

**AGENDA ITEM NO: 8/2(a)**

<b>Parish:</b>	<b>Hunstanton</b>	
<b>Proposal:</b>	<b>Proposed dwelling following sub-division</b>	
<b>Location:</b>	<b>9 York Avenue Hunstanton Norfolk PE36 6BU</b>	
<b>Applicant:</b>	<b>Mr K O'Hara</b>	
<b>Case No:</b>	<b>19/00860/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr James Sheldrake</b>	<b>Date for Determination:</b> <b>15 July 2019</b> <b>Extension of Time Expiry Date:</b> <b>11 October 2019</b>

**Reason for Referral to Planning Committee** – Referred by the Planning Committee Sifting Panel.

**Neighbourhood Plan:** No

**Case Summary**

The application site is located on the north side of York Avenue, Hunstanton and comprises an area of garden between 9 York Avenue, the donor dwelling, and 7 York Avenue. It is within the Hunstanton Conservation Area.

The proposal seeks permission for a new infill terraced dwelling following the subdivision of the site.

**Key Issues**

Principle of the development  
Form and character and impact on the Hunstanton Conservation Area  
Neighbourhood amenity issues  
Highways impact  
Tree impact  
Other considerations

**Recommendation**

**REFUSE**

**THE APPLICATION**

The application site forms garden to the west of 9 York Avenue approximately 5 metres in width and 25 metres deep. No. 9 forms the end terrace of a group of 8 dwellings that run west to east along the north side of York Avenue. Immediately adjacent the site to the west is 7 York Avenue which forms the end terrace of a group of 3 dwellings, of a different height

and design to the donor dwelling. This indicates that the separate terraces were constructed by different developers or at different stages.

The site falls within the development boundary of Hunstanton and also falls within the boundaries of the Hunstanton Conservation Area. The other dwellings within the street are labelled Important Unlisted Building in the Hunstanton Conservation Area Character Statement.

The application proposes utilising space between No. 9 and No. 7 for an infill terraced dwelling, similar in style to other dwellings in the street. The depth to the front of the site is insufficient for on-site parking, so the application proposes alterations to the public highway to attempt to achieve the necessary parking provision. The current proposal doesn't involve the removal of a street tree.

There was a previously application on the site for a two bedroom house which was refused due to lack of parking and impact on the form and character of the area.

## **PLANNING HISTORY**

15/00367/F: Application Refused: 12/05/15 - Construction of two bedroom house (delegated).

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECTION**

Comments received in relation to the original proposal that required the removal of the street tree to the front of the site:

1. The current dwelling at No 9 has ample off street parking situated in the area for the proposed sub division, the current resident has used this for parking area since their purchase of the property, however, in the Design and Access statement "the space in which the proposed dwelling is sited has not been used for parking whilst in the ownership of the applicant" , the Town Council were informed by the applicant that they had indeed used the land area for parking since they purchased the property. The area is served by a dropped a kerb already in place, this dropped kerb area currently has a tree and electricity service pole contained within it.
1. The Town Council feel that the proposed remedy will only provide a parking space for one vehicle and this is not sufficient for a 3 bedroom dwelling as per the Norfolk Parking Standards 2007 (Class C3 - Dwelling Houses) which states 2 spaces for a 2-3 bedroom unit,
2. the document also states the size of a parking space would require a space 5 M x 2.5 M.
3. We do not feel that the 1.5 spaces the applicant has stated will be provided by the removal of the current tree is achievable, the dropped kerb area would have to be by that estimation 7.5 M in length, which it clearly is not, the current parking facility for number 9 York Avenue will be lost forcing all the parking for two dwellings to be on street parking in an already congested road.
4. The Design and Access Statement mentions during the pre- application stage in 2018 that a site meeting with NCC Highways took place; they gave a positive

response that the roadway would be widened and mentions the removal of the tree would facilitate this. However,

5. there is no mention of the removal of the electricity service pole which would prevent the complete widening of the road and therefore this statement is misleading.
2. The proposal of the parking remedy also means the loss of a tree, which was only replanted 15 years ago following extensive consultation by the Borough Council with the residents, Town Council and Norfolk County Council to reinstate trees down York Avenue.
6. The loss of the tree will go against the Governments Urban Tree Challenge, the planting initiative designed to soak up local pollution and to fight against climate change, as the trees store carbon and can help make our towns and cities more resilient.
7. Trees in urban areas improve health and wellbeing, connect people with the outdoors, absorb noise, reduce flood risk, lower temperatures through shading, and create green spaces for communities to come together.
3. There is also concern that any building works will affect the property at No 7 York Avenue as it is intended to build as close as 100 mm from the flank wall, this means an impact on the properties foundations, bearing in mind the age of the property and were built towards
8. the end of the 19th Century. We are conscious that a party wall agreement would be sought in this case, however, concerns exist over the proposal in regards to the age of the properties in question both 7 & 9 York Avenue and the structural impacts upon them.
4. The issue of whether the design is in keeping with the dwellings in the immediate vicinity, we do not feel that the proposed design fits into the existing dwellings and the architect's statement that the assumption that the original developer/builder was going to in fill the
9. area appears to be a very wild assumption to make, especially bearing in mind that an identical gap exists in the neighbouring road Victoria Avenue between Nos 26 & 28.
5. Overall, Hunstanton Town Council do not believe that the previous concerns of May 2015 have been addressed and the application cannot be supported for these reasons.

