

AGENDA ITEM NO: 8/1(d)

Parish:	King's Lynn	
Proposal:	Construction of a detached dwelling	
Location:	15 Field Lane Gaywood King's Lynn Norfolk	
Applicant:	Messrs Dickerson And Barlow	
Case No:	18/00021/F (Full Application)	
Case Officer:	Mr C Fry	Date for Determination: 11 April 2018

Reason for Referral to Planning Committee – Called in by Councillor Middleton.

Neighbourhood Plan: No

Case Summary

The application site lies within Gaywood/Newlyn Area of Kings Lynn.

It contains a two storey semi-detached dwelling with side garden and off road parking.

The proposal seeks consent for the erection of 1 detached dwelling within the garden area of 15 Field Lane Gaywood.

Key Issues

Principle of Development
Planning History
Form and Character
Impact upon Neighbour Amenity
Highway Safety
Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

The application site lies within the Gaywood/Newlyn area of Kings Lynn and forms the garden area to no.15 Field Lane Gaywood. 15 Field Lane is opposite the junction of Gloucester Road and Field Lane.

The properties in the locality are of mixed form and character. Whilst predominantly two storey, with the odd single storey infill dwelling evident on Field Lane, the properties are

terraced (Denmark Street), semi-detached – Gloucester Road and Field Lane or detached (Field End Close and the cul-de-sac immediately adjacent Orchard Gardens). Gloucester Road properties are ex-authority two storey red brick properties, with the other properties in the locality finished in red brick/render or solely render.

No.15 is a two storey semi-detached property with rendered finish and pantile roof with the property benefiting from off-road parking.

The proposal seeks permission to develop to the side of no.15 Field Lane, within the garden area, 250m², which is of an irregular shape, to provide a two storey hipped roof detached dwelling that scales 6.6m to ridge x 5.5m wide x 9m deep. The property will be mainly rendered and have pantiled roof. Design features include a canopy porch and timber boarding under the first floor window to bedroom 3 at first floor.

A shared vehicular access providing two parking spaces to both the proposed and donor property is detailed.

SUPPORTING CASE

The agent has not provided a supporting case.

PLANNING HISTORY

17/01458/F: Application Withdrawn: 18/09/17 - Construct new low energy dwelling

17/01459/F: Application Permitted: 31/10/17 - Proposed side extension and renovation of cottage

17/01222/F: Application Withdrawn: 22/08/17 - Extension and alterations to existing cottage and construction of new dwelling

17/00778/F: Application Refused: 14/06/17 - Renovate cottage and construct 1no. detached dwelling

16/00944/F: Application Refused: 20/07/16 - Renovate cottage and construct 2no. dwellings
Appeal Dismissed 13/12/16;

RESPONSE TO CONSULTATION

Parish Council: NA

Highways Authority: NO OBJECTION

Cadent Gas: NO OBJECTION, but wishes to draw the attention of the developer to there being a low pressure pipeline that runs across the proposed driveway

Environmental Health & Housing – Environmental Quality: NO OBJECTION

REPRESENTATIONS

No representations received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

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

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

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

- Principle of Development
- Planning History
- Form and Character
- Impact upon Neighbour Amenity
- Highway Safety
- Any other material consideration

Principle of Development

The proposal seeks consent for the erection of a detached dwelling within the Newlyn area of Kings Lynn.

The site is contained within the development boundary of King's Lynn thus the proposal could be supported in principle subject to other material considerations.

Planning History

The site has had recent relevant planning history.

Planning application 16/00944/F for the extension of 15 Field Lane and construction of 2 dwellings was refused and dismissed on appeal, APP/V2635/W/16/3158076. A copy of the appeal decision is attached to this report.

The application sought consent for the extension to the existing property to then attach a pair of semi-detached two storey dwellings. The dwellings would have a small amenity space and including the donor property and the 2 new proposed properties, parking would be at the rear of the site.

The application was refused on two grounds:-

1. The subdivision of field lane would be contrary to the built characteristics of the locality. The subdivision of the plot leaves the donor property and proposed properties with little amenity space contrary to the amenity spaces afforded to the properties in the vicinity. Not only were the amenity spaces small but the donor property amenity is awkward in shape. The proposal therefore advocates an overdevelopment of the site.
2. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard amenity required by the Local Planning Authority. The proposal, if permitted, would therefore be likely to an undesirable increase in on-street parking to the detriment to highway safety.

The inspector dismissed the appeal. Whilst, the Inspector identified that there is a variation in terms of the layout of the development in the locality, most of the dwellings occupy good sized gardens and the proposed layout would limit the space available for the rear gardens to the dwellings. This resulted in a very high density of development and would give a crowded appearance. Additionally the layout resulted in a small garden area for the existing dwelling that that would be disturbed by car manoeuvres accessing the parking court to the rear.

The appeal was also dismissed on highway grounds as there would be likely to be on street parking, as the proposal did not provide parking spaces to the size required by Norfolk County Council.

A subsequent application, 17/00778/F, for 1 dwelling was submitted which albeit removed the parking from the rear by providing a shared access and parking arrangement to the front and this was refused for 3 reasons. Firstly, it proposed a layout that was considered to be of poor design, as it resulted in a small awkward private amenity space for the donor property. Secondly, the scale and position of the detached dwelling caused overbearing and overshadowing issues upon the donor property and thirdly, the layout did not provide adequate onsite parking and turning facilities. NCC Highways required parking spaces to the appropriate size and an 8m x 8m turning area.

