

<b>Parish:</b>	<b>Hunstanton</b>	
<b>Proposal:</b>	<b>Construction of dwelling</b>	
<b>Location:</b>	<b>Plot Adjacent The Homestead Sandringham Road Hunstanton</b>	
<b>Applicant:</b>	<b>Mr Keith Anderson</b>	
<b>Case No:</b>	<b>19/01632/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 18 November 2019 Extension of Time Expiry Date: 7 February 2020</b>

**Reason for Referral to Planning Committee** – Officer Recommendation is contrary to Town Council Recommendation referred by Sifting Panel

**Neighbourhood Plan:** No

**Case Summary**

Full planning permission is sought for the construction of a dwelling on Sandringham Road, Hunstanton.

The site lies within the Conservation Area and contains a TPO cedar tree (2/TPO/00518).

The site lies within flood zone 1.

The application seeks to address the reasons for refusal and dismissal at appeal of application 14/01550/F (APP/V2635/W/15/3134206) – decision attached.

**Key Issues**

- Principle of Development
- Appeal History / Form, Character and Impact on Conservation Area
- Highway Safety
- Residential Amenity
- Tree Protection
- Other Considerations

**Recommendation**

**REFUSE**

## THE APPLICATION

Full planning permission is sought for the construction of a single-storey dwelling on Sandringham Road, Hunstanton within the curtilage of the donor property known as The Homestead.

The dwelling would be sited at the rear of the site and would be accessed via an access off of the donor property. The two-bed dwelling would be enclosed by a carrstone wall to create a private courtyard and allow for the removal of the recently erected 1.8m high close boarded timber fence between the site and the donor property. Parking is proposed within the courtyard area with a drive circling the protected Cedar tree occupying the front portion of the site.

The site lies within the Conservation Area and contains a TPO cedar tree (2/TPO/00518).

The development would result in the loss of one holly tree.

The whole of the site's carrstone wall fronting Sandringham Road would be retained.

The site lies within flood zone 1.

The application seeks to address the reasons for refusal and dismissal at appeal of application 14/01550/F (APP/V2635/W/15/3134206) for a *new chalet dwelling, garage and new vehicular entrance*.

## SUPPORTING CASE

Having read through the Inspector's response to the appeal it is clear that the inspector has assessed this site based on the submitted design only rather than assessing any development in principle at this location.

At no point within the text does the Inspector say "any development" it is always referred to as "the development".

This is evident throughout the whole text; for example in paragraph 2 the Inspector refers to "the development" rather than "any development". In paragraph 6 he says "The proposed one and a half-storey dwelling" rather than any and in paragraph 9 again the Inspector refers to "the proposed dwelling".

Further to this the Inspector does not say at any point within the text that the site should not be developed at all. He has assessed the site based on the submitted design only.

Paragraph 9 is the key paragraph:

"For these reasons, I consider that the introduction of the proposed dwelling in the space between Nos. 29 and 31 would detract from the setting of No. 29 and would be harmful to the Sandringham Road streetscene".

If the Inspector had felt that any development on the application site was not possible one would have thought this would have been summarised within the 'other matters section' and the above highlighted statement should have read: "the introduction of any proposed dwelling".

We do consider that the site can be developed in an appropriate manner through well considered appropriate design. We believe that the current proposed design addresses all

Planning Committee  
3 February 2020

the issues raised by the Inspector including retaining all of the road side trees, retaining the existing front wall, preserving the open feel of the application site and enabling views of the decorative façade of No 29 to be retained while providing an additional dwelling.

Further to this we feel the proposed design will enable the former garden of No 29 to be maintained as a garden once again rather than as an undeveloped piece of land.

We hope the Planning Committee can approve the proposed scheme.

## **PLANNING HISTORY**

14/01550/F: Application Refused: 13/03/15 - New chalet dwelling, garage and new vehicular entrance; Appeal Dismissed 17/02/16

Adjacent site (donor property)

13/01206/LDE: Was Lawful: 08/10/13 - Certificate of Lawfulness: Continued use of building for flats

## **RESPONSE TO CONSULTATION**

**Parish Council:** **SUPPORT** on the basis that the size of the dwelling has been reduced, the egress from the plot has been changed and there will be no need for the removal of any of the trees on the plot boundary along Sandringham Road.

**Conservation Officer:** **OBJECTS** on the basis that the previous application for a dwelling on this site was refused in 2014 and the subsequent appeal dismissed in early 2016. This application shows a very different dwelling which the DAS comments take its lead from traditional coach houses which are a common feature of large houses in the locality. Its location has also been changed to position it to the back of the site and it is screened by a carstone wall to reduce its visual impact and give the front of the site an open feel.

