

**AGENDA ITEM NO: 8/2(h)**

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

**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.

17/00777/O

Planning Committee  
 3 July 2017

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

17/00777/O

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

17/00777/O

Planning Committee  
3 July 2017

## **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.