

Parish:	Clenchwarton	
Proposal:	Proposed workshop - ancillary to the dwelling (non-commercial) Proposed two storey annex - ancillary and linked to the dwelling	
Location:	Wildfields 187 Main Road Clenchwarton King's Lynn	
Applicant:	Mr & Mrs Green	
Case No:	17/01658/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 30 October 2017 Extension of Time Expiry Date: 13 November 2017

Reason for Referral to Planning Committee – Called in by Councillor Whitby

Neighbourhood Plan: No

Case Summary

The application seeks permission for the construction of a non-commercial workshop ancillary to the dwelling and a two storey annexe linked to the dwelling at Wildfields, 187 Main Road, Clechwarton.

The application site is located within the settlement of Clenchwarton. Clenchwarton is designated as a Key Rural Service Centre in Policy CS02- Settlement Hierarchy of the Core Strategy (2011) which recommends limited growth of scale and nature appropriate to secure the sustainability of the settlement.

The site comprises of a rectangular plot that has an existing dwelling and outbuilding located to the west of it. Vehicular access to the site is provided by the existing laneway which leads onto Main Road.

Key Issues

- Principle of development
- Form and Character
- Neighbour Amenity
- Access
- Flood Risk
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks permission for the construction of a non-commercial workshop ancillary to the dwelling and a two storey annexe linked to the dwelling at Wildfields, 187 Main Road, Clenchwarton.

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SUPPORTING CASE

The applicant raises the following comments in support of the proposed development:

Boundaries

I noticed that reference has been made to boundary disputes between Wildfields House and a neighbour. Whilst I understand that this may be an issue, I do not believe this is a planning issue. For clarity, our client has held 'discussions' with their neighbour in regards to trying to resolve the dispute, however the neighbour has not been able to provide us or our client with a land registry document showing us that there is a discrepancy or an issue with boundaries and ownership – our client does have a land registry plan and this plan has been reflected in the location of the red line on documents submitted as part of this application.

Proposal Design – Annex

The proposal has been designed to reflect that of the existing building, and as you can see from the submitted documents this is clear.

The position of the annex means that the structure will not be prominent when entering the site, and has been designed to be subservient to the existing dwelling. The annex is clearly linked to the existing dwelling and will remain ancillary.

Materials shall be reclaimed where possible, to again bring the annex and existing house together. All materials shall match that of the existing dwelling where applicable.

Proposal Design – Workshop

The workshop will again be ancillary to Wildfields House and shall not be for commercial use. The building is single storey and will therefore not be overlooking any neighbouring properties.

A maintenance gap has been retained around the whole workshop, therefore during construction and during future potential maintenance, all works can be carried out on the applicant's land.

We do not believe that the workshop is not within the character of the area due to the vast variations in design and materials not only within the local vernacular, but also immediately on the application site.

PLANNING HISTORY

2/93/1731/F: Application Permitted: 18/01/94 - Construction of replacement double garage - Wildfields House, Main Road, Clenchwarton;

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

It appears that the workshop is 1080mm from the west elevation to the boundary and 750mm (variable) from the north elevation to the boundary and 5000mm high to the ridge (all dims. are approximate but we believe are a good guide based on the drawing) As the workshop walls are predominately timber boarding, we are of the opinion (based on planning regulation research) that the workshop should be at least 2m from the boundaries for a timber building that is above 2.5m in height. We are also given to believe that the boundaries as shown on the plan are the subject of dispute in which a solicitor is acting for a neighbour.

Highways Authority: NO OBJECTION

In terms of highway considerations, I have no objection to the principle of the development subject to a condition being included in a recommendation to ensure that safe visibility is maintained at the point of access.

Environmental Quality: NO OBJECTION

I have no comments to make regarding contaminated land or air quality.

Environment Agency: NO OBJECTION

We have no objection to this application. However, we would have expected the applicant to submit a Flood Risk Assessment (FRA) for the workshop and have acknowledged the flood risk to the site. As the annex is attached to the existing dwelling this falls within our Flood Risk Standing Advice. As the workshop is considered low risk we have no further comment to make.

REPRESENTATIONS Three representations were received **OBJECTING** to this application. Two of those representations received were from a neighbour raising concerns and the third representation was received from a County Councillor raising similar concerns they received on behalf of the neighbour listed above. A summary of the concerns listed in the representations are listed below:

- Outstanding dispute between parties with regard to the correct boundary
- At less than half a metre, the proposal is too close to the neighbouring boundary
- Concern that the workshop will be used as a commercial building
- Concerned with overlooking into neighbouring properties bedroom and kitchen
- Query why the proposed workshop is so close to the boundary when the application site is such a large site and the workshop could be placed elsewhere on site
- Concern surrounding the potential for excess noise and work taking place during unsociable hours
- Concerned with the potential fire hazard as a result of the material used in construction of the proposed unit.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The key issues for consideration in determining this application are as follows:

- Principle of Development
- Form and Character
- Neighbour Amenity
- Access
- Flood Risk
- Other material considerations

Principle of development:

The application site lies to the west of the settlement of Clenchwarton, located within the development boundary, illustrated on Inset G25 Clenchwarton of the Site Allocations and Development Management Policies Plan (SADMP) (2016).