However, I have to take account of the previous appeal decision and in particular the Inspectors comments regarding:

- The sites undeveloped character being a significant feature of the streetscene, giving the building a setting proportionate to its size and being a transition point between turn of the century houses and more modern bungalows (Para. 7)
- The prevailing character of this part of the CA being specifically defined by the two substantial properties in large plots and which significant space between them (Para.8)

Both of these comments are still relevant and so, whilst I really like the design of the proposed new dwelling, I am unable to support the application and recommend that it be refused.

**Arboricultural Officer:** **NO OBJECTION.** Having looked at the updated plans and the agents comments, I can confirm that I have no objections as long as the TPO'd tree and the road frontage trees are retained and suitably protected by condition.

**Highways Authority:** **NO OBJECTION.** I am able to comment that in relation to highways issues only that, as this proposal does not affect the current traffic patterns or the free flow of traffic Norfolk County Council does not wish to resist the grant of consent. Should your

Planning Committee  
3 February 2020

Authority be minded to the grant of consent, I would seek to append a condition securing the on-site access and parking proposed.

**Natural England:** NO COMMENTS to make

**Environmental Health & Housing – Environmental Quality:** NO COMMENTS to make in relation to contaminated land or air quality

## REPRESENTATIONS

**Hunstanton Civic Society: OBJECT** stating: The Civic Society considers that the Conservation Area designated in 1984 and enlarged in 2009 to be very important. It is an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve and enhance. The conservation of the historic environment is part of our quality of life, helping to foster economic prosperity and providing an attractive environment in which to live or work.

The quality and interest of a conservation area depends upon a combination of factors including the relationship and architectural quality of buildings, materials, spaces, trees and other landscape features, together with views into and out of the area.

The Conservation Area Character Assessment makes specific mention of 29 Sandringham Road. "The Convent of St. Teresa (number 27) and 29, on the east side are a continuous group of turn of the century carstone houses in substantial gardens with important trees and front walls."

The land adjacent to the Homestead, 29 Sandringham Road has been part of the garden of that property. The fact that it has been fenced off and used as a dumping ground is already degrading the Conservation Area because it is causing harm to the setting of the main house. The house has a decorative side elevation, the land in question gives the building a setting proportionate to its size which is consistent with the neighbouring Convent.

We consider that in-filling with the erection of any dwelling on this land would be harmful to the Sandringham Road streetscene. Although this harm may be less than substantial to the Conservation Area as a whole, paragraph 196 of the NPPF Feb. 2019 states that "this harm should be weighed against the public benefits of the proposal."

As no public benefit could accrue from this speculative proposal, it is contrary to the NPPF and should be REFUSED.

**Third Party Representatives:** Five letters of support (from three third party representatives) and 13 letters of objection (from eight third party representatives) have been received.

The letters of support can be summarised as:

- The site has been separated from No.29 [sold] and is therefore highly unlikely ever to be incorporated as garden land for the flats again
- The applicant is a local person and it will be their full-time home
- The new design overcomes all of the issues objectors have raised
- To leave the site an open space risks dereliction
- The proposed dwelling fits into the general streetscene and would enhance the area
- Other houses have been built in gardens in the locality; this is no different

- The flat owners should have bought the land if they wanted it for their communal garden
- A house of this size probably did have a coach house at some point
- When the site did form part of the curtilage to the flats it was used as an overflow car park rather than a garden
- The amended development achieves an open feel

The letters of objection can be summarised as:

- General neglect and use of the site for rough storage does not constitute a vacant parcel of land or make it appropriate for infill development
- Approval of the development would set a precedent
- Enforcement should end the separation [of the land from the donor property], protect the trees and reinstate the original character of the property
- The flat owners are freehold owners and do not agree to use of their access to serve the development
- Negative impact on the Conservation Area
- Loss of amenity grounds to neighbouring properties; five of the seven flats have no outdoor facilities
- The proposal still breaks the grounds cited in the Appeal dismissal
- The Homestead has never had a Coach House and therefore the inclusion of one would not compliment The Homestead
- Loss of light
- Access the property from the north will damage the entry pillars (which have been damaged in the past by vehicular activity)
- Damage and loss of trees
- There is a covenant on the garden to prevent it from development.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS05** – Hunstanton

**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

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are:

Principle of Development  
Appeal History / Form, Character and Impact on Conservation Area  
Highway Safety  
Residential Amenity  
Tree Protection  
Other Considerations

### **Principle of Development**

The site lies within the development boundary of Hunstanton, one of the Borough's main towns and thus an area where the principle of residential development is to be supported subject to compliance with other relevant planning policