



**Planning Committee**  
**Monday, 2nd March, 2020 at 9.30 am**  
**in the Assembly Room - Town Hall, Saturday Market**  
**Place, King's Lynn PE30 5DQ**

**Reports marked to follow on the Agenda and/or Supplementary Documents**

- a) Decisions on Applications (Pages 2 - 13)

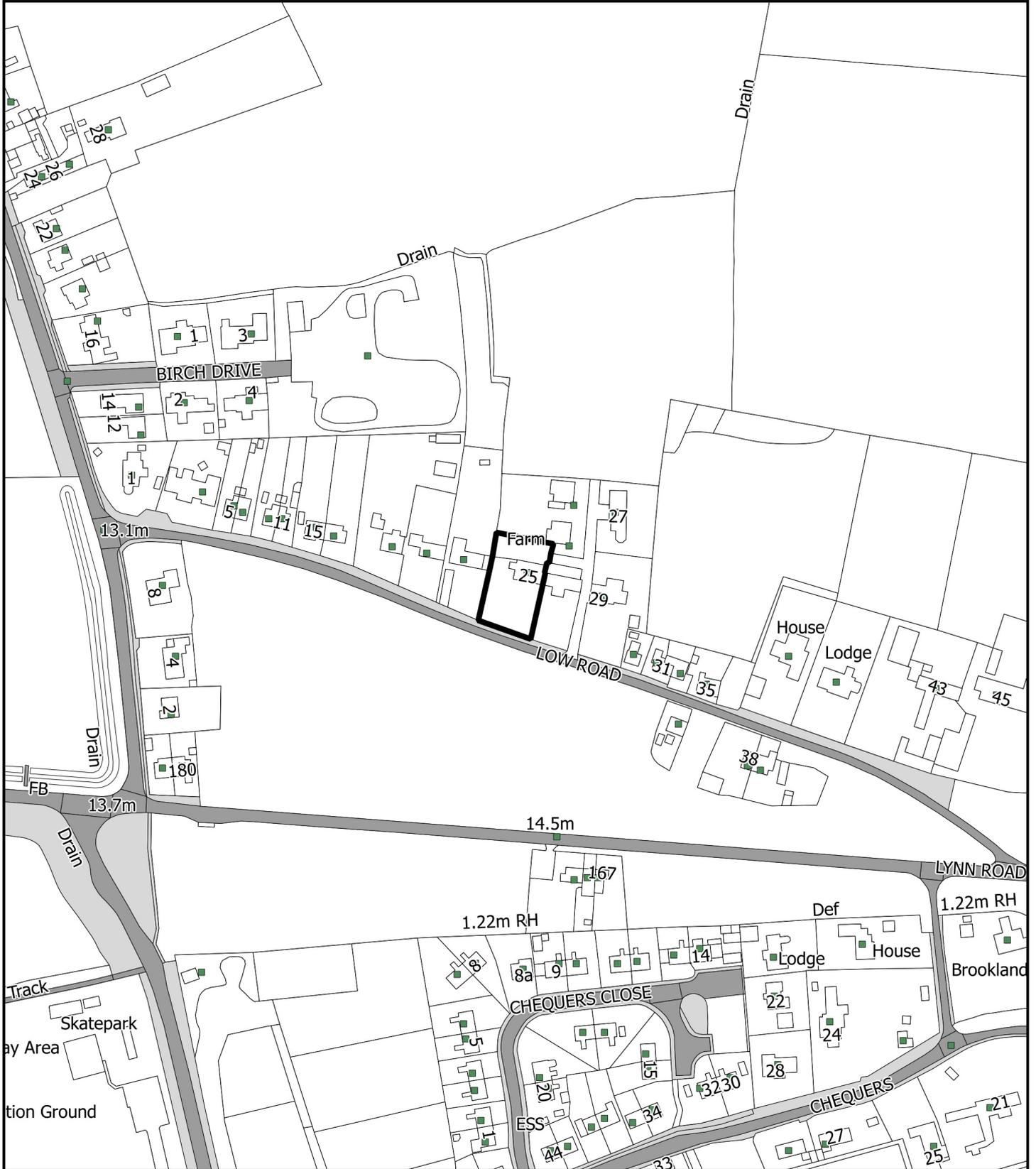
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

