



Planning Committee
Monday, 3rd July, 2017 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 - 11)

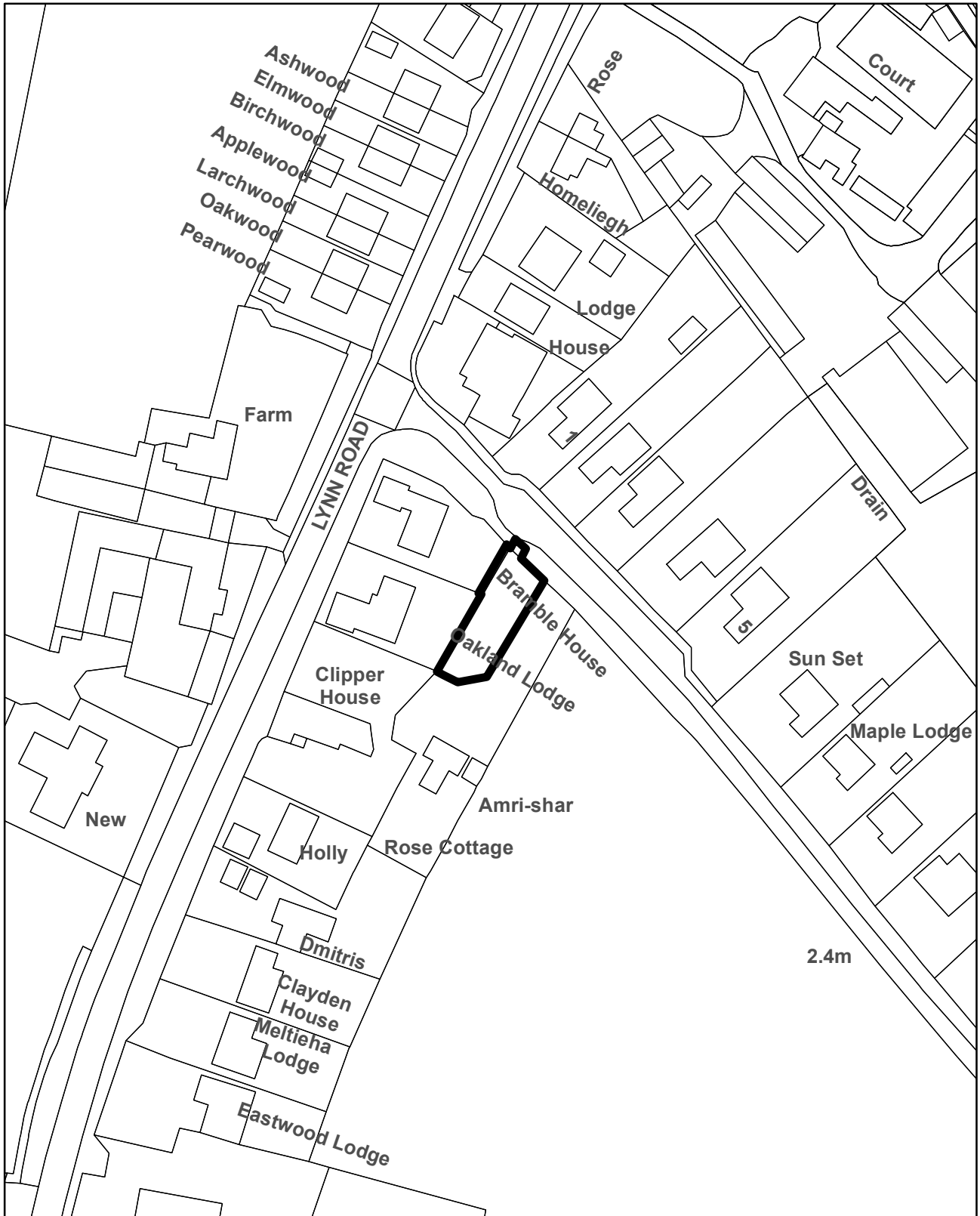
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

Contact

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17/00777/O

Land rear of Oakland Lodge Lynn Road
West Walton



Parish:	West Walton	
Proposal:	Outline planning application for single building plot for 2-storey detached dwelling	
Location:	Land Rear of Oakland Lodge (Fronting Common Road) Lynn Road Walton Highway	
Applicant:	Mr Kevin Peploe	
Case No:	17/00777/O (Outline Application)	
Case Officer:	Clare Harpham	Date for Determination: 15 June 2017

