

AGENDA ITEM NO: 8/3(f)

Parish:	Heacham	
Proposal:	Reserved Matters Application: Residential dwelling	
Location:	The Old Coal Yard School Road Heacham King's Lynn	
Applicant:	Mr And Mrs R Bray	
Case No:	16/02023/RM (Reserved Matters Application)	
Case Officer:	Mr C Fry	Date for Determination: 16 January 2017

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

Case Summary

The application site comprises a rectangular shaped parcel of land measuring 1835.5 square metres. The land was formally a coal yard and appears to have once been an orchard. It is currently used for storage of building materials and comprises a small allotment.

The site lies on the eastern side of School Road (to the southern end), Heacham.

Outline planning permission was granted by the Planning Committee (16/00074/O) at March's Planning Committee for the construction of one dwelling with access determined at that stage.

This application seeks reserved matters approval for a 1 ½ storey dwelling, with layout, scale, appearance and landscaping to be determined.

Key Issues

Principle of development;
Impact upon form and character;
Impact on highway safety;
Trees; and
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site is outside of the defined settlement limits for Heacham.

The site comprises a rectangular shaped parcel of land measuring approximately 1835.5 square metres and is situated on the eastern side of School Road, Heacham. The land is

currently used for the storage of building materials. There is a small allotment on the site and some large apple trees.

A single dwelling is sited to the north of the neighbouring site and open countryside surrounds the site to its south, east and across the access track to the west.

This part of School Road is characterised by agricultural land and uses and lies approximately 189.2 metres south of Woodside Avenue, which forms the development boundary of Heacham.

Outline planning permission was granted by the Planning Committee (16/00074/O) at March's Planning Committee for the construction of one dwelling with access determined at that stage.

This is a reserved matters application for the construction of a 1 ½ storey dwelling and detached garage.

SUPPORTING CASE

The application has submitted a Design and Access Statement:-

- The proposed dwelling has been positioned to follow the pattern of development in the area with a layout to ensure the proposal would have the least possible impact. Furthermore, it would seek to replicate the scale and materials seen in the immediate area to ensure the proposal is in keeping with the locality.
- The previous application was withdrawn on concerns of the design of the property in relation to the impact upon the character of the area. This proposal has include amendments to the design and main outbuilding following discussions with the case officer
- The dwellings in the area consist of buildings of various ages, but are in the main two storey. Plot sizes vary; there is a loose structure of building and a limited scale of development with few active frontages. There are varied buildings lines, a mix of boundary treatments and materials.
- No windows are proposed on the north elevation to avoid overlooking into a recent permitted dwelling to the north of the site.
- The design of the proposed dwelling would not detract from the character of the area, nor would they be out of keeping with the pattern of development seen in the existing locality.

The agent has also submitted the following:-

- The proposed dwelling has been positioned to follow the development in the area with a layout to ensure it has the least possible impact
- The design of the dwelling has been altered to address the matters raised by the planning officer over pre-application meetings and seeks to replicate the scale and materials seen in the immediate area
- The proposal will clearly improve the site
- Access is already provided off School Road
- Turning areas are available within the site to ensure that all vehicles can enter the site and leave in forward gear. Visibility splays are good
- There is already a site to the north been granted planning permission for a residential dwelling. No windows have been proposed at first floor level with the potential for extensive overlooking of the neighbour's properties. It is worth noting that the

neighbouring dwelling has first floor window within the southern side elevation which looks towards the application site.

- This proposal is a self-build
- The site is in close proximity to existing services.

PLANNING HISTORY

In relation to the site;

16/00964/RM: Application Withdrawn: 06/07/16 - Reserved Matters Application: construction of a dwelling

16/00074/DISC_A: Discharge of Condition final letter: 25/07/16 - DISCHARGE OF CONDITIONS 13 - Outline application: Residential dwelling

16/00074/O: Application Permitted: 15/03/16 - Outline application: Residential dwelling

In relation to the adjacent site

Full planning permission was granted by the Planning Committee in January 2016 for the construction of a one-and-a-half storey dwelling on the neighbouring site directly to the north (15/01623/F).

