

## AGENDA ITEM NO: 9/2(a)

<b>Parish:</b>	<b>Downham Market</b>	
<b>Proposal:</b>	<b>Construction of dwelling (revised design)</b>	
<b>Location:</b>	<b>11 Bennett Street Downham Market Norfolk PE38 9EE</b>	
<b>Applicant:</b>	<b>Mr and Mrs A and B Archibald</b>	
<b>Case No:</b>	<b>16/01258/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 12 September 2016</b>

**Reasons for Referral to Planning Committee** – The views of Downham Market Town Council are contrary to the Officer recommendation

### Case Summary

Permission is sought for the erection of a 1.5 storey dwelling in the curtilage of a two storey semi-detached dwelling on Bennett Street, Downham Market.

The site lies within Built Environment Type C in flood zone 1.

### Key Issues

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

### Recommendation

**REFUSE**

## THE APPLICATION

The application proposes the erection of a 2-bed dwelling with accommodation in the roof following the demolition of an existing garage on a site measuring approximately 0.029ha. The dwelling would be constructed from carrstone and brick under a slate roof.

Four parking spaces are proposed to cater for the new dwelling as well as the donor property which is a bed and breakfast.

The site lies with flood zone 1 and Built Environment Type C.

Members may recall that this is a re-submission of an application that recently came to Committee for consideration (16/00530/F) and was refused whilst that application has been appealed; this application seeks to overcome those reasons for refusal.

## SUPPORTING CASE

The Planning Statement that accompanied the application states that the proposal would make good use of an area of under-used garden space in a highly sustainable location. The dwelling would be of an appropriate scale and design to reflect local character and would supply plentiful shared vehicular parking. The PS concludes that the proposal would not result in any demonstrable harm to the character and appearance of the area, nor would it significantly detract from the amenities of existing residents in the locality.

A previous application (ref: 16/00530/F) was refused by Planning Committee, and this revised scheme seeks to address the previous reasons for refusal. The increased separation from the neighbouring bungalow (11A), centralising the dwelling and bringing the unit further forward, reducing the eaves and roof ridge height significantly reduces the potential impact on the adjacent bungalow, and the scheme is considered to be fully in keeping with the building characteristics of the locality.

## PLANNING HISTORY

16/00530/F – Construction of a new dwelling – Refused

08/02613/F - Additional 2 unit bed and breakfast rooms and managers accommodation to existing bed and breakfast facility - Permitted

08/01713/F - Conservatory/breakfast room extension to bed and breakfast - Permitted

08/01680/F - Construction of 3 unit bed and breakfast rooms and managers accommodation to existing bed and breakfast facility - Refused

07/01068/CU - Change of use from dwelling to bed and breakfast – Permitted. The reasons for refusal were-

- The proposed development would result in a cramped and overdeveloped scheme that would be of detriment to the visual amenity of the locality and fails to enhance the quality of the environment.
- The proposed development would result in a material and unacceptable degree of overshadowing to habitable rooms of No.11A Bennett Street.
- The proposed development, by virtue of the increase in vehicular activity coupled with the loss of existing parking spaces, would cause extra congestion and disamenity to an unacceptable level.

## RESPONSE TO CONSULTATION

**Parish Council: SUPPORT** – At the meeting of Downham Market Town Council's Planning & Environmental Committee held on Tuesday 02 August 2016 Members recommended approval commenting 'the revised proposal has addressed the previous concerns. Regardless of this the Town Council still maintains this application makes practical use of the available space, the application does not have any detrimental effect on existing parking problems, and offers affordable housing in close proximity to both the station and town centre'.

**Highways Authority:** This application is similar to a previous application on the site (16/00530/F) and having examined the information submitted with the application it is evident that this site is not ideal as parking on the site will remain very tight and vehicle access would be achieved between parked cars.

However, the highway fronting the site is commonly parked on at present and the access is utilised, as a result I believe it would be difficult on balance to substantiate an **OBJECTION** to the application on highway safety grounds. I therefore recommend attaching a condition.

**Internal Drainage Board: NO OBJECTION** subject to the Board's Bylaws being complied with.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to asbestos.

## REPRESENTATIONS

**ONE** letter of **OBJECTION** has been received from the occupier of the bungalow to the immediate north of the site (No.11A Bennett Street). The issues raised include:

- Loss of light from the south facing side, to windows serving the sitting room,
- Parking on Bennett Street is already a problem,
- Downham Market does not have the infrastructure to cope with the cumulative number of additional dwellings being permitted, and
- Loss of privacy
- See no real changes between this revised design that changes the three original reasons for its refusal.

## NATIONAL GUIDANCE

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

## PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

**4/21** - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

## LDF CORE STRATEGY POLICIES

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS04** - Downham Market

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **OTHER GUIDANCE**

Downham Market by Design

## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

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

### **Principle of Development**

The National Planning Policy Framework (NPPF), 2012 states, at paragraph 49, that: 'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

Downham Market is one of the borough's main towns. Additionally the application site falls within Built Environment Type C and the defined area of the as identified in the King's Lynn & West Norfolk Local Plan, 1998. Within this area the principle of new residential development is generally considered to be acceptable under Policies CS02, CS04 and CS09 of the Core Strategy, Policy 4/21 of the Local Plan and emerging Development Plan Policies DM1 and DM2. Development must however have regard for and be in harmony with the building characteristics of the locality and comply with all other relevant policies.

As such it is considered that the principle of development is acceptable, unless material considerations indicate otherwise.

### **Form and Character**

Paragraph 58 of the NPPF requires that planning decisions should 'ensure that developments will function well and add to the overall quality of the area...respond to local character...and be visually attractive as a result of good architecture'.