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation

Case Summary

The application is for outline planning permission for one two-storey dwelling which fronts onto Common Road. The site is within the development boundary where the construction of a dwelling is acceptable in principle. There have been previous refusals on the application site as well as a dismissed appeal. Although since the appeal there have been policy changes and more development has taken place in the locality, it is considered that the restricted size of the site, as well as its location to the front of two existing old cottages would lead to an unacceptable and cramped form of development and does not represent high quality development as required by the NPPF.

Key Issues

- Principle of Development
- Planning History
- Form and Character
- Neighbour Amenity
- Highways Issues
- Flood Risk
- Other material considerations
- Crime and Disorder

Recommendation

REFUSE

THE APPLICATION

The application site forms part of the rear garden to Oakland Lodge which is on Lynn Road, however the proposal would front onto and gain access from Common Road. The site is currently bounded by 1.8m (approx) close board fencing with vegetation within the site partially screening the existing dwellings to the north-west.

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The application is for outline planning permission for a single two-storey detached dwelling with all matters reserved.

SUPPORTING CASE

This Outline Planning Application is for a single building plot for a 2- storey detached dwelling.

The recent approval for 10 large building plots and 2 affordable home plots (ref: 16/00023/OM) to the east of the application site has now extended the precedent for linear housing on this side of Common Road and made the application site clear residential infill.

Although the site uses land belonging to 'Oakland Lodge', it cannot be considered backland development as it fronts Common Road.

BCKLWN's Core Strategy defines Walton Highway as a Key Rural Service Centre, capable of accommodating modest growth to support essential rural services. The application site falls within the Development Area Boundary – as defined in the SADMP plan, adopted Sept 2016.

The proposed site is a clear infill site that would make an ideal building plot in a sustainable location with pedestrian links to existing village services, including the fish & chip shop, post office, school and local bus route.

As this is an Outline application, the house type shown on the proposed site plan is purely indicative. The scale of the proposed dwelling shown on the site plan is based on the newly built dwelling adjacent to the chip shop on Lynn Road (Pallyn House), just 60m from the application site, which proves the application site can successfully accommodate a 2-storey 3-bed unit with adequate parking/turning, with 1/3 of site area being retained as private amenity garden space.

The new site access will be 3.5m wide and tarmac for the first 5m measured off the carriageway, constructed to N.C.C Highway's specification. Due to Common Road being virtually straight and the site benefitting from a wide grass verge, visibility is excellent in both directions.

PLANNING HISTORY

15/00082/PREAPP: INFORMAL - Likely to refuse: 23/06/15 - Pre-application enquiry for residential building plot - Land At Common Road North Walton Highway

04/01014/O: Application Refused: 21/07/04 - Site for construction of dwelling - Land North Of Amrishar Common Road Walton Highway

2/00/0781/O: Application Refused: 22/06/00 - Site for construction of dwelling - Common Road West Walton
Appeal Dismissed 20/03/01

2/95/0289/O: Application Refused: 03/11/95 - Site for construction of 3 dwellings - Land North of Clippers Arms Lynn Road Walton Highway

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Site to the rear but within the red line for this application:

2/02/0980/F: Application Permitted: 25/07/02 - Two storey extension and alterations to dwelling – Amrishar Common Road West Walton

RESPONSE TO CONSULTATION

Parish Council: SUPPORT There is little impact on the neighbours and there is planning permission already granted for development on this road.

Highways Authority: NO OBJECTION Having visited the site and examined the submitted information in terms of highways considerations at this stage I have no objections to the principle of development. However the applicant would need to provide an appropriate design at reserved matters stage to address the following in accordance with adopted standards: visibility splays, access and parking provision.

Environmental Health & Housing - Environmental Quality: NO COMMENT with regard to contaminated land or air quality.

Emergency Planner: NO OBJECTION Due to the location of the site in an area at risk of flooding its suggested the occupier signs up to the EA Flood Warning Direct Service and prepares a Flood Evacuation Plan.

