

<b>Parish:</b>	<b>Docking</b>	
<b>Proposal:</b>	<b>Proposed 1 and a half storey dwelling and cart shed</b>	
<b>Location:</b>	<b>Chalfont House High Street Docking King's Lynn</b>	
<b>Applicant:</b>	<b>Mr Nick Johnson</b>	
<b>Case No:</b>	<b>17/02049/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs Jade Calton</b>	<b>Date for Determination: 2 January 2018 Extension of Time Expiry Date: 12 February 2018</b>

**Reason for Referral to Planning Committee** – Councillor Morrison requested referral and the view of Docking Parish Council is at variance with the officer recommendation

**Neighbourhood Plan:** No

**Case Summary**

The application site comprises a rectangular shaped parcel of land measuring approximately 1995 square metres and is situated on the northern side of High Street, Docking. The site is currently garden land associated with Chalfont House which sits to the north of the plot.

Docking is classified as a Key Rural Service Centre as identified within the Core Strategy's Settlement Hierarchy.

The application seeks Full Planning Permission for the construction of a one-and-a-half storey detached dwelling and cart shed.

**Key Issues**

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

**Recommendation**

**APPROVE**

## **THE APPLICATION**

The application site comprises a rectangular shaped parcel of land measuring approximately 1995 square metres and is situated on the northern side of High Street, Docking. The site is currently garden land associated with Chalfont House which sits to the north of the plot. The site will be accessed via an existing access track / driveway which serves Chalfont House and a property (The Whippets) which is located directly to the south of the site.

The proposed dwelling will be a detached one-and-a-half storey 4 bedroomed property with gabled projections, cat-slide dormer windows and constructed using traditional red brick and flint with a clay pantile roof.

The new dwelling will be positioned towards the eastern boundary of the site, fronting west allowing for the detached double cart shed to be located in the north-eastern corner and the private amenity to the south. The access will therefore continue to run along the western boundary of the site.

The site is bounded by mature hedging to the south and east and a 2m brick wall to part of the northern boundary. It is proposed to extend the existing wall to the north to provide privacy between the new property and the donor dwelling; Chalfont House, and plant a new hedgerow along the western boundary to delineate the plot from the access driveway.

## **SUPPORTING CASE**

A Design and Access Statement accompanies the application which offers the following case:-

“The site is currently laid to lawn and is used as garden amenity land and provides access to a residential property named Chalfont House. The land is owned and maintained by the applicant and has mature hedging to all sides denoting boundaries. Generally, the site is located in a densely populated residential area, close to local amenities and within the Docking settlement area. Recent permission was granted for 3, 2 storey dwellings under permission 12/01701/F on the adjacent land.

The proposal involves constructing a new 1½ storey dwelling located to the amenity land at the front (South) of Chalfont House. The location of the site will allow the proposed dwelling to nestle into the landscape and sit comfortably within its setting and surrounding properties.

The proposed dwelling would be a simple yet attractive design that will be similar to other buildings in the area in both appearance and scale for the size of the plot, constructed in the traditional Norfolk vernacular of red brick and flint under a red Norfolk clay pantile roof.

The proposed dwelling can be positioned within the site to allow ample turning and parking, along with a cart shed garage to the rear of the property (North) and garden amenity space to front (South) and side (West) of the plot. Due to the size and location of the plot, the new dwelling will follow the same form and would blend with the recent development to the West whilst not overcrowding the area. Careful positioning of the first floor windows will prevent any overlooking issues to surrounding properties.

Existing trees will be protected and existing mature hedging retained where possible. A 2m wall will separate the new plot from the existing. The access drive will be adjusted to accommodate a new access point to Chalfont House but the principle and general locality will remain.

It is proposed that the existing access from High Street, situated about 90m to the South will be utilised which has a speed limit of 30mph and provides adequate visibility splays in each direction. The majority of the existing access road to Chalfont House will remain except to create a new entrance point and ample parking and turning”.

## **PLANNING HISTORY**

17/01824/F: Application Withdrawn: 02/10/17 - Construction of a one and a half storey dwelling & cart shed - Plot Between The Steadings Chalfont House And Whippets, High Street, Docking

17/01581/O: Application Withdrawn: 18/08/17 - Outline Application: New dwelling - Chalfont House, High Street, Docking

2/98/0491/F: Application Refused: 02/06/98 - Construction of dwelling - Land South of Homelands, High Street, Docking

2/98/1197/F: Application Refused: 20/10/98 - Construction of detached dwelling (revised dwelling) - Land South of Homelands (Chalfont House), High Street, Docking Appeal Dismissed 17/03/99

All planning history relating to the application is a material consideration but of particular relevance in this case is the abovementioned application (2/98/1197/F) where planning permission was refused in 1998 for the construction of a bungalow on the application site for the following reasons:-

- 1) It is not considered that the proposed dwelling would enhance the form and character of the village. The proposal is therefore contrary to the provision of both the Structure Plan and Local Plan.
- 2) The access road serving the site in its present form is considered to be unsuitable to serve further residential development.
- 3) If approved the development would create a precedent for further residential development.
- 4) The proposal constitutes a sub-standard layout of land which would be detrimental to the privacy and amenities to both the existing occupants within the area and the occupants of the proposed dwelling.