**Contact**

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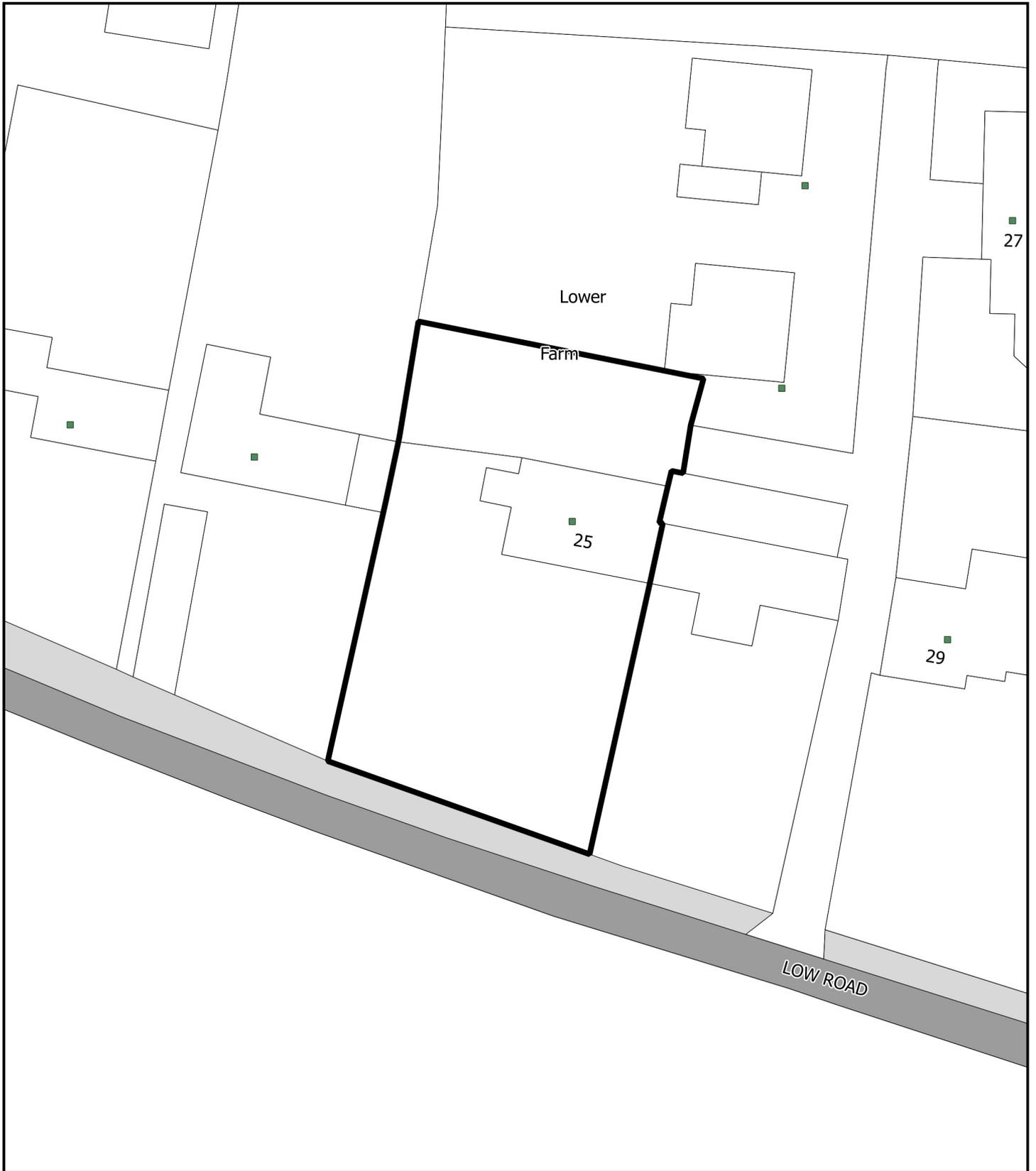
# 19/01866/F

## The Whins 25 Low Road Roydon



# 19/01866/F

The Whins 25 Low Road Roydon



<b>Parish:</b>	<b>Roydon</b>	
<b>Proposal:</b>	<b>To replace the existing farmhouse with a 2 storey detached property</b>	
<b>Location:</b>	<b>The Whins 25 Low Road Roydon KINGS LYNN</b>	
<b>Applicant:</b>	<b>Mr Edward McDonnell</b>	
<b>Case No:</b>	<b>19/01866/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 26 December 2019 Extension of Time Expiry Date: 6 March 2020</b>

**Reason for Referral to Planning Committee** – Officer recommendation is contrary to Parish Council recommendation and referred to sifting panel

**Neighbourhood Plan:** No

**Case Summary**

Full planning permission is sought for a replacement dwelling.

