

AGENDA ITEM NO: 8/2(b)

Parish:	Docking	
Proposal:	Demolition of existing dwelling and construction of 3 dwellings	
Location:	Bernaleen Station Road Docking Norfolk	
Applicant:	New World Timber Frame	
Case No:	19/00232/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 9 April 2019

Reason for Referral to Planning Committee – Called in by Cllr Morrison and Officer recommendation is contrary to Parish Council recommendation

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for the erection of a terrace of three, 2.5-storey dwellings with shared access and parking provision to the front following demolition of an existing bungalow on the site.

The site lies within the Conservation Area of Docking.

The application follows refusal of a similar application that was refused and dismissed at appeal (17/02118/F; APP/V2635/W/18/3208288). This application seeks to address the reasons for refusal.

Key Issues

Principle of Development
History / Impact on Conservation Area
Residential Amenity
Highway Safety
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The site lies on the western side of Station Road within Docking Conservation Area and accommodates a detached bungalow constructed from brick under a concrete tiled roof that sits towards the rear of the site.

The built form in the immediately locality of the site, other than its primary linear form, is varied with both new and traditional properties of varying styles, heights and materials; some properties are set back from the road.

To the immediate north of the site is a dwelling known as Hill Top. This property is set back from the road with all its amenity space, including parking, forward of its principle elevation.

To the immediate south of the site is a new development of two houses.

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SUPPORTING CASE

Although this part of the Docking Conservation Area has a pleasing character and appearance, there is no defined architectural style or townscape character evident. Moreover, there are sites, such as the application site and Hilltop that make no positive contribution to that character and appearance.

Application 17/02118/F included a single storey cart shed, to be used for car parking, set to the front of the proposed dwellings, and close to the boundary with Hill Top. This application was refused in May 2018, and was then subject to an appeal, which was dismissed on 15 January 2019.

The appeal Inspector considered that the proposed development would preserve the character and appearance of the Docking Conservation Area, and that the only harm to living conditions in Hill Top arose from the proposed cart shed to the front of the proposed dwellings. There were no other objections raised by the Inspector.

The current submission is effectively a resubmission of application 17/02118/F, and identical in all major respects save for the removal of the single storey cart shed to the front of the proposed dwellings. This area is now proposed as open car parking spaces.

Therefore, the Inspector's sole objection to the earlier scheme has been completely resolved, and the revised development will not result in any harm to living conditions in Hill Top.

Therefore, the revised application complies with Policy CS08 of the CS and Policy DM15 of the DMPP which require development to avoid significant adverse impacts on the amenity of others, and would also accord with paragraph 127(f) of the NPPF.

PLANNING HISTORY

18/00973/F - Demolition of existing dwelling and construction of 2 dwellings – Permitted 31/07/2018

17/02118/F – Demolition of existing dwelling and construction of 3 dwellings – Refused 10/05/2018; dismissed at Appeal 15/01/2019

RESPONSE TO CONSULTATION

Parish Council: OBJECT to the application for the following reasons:

- The number of properties is overdevelopment of a small site, a point made in the past when 3 were reduced to 2 and approved by the Borough Planners,
- The development will overshadow a small cottage and deprive it of light,
- The height of the properties has increased from previous plans,
- Large increase of cars onto Station Road which is already a very busy road,
- The Parish Council consider 1 for 1 development would be suitable for this site but had agreed to 2 when they had considered previous plans. The parish council is very frustrated that the developer is again trying to overcrowd this site.

Highways Authority: NO OBJECTION subject to condition

Environmental Health & Housing – Environmental Quality: NO OBJECTION – recommends informative relating to the control of asbestos (given the age of the bungalow that currently occupies the site)

Conservation Officer: There has never been an issue in terms of the demolition of the existing property which does nothing to enhance the character of the conservation area and I did not have any objection in principle to replacing it with either a terrace of three houses as proposed by the original application which was refused and dismissed at appeal, or by the two houses which were later approved. I have however expressed concerns about the extensive area of car parking proposed to the front of the plots by various schemes which I felt would be entirely inappropriate and would detract from rather than enhancing the street scene.

In order to address the Inspectors concerns regarding the original proposal it has been necessary to remove the proposed cart shed garage and we are now back to a large parking area in front of the dwellings which I had hoped to avoid. I am however pleased to note that there will be some planting along the boundaries and that that parking area will be gravel (rather than hard surfacing) both of which will go some way to reducing its visual impact.

