

Parish:	Heacham	
Proposal:	Proposed development of two bungalows with integral garages	
Location:	Orange House 53 Malthouse Crescent Heacham King's Lynn	
Applicant:	Mr & Mrs Carrick	
Case No:	18/00468/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 15 May 2018 Extension of Time Expiry Date: 5 October 2018

Reason for Referral to Planning Committee – Parish Council at variance with Officer Recommendation

Neighbourhood Plan: No

Case Summary

The application site comprises a rectangular shaped parcel of land measuring approximately 1007.2 square metres and is currently garden land to No. 53 Malthouse Crescent, Heacham.

The application seeks full permission for the construction of two bungalows.

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

Key Issues

Principle of development;
Impact on form and character;
Impact on neighbour amenity;
Impact on highway safety;
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site comprises a rectangular shaped parcel of land, measuring approximately 1007.2 square metres and is currently used as garden land to No. 53 Malthouse Crescent, Heacham.

The application proposes to construct two bungalows with vehicular access from Staithe Road. The site is extensive garden land which extends behind nos. 38 and 40 Staithe Road.

The bungalows are proposed to be simple in construction with a hipped roof and low ridge height.

SUPPORTING CASE

The Agent offers the following supporting case:-

“The plan layout has now been amended to show two parking spaces facing each bungalow with a 1m wide hard surfaced alighting area across the front entrance and to the gates between the bungalows. The depth of the turning area is now 11m to both bungalows, 5m parking space and 6m to reverse and turn as you would expect in a public car park.

We remind you the proposals have 12m deep back gardens with gardens areas of 130m² each. The distance to the boundaries each side is 3.5m, the distance between the bungalows is 2.6m. There are four parking spaces and the distance between the spaces is 12.7m and the turning space depth in front of each bungalow is 11m.

Our designs, not just on this site but others, have followed the unwritten rule to provide gardens in excess of 10m and here we have 12m. These are small bungalows and ideal for a family or older people who want a home with level access, without stairs, and gardens that do not require extensive maintenance. These proposals meet all of those targets. The population is growing older and homes like this are needed especially in a key Service Centre village as Heacham with all services and facilities.

The neighbours to the east will benefit by the removal of several tall trees along the eastern boundary. The bungalows will not overlook any of the neighbouring properties”.

PLANNING HISTORY

16/00093/PREAPP: INFORMAL - Likely to refuse: 01/08/16 - Pre-application enquiry: Proposed 2 new dwellings - Orange House, 53 Malthouse Crescent, Heacham

07/02126/F: Application Permitted: 03/12/07 - Extension and replacement outbuilding - Orange House
53 Malthouse Crescent, Heacham

06/02542/O: Non-determined Invalid now returned: 12/12/06 - Outline Application: Construction of two dwellings - Land North Of 53, Malthouse Crescent, Heacham

06/00325/CU: Application Permitted: 04/05/06 - Change of use from mixed residential and dental surgery premises to single dwelling house - Orange House, 53 Malthouse Crescent, Heacham

RESPONSE TO CONSULTATION

Parish Council: **OBJECT** - While the size of the plot without dwellings looks a good size, the proposal to put what are described as 2 No. 3-bed FAMILY residential dwellings is too much for the site, particularly as it appears from the plans that there will be little, if no, outside space.

Parking in our view remains an issue. We would need to be assured that the garages are of a sufficient size to accommodate a family size car. Even given the proposal to increase the hard-standing parking to 2 spaces, if both FAMILY bungalows accommodate adults of driving age, this would leave no extra parking for visitors or trade people. There is no suitable parking in the vicinity of these properties, parking on Staithe Road, particularly by the drive, will be a hazard to other road users, and parking on Malthouse Crescent would not be appropriate.

Remodelling the wall of the outbuilding will not, in our opinion, offer a sufficient splay especially to the south where Staithe Road bends around the Head of Heacham Common meeting the junction with Malthouse Crescent.