It goes on to state at paragraph 64 that 'permissions should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. This stance is reiterated in Core Strategy Policy CS08 and emerging Development Management Policy DM15.

Bennett Street is characterised by mainly residential dwellings. The dwellings themselves differ in age, style and design with the donor property being one of a pair of semi-detached dwellings and the other neighbour (11A) being a more modern bungalow.

Densities in the locality differ too. However, the higher density developments are in the form of terrace properties or flats, not detached dwellings as proposed by the current application. The revised plans have moved the dwelling forward on the site and the site has been increased in size (width) to allow an extra 0.7m separation between this and no.11A. However it is still considered that the limited spacing around the property, together with parking for four vehicles to the front, would result in a cramped form of development that would be of detriment to the visual amenity of the locality.

It is therefore concluded that it remains the view of officers that the proposed development would not enhance the quality of the environment and represents poor design contrary to the NPPF and Development Plan.

### **Highway Impact**

Whilst the Local Highway Authority (LHA) has no objection to the proposed development on the grounds of highway safety they have stated that 'this site is not ideal as parking on the site will remain very tight and vehicle access would be achieved through parked cars'. During discussions on the previous application the LHA confirmed (in a telephone conversation) that the proposed parking layout was not achievable and that four vehicles could not be parked at any one time. This application has reduced the space available for parking to the front of the dwelling and so while the application states there are 4 spaces provided it is difficult to see how this is possible.

Notwithstanding this, given the sustainable location of the site, the LHA does not consider that there is compelling justification for parking as required by paragraph 39 of the NPPF (as amended by HCWS488). Furthermore emerging DM Policy 17 states that 'reductions in car parking requirements may be considered for town centres and for other urban locations where it can be shown that the location and the availability of a range of sustainable transport links is likely to lead to a reduction in car ownership and hence the need for car parking provision'. As such it is concluded by the LHA that parking standards can be lessened in this location without resulting in issues to the local road network or highway safety.

However, Bennett Street is relatively narrow, a situation that is exacerbated by on street parking. As such members need to consider whether the loss of the existing site (which forms part of the curtilage of a B&B), together with an increase in vehicular activity associated with a new dwelling, would result in an unreasonable degree of nuisance to occupiers of nearby residential dwellings to warrant a further reason for refusal.

It is pertinent to note that a previous approval for an additional two-bedroom unit to serve the bed and breakfast was conditioned to provide on-site parking and turning for six vehicles (08/02613/F).

Given the characteristics of this area and the specifics of the proposal, officers consider that the harm caused is enough to warrant a reason for refusal.

## **Neighbour Amenity**

One of the Core planning principles laid down in the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This principle is reiterated in emerging Development Management Policy DM15 the preamble of which states that: 'Development proposal should aim to create a high quality environment without detrimental impact on the amenity of new and existing residents'.

In this regard, as well as the broader disamenity issue mentioned in the Highway Impact section above, it is considered that the specific impacts on the existing occupants of No.11A would still be unacceptable. The revised plans for the proposed dwelling show it would lie 1.7 metres to the south of No.11A's boundary fence and 3.2m from its southern elevation, an increase of 0.7m to the previous application. The revised plans have also moved the dwelling further forward on the site to reduce overshadowing to the kitchen window. No.11A is a single-storey detached dwelling with windows serving the kitchen and sitting room on its southern elevation. However there would still be some material loss of daylight (resulting in overshadowing) to habitable rooms of 11A that would be above an acceptable degree.

While these revised plans do represent an improvement to the previous scheme, it is considered that the proposed development would still be of detriment to the amenity of existing residents and is therefore contrary to the NPPF, Core Strategy Policy CS08 and emerging Development Management Policy DM15.

It is pertinent to note that a previous application for a three-bed unit to serve the existing bed and breakfast, which was further away from No.11A, was refused on its overbearing and overshadowing impacts with 11A (08/01713/F).

## **Other Material Considerations**

Contamination (asbestos) can be suitably conditioned.

There are no specific crime or disorder issues arising from the proposed development.

No objections have been received from statutory consultees.

## **CONCLUSION**

The site is within Downham Market, one of the borough's main towns, where residential development is actively sought. This is a re-submission of an application that recently came to Committee for consideration (16/00530/F) and was refused. That application has been appealed and the decision is awaited. This application seeks to overcome those reasons for refusal but in our view these amendments have not been enough to resolve the Committee's concerns. The proposed development would still result in a cramped form of development that would be of detriment to the visual amenity of the locality, and the amenity of occupiers of neighbouring properties. It is therefore concluded that the development is still contrary to the NPPF and Development Plan and should be refused for the following reasons.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The proposed development would result in a cramped and overdeveloped scheme that would be of detriment to the visual amenity of the locality and fails to enhance the quality of the environment. The proposal is therefore contrary to the NPPF, Core Strategy Policy CS08 emerging Development Management Policy DM15.
- 2 The proposed development would result in a material and unacceptable degree of overshadowing to habitable rooms of No.11A Bennett Street (the property to the immediate north of the site) which would be of detriment to the amenity of existing residents and is therefore contrary to the NPPF, Core Strategy Policy CS08 and emerging Development Management Policy DM15.
- 3 The proposed development, by virtue of the increase in vehicular activity coupled with the loss of existing parking spaces, would cause extra congestion and disamenity to an unacceptable level. It is therefore considered that the proposed development fails to take the opportunities available for improving the character and quality of the area and the way it functions, and in addition does not provide a good standard of amenity for all existing and future occupants of land and buildings. The proposed development is therefore contrary to the NPPF in general and specifically to paragraphs 17, 58 and 64, to Core Strategy Policy CS08 and to emerging Development Management Policy DM15.