Another application was submitted, 17/01459/F, which proposed a similar dwelling to that considered previous but with a pitched roof. The application was withdrawn under officer's advice that the proposal still resulted in a poor standard of amenity for the donor property and a convoluted parking arrangement (although NCC highways at the point of withdrawal did not officially object).

It is evident that a number of attempts have been made through various applications to get a scheme that is acceptable on the site. This application has sought to resolve the issue of overbearing and overshadowing issues of the previous refusal by proposing a hipped roof

and an adequate parking and turning arrangement. These issues are considered in the remainder of the report.

Form and Character

Whilst it is considered that the appearance of the property and its scale is visually acceptable in the street scene, the Inspector concluded during the appeal of 16/00944/F that for the most part the dwellings in the locality occupied good sized gardens. It is considered that this proposal whilst resulting in an acceptable garden space for the proposed property, still leaves an usually small garden area for the donor property. As a result the development still gives a crowded appearance, which was a reason why the previous appeal albeit for two dwellings was dismissed.

Impact upon Neighbour Amenity

Notwithstanding the hipped roof and the height to ridge of 6.6m, it is considered that the proposed dwelling with 8m of its western elevation over two storey scale at 2.6m from the shared boundary of the donor property, would cause overbearing and overshadowing issues upon the donor property's amenity space, to a degree that would warrant a refusal of the application.

In order to avoid overlooking into the donor property's amenity area, the internal layout of the property has restricted windows at first floor to the rear and front elevations only. The rooflight in the western elevation roofslope is located at 1.7m above floor level, thus avoiding any potential overlooking from that particular window. Outlook from the front windows is over the shared parking and turning area and towards a bungalow on Kensington Road. The separation between the front of the proposed property and this neighbour's rear and side private garden is 18.7m, which is adequate.

The nearest neighbour in Orchard Gardens, no.1, is separated from the rear elevation of the proposed property by 20m. This separation distance avoids any detrimental overlooking, overshadowing or overbearing issues being experienced by these neighbours.

The neighbour to the east of the site, no.17 Field Lane, is separated from the proposed property by the road that serves the properties in Orchard Gardens and their own driveway/parking area. The proposal results in a property to property separation of 12.5m with this neighbour. To refuse the application on the overbearing and overshadowing issues upon 17 Field Lane in these circumstances would be unreasonable. Outlook from the easternmost window at first floor in rear elevation of the proposed property will afford outlook at 45 degrees over the very rear of 17 Field Lane's garden. This would not warrant a refusal on overlooking grounds.

The western most window at first floor on the rear elevation will look over sheds and outbuildings at the rear of no.11 Field Lane and the very rear of no.9 Field Lane (no. 11 adjoining neighbour to the donor property and no.9 further to the west) and not down into these neighbour's private amenity spaces. At its closest point the proposed dwelling is 3.6m from the eastern boundary of 11 Field Lane, extending to 10.3m. Whilst this is a close relationship with No 11, the donor properties intervening rear garden separates no.11 from the property.

Highway Safety

The last application for a dwelling on the site was refused due to lack of parking and turning facilities and inadequate on-site parking.

The plans that form part of this application now show a shared parking and turning facility with the donor property, and adequate parking provision. Whilst the highways officer has a preference for the property to be handed to provide easier turning manoeuvres on the site, the officer would not object to the proposal as submitted.

Other Material Considerations

The Environmental Quality team has no objection to the proposal and do not wish to impose any contamination conditions. It is noted in their response that the Environment Agency should be consulted in respect to the pollution of groundwaters. In response to being consulted about the application, the Environment Agency note that the site lies over a principal aquifer, but they do not consider that the proposal is high risk, in terms of the potential pollution of this aquifer. They do however note that the proposal should not have sustainable urban drainage systems that are greater than 2.0m below ground level, as there could be the potential to pollute the groundwater.

Cadent gas has no objection to the proposal, but wishes to draw the attention of the developer to there being a low pressure gas pipeline that crosses the front of the site. An informative can be attached to the decision notice in this regard.

CONCLUSION

Members will need to consider whether this proposed dwelling has addressed the issues of the dismissed appeal and the previous refused application.

It is your officer's opinion that whilst the highways reason to refuse the application has been addressed, the proposal still results in an overcrowded development of this awkwardly shaped site, to the detriment of the amenities of the donor property and contrary to the character of development in the locality, where properties generally have good sized garden areas.

It is noted that a hipped roof is proposed and the ridge height of the property is only 6.6m to ridge, but it is still considered that with the majority of the western elevation of the proposed dwelling being experienced by the donor property, separated only by the parking spaces, results in a development that is still overbearing and causes overshadowing for their proposed small amenity space.

The proposal is therefore recommended for refusal for the following reasons.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The subdivision of 15 Field Lane would be contrary to the built characteristics of the locality. The subdivision of the plot leaves the donor property with little amenity space contrary to the amenity spaces afforded to properties in the vicinity. Not only is the amenity space for the existing property inadequate in size but is also awkward in shape. The proposal therefore advocates an overdevelopment of the site. The proposal therefore does not comply with the need to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings neither does it function well nor does it add to the overall quality of the area. The proposal does not comply with Policies CS03 and 08 of the Local Development Framework Core Strategy 2011; Policy DM15 of the Site Allocations and Development

Management Plan 2016; and paragraphs 17, 56, 58 and 64 of the National Planning Policy Framework.

- 2 The proposed position and scale of the new dwelling would have an adverse impact on the residential amenity of the donor property by virtue of overbearing and overshadowing and as such is contrary to Policy DM15 of Site Allocations and Development Management Plan 2016.