REPRESENTATIONS

Two letters of **OBJECTION** covering the following points:-

- Impact upon residential amenity due to overlooking and noise.
- A bungalow would be preferable as front of dwelling will be overlooked and sunlight will be blocked from front garden.
- Neighbours septic tank is on the application site and is currently easily accessible; this will be hindered if a dwelling is built.

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

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

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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 issues to consider when determining this application are as follows:

Principle of Development
Planning History
Form and Character
Neighbour Amenity
Highways Issues
Flood Risk
Other material considerations
Crime and Disorder

Principle of Development

The application site is within the development boundary as shown on Inset G120 (West Walton / Walton Highway) of the Site Allocations and Development Management Policies Plan 2016. Walton Highway, together with West Walton is classed as a Key Rural Service Centre within the Settlement Hierarchy (Policy CS02) and consequently development of an appropriate scale and nature is acceptable in principle.

Planning History

There have been two relevant applications submitted on this site; the first in 2000 (2/00/0781/O) was refused for a single dwelling house, this was refused on the following grounds:

1. In the opinion of the Borough Planning Authority the proposal to erect a dwelling to the front of the existing development and involving sub-division of any existing curtilage constitutes a sub-standard layout of land resulting in an over intensive form of development. This would be out of keeping with and detrimental to the character of the area and therefore contrary to Policy 4/21 of the King's Lynn and West Norfolk Local Plan.
2. The proposed development, if permitted would be likely to give rise to conditions detrimental to the residential amenities of existing and future residents by virtue of noise, disturbance, loss of privacy and potential overlooking contrary to Policy 9/29 of the King's Lynn and West Norfolk Local Plan.

This decision was later dismissed at appeal. The Inspector, in her decision stated in relation to the first reason for refusal; "The appeal proposal would intrude into the open south west

side of Common Road and would be poorly related to existing nearby development and appear cramped on its plot. It would harm the character of the area..."

With regard to the second reason for refusal the Inspector; "The use of the rear of the site for the parking and turning of vehicles would occur quite close to cottage no.2 and to Clippers House and one of the new houses. Consequently, the pleasantness of living conditions there would be harmed because of the associated activity, noise and fumes. This confirms my view that the size of the plot and its relationship to other houses is unsatisfactory and out of character in these surroundings."

The Inspector went on to state in her conclusions that "I have considered all the other matters raised, including observations about the impact of the new large houses on the locality, which I saw do tend to dwarf the long-established Amrishar Cottages. That does not however justify this harmful proposal."

Subsequently to this appeal decision a further application was refused in 2004 for a dwelling (application reference 04/01014/O) the same reasons for refusal were cited.

Form and Character

Walton Highway is predominantly linear development along Lynn Road towards this southern end of the village. Along Common Road there are bungalows along the north east side that have fairly generous plots. On the south west side and to the rear of the proposed site there is only a pair of older style cottages set well back from the road, adding to the rural character on this side of the road.

In this case, the proposed plot would have a width of approximately 10m (10.5m narrowing to 9.5m), and be set significantly forward of the existing old cottages in Common Road, resulting in a tandem form of development which does not respect the form and character of the locality.

It is recognised that since the appeal decision the Site Allocations and Development Management Policies Plan has been adopted and there is an allocated site G.120.1 (Land Adjacent to Common Road) to the south east of the site which will impact upon the previously open character to the south-west of Common Road. There is currently outline planning permission for this allocated site (16/00023/OM) for ten detached houses and two affordable homes plots. Whilst this application was with all matters reserved and therefore layout is to be determined at reserved matters stage, indicative drawings show more generous sized plots, particularly in proximity to the application site.

Whilst it is appreciated that the dwellings are still likely to be further forward than the existing cottages along this side of Common Road, it is considered that a suitable degree of separation could be achieved to allow an appropriate visual break, not to visually jar the character of the area and still respect the established form and character of the area by having a linear form. It is however considered that the proposed plot does not allow this visual break, is constrained by its limited depth resulting in an over intensive, tandem and cramped form of development.

The agent in his supporting statement has likened the proposal to one in close proximity (Pallyn House) which fronts onto Lynn Road. However this dwelling follows the existing linear form of development within the locality and also has a slightly deeper site which is not to the front of other established dwellings.

