

AGENDA ITEM NO: 8/1(b)

Parish:	Burnham Market	
Proposal:	Demolition of outbuilding and construction on existing footprint of ancillary annex extending into garden space within existing curtilage	
Location:	Bear And Beehive Cottage 47 Front Street Burnham Market Norfolk	
Applicant:	Mrs Janet Rubin	
Case No:	15/00793/F (Full Application)	
Case Officer:	Mr C Fry Tel: 01553 616232	Date for Determination: 22 July 2015 Extension of Time Expiry Date: 31 July 2015

Reason for Referral to Planning Committee – The previous application for an annex on the site was dismissed by the Planning Committee.

Case Summary

The application site lies within an area defined as Built Environment Type C, Conservation Area and Area of Outstanding Natural Beauty according to Local Plan Proposals Maps for Burnham Market.

The site forms the garden area to the Bear and Beehive Cottage, a two storey property on the northern side of Front Street.

The garden area contains a white painted mono-pitch outbuilding. The proposal seeks consent to demolish this outbuilding and replace it with an annex building.

This application seeks to overcome previous objections raised by the Planning Committee to an annex in March 2015.

Key Issues

Planning History and Principle of Development
Impact upon the Conservation Area
Impact upon Neighbour Amenity
Highway Safety
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site lies within areas defined as Built Environment Type C, Conservation Area and Area of Outstanding Natural Beauty according to Local Plan Proposal Maps for Burnham Market.

The site comprises the rear garden area to the Bear and Beehive Cottage, a two storey property on the northern side of Front Street. The garden currently area contains a mono pitched outbuilding.

Access to the outbuilding and garden area is gained from a private lane that links Front Street to North Street. The private lane also provides access to the rear of the properties on Front Street, North Street and to Flint Cottage, a property that fronts the private lane. Some of these properties have outbuildings too.

Some members might recall that an application for an annex was refused by the Committee in March 2015 for three reasons: First, by reason of its height and position it would have an over-bearing relationship with the adjacent dwelling known as Flintstone Cottage that would result in loss of light to habitable rooms, to the detriment of the amenity of the occupants of the cottage. Secondly, the proposed Annex building involved the demolition of a chalk and red brick wall that is attached to the existing outbuilding. The wall can be seen from North Street and is contained within the Conservation Area. The loss of this wall was considered to fail sustain the character of the Conservation Area. Thirdly, the proposal was considered to result in a cramped form of development as a result of its height and the increased footprint over and above that of the existing outbuilding and in particular the extension of the building into the lane to the east which would create an increased sense of enclosure to the space between the dwellings on Front Street and North Street, to the detriment of the form and character of the Conservation Area.

This proposal seeks to overcome the reasons for refusal, by having a lower mono-pitched roof, by extending the annex towards the existing dwelling, and by providing accommodation at basement level.

SUPPORTING CASE

The application has been supported by a Design and Access Statement, which includes the following:

- The existing building was built as a garage to house vehicles and bicycles etc. and for the last 20 years it has been used solely for storage.
- The proposal is to demolish the existing outbuilding and replace it by a partially earth sheltered annex. The ground floor is to be cut into the ground with the finished floor level at 1.4m below existing ground level.
- The structure is L shape in plan and the massing only extends inside the applicants own garden. There is no extension toward any other property beyond the lines of the existing building.
- There will be no overshadowing of the properties to the north. 2 very low mono pitched roofs are to be provided.
- At first floor there will be bedrooms and there will be its own private courtyard.
- The ridge height of the roof will be only 800mm higher than the existing.
- Brick walls will be laid in a Flemish bond with lime mortar. Painted windows and pan tiled pitched roof.
- The building will also have some cedar cladding.

PLANNING HISTORY

14/01331/F: Application Refused: 12/03/15 - Demolition of single storey outbuilding to be replaced with a small two storey annexe ancillary to main dwellinghouse. West wall to be retained

10/00631/F: Application Permitted: 24/05/10 - Erect a single storey timber framed glazed conservatory

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

NCC Highways: NO OBJECTION subject to condition

Conservation: NO OBJECTION subject to condition

Environmental Health & Housing – Environmental Quality: comments to be forwarded on in late correspondence.

REPRESENTATIONS

Two letters received objecting to the proposal on the following grounds:-

- Conversion of outbuildings to dwellings should not be permitted
- No suitable parking for a dwelling.
- On-street parking is already at capacity
- Additional infrastructure at this location will impact significantly on the residential amenity of those living adjacent to the yard.
- Damage to adjacent properties by contractors vehicles.

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

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

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM7 - Residential Annexes

PLANNING CONSIDERATIONS

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

- Planning History and Principle of Development
- Impact upon the Conservation Area
- Impact upon Neighbour Amenity
- Highway Safety
- Other Material Considerations

Planning History and Principle of Development

Some members will recall that planning permission was sought for an annex to Bear and Beehive Cottage under planning permission reference no. 14/01351/F.

The application was refused for the following reasons:-

1. The proposed Annex building, by reason of its height and position would have an over-bearing relationship with the adjacent dwelling known as Flintstone Cottage that would result in loss of light to habitable rooms, to the detriment of the amenity of the occupants of the cottage.
2. The proposed Annex building involves the demolition of a chalk and red brick wall that is attached to the existing outbuilding. The wall can be seen from North Street and is contained within the Conservation Area. The loss of this wall fails to sustain the character of the Conservation Area.
3. The proposal would result in a cramped form of development as a result of its height and the increased footprint over and above that of the existing outbuilding and in particular the extension of the building into the lane to the east. As a result it would create an increased sense of enclosure to the space between the dwellings on Front Street and North Street to the detriment of the form and character of the area and to the character of the Conservation Area.

This proposal seeks to overcome these reasons for refusal by way changing the form and height of the roof of the annex; the retention of the chalk and red brick wall that can be seen from North Street and a reduction in footprint to that previously proposed. The building is not proposed to be built into the lane; rather it is proposed to provide basement level accommodation, to provide the level of accommodation required.

Third Party representations are concerned about the proposal being effectively a new dwelling. It must be noted however, that the previous application was not refused on the proposal being tantamount to a dwelling, and this proposal is for a very similar amount of accommodation.

There are some key principles, established through case law, when assessing whether accommodation is "ancillary" to the main dwelling; these include: its scale, layout, relationship to the main dwelling and its intended use. Furthermore, Policy DM7 of the Draft Management Policies Pre Submission Document states that development of residential annexes will be approved only subject to the following being secured by condition or planning agreement:

- It remains in the same ownership as, and is occupied in conjunction with the principal dwelling; and does not appear as tantamount to a new dwelling
- It is ancillary and subordinate in scale to the principal dwelling;
- Its occupants(s) share(s) the existing access, garden and parking of the main dwelling
- Occupation of the annexe is subservient to that of the main dwelling; and
- Not capable of subdivision.

The proposed annex is considered to satisfy the key principles established through case law and the draft Policy DM7. The intention is to use the annex as overspill accommodation and the physical scale of the building is subordinate to the principal dwelling. The annex will have a garden area but will be shared with the existing dwelling. If a separate curtilage were proposed there would be no access to the donor property's garden area. There is no off-street parking proposed. The annex can also be approved subject to conditions that remove permitted development rights for the erection of walls, gates and fences to prevent its separation from the donor dwelling, as well as conditioned so that it is retained with the main house. In addition, permitted development rights for household development will be removed, where relevant (given the site's context in the Conservation Area and Area of Outstanding Natural Beauty), in order to avoid any potential increase in accommodation.

It is therefore considered that, on balance, the revised proposal is still an annex rather than a new dwelling, and meets the terms of the new draft policy.

Impact upon Designated Heritage Assets

Third Party Representations are concerned about the impact of the proposal upon the character of the Conservation Area.

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places statutory duties upon Local Planning Authorities. Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining applications affecting buildings or land within the Conservation Area or its setting.

The National Planning Policy Framework (NPPF), specifically paragraphs 131 and 132, refers to the need for planning authorities to take account of: the desirability of new development making a positive contribution to local character and distinctiveness and the

desirability of sustaining and enhancing heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. This is reinforced in the National Planning Practice Guidance.

The Burnham Market Conservation Area Character Statement states that: "Front Street is straight and runs parallel to North Street from the south east corner of The Green. Here it is quite wide but soon narrows and is tightly defined on both sides by a mixture of traditional terrace cottages and small houses that front directly onto narrow pavements. There is a good mixture of materials- brick, flint and colourwash - and the scale are predominantly two storey. Occasional gaps and carriage arches provide glimpses into courtyards, a welcome diversion from the strong linear thrust of the street."

The site comprises part of the garden area to Bear and Beehive Cottage, a two storey cottage on the northern side of Front Street. The garden area contains a mono-pitch outbuilding. Bear and Beehive cottage has its rear access from a private lane which runs from Front Street to North Street. This private lane serves other residential properties.

The proposal involves demolition of the outbuilding to erect a new mono pitched roof building with lean to element. The building will only be 800mm taller than the existing building at 3.5m into the site, after which it will drop down as a result of being dug into the site. It will be no longer than the existing building. The building will be deeper by virtue of extending into the dwelling's garden; however this will not be a prevalent feature in the Conservation Area. The binstore has been removed from this revised proposal and the chalk and red brick wall in the Conservation Area will be retained. The annex will be constructed from brick and partly clad in cedar boarding.

The Conservation team objected to the previous scheme on the scale of the outbuilding, specifically its height. The team considered that the building will be overbearing and dominate the surrounding cottages. However, the Conservation team do not object to this proposal which will have less of an impact on the neighbouring properties and the conservation area, and it retains the existing garden wall. The Conservation Officer requests that the materials be conditioned.

In addition there are only glimpses of the site in passing. From Front Street the roofs of the buildings on North Street and the neighbouring outbuilding's roof are seen. The roof of the annex would be shielded by the neighbouring outbuilding. The annex cannot be seen from North Street as it is obscured by the existing built form. The proposal therefore sustains the character of the Conservation Area.

