedroom property – 1 parking space is required in line with policy DM17 of the Site Allocation and Development Management Policies Plan.

1 Sea Lane is a 4 bedroom dwelling with annex compared to the new property which has only a single bedroom; accordingly the existing access will be used less.

The Highways Officer's comments in relation to the subdivision of the site will be forwarded on in late correspondence.

In order to ensure that the proposed dwelling and existing dwelling have suitable access, parking and turning provision, a Grampian condition is recommended to be imposed on the decision notice that requires the implement

### **Impact upon Neighbour Amenity**

The donor plot would not be detrimentally affected in terms of being overlooked from the proposal as the outbuilding is single storey and the separating fence would protect their amenity. The property to the north west would not be detrimentally affected by virtue of their being a 1.8m high fence on the neighbour's side protecting their private amenity space.

There are no extensions or alterations proposed that would cause overshadowing or overbearing issues upon either neighbour.

The neighbour to the west would not detrimentally affected by the proposal.

### **Other Material Considerations**

There is no detrimental impact upon the SSSI Buffer Area.

## CONCLUSION

Members are being asked to consider whether this application overcomes the reasons in dismissing the previous appeal, specifically the reason in relation to living conditions, as the highways reasons for dismissing the appeal are covered under the pre-ceding committee item.

It is your officer's opinion that the proposal has addressed the amenity space issue by providing more amenity to the new dwelling and not being dominated by parking. The donor property still has ample secluded private amenity to the front, especially retaining the sunken garden area.

Conditions will be imposed to ensure that the new bathroom and existing land windows are to be obscurely glazed.

A Grampian condition will be imposed to ensure the new access, parking and turning area is implemented prior to this development commencing.

The proposal is therefore recommended for approval 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 approved shall not commence until planning permission 17/00444/F has been fully implemented in accordance with its conditions, and the new access provided for the use of 1 Sea Lane.
- 2 Reason In the interests of highway safety in accordance with policy CS11 of the Local Development Framework Core Strategy 2011 and the National Planning Policy Framework.
- 3 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - Drawing no.322-03 in regards to the subdivision of the site only.
- 3 Reason For the avoidance of doubt and in the interests of proper planning.
- 4 Condition Notwithstanding details received, before the first occupation of the dwelling hereby permitted the windows at first floor on the north elevation of 1 Sea Lane serving the landing and bathroom shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 4 Reason To protect the residential amenities of the occupiers of nearby property.

- 5 Condition The fence shown to be erected separating the new property from the donor property adjacent to the existing access as shown on plan 02B shall be set no lower than 1.8m in height and shall be erected prior to the occupation of the new dwelling. The fence shall be retained thereafter.
  
- 5 Reason In the interests of the residential amenities of the future occupants of the development in accordance with the NPPF.