Neighbour Amenity

Full details of the proposal have not been submitted as the application is for outline planning permission with all matters reserved. Although the submitted FRA has stated in its conclusions that finished floor levels should be 500mm above adjacent ground level and this could have design implications.

It would be possible to design a proposal which would not cause overlooking to the dwellings to the north-west although it's likely that there would be windows which would look to the rear and face the cottage (Amrishar) which is directly behind. The indicative plans show the rear boundary as being between 9m and 12m from the rear of the proposed dwelling although this is not confirmed until reserved matters stage. This would be in excess of 20m from the front of the cottage and face its front garden area (there has been an objection to this from the neighbour). Whilst it's appreciated that this area is secluded at present and enjoys relative privacy it acts primarily as a parking and turning area and therefore this relationship is considered acceptable.

The indicative plans show that the dwelling would be to the south-east of Bramble House and it is likely that light to the rear garden may be obstructed for part of the morning (there has been an objection relating to this) however given the impact would be restricted to the morning the impact would not be to the degree that would warrant a refusal on this basis. Nor would the impact on this neighbour be overbearing as whilst the proposal would out of necessity be close to the shared boundary, the majority of the dwelling (shown on the indicative plans) would be close to the boundary of Oakland Lodge which is the donor dwelling.

The impact with regard to being overbearing would be more of an issue with regard to the donor dwelling (Oakland Lodge) where the proposal would be sited very close to its rear boundary. However given the distance from the rear of the house of 15m and the fact it is the donor dwelling it would be difficult to substantiate a refusal on this basis.

The off-street parking to serve the proposed dwelling is located at the front of the site; the previous applications had this to the rear of the site and therefore had a negative impact upon neighbour amenity. As this is now located to the front it is considered that there will not be substantial harm caused to the surrounding dwellings with regard to noise and disturbance.

The Inspector in the appeal decision when addressing the issue of amenity still concluded that "This confirms my view that the size of the plot and its relationship to other houses is unsatisfactory and out of character in these surroundings." The possible changes to the layout may result in a better relationship with regard to neighbour amenity however it does not overcome the limited size of the application site and the fact that its relationship to other houses is out of character with the area.

Highways Issues

The Highway Authority have no objections to the principle of the development provided any future reserved matters application complied with the adopted standards in relation to parking provision, turning and visibility.

Flood Risk

The application site is within Flood Zone 2 of the SFRA. There are no other sites within Walton Highway that are of a lower flood risk and consequently the application site passes

the sequential test. Table 3 of the Planning Practice Guidance shows that 'more vulnerable' development is appropriate in Flood Zone 2 and that the exception test is not required.

The submitted FRA demonstrates that the proposal would comply with the EA standing advice as the finished floor levels would be raised above surrounding ground levels by 500mm and the occupants would be made aware of emergency procedures and the Flood Warnings Direct Service.

Other material considerations

It should be noted that there is a significant tree immediately adjacent to the site and outside the ownership of the applicant. It is likely that part of the site is within the root protection area of this tree and this would need to be considered in any future development.

There is an objection from a neighbour regarding access to a septic tank on site however this is a civil matter between the parties.

Crime and Disorder

No issues have been raised during the course of this application with regard to crime and disorder.

CONCLUSION

Whilst in principle there is no objection to a dwelling in this location, the planning history and form and character are considered to be key material considerations to this application.

In this case it is considered that the development will still result in an over-development of this restricted site and harm the character and appearance of the area. Whilst it is appreciated that there is a proposed development within a site allocation to the south east of the site it is not considered that the two proposals are comparable; the allocation would be able to achieve larger plot size more comparable with those in Common Road and would still be in a linear form, whereas the proposal would not respect this character. It is not considered that the proposal has overcome all the previous reasons for refusal or addressed all the conclusions of the Appeal Inspector. On this basis Members are requested to refuse the application which is not considered to represent high quality development as required by the NPPF, and the benefits of one additional dwelling do not overcome the harm identified.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Section 7 of the NPPF states that good design should contribute positively to making better places for people and that development should respond to local character. This is reiterated within Policies CS06 and CS08 of the King's Lynn and West Norfolk Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016. The proposed development by virtue of its siting to the front of two established cottages and restricted size will result in a form of development which is cramped in appearance and would materially harm the established form and character of the locality. Thus the proposal would be contrary to the policies as outlined above, and there are no material considerations to outweigh this objection.