The existing dwelling is considered to be a non-designated heritage asset, and the key issue is the loss of the building and the appropriateness of the replacement.

The site lies within Flood Zone 1.

**Key Issues**

- Principle of Development
- Form and Character
- Heritage Impacts
- Highway Safety
- Neighbour Amenity
- Other Material Considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

The application is for a replacement dwelling. The existing dwelling is not listed and is not located in a Conservation Area. However, it is considered to be a non-designated heritage asset given its age, form and the material it is constructed from.

The new dwelling would be of a similar scale and appearance to that it replaces and would be constructed from carstone, red facing brickwork, timber boarding, clay pantiles, black aluminium framed windows and doors and black rainwater foods. The existing dwelling has an asymmetric roof which the replacement also replicates.

The replacement dwelling is shown to have 5-bedrooms, the master on the ground floor with two en-suite bedrooms and two further bedrooms and a bathroom at first floor. The existing dwelling has three bedrooms at first floor level with a downstairs bathroom.

The site lies in Flood Zone 1.

## **SUPPORTING CASE**

With regard to roof tile removal this was undertaken based on the recommendation within the structural report to reduce the weight on the existing roof structure to prevent further roof spread.

The roof was never recovered because the existing roof timber need replacing (as identified in the structural report) and the internal finishes needed completely removing to undertake the structural repairs to the existing walls.

All of the works undertaken to date have been undertaken as per the recommendations within the structural report.

To confirm, our client has stopped short of all of the recommendations for remedial works within the structural report following concerns raised by the Parish Council. Within the report the engineer requires the whole house to be underpinned so this requires the ground floor to be removed, the entire chimney stack needs to be taken down and re-built, the front façade has delaminated, and all of the window arches need replacing.

This is all works which could be undertaken as repairs to the existing building and was identified as required PRIOR to the roof tiles being removed.

In terms of habitability the structural reports conducted in April 2018 prior to the roof tile removal suggested that the building was deemed unsafe due to significant settlement and rotation of the foundations. On this basis alone the building was uninhabitable in April 2018 before the roof tiles where removed.

If the council is suggesting our client has caused additional harm to the building by removing the roof tiles and not recovering, I would like to know the council's evidence base for this. The parish council nor the conservation team have re-visited the site following removal of the tiles despite requests by our client. Any suggestion at this stage is only an assumption and has no professional basis or evidence.

Our client has acted in a timely professional manner throughout the whole project, commissioning professionals to act on their behalf, following the professional's advice and halting works as soon as concerns were raised.

## PLANNING HISTORY

18/01809/F for a similar proposal was withdrawn in July 2019 following the need for additional information relating to viability and heritage impacts.

## RESPONSE TO CONSULTATION

**Parish Council:** The Parish Council strongly **OBJECT** to this application for the following reasons:

The Parish Council note comments on previous planning applications from your Conservation Officer, identifying that the farmhouse is an undesignated heritage asset. The Parish Council believe that the property has been deliberately neglected by the removal of the roof last year and leaving the property open to the elements. The Parish Council are extremely disappointed by this action, and the fact that the property is deteriorating, and it is felt that an advantage should not be gained because of this. Para. 191 of the NPPF July 2018 states that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision".

**Conservation Team:** Comments following re-consultation

### *Demolition of existing house*

Paragraph 197 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

This application directly affects a non-designated heritage asset and as the proposal involves the complete demolition of the existing building, the scale of the harm to the asset would be substantial, constituting total loss. This total loss must therefore be balanced against the significance of the heritage asset.

It is clear that the existing building is in a poor condition. As part of the application process an independent QS has verified the costs provided for the repair and rebuild of the existing property. These costs and their anticipated shortfall in sale value in relation to restoration costs are relevant considerations to which weight should be apportioned in any balanced decision.

The significance of The Whins relates to its traditional historic vernacular appearance, located within the village centre and its setting against the village green, and the building's historic associations. This particular application seeks to replace one single family house with another single family house (albeit on a larger scale). On that basis the replacement dwelling should still maintain a positive contribution to the setting of the village green. However, its significance as a traditional historical building is permanently lost.

Paragraph 191 of the NPPF states 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'. Whilst the applicant has confirmed that the roof was removed for structural reasons, in the short term a temporary roof covering could and should have been installed to protect the building during the planning process. The applicant stresses the costs for the repair date to when the roof was still in place and presumably based on the

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engineer's report of October 2018, but the cost plan is dated 30 May 2019. Any issues of deliberate neglect or damage therefore will be difficult to conclude.

### *Proposed replacement house*

As a design for a new house in an attractive village setting, the proposal is reasonable in terms of scale and general appearance. However, the proposed replacement building will not preserve the patina of age displayed by the existing building.

I note that carrstone, brick quoins and clay pantiles are proposed in order to replicate and mimic the existing farmhouse. The proposal would be improved on this basis by timber traditional windows rather than black aluminium framed windows. The front elevation would also be improved by the replication of the first-floor window arrangement of three equal sized windows providing a better balance.

**Historic Environment Service:** The former farmhouse at 25 Low Road is constructed of carstone with keyed brick dressings and appears to be of late 18th or early 19th century date with a possible earlier core. The building is an undesignated heritage asset and its demolition would be a significant loss.

If planning permission is granted, we therefore ask that this be subject to condition for a programme of archaeological work in accordance with National Planning Policy Framework para. 199.

**Highways Authority:** The access, parking and turning accord with the adopted standards and as a result the LHA raise no objection subject to conditions.

**Natural England:** No comments to make.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to condition relating to unexpected contamination.

## **REPRESENTATIONS**

**One** letter of **objection** has been received which reads as follows: So, what's the difference between this planning application and 18/01809/F. They have changed the word demolish to replace. But they still want to knock down a building dating back to 1727 and to try and justify what they want they have employed a company to come up with figures that would suggest that it is not cost effective to renovate it. But included in the purchase price was a farmhouse, a barn, 2 building plots with planning permission and fields. So, they are manipulating the figures to try and make their application to demolish it justifiable. They bought an old farmhouse which was perfectly habitable, and they have tried to destroy it. They have taken the roof off and provided no structural supports. With no roof this has let the weather in which has caused damage to which they have added to.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM3** - Development in the Smaller Villages and Hamlets

**DM5** – Enlargement or Replacement of Dwellings in the Countryside

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are:

Principle of Development  
Form and Character  
Heritage Impacts  
Highway Safety  
Neighbour Amenity  
Other Material Considerations

### **Principle of Development**

The development is for a replacement dwelling. The existing dwelling is not listed and is not located within a Conservation Area but is considered to be a non-designated heritage asset by the Conservation Team although it does not benefit from formal identification as such.

### **Heritage Impacts**

The main issue in the consideration of this application is the loss of the historic dwelling which is considered to be a non-designated heritage asset.

Paragraph 039 of the PPG describes non-designated heritage assets as buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a

degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

It goes on to state that: A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

Paragraph 040 of the PPG requires identification of non-designated heritage assets by plan-making bodies to be clear and up-to-date and based on sound evidence. The information should be accessible to the public to provide greater clarity and certainty for developers and decision makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets. It is important that all non-designated heritage assets are clearly identified as such. This is reiterated at paragraphs 187 and 188 of the NPPF.

The LPA has no list of identified non-designated heritage assets and there is no adopted neighbourhood plan in place listing such assets either. However, the PPG does state that in some cases LPA's may identify non-designated heritage assets as part of the decision-making process on planning applications; this is the case with the current proposal.

In this regard the Conservation Team suggests that *The significance of The Whins relates to its traditional historic vernacular appearance, located within the village centre and its setting against the village green, and the building's historic associations.*

Paragraph 197 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

This application directly affects a non-designated heritage asset and as the proposal involves the complete demolition of the existing building; the scale of the harm to the asset would be substantial, constituting total loss. This total loss must therefore be balanced against the significance of the heritage asset.

In relation to deliberate neglect, paragraph 191 of the NPPF states: *'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'*

In this regard it is true that the removal of the roof tiles has no doubt caused further derogation of the building. However, to retain the roof would have further worsened the rotation of the gable wall. It has been suggested by the applicant that a temporary roof covering was not considered given that the roof timbers needed replacing as did the gable wall and chimney and the structure needed underpinning. Notwithstanding this, the fact remains that prior to the removal of the roof, structurally the building would have needed substantial investment. The viability of doing so is a material planning consideration considered to carry significant weight in the planning balance in this particular case. If it is not viable to repair the dwelling then it is likely it will fall into further disrepair causing greater visual impact in the interim than the proposed development.

The applicant submitted a structural survey and detailed breakdown of costs for repairing the building that your officers have had scrutinised by an independent surveyor. The result of the cost review is that the cost of the dwelling together with the costs associated with refurbishing it amount to a deficit of between approximately £33,000 and £83,000 (depending

on spec and layout; with the higher figure representing a very high spec finish and more desirable internal layout including an upstairs bathroom).