Subject to samples being submitted, it is considered that the character of the Conservation Area is sustained.

Impact upon the Area of Outstanding Natural Beauty

The site is also within an Area of Outstanding Natural Beauty (AONB).

The NPPF, specifically paragraph 115, states that: "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Boards and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Given the scale and nature of the proposal, and its location within the village it is considered that the integrity of the AONB is retained.

Impact upon Neighbour Amenity

Third Party representations are concerned about the building causing detrimental neighbour amenity issues.

The National Planning Policy Framework, specifically paragraph 17, states that, in respect to neighbour amenity: "Planning should provide a good standard of amenity for all existing and future occupants of land and buildings".

Policy DM 15 of the Draft Development Management Policies Pre-submission Document states that, in respect to neighbour amenity: "Proposals will be assessed against a number of factors including: Overlooking, overbearing and overshadowing... Development that has a significant adverse impact on the amenity of others ... will be refused".

The neighbours on Front Street will not be detrimentally affected by the proposed annex. Outlook into the neighbour's private amenity spaces from the windows at first floor level will be shielded by the substantial boundary wall to the west and the neighbour's outbuilding to the east. Being sited due north of these properties there will be no overshadowing into their amenity spaces from the increased ridge height. The scale of the building and boundary features overcomes any detrimental overbearing issues.

The neighbours to the north of the site will be some 10m away from the rear elevation of the annex and will not be detrimentally overshadowed from the additional 800mm roof height. No windows are proposed to face these neighbours and the scale and siting of the annex would not cause overbearing issues on their private amenity spaces.

The previous proposal would have resulted in the annex being extended into the Lane and close to Flintstone Cottage, the neighbour to the north east. This revised proposal does not involve extending into the lane and this neighbour will experience minimal additional impact beyond what currently exists.

Highway Safety

Third Party Representations raise concerns about traffic implications, in so far as parking and access for the Bear and Beehive cottage and annex.

Front Street is a two way street which is characterised by on-street parking. The Highways Officer notes that accesses from the private lane onto Front Street and North Street have substandard visibility. It is by virtue of this accommodation being as an annex, used in an ancillary way similar to an extension that the highways officer has no objection to the proposal. The highways officer acknowledges that there could be linked trips (sharing a car) compared to independent movements with un-associated dwelling houses. The additional traffic implications are therefore considered to be minimal.

Other Material Considerations

The proposal does not cause any detrimental impact upon the nearby SSSI.

The scale of the proposal is not considered to warrant any restrictive timing conditions in relation to construction.

The scale of the proposal is not considered to warrant a construction management plan in so far as the parking of vehicles to the site. Any damage caused to neighbouring properties will be covered under Civil Law.

Third Party representations are concerned about the proposal putting existing services and infrastructure under pressure. The site is contained within the settlement boundary to a Key Rural Service Centre as identified in Policy CS02 of the Core Strategy 2011.

CONCLUSION

Members are being asked to consider whether the building can be legitimately termed an annex taking into account its scale, layout, and relationship to the main dwelling and intended use and in addition, whether the proposal causes any detrimental neighbour amenity or conservation issues.

It is your officer's opinion that the proposal can legitimately be termed "ancillary" to the main dwelling and therefore, an annex. The annex will be used ancillary to the main dwelling and is subordinate in scale to the existing dwelling and read in conjunction with the existing dwelling.

The scale of the building and its siting is not considered to detrimentally affect neighbour amenity to a degree that would warrant a refusal of the application and it sustains the character of the Conservation Area.

This redesigned scheme is considered to overcome the objections of the Planning Committee to the previous scheme, and the proposal is therefore considered to comply with the provisions of the National Planning Policy Framework; National Planning Practice Guidance; Policies CS06, 08 and 12 of the Local Development Framework and Policy 4/21 of the King's Lynn and West Norfolk Local Plan.

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:-
 - Site and Location Plans drawing no.000 rev A05 received 27th May 2015.
 - Proposed Floor Plans drawing no.002 rev A14 received 27th May 2015.
 - Proposed Elevations drawing no.003 A14 received 27th May 2015.
 - Proposed Roof Plans and Section drawing no.005 rev A05 received 27th May 2015.
 - Proposed Elevations drawing no.006 rev A14 received 27th May 2015.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition The additional residential accommodation hereby approved shall only be used as ancillary accommodation to the main dwelling and shall at no time be used as

an independent unit of residential accommodation or for business or commercial purposes or holiday let purposes.

- 3 Reason For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.
- 4 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.
- 4 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 5 Condition Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected within the curtilage of the property, so as to subdivide the overall site.
- 5 Reason In order to prevent the subdivision of the annex from the donor property.
- 6 Condition Notwithstanding the provisions of Schedule 2 Part 1 Classes C, G and H of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no alteration to the annex roof; installation, alteration or replacement of a chimney, flue or soil and vent pipe; installation, alteration or replacement of a microwave antenna shall be allowed without the granting of specific planning permission.
- 6 Reason In interests of safeguarding the character of the Conservation Area.