### **Highways Authority: OBJECTION**

My early advice was that if 2 additional parking places could be provided within York Avenue without obstructing existing accesses, then the LHA would accept this, in lieu of on-site provision.

The revised plan submitted however does not outline an acceptable scheme to the LHA. The area annotated as 'proposed space 2' details a marginal extension to the existing parking bay outside no 10, but does not provide an additional parking space in its own right.

The proposed space outside no.8 (annotated as 'proposed space 2') would introduce parking adjacent to the access, which could be detrimental to emerging driver's safety.

In light of the above, I cannot consider that 2 additional parking spaces have been proposed to cater for the proposed developments parking demand. As such, I remain of the opinion

that the proposed development would lead to an increase in on street parking which would be to the detriment of highway safety.

**Conservation Officer and Conservation Area Advisory Panel: NO OBJECTION**

This application is very similar to the Pre App application (18/00154/PREAPP) submitted in 2018. The comments will therefore remain the same:

The Panel considered that the principle of infilling the gap was acceptable and had no objections to the design of the proposed new dwelling but if a formal application is submitted they would wish to see conditions in respect of materials and fenestration.

**Arboricultural Officer: NO OBJECTION** (subject to the development being carried out in accordance with the submitted tree survey).

**Natural England: NO OBJECTION**

**Environmental Quality Officer: NO COMMENTS TO MAKE**

**REPRESENTATIONS**

**19 OBJECTIONS** to the original proposal were received. The reasons for objection were:

- Insufficient on-street parking/ existing congestion and associated impacts;
- Loss of the street tree;
- Lack of need for new housing/ pressure on local services;
- The highway isn't owned by the applicant;
- The adjacent dwelling owner isn't willing for a house to be built adjacent his house;
- Impact during construction and impact on adjacent properties from the construction of a dwelling (structural damage, impact from dampness);
- That the dwelling will be used as a second home;
- Loss of on-street parking;
- Loss of on-site parking;
- Harm to the streetscene from the loss of the space and the design of the dwelling;
- Overlooking to rear gardens;
- Overbearance on the adjacent dwelling to the west; and
- The previous reasons for refusal have not been overcome.

**1 comment of SUPPORT** was received. The reasons for support were:

- -The proposal will improve the amount of on-street parking.

**14 OBJECTIONS** to the amended proposal were received. The reasons for objection are:

- The 2 proposed parking spaces are already used for parking;
- The highway isn't owned by the applicant;
- The adjacent dwelling owner isn't willing for a house to be built adjacent his house;
- Harm to the streetscene from the loss of the space and the design of the dwelling; and
- Lack of garden for the donor dwelling.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**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)

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

- Principle of the development
- Form and character and impact on the Hunstanton Conservation Area
- Neighbourhood amenity
- Highways impact
- Tree impact
- Other considerations

### **Principle of the development**

The site lies within the development boundary of Hunstanton (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. The site is also within the Hunstanton Conservation Area, and special regard must be had to its preservation or enhancement.

## **Form and character and impact on the Hunstanton Conservation Area**

The area is characterised by late Victorian dwellings constructed from brick and carrstone and roofed with slate. The dwellings typically have only on-street parking and small front gardens.

The site consists of a gap between two terraced dwellings, opposite a much smaller gap between dwellings of different designs. Gaps are a typical characteristic of the streetscene and the wider area; however, along York Avenue there is an irregularity to the locations of the gaps along the street and there isn't a uniform width to them. There isn't a mirrored layout and the gap isn't in symmetry with others within the street. Because of this, the gap isn't considered to be an important feature within the streetscene and its loss won't significantly alter the character of the area. Additionally, the side gables of both the donor dwelling and the adjacent dwelling to the west are not considered to provide significant contributions to the streetscene and their concealment also won't be detrimental to the streetscene.