The Planning Inspectorate dismissed the appeal on only one of the above grounds:-

- 1) The proposal would harm the character and appearance of this part of the village, as well as being in conflict with well-founded policies for its protection.

The Inspector disagreed with the second, third and fourth issues, stating that the potential increase in traffic from the dwelling would not be significant in terms of use of the unadopted track. He continued to say that whilst there would be an increase in traffic along the private track past Whippets and the bungalow to the west, given the nature of the boundaries. The width and surface of the drive and the location and outlook of those bungalows, he was not persuaded that any loss of privacy or disturbance would be to an unacceptable degree.

Whilst the Inspector states that he shares the Council's concern with regards to the development setting a precedent, given the spacious nature of development here, each proposal must be considered on its individual merits.

Since the refusal of the application in 1998 there have been changes in policy and circumstances around the site. Planning permission (12/01701/F) was approved directly to the west of the site for construction of three bungalows. The introduction of these dwellings has altered the character by increasing the build form and as such reducing the openness. This is a material consideration in the determination of the current application.

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** - The Parish Council have huge concerns about another development on this track which serves 10 properties and a farm with frequent agricultural vehicles. The council sees this yet again as backfill in the village.

**Highways Authority: NO OBJECTION** conditionally.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION**

## **REPRESENTATIONS**

Councillor Morrison has requested that the application be referred to the Planning Committee for full consideration.

**ONE** representation received from a local resident **objecting** to the proposal on the following grounds:-

- Nine new dwellings have been built on adjacent land in the last 7 years replacing only one bungalow, a pub and some farm buildings;
- Intensification of development;
- Single track access with no passing place is unacceptable to serve two dwellings;
- Highway safety implications;
- Noise and disturbance from additional traffic;
- Questions whether the single lane access breaches emergency services accessibility;
- The access from High Street is already at full capacity;
- There was once a passing bay but that has been taken over by greenhouses;
- Noise and disturbance from the new house will impair the neighbours enjoyment of their property;
- Garden will be overlooked;
- Many of the trees to be removed are labelled as small trees when in fact they are medium to large well established trees;

- Three existing mature trees on the southern boundary of the site are not shown on the plans but requests that they are retained;
- Requests that a TPO is put on the trees;
- The trees add character and sense of place on the edge of the Conservation Area;
- The trees would offer visual screening between the neighbour and the proposed dwelling;
- There is an existing continuous privet hedge with large gaps that would be incapable of keeping out pets, a boarded fence would be necessary.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS06** - Development in Rural Areas

**CS11** – Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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 CONSIDERATIONS**

The key considerations in the determination of this application are:-

- Principle of Development;
- Impact on Form and Character;
- Impact on Neighbour Amenity;
- Highway Safety; and

- Other Material Considerations

### **Principle of Development**

Docking is classified as a Key Rural Service Centre within the settlement hierarchy of the Core Strategy. Such centres are considered to help sustain the wider rural community. They provide a range of services that can meet basic day-to-day needs. Local scale development will be concentrated in identified Key Rural Service Centres.

At local level, Development management Policy DM2 states that development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan.

The principle of the proposed dwelling is therefore acceptable in terms of Policy DM2 and Core Strategy Policy CS02, subject to other policy and material considerations.

Policy CS06 promotes sustainable communities and sustainable patterns of development within rural areas to ensure strong, diverse, economic activity. It aims to maintain local character and a high quality environment and focuses most new development in key rural service centres.

Policy CS08 advises that all new development in the borough should be of high quality design.

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to their local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping.

### **Form and Character**

The immediate area to the north of High Street is characterised by development fronting the highway as well as at right angles to the road. A recent development (12/01701/F) of three detached dwellings lies directly to the west of the application site which runs at right angles to the highway in a tandem layout.

The proposed dwelling will sit between two existing properties; Chalfont House and Whippets in the same form as those adjacent. The introduction of a new dwelling on this site will therefore mean that the development would be in keeping with the form and layout of its immediate surroundings.

With the exception of Chalfont House and Whippets, plot sizes within the immediate vicinity are relatively modest. Therefore the subdivision of Chalfont House will be in keeping with the form and character of the area.

The design of the new dwelling is reasonably modest with some traditional features and use of traditional materials such as red brick, flint and red clay pantiles. The development therefore has regard for local distinctiveness and building characteristics of this part of Docking.

The proposed cart shed will be open fronted and constructed using timber with a pantiled roof. Good use of materials and its position within the plot means that it will be in harmony with the form and character of the area.

The new property will share the same point of access (for the first part) from High Street as the dwellings to the west as well as Chalfont House and Whippets. Part of the existing driveway which currently runs through the front garden of Chalfont House will be re-aligned so that it runs straight along the western boundary of the site to allow for more useable space to the front of the new dwelling.