2/00/0781/0



Appeal Decision

Site visit made on 05 March 2001

by **Daphne Mair** BA(Econ), MPhil, MRTPI

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Date
20 MAR 2001

Appeal Ref: APP/V2635/A/00/1055087
Common Road, Walton Highway

- 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 Mr and Mrs M Godfrey against the decision of Kings Lynn & West Norfolk Borough Council.
- The application (ref: 2/00/0781), dated 17 May 2000, was refused by notice dated 22 June 2000.
- The development proposed is construction of a dwelling.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The undated application form submitted with the appeal form shows all matters except landscaping to form part of the application. The copy submitted with the Council's questionnaire is dated 17 May and shows amendments to reserve design and external appearance for future determination. I have determined the appeal on the latter basis.

Main Issues

2. From what I have read and seen, the main issues here are the effect of the proposal on firstly the character of the area and secondly on the living conditions of nearby occupiers.

Planning Policy

3. The relevant Development Plan policies at issue here are Policies 4/21 and 9/29 of the Kings Lynn and West Norfolk Local Plan, adopted in 1998 and Policy H7 of the Norfolk Structure Plan 1999. The former seeks development that has regard to and is in harmony with the building characteristics of the locality and places the appeal site in a Type C area of older, mainly pre-1914 building forms. Policy 9/29 sets out several development control considerations, including respect for visual and residential amenities. Policy H7 allows in principle for single dwellings in Walton Highway but they should enhance the form and character of the village and its setting.

Reasons

The first issue

4. I saw that Walton Highway is predominantly linear development along Lynn Road towards this southern end of the village. This has been emphasised by the recent large detached houses built between Woodlands and the former public house and by the new house to the north of Clippers House. A further house is permitted on the adjacent corner plot, which I saw was up for sale. Along Common Road there are bungalows along the north east side for about 200 metres beyond the appeal site. They have fairly generous and private gardens.

On the south west side there is only the pair of older-style cottages set well back from the road. Otherwise that side is open flat agricultural land giving extensive rural views that are interrupted only by distant glimpses of vehicles on the A47(T) by-pass.

5. The set back of the "Amrishar" cottages gives their front gardens a very open character. Visually the cottages almost align with Clippers House and they relate more to that former pub than to the bungalows across Common Road. I have taken into account the likely appearance of the Lynn Road corner with Common Road once the other plot has been developed, assuming that siting and access is in accordance with reserved matters approved on 29 February 2000. That house would face Lynn Road and take access from it. There would thus be no relationship created with the appeal plot. The appeal proposal would intrude into the open south west side of Common Road and would be poorly related to existing nearby development and appear cramped on its plot. It would harm the character of the area, contrary to the aims of policies 4/21 and H7 of the Development Plan. Allowing the appeal would also tend to encourage others seeking to build further along that side of Common Road, which would seriously erode its open rural character.

The second issue

6. The West Walton Parish Council is mistaken in thinking that the access would be shared with the cottages. Plan 60000 shows that this would not be so. The parking and turning area would be to the rear of the proposed dwelling, being behind a very modest private garden. Although not achieved on the sketch layout drawing, the dwelling could be arranged to minimise noise transmission from the driveways to the habitable rooms and prospective occupiers would be aware that the drive to the two cottages was close by. The use of the rear of the site for the parking and turning of vehicles would occur quite close to cottage no.2 and to Clippers House and one of the new houses. Consequently, the pleasantness of living conditions there would be harmed because of the associated activity, noise and fumes. This confirms my view that the size of the plot and its relationship to other houses is unsatisfactory and out of character in these surroundings.

Conclusions

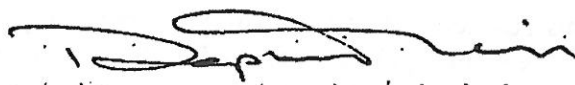
7. I have considered all other matters raised, including the observations about the impact of the new large houses on the locality, which I saw do tend to dwarf the long-established Amrishar cottages. That does not however justify this harmful proposal. For the reasons given above, I conclude that the appeal should be dismissed.

Formal Decision

8. In exercise of the powers transferred to me, I dismiss the appeal.

Information

9. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.



INSPECTOR