I therefore have **NO OBJECTIONS** to this application but would recommend a condition requiring sample panels of materials to be provided on site.

REPRESENTATIONS

Four letters of **objection** have been received. The issues raised can be summarised as:

- Overdevelopment of the site that would be of detriment to the locality and the neighbours
- Loss of light

Planning Committee
01 April 2019

- Overbearing
- Noise from cars
- Visitors will have to park on the road
- The dwellings are too tall and too large to replace the small bungalow.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

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 issues in the consideration of this application are:

Principle of Development
History / Impact on Conservation Area
Residential Amenity
Highway Safety
Other Material Considerations

Principle of Development

The site lies within the development boundary of Docking (a Key Rural Service Centre). The principle of residential development is therefore acceptable subject to compliance with other relevant national and local planning policy and guidance.

History / Impact on Conservation Area

Permission was recently granted by Planning Committee (at their meeting in July 2018) for the replacement of the bungalow with a pair of 2.5-storey, semi-detached dwellings (18/00973/F). This approval followed the refusal of a proposal for the replacement of the bungalow with a terrace of three, 2.5-storey dwellings (17/02118/F). The 2018 application was approved during the appeal process for the 2017 application. As such intensification of development on the site has been established by virtue of an extant permission for two dwellings (18/00973/F).

Application 17/02118/F, for three dwellings, was refused under delegated powers for the following reasons:

1. The proposal by virtue of its height, scale, width, bulk and massing, combined with the number of units and its associated parking would result in an unduly prominent and cramped form of development that would be contrary to the building characteristics of the locality, appear incongruous in the street scene and cause harm to the character of Docking Conservation Area that would not be outweighed by any form of public benefit. The proposal therefore fails to comply with s.72 of Town and Country Planning (Listed Building and Conservation Area Act) 1990, paragraphs 56, 58, 64, 131 and 134 of the National Planning Policy Framework; Policies CS01, CS06, CS08 and CS12 of the Local Development Framework Core Strategy and Policy DM15 of the Site Allocation and Development Management Policies Plan.
2. The proposal causes detrimental overbearing issues upon the adjacent neighbour Hilltop by virtue of the height and siting of Plot 3 in relation to a velux window contained on the western elevation roof slope of Hilltop and secondly due to the height, length and siting of the cart shed that serves all 3 dwellings in relation to the front amenity area of Hilltop. The proposal is therefore an un-neighbourly form of development contrary to the provisions of paragraphs 17 and 56 of the NPPF, Policy CS08 and Policy DM15 of the Site Allocation and Development Management Policies Plan 2016.

The applicant appealed this decision and the Planning Inspector dismissed the appeal. However the Inspector's dismissal was based purely on the second of the LPA's reasons for refusal (the impact that the cart shed would have on the amenity of occupiers of Hill Top). In relation to the three dwellings themselves, the Inspector found the proposal to be acceptable stating: *"The proposed dwellings would be two-storey in appearance but would utilise the roof space to provide a third storey. The overall height of the dwellings would be fairly reflective of the new development adjacent [the two new dwellings to the south]. Furthermore, the terraced nature, design and detailing would be similar to the group of terraced properties to the north, beyond Hill Top. Whilst the height would exceed that of Hill Top, there is a varied scale of development in the immediate surroundings and I find that it is the variations in the buildings present that contribute to the visual interests and integrity of the Conservation Area."*

The Inspector went on to say: *"Furthermore, whilst the development would replace one dwelling with three, which, in combination with the parking arrangements, the Council feel would result in overdevelopment of the site, I find that the level of development proposed*

would reflect and accord with a number of the existing clusters of dwelling along this part of Station Road.”

The Inspector concluded: *“Accordingly, I find that the proposal would preserve the existing character and appearance of Docking Conservation Area in terms of the scale, height, design and materials of the proposed dwellings themselves, and it would complement the new development adjacent.”*

The only differences between the application the Inspector commented on and the application before Committee is the removal of the cart shed and the insertion of an additional three roof lights in the rear roof slope.