### **Neighbour Amenity**

Policy DM15 (environment, design, amenity) states that development must protect and enhance the amenity of the wider environment including its heritage and cultural value and that proposals will be assessed against their impact on neighbouring uses and their occupants. Furthermore, proposals will be assessed against a number of factors including overbearing, overshadowing, noise and visual impact and development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

The proposed dwelling will be positioned towards the eastern boundary of the site leaving a distance of between approximately 18.4m and 19m from the first floor bedroom windows to the western boundary.

The southern gable end of the proposed dwelling will be approximately 13.7m from the boundary. There is an established hedgerow and a number of reasonably mature trees along the southern boundary which are proposed to be retained. This will reduce any impact upon the Whippets. Furthermore the Whippets is sited approximately 24.7 metres from their northern boundary which offers more than adequate separation between properties, minimising direct overlooking.

The position of the proposed dwelling within the plot and distances from boundaries, together with screening from trees and hedging, means that the development will cause no material overshadowing, overlooking or overbearing impact to neighbouring properties to the north (donor dwelling), south or west. The land to the east comprises old agricultural buildings, therefore there will be no material impact on amenities.

The existing driveway is made up from brick weave and will be extended using the same materials which will help prevent noise and disturbance to neighbouring residents usually associated with loose chippings from car movements. The existing hedgerow along the western and southern boundaries will help reduce any impact from car headlights.

### **Highway Safety**

The development is accessed from a private drive, the width of which at the point of access with the public highway does not accord with current standards, Furthermore the private drive already serves around 9 properties; which already exceeds current NCC guidance that no more than 8 dwelling should be served from a private drive.

Whilst this is to some extent discretionary, issues can arise in terms of longer term maintenance and it would be usual to request an appropriate maintenance agreement be entered into with all parties. However, the Highway Authority would not adopt the present access road and, notwithstanding the present occupiers maintenance obligations, it may prove difficult to get all parties to sign up to a formal maintenance agreement which may differ from their present responsibilities. In this respect the Highways officer is prepared to accept this additional property to be developed off the private drive and to be maintained as such.

In terms of the access width, given the planning history and present number of properties already served by it, it is not considered that this proposal would give rise to severe residual cumulative impacts.

The standard highways condition relating to construction of the access and parking will be imposed if the application is approved.

### **Other Material Considerations**

The application is not within Docking's Conservation Area but it is adjacent to it. The Conservation Area boundary runs along High Street frontage and does not include Whippets or Chalfont House. Nevertheless, the impact of the setting of the Conservation Area should be considered. In this case the new house is considered to preserve the Conservation Area, given the design and use of materials proposed and the fact that the loss of this space does not impact on the Conservation Area.

#### **Trees:**

There are some reasonably sized trees on site which will mostly be retained. Seven out of eight of the trees sited along the southern boundary will be retained. A medium to large sized Horse Chestnut tree is proposed to be removed as it is in poor condition but will be replaced with a new tree. Some other small sporadic garden trees will be removed to enable the development. The trees are considered to offer amenity value to the area and to surrounding residential properties. A condition will therefore be imposed securing their retention.

#### **Crime and Disorder:**

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.

#### **Parish Council Objections:**

In light of the Parish Council's concerns, NCC has assessed the application on highway safety grounds and raises no objection as the impact of one additional dwelling on the existing access will have an impact so as to warrant refusal of the application.

Whilst the Parish considers the proposal to result in back land development, a precedent has been established for this building form and layout within the immediate vicinity to the west of the site. On this basis, it is considered that the proposed development causes no harm to the existing character of the area.

#### **Third Party Objections:**

With regards to the concerns raised by a neighbouring resident, most of the comments have been address above in the report in terms of highway safety, access issues, form and character of development, neighbour amenity and trees. NCC did not require a passing bay as the access will only serve two properties; the level of use does not warrant requesting such a measure.

Regarding applying a TPO on the trees on site, the Council's Arboricultural Officer advised, verbally, that this would not be necessary as the amended plans show the retention of most of the trees which offer amenity value.



## CONCLUSION

The application seeks full planning permission for the construction of one dwelling. The proposal will infill the gap between two existing properties in the same way as the adjacent development to the west.

The site is within the settlement boundary of Docking and, as such, is in principle suitable for residential development. It is considered that the development is of appropriate design, scale and layout for the site and locality.

It is considered that the proposal would not result in any material harm in relation to residential amenity or highway safety.

The proposal accords with the NPPF, NPPG and Local Policies contained in the Core Strategy, 2011 and SADMP, 2016. Therefore, your officers recommend that this application be approved subject to the appropriate 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 363-01 Rev. E, 363-02 Rev. A and 363-03 Rev. A.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 4 Condition: No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 4 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 5 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in

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writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 5 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 6 Condition: The cart shed hereby approved as part of this application shall remain open fronted in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 6 Reason: To ensure the permanent available of adequate parking provision, in the interests of the NPPF.