Therefore, provided the proposed infill development preserves the character of the streetscene; a new dwelling on the site will have an acceptable impact. The introduction of a dwelling into the gap won't create a development at odds with the wider development pattern either, as attached dwellings of different styles are a common feature of the area and add to the character of the Hunstanton Conservation Area.

The proposed dwelling would be a similar height to adjacent dwellings and its front elevation would match the dwellings either side. The architectural detailing would match other dwellings in the street and the window proportions would be similar. The materials could be conditioned to match surrounding dwellings. The proposed development would preserve the character and appearance of the Hunstanton Conservation Area and the proposed dwelling would appear acceptable in the streetscene.

Additionally, both the donor dwelling and the proposed dwelling will have sufficient outdoor space for a town centre location.

### **Neighbourhood amenity**

The proposed dwelling wouldn't cause overbearing or overshadowing on the adjacent dwelling to the east (No. 7) as No. 7 has a blank side gable. The proposed first-floor rear projection would be slightly overbearing and overshadowing on the donor dwelling, but not significantly as it wouldn't project any deeper than No. 9 and would be set off the boundary.

The windows of the proposed dwelling would face down the garden area of the proposed dwelling and away from the immediate rear of adjacent dwellings, so wouldn't cause significant overlooking.

### **Highways impact**

The proposed dwelling will have three bedrooms and Policy DM17 requires two parking spaces for a three bedroom dwelling. The existing site isn't used for parking and could be built over under permitted development rights. Therefore, the proposed development isn't required to provide parking spaces for the donor dwelling but should provide two parking spaces for the new dwelling.

As the space to the front of the proposed dwelling isn't large enough for on-site parking, the applicant has proposed off-site highway alterations to in an attempt to achieve the necessary provision on the public highway.

The proposed highway alterations involve the slight reduction of pavement areas and the moving of kerbs. 'Proposed space 1' would achieve a full parking space but would be very close to the access for No. 8, so would be detrimental to emerging drivers safety. 'Proposed space 2' details a marginal extension to the existing parking bay, but does not provide an additional parking space in its own right.

Therefore, the proposed development fails to provide satisfactory parking for the new dwelling on a stretch of road with significant on-street parking pressures. Norfolk County Council Highways confirm that the lack of satisfactory parking spaces would result in an unacceptable impact on highway safety and the proposed parking arrangement would cause detriment to users of the public highway adjoining the site.

### **Tree impact**

The amended proposal doesn't involve the removal of any street trees; however, the proposed highways works to achieve the two on-street parking places are in proximity to a street tree on the opposite side of the street. The applicant has submitted a tree survey and the Arboricultural Officer has no objection to the proposal (subject to the development being carried out in accordance with the submitted tree survey).

### **Other considerations**

In response to the comments not covered above:

- The need for the new dwelling in this location isn't a consideration of the application;
- The fact that the highway isn't owned by the applicant isn't necessarily an issue as it is owned by Norfolk County Council;
- The fact that the adjacent dwelling owner isn't willing for a house to be built adjacent his house is a civil matter, not a planning matter; and
- Impact during construction and impact on adjacent properties from the construction of a dwelling (structural damage, impact from dampness) are also civil matters, not planning matters.

Whether the proposed dwelling would be a second home or not is not a consideration of this application.

### **CONCLUSION:**

The principle of a new dwelling on the site is acceptable, the design of the proposed dwelling is considered to preserve the character and appearance of the Hunstanton Conservation Area and the impact on the existing street trees is considered to be acceptable.

Notwithstanding the above, the proposed development fails to provide satisfactory parking for the new dwelling on a stretch of road with significant on-street parking pressures. The lack of satisfactory parking spaces would result in an unacceptable impact on highway safety and the proposed parking arrangement would cause detriment to users of the public highway adjoining the site.

Given the proposal is only for a single dwelling, the harm arising from the highways impact of the proposal is considered to outweigh the benefit of the proposal. The development is therefore considered to be contrary to Policy CS11 of the Core Strategy (2011), Policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016) and the NPPF (2019).

**RECOMMENDATION:****REFUSE** for the following reason(s):

- 1 The proposed development fails to provide satisfactory parking for the new dwelling on a stretch of road with significant on-street parking pressures. 'Proposed space 1' shown on the Proposed Highways Arrangement (16/09/2019) would introduce parking adjacent to the access to No. 8 York Avenue, which would be detrimental to emerging drivers safety. 'Proposed space 2' details a marginal extension to the existing parking bay, but does not provide an additional parking space in its own right. The lack of satisfactory parking spaces and the proposed parking arrangement would result in an unacceptable impact on highway safety. The development is contrary to Policy CS11 of the Core Strategy (2011), Policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016) and the NPPF (2019).