RESPONSE TO CONSULTATION

Parish Council: OBJECT This application is not dissimilar to the previous one which was withdrawn. The outline planning permission was for a single dwelling; the “garage” is out of proportion and has the potential to be a second dwelling. In addition, the inspector at the recent appeal for adjacent development stated, “I find the rural character of this bridleway, including from the slight vantage point at its southern end to provide a generally attractive appearance such that it provides considerable local amenity value”. Heacham Parish Council considers the size of the proposed property, including outbuildings, will, if accepted, detract from this “generally attractive appearance”. In addition “Policy DM2 reaffirms the principle of settlement boundaries and seeks to restrict development in the countryside outside of these boundaries”. Heacham Parish Council acknowledges that the planning authority gave outline planning permission for the construction of a single property but considers it is now beholden on them (the authority), at reserved matters stage, to restrict the proposal to a more modest design

Historic Environment Service: NO OBJECTION subject to conditions.

NCC Highways: NO OBJECTION subject to condition.

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 considerations in the determination of this application are:-

- Principle of development;
- Impact on form and character;
- Impact on highway safety;
- Trees; and
- Other material considerations

Principle of Development

The site lies within the Countryside where policies are restrictive, protecting the landscape for its intrinsic character and beauty. Core Strategy Policy CS06 states that the development of Greenfield sites should be resisted unless essential for agriculture or forestry

However, the site has the benefit of outline planning permission for the construction of a detached dwelling granted by the Planning committee in March of last year (16/00074/O) with a restriction that it be no more than 1 ½ storey in scale.

A recent reserved matters application for a detached dwelling on the site, 16/00964/RM, was withdrawn. It was considered that the proposed dwelling was too broad in its appearance and did not resemble a more conventional chalet style of dwelling and would be very much an incongruous feature in the locality.

This application has sought to resolve such issues.

Form and Character

Most of School Road is characterised by residential properties lining both sides of the road varying in scale and design. The application site is located towards the southern end of School Road where the character changes to agriculture; including various agricultural buildings operating rural businesses open countryside and other B1 / B2 uses.

There is already a 1 ½ storey dwelling to the north of the application site; 'The Cabin'. This dwelling is 1 1/2 storey and is constructed from brick and has been the subject of various extensions during its lifetime. The property extends across the majority of the plot width.

The application site directly to the north has consent for a chalet style dwelling with pitched roof running on an east to west axis. The property is sited adjacent to the southern boundary of the site and has ample garden area associated with it.

The proposed dwelling will be sited back on the site with a detached garage with studio above in front of the dwelling.

The Parish Council are concerned about the scale of the development.

The maximum height of the dwelling will be 8.4m high reducing to 7.7m in height for the southerly projecting extension of the scheme. The property is 19.3m wide, but this width has been broken up by projecting elements and stepped back elements in its design to alleviate its broadness which was the main issue with the previously submitted scheme. The maximum depth of the property is 18m but this is not fully appreciated as some elements are stepped in from the side elevation.

The previous scheme was also withdrawn as it did not convey a more conventional chalet style dwelling. Whilst features in the design of this property include ground to apex fenestration detailing and a balcony on the south elevation, the overall appearance is more akin to a conventional chalet style dwelling than the previous scheme. Having stepped down and stepped back elements in its design, the proposal portrays a property that would have evolved over its lifetime. Above all, it is considered that the proposal is still 1 1/2 storey thus complying with condition 16 of 16/00074/O.

The Parish Council raise issues of the scale of the garage. The garage roof is 6.5m (h), 1.9m lower in height than the front projecting element of the dwelling. The width of the garage is 13.3m wide (including roof overhang and stairs) and the depth is 7.1m. Whilst a rather wide garage, the footprint of the buildings can be accommodated on the site without appearing to result in a cramped form of development and there is ample amenity provided to the dwelling and is on balance considered to be acceptable.

Impact upon Neighbour Amenity

There are no residential neighbours to the south, east and west of the site.

Whilst single storey extensions of the proposed property are approximately 5m to the shared boundary with the recently permitted development immediately to the north of the site, the highest part of ridge to the property is 11.5m from the shared boundary. This limits any overbearing impact of the dwelling on this neighbour to an acceptable level. The neighbour will experience some overshadowing from the proposed property in the mid-late morning period but this would not be detrimental to the amenity of the occupier of the neighbouring dwelling to a level that the proposal would warrant a refusal. The only window in the north-west elevation of the proposed property serves the gallery landing area which is some 15m from the northern boundary, which is an adequate separation as to avoid detrimental

overlooking issues. It must be noted that all other windows at first floor either look directly to the east, south or west, ultimately away from residential properties.