Whilst the demolition of the dwelling has been resisted to date, unfortunately, given the evidence submitted with the latest application, it is clear that the costs associated with repairing the existing dwelling make such a proposal non-viable. Without the protection afforded to designated heritage assets, this is considered to put substantial weight on its demolition and replacement in the planning balance.

### **Form and Character**

The principle elevation of the replacement dwelling is of a design, appearance and materials that are similar to those of the existing dwelling, and the dwelling is to be located in the same position within the site as the existing and therefore its physical relationship with its surroundings remains largely the same.

The other elevations are considered to be appropriate for the site and its wider setting using red brick and introducing timber elements.

The Conservation Officer considers that traditional timber framed windows would be better than the proposed black aluminium framed windows. Window details could be suitably conditioned if permission is granted.

In relation to the front elevation, whilst the Conservation Officer considers this could be improved by the replication of the current three equal sized windows, he does not object to proposal as submitted. The replacement dwelling is therefore considered to preserve the character or appearance of the streetscene in the area in which it sits. The applicant has suggested re-use of existing materials which can be suitably conditioned if permission is granted.

### **Highway Safety**

The Local Highway Authority raises no objection on the grounds of highway safety, and parking provision is in accordance with current parking standards.

### **Neighbour Amenity**

Amended plans have addressed the LPA's concerns relating to overlooking from rear windows to the private amenity area of a recently completed scheme to the north of the site.

In terms of overshadowing and overbearing impacts these would be similar to existing and therefore considered acceptable.

### **Other Material Considerations**

The applicant alludes, in their Supporting Statement, to the dwelling being uninhabitable prior to the removal of the roof (i.e. prior to any action (in inaction) they took). This relates to two issues; deliberate neglect of a non-designated heritage asset (which has been covered above) and the Prior Approval Procedure in relation to demolition (Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (where no consideration can be given in respect of the dwelling being a non-designated heritage asset)). In relation to the latter, demolition of the dwelling would be permitted development unless *'(a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building*

*stands and it is practicable to secure safety or health by works of repair or works for affording temporary support...’.*

If the demolition were to be permitted development, then there would be a planning fall-back position which would be a material consideration carrying significant weight. The fall-back position being that the dwelling could be demolished and given the design of the proposed replacement dwelling is considered acceptable and it would be infilling a gap in an otherwise continuous built up frontage, an application for a new dwelling in this location would be difficult to refuse under ‘Infill’ Policy DM11.

However, the applicant and your officers are not in agreement on this issue and your officers do not therefore consider there is currently a fall-back position.

Notwithstanding this, the demolition of the existing dwelling has been considered acceptable for the reasons outlined earlier in this report.

### **Crime and Disorder**

There are no specific crime and disorder issues in relation to the proposed development.

### **CONCLUSION**

Given that the replacement dwelling is considered acceptable, the primary issue of consideration in the determination of the current application is whether it is appropriate to permit demolition of the existing dwelling that would result in the total loss of a non-designated heritage asset. Both the Historic Environment Service and Conservation Team have stated that the loss would be significant. The aim of officers has therefore been, through this and the previous application, to seek to retain the building. However, the applicant has submitted sufficient information to suggest that it is not viable to renovate the existing dwelling; this is supported by an appropriate structural report and viability assessment that your officers have had scrutinised by an independent surveyor. It is therefore recommended that this application be approved 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 approved plans drawing no:MCD01.01.14 Rev.D.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development including demolition shall take place within the site until the applicant, or their agents or successors in title, has implemented a programme of historic building recording which has been submitted to and approved in writing by the local planning authority.

- 3 Reason: In the interests of the historic environment in accordance with the NPPF and Local Plan. This needs to be a pre-commencement condition as it requires recording of the non-designated heritage asset in its current form.
- 4 Condition: Prior to the demolition of the existing dwelling a schedule of the materials to be salvaged for reuse in the redevelopment (new dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 4 Reason: To ensure that materials that are capable of re-use are retained in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the fundamental details linked to the conservation of materials which need to be planned for at the earliest stage in the development.
- 5 Condition: Prior to the first occupation of the development hereby permitted the vehicular access / crossing over the verge shall be constructed in accordance with the highways specification TRAD 5 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 5 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 6 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 7 Condition: Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 domestic metres from the near channel edge of the adjacent carriageway.
- 7 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.
- 8 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 8 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9 Condition: Notwithstanding the approved plans, 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.
- 9 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.