The Conservation Officer (CO) raises no objection on the grounds of impact on the Conservation Area. However the CO’s comments do refer to planting adjacent to the road which has been removed to accord with highway requirements in relation to visibility splays. Notwithstanding this, it is considered that some suitable planting could be achieved in this location that won’t interfere with the required visibility and also softens the frontage. This can be suitably addressed if permission is granted.

Given the Inspector’s findings your officers therefore consider that the proposed development would preserve the existing character and appearance of Docking Conservation Area.

Residential Amenity

As previously stated, other than an additional three roof lights on the rear slope (that will have no material impact), the proposal before Committee today is the same as that which the Inspector concluded, in relation to neighbour amenity arising from the dwellings themselves, would be acceptable. The Inspector stated: *“Hill Top has a Velux window in the rear roof place which the Council advises serves a bedroom. The proposed development would result in a larger built form and increased height in proximity to this window. However, although the dwelling on Plot 3 would be sited closer to the rear of Hill Top than the existing bungalow, I consider that sufficient separation has been retained from the northern side boundary to ensure that undue harm would not be caused in terms of overbearing or overshadowing impacts on this window and to ensure that adequate outlook would be retained.”*

The removal of the cart shed from this proposal, which the Inspector agreed with your officers would have an unacceptable impact on the occupiers of the property known as Hill Top, has therefore addressed the Inspector’s reason for dismissal of the previously appealed application.

Your officers therefore consider that any impact on neighbour amenity is now acceptable in line with the Inspector’s decision.

Highway Safety

The Local Highway Authority raises no objection on the grounds of highway safety, and parking provision is shown to be in line with current standards. Conditions relating to visibility, parking and improvements to the existing access will be appended to any permission granted.

Other Material Considerations

It is considered that all third party and Parish Council comments have been covered above.

Planning Committee
01 April 2019

Crime and Disorder There are no specific crime and disorder issues arising from the proposed development.

CONCLUSION

The Inspector's decision on the recent Appeal carries significant weight in the determination of this application. The Inspector considered that the dwellings themselves, in all regards, preserved the character and appearance of Docking Conservation Area and were acceptable in relation to neighbour amenity. The Inspector's only reason for dismissal of the Appeal was the impact on neighbour amenity from the cart shed. The cart shed has been removed from the current application.

The proposed development is therefore considered to preserve the existing character and appearance of Docking Conservation Area, and would not give rise to detrimental highway safety or neighbour amenity issues. No objections have been received from statutory consultees on technical grounds. It is therefore recommended that the proposed development 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 drawing nos: STR01.01.01 Rev.M and STR01.01.02 Rev.M.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the dwellings hereby permitted has been erected on the site for the inspection and written approval of the local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the NPPF and Development Plan.
- 4 Condition: No development shall take place on any external surface of the development hereby permitted until samples of the tile and cladding to be used in the construction of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the NPPF and Development Plan.
- 5 Condition: No development over or above foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the NPPF and Development Plan.
- 6 Condition: Notwithstanding the details received, and other than in relation to the existing hedge that is shown to be retained on approved plan STR01.01.01 Rev.M, prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected, The boundary treatment shall be completed before the dwellings are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF and Development Plan.
- 7 Condition: No development or other operations shall commence on site until the existing hedges shown to be retained on approved plan no: STR01.01.01 Rev.M have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 7 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 8 Condition: Other than to enable visibility splay provision as required under Condition 9 of this permission, the existing boundary hedges that are shown as being retained on the approved plan STR01.01.01 Rev.M shall not be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any hedge plant 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.
- 8 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.

- 9 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 0.225 metres above the level of the adjacent highway carriageway.
- 9 Reason: In the interests of highway safety and traffic movement in accordance with the NPPF and Development Plan.
- 10 Condition: Prior to the first occupation of the use hereby permitted the vehicular access shall be upgraded / widened to a minimum width of 4.5 metres in accordance with the Norfolk County Council residential access construction specification for the first 2.5 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.
- 10 Reason: In the interests of highway safety and traffic movement in accordance with the NPPF and Development Plan.
- 11 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 11 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with the NPPF and Development Plan.
- 12 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.
- 12 Reason: In the interests of highway safety and traffic movement in accordance with the NPPF and Development Plan.
- 13 Condition: Prior to the first use of the development hereby approved, a soft landscaping scheme for the area adjacent to the road shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 13 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.