In regards to the garage structure, there will be some overshadowing into the front garden of the neighbouring property but not to warrant a refusal of the application especially with the neighbouring property facing from being in the westerly direction. The proposal is not considered to be overbearing upon this neighbour with the mass of the roof moving away from the shared boundary. In order to avoid overlooking from the platform of the staircase, a condition will be imposed requesting details of screening in respect to the platform at the top of the staircase which provides access to the gym above. The gym and associated facilities will also be condition that it is only used for ancillary purposes to the residential dwelling and not for any business or commercial use.

Highway safety

Access has already been determined at outline stage; the highways officer has no objection to the proposed layout and a condition in regards to layout of the parking.

Trees

Condition 13 of the outline consent (16/00074/O) required a tree survey to be submitted detailing the trees that were on the site, as the apple trees were well established and were considered to make a positive contribution to the local environment and the landscape character.

A discharge of condition application was submitted but refused as the apple trees were cut down before the discharge of condition was determined. However enforcement action was not taken as landscaping was a matter reserved for determination at this particular stage.

A landscaping scheme has been submitted detailing the replacement of the fruit trees with 4 apple trees a lawn and gravel area, which is considered to be acceptable.

Other Material Considerations

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

Third Party and Parish Council's representations have been taken into consideration and mostly addressed above in the report.

The Parish Council's comments in regards to the garage becoming an independent unit of accommodation have been addressed by way of condition.

With regards to the Parish Council's concerns relating to the appeal decision site for residential and care home uses (ref: 13/01541/OM), the appeal site and scale of that proposal differs significantly from the current proposal that is the subject of this application. The appeal site covers an area of open countryside which measures 11 hectares and the proposal comprises 70 houses; 60 'Housing with care' dwellings; and a 60 bed care home.

In comparison, this application site is just under 0.2 hectares and although is situated within the countryside, it is used as a storage yard for building materials and is by no means open landscape. The proposal includes the site for construction of one dwelling only.

As stated above, the site directly to the north benefits from extant planning permission for the construction of one dwelling and beyond that to the north is an existing detached bungalow. The proposed development would therefore be part of a small group of houses so would not be isolated within the countryside but equally the scale of the development would not impact upon the open landscape in the same way as the proposed development subject of the appeal. The proposed design of this dwelling in this location would not compromise the open setting of this part of Heacham with only and would be only a distant feature from the A149.

CONCLUSION

Members have already decided that the principle of a dwelling and proposed access arrangements on this site are acceptable. This reserved matters application requests the determination of the appearance, scale, layout and landscaping of the dwelling.

The Parish have objected to the scale of the dwelling and its impact in terms of visual amenity. It is considered that this submission has overcome the reasons for withdrawing the previous application, the design draws some reference from a conventional 1 1/2 storey dwelling especially with a projecting gable element, dormer windows and rooms in the roof. The garage has lost its dormers and is on balance, considered to be acceptable.

It is your officer's opinion; the proposed dwelling would cause no adverse impact upon neighbour or visual amenity, and provides for the replacement of the 4 apple trees, that were removed prior to the determination of condition 13 of the outline permission.

On the basis of the above, the proposal would accord with the provisions of the NPPF, Core Strategy Policies CS01, CS06 and CS08 and Development Plan Policies DM1 and DM15.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 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.
- 1 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 2 Condition Prior to the first occupation of the dwelling hereby permitted the proposed on-site 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.
- 2 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 3 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years

from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 3 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 4 Condition The use of the garage and gym building hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for business or commercial purposes or separate residential accommodation.
- 4 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 5 Condition Notwithstanding information received, prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation of the dwelling hereby permitted or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 6 Condition Prior to the first use of the first floor accommodation above the garage, details of screening to be installed on the North West and North East elevations of the staircase platform shall be submitted to and approved in writing by the Local Planning Authority. The details of the screening shall include its appearance and height. The screening shall be erected in accordance with the approved details prior to the first use of the roof terrace and be retained thereafter as such.
- 6 Reason In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.
- 7 Condition Notwithstanding details received, before the first use of the upper floor of the garage building the velux window serving the gym areas as shown on the north east elevation on drawing no. 262-07 shall be top opening only and shall be fitted with obscured glazing. The window shall be permanently retained in that condition thereafter.
- 7 Reason In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.
- 8 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - Floor Plan and Street View - 262-05 dated October 2016 received 11 November 2016

- Elevations, Sections, Site and Location Plans - 262-06 Rev A dated November 2016 received 26th January 2016
- Proposed Outbuilding 262-07 dated October 2016 received 11th November 2016

8 Reason For the avoidance of doubt and in the interests of proper planning.