This proposal is for the construction of a non-commercial ancillary workshop and an ancillary, two storey annex linked to the dwelling via the eastern elevation. The principle of the proposed development is generally considered acceptable in accordance with Policy CS08 of the Core Strategy (2011) and Policy DM1 and DM15 of the SADMP.

Form and Character:

Concern is raised with the relationship of the proposed workshop with respect to the neighbouring property. The proposed annexe and workshop are set back and behind the dwelling and existing outbuilding respectively on the application site. The workshop will have minimal impact upon the neighbouring property due to the level of screening provided on the site. The proposal would have little direct impact on the street scene and would not result in a harmful form of development.

It is also noted that the plot size is large enough to accommodate a new workshop and annex. It is considered that the proposed workshop and annex would be sited within the boundary of the application site in an acceptable manner and would not be a cramped form of development.

Neighbour Amenity:

The site plan identifies that the proposed workshop and annex can be satisfactorily accommodated on site without causing detrimental harm to neighbouring amenity space. There is adequate screening and distance between the proposed annex and the neighbouring property to the west of the application site to remove any impact the annex may have on the neighbour.

The proposed single storey workshop is located approximately one metre from the neighbouring property to the west. There are no concerns regarding overbearing or overshadowing as the proposed workshop is a single storey building with the proposed eaves set at a height of 2.4m and the ridge height set at 4.9m. The neighbouring dwelling to the west of the workshop will experience minimal issues of overlooking into their private amenity space as there is an existing 1.8m timber clad fence boundary treatment screening the neighbouring property from the area where the proposed workshop is to be located.

Both the applicants and neighbours located at 193 Main Road dispute the exact line and location of the western boundary, with the neighbouring property arguing the boundary is in line with the concrete posts and wire fencing which are insitu on site. This dispute is a civil matter which is not a material planning consideration and as such is not considered during this application.

Access:

The site has existing access routes to the dwelling and outbuilding from the lanes which lead from the application site to the south, joining Main Road. The Highway Officer has commented that they have no objection to the principle of the development subject to safe visibility being maintained at the point of access. A condition is provided and attached to the recommendation to maintain the visibility splay and as a result the Highway Authority does not wish to resist the grant of permission.

Flood Risk:

The site is located on land designated as Flood Zone 2, 3 and Hazard Zone of the Council's adopted Strategic Flood Risk Assessment. The Environment Agency has commented that as the annex is attached to the existing dwelling and as the workshop is considered low risk they have no objection to the proposal as a whole.

Other material considerations:

Clenchwarton Parish Council submitted comments on 26/09/17 relating to permitted development rights in relation to the proposed workshop. Correspondence was sent to the Parish Clerk on 28/09/17 advising them that the applicant has applied for planning permission as the dimensions and works proposed exceed permitted development rights. No further response was received from the Parish Council commenting on this application.

Third party representations received have raised concerns with the location of the western boundary line on site. This dispute is a civil matter and must be resolved between the applicant and neighbour in accordance with the Party Wall etc. Act 1996. The resolution of such a matter is separate from obtaining planning permission.

Concerns were also raised regarding overlooking onto the neighbouring site. These concerns are minimalised as the western boundary is screened by an existing timber

cladded fence. The site as a whole is well screened from Main Road by the existing mature group of tree which line the south of the site.

CONCLUSION

For the reasons outlined in this report it is considered that the proposed development accords with the overarching aims of national and local policy and would not have a material detrimental impact on the amenity of the locality. The proposal is therefore acceptable and accords with Policies CS08 of the Core Strategy and Policies DM1, DM2 and DM15 of the Site Allocations. It is therefore recommended that this application be approved subject to the following conditions.

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 titled:
 - Proposed Annex Elevations, Floor Plan and Section, drawing number 358-01 and
 - Location Plan, Proposed Site Plan, Workshop Floor Plan and Elevations, drawing number 358-02
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the commencement of the use hereby permitted a visibility splay measuring 2.4 x 59 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 3 Reason: In the interests of highway safety.
- 4 Condition: The use of the annex and workshop 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 as an independent unit of residential accommodation.
- 4 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.