Staithe Road is already a busy road into the village and will likely become busier, as more drivers use it to access the 166 dwellings on the new Butterfields estate, to the south of Hunstanton, to try to avoid the congestion of the new Lidl's supermarket and queues that form along the A149. The road to the south of this property continues to cause significant problems during heavy rain where the water cannot be drained away quickly enough and becomes a 'pond'. Even given the proposal to have a soak-away, possible drainage from a long drive as this is, is likely to make the ground more saturated and exacerbate the problems in this area.

Highways Authority: NO OBJECTION - As presented, the proposed development provides an improved level of visibility, access widening and a revised parking and turning arrangement within the site, as such, I am able to comment that in relation to highways issues only, as this proposal does not significantly affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to resist the grant of consent. Conditions are recommended

Environment Agency: NO OBJECTION

Environmental Health & Housing – Environmental Quality:

Natural England: No comment to make.

Arboricultural Officer: NO OBJECTION

REPRESENTATIONS

THREE representations have been made in relation to the proposal following the submission of amended plans. Their objections are as follows:-

- The proposed changes do not overcome the issues;
- Overdevelopment;
- Unsuitable for the immediate area;
- Hazardous parking and access arrangements;
- Parking on the road;
- Impact from parking within the site on neighbouring property to the east;
- Impact on peace and quiet in back garden;
- Comments made in the application regarding the need for bungalows in the areas due to an ageing population is considered to be discriminative;

EIGHT representations (from four residents) were received objecting to the original submission prior to the amendments on the following grounds:-

- Overdevelopment of the site;
- Removal of garages will mean that visitors will park on the road;
- Highway safety;
- Limited visibility;
- Impact on security of neighbouring property due to the creation of a new access to the rear;
- Unacceptable impact upon the neighbouring property and their conservatory;
- Overshadowing;
- Overshadowing will cause damp to the rear of the neighbouring property;
- Overbearing;
- Block sunlight;
- Loss of light;
- Impact on outlook / view;
- Close proximity to neighbouring boundary;
- The density is not in line with the village and its future;
- May have implications for light pollution;
- Two more wheely bins left visible will further blight the area.

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

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are as follows:-

- Principle of development;
- Impact on form and character;

- Impact on neighbour amenity;
- Impact on highway safety; and
- Other material considerations

Principle of Development:

Heacham 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.

The NPPF (2018) states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be obtained through economic; social; and environmental objectives. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

The proposed development is acceptable in principle in this location providing it meets other planning policy objectives and other material considerations.

Form and Character:

The application site is distinctly different to general form and layout of the area, in that the plot is large and an irregular shaped in comparison to others with its generous sized dwelling sited centrally within the main part of the garden. The site forms a corner plot bounding both Staithe Road and Malthouse Crescent.

That said, whilst the surrounding development generally forms ribbon development with houses fronting the road and 'standard' back gardens, there is no strong form or character in terms of scale, dwelling type and spacing between properties. Immediately to the north of the site are three bungalows and then a row of two storey terraced dwellings with a detached dwelling beyond that. The opposite side of Staithe Road comprises two storey detached dwellings and a two storey care home. Malthouse Close, which backs onto the site, comprises bungalows.

The application proposes to construct two small scale bungalows with associated parking and turning and a new access from Staithe Road. The bungalows have been designed at low level in order to minimise any perceived impact upon the street scene and on the amenities of neighbouring residents.

When assessing the proposal against policy, nationally the NPPF states that Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Planning should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Core Strategy Policy CS08 and Development Management Policy DM15 are in compliance with this approach.

This proposal raises several issues with regards to the character, context and layout of the locality and whether the proposal responds to this and the way it functions; and whether it is acceptable within the street scene.

The Parish Council and some third parties feel that the development as a whole, including the construction of two dwellings plus the required parking and turning for four vehicles would appear cramped, resulting in overdevelopment of the site.

The proposed dwellings may also be considered to be backland development as their position behind the donor dwelling together with the need for a new access which is sited to the side of existing dwellings meets the definition of such.

This has to be finely balanced with the argument that questions what harm will the development cause to the form and character of area. The site is landlocked and the bungalows are small in scale meaning that they will not be overly visible within the street scene, particularly from Staithe Road, and the small amount of roof you may see will be seen against the backdrop of roofs from the development behind on Malthouse Crescent and beyond.

With regards to the proposal resulting in backland development, as the site is landlocked, the only way to access any new development is to create a new access way from the highway. This inevitably means that it will be taken adjacent to existing housing resulting in a driveway to the side of a dwelling. Again, in terms of visual amenity, as this is a residential area with varying densities, consideration will need to be given to any potential harm to the character and appearance of the locality material. Your Officer's view is that the spacing around the site would not necessarily lead to some of the typical issues that arise with backland development.

With regard to overdevelopment of the site, there is something to be said about the over-intensification of the use of the site, which is sandwiched between well-established and comprehensive residential development. It is not only the siting of two bungalows which may have an impact but also the requirement for other facilities and paraphernalia associated with residential use, such as the on-site parking and turning provisions for four vehicles.

However, when fully assessing this in detail, the bungalows and all the required elements of the development physically fit within the site comfortably. There is sufficient space around the bungalows on site, with adequately sized back gardens (more than 10m in depth); adequate separation distance between the new bungalows (2.6m); adequate separation distance from neighbouring boundaries (3.5m); adequate driveway width which is 3.29m from the neighbouring property; and adequate space for parking and turning in accordance with the adopted standards.

It could therefore be argued that the bungalows would not cause material harm to the area.

This parcel of land is surplus to requirements for the occupants of No.53 and the development of the site to provide new housing is potentially efficient use of the land, which paragraph 122 of the NPPF (2018) encourages. However Members will also need to consider whether the proposal takes the opportunities available to improve the character and quality of the area and the way it functions, in accordance with Section 12 of the NPPF.

Neighbour Amenity:

There are surrounding residents that may be affected by the proposal given the position of the proposed dwellings in relation to neighbouring properties. Firstly, the new site access will be taken from Staithe Road, adjacent to the southern boundary of no. 40. Typically, the issues relating to driveways adjacent to neighbouring property are associated with noise and disturbance from vehicular movements to and from the site. The application proposes to construct the driveway using solid materials to reduce the level of noise. A 1.8m close boarded fence and planting form the boundary between no.40 and the proposed driveway. This will prevent any disturbance to the neighbouring residents from car headlights when entering and exiting the site.

There are other examples within the immediate vicinity where driveways are positioned alongside neighbouring property and serve a garage or parking area towards the rear of the property, thus giving rise to similar conditions as proposed. This is not an uncommon arrangement in a residential area such as this.

The adjacent properties to the east of the site on Malthouse Close have very shallow rear gardens which has been considered in the design and layout of the proposed development. The scale; ridge height and massing of the proposed bungalows have been kept to a minimum to prevent overshadowing and being overbearing.

Given the scale of the proposed dwellings, position of windows and screening from existing boundary treatment, there will be no overlooking to neighbouring residents as a result of the proposed development. The proposed plans show the retention of the existing boundary fencing.

Highway Safety:

The Local Highway Authority has assessed the proposed development and raises no objection on highway safety grounds. The new access from Staithe Road is considered to be acceptable with adequate levels of visibility. The proposed on-site parking and turning provision is considered to meet the adopted standards.

Conditions have been recommended.

Other Material Considerations:

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's Objections:

Some of the Parish Council's comments regarding the size of the site, overdevelopment, inadequate parking have been discussed above in the report.

With regards to drainage concerns, the applicant is proposing to connect to the mains drains and use soakaways which is what is reasonably expected for a proposal of this scale. However, it is noted that hard surfacing to the driveway alongside no. 40 is proposed in order to reduce any impact upon residential amenity which may give rise to surface water runoff. Condition 4 attached requires at least 5m back into the access to be drained, details of the method of drainage are required to be submitted and approved by the LPA. Condition 8 also requests surface details of the driveway and parking area to be submitted, which will enable the LPA to control the use of porous materials further along the driveway and within the site.

Third Party Objections:

Third party comments are taken into full consideration during the determination of the application, some of which have been addressed above in the report. Taking the remainder concerns in turn, the following responses are offered: -

- The proposed changes do not overcome the issues – The amended plans go some way to addressing the overdevelopment issue, and in turn, impact on the form and character, as the scale, mass and footprints have been reduced from the original submission.

- Hazardous parking and access arrangements – The Local Highway Authority have raised no objection on highway safety grounds or specifically to the proposal displacing parking onto the road.

- Impact on peace and quiet in neighbouring back gardens – This is an existing residential area, of relatively high density, where gardens are positioned back-to-back and adjacent neighbouring dwellings which will create a level of noise and disturbance from neighbouring residents. Two additional dwellings will not make the existing situation materially worse to the detriment of the neighbours living conditions.

- Comments made in the application regarding the need for bungalows in the areas due to an ageing population is considered to be discriminative – These comments are noted but this is not the case, and given the scale of the proposed development, this debate is not relevant in the determination of this application and will not influence the decision. The site constraints and relationships with neighbouring dwellings have driven the development to a single storey design. Furthermore, market forces have a role to play here.

CONCLUSION:

This application is considered to be finely balanced. There are a number of issues for consideration with regards to overdevelopment of the site; whether the proposal is out of keeping with the form and character of the area, whether it would result in backland development; and the impact on neighbouring residents due to the intensification of the use of the site.

When determining the application, any harm the development would cause to the street scene and the wider character of the area have been carefully considered. Visually, it will mostly be the rooftops of the bungalows that will be seen, which will not be an oddity when looking at the site as there is currently a backdrop of rooftops from the dwellings behind.

With regards to impact on neighbouring residents, this is an established residential area where existing properties have relatively close relationships. The scale, design and layout of the bungalows have been amended to minimise any impact on neighbour amenities in terms of overshadowing, overbearing and overlooking. The new access and driveway has been positioned as far from the neighbouring property as much as possible and the surface materials can be conditioned so as to further reduce any noise and disturbance.

The impact on the form and character of the area and residential amenities needs to be weighed against the actual harm the development may cause, and in this case your officer's feel that the development can be supported in line with the positive guidance within the new NPPF.

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, as amended; 2109-08C.
- 2 Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.
- 3 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement of the dwelling house consisting of an addition or alteration to its roof shall not be allowed without the granting of specific planning permission
- 3 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 above mentioned Order.
- 4 Condition: Prior to the first occupation of the dwellings hereby permitted, the vehicular access shall be widened to a minimum width of 4.5 metres in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Full details of the method of drainage shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the agreed details.
- 4 Reason: In the interest of highway safety and traffic movement.
- 5 Condition: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means

of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority

- 5 Reason: In the interests of highway safety
- 6 Condition: Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway
- 6 Reason: In the interests of highway safety
- 7 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking & turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use
- 7 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety
- 8 Condition: Prior to laying the surface of the new driveway and parking area, shown on the approved plan no. 2109-08C, full details of the materials to be used for the surface finish shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and maintained in accordance with the agreed details
- 8 Reason: In the interests of the neighbor and local amenity, in accordance with the provisions of the NPPF
- 9 Condition: The existing boundary fencing to all perimeters of the site shown on the approved plan no. 2109-08C shall be retained unless otherwise agreed in writing by the Local Planning Authority
- 9 Reason: In the interests of safeguarding neighbour amenity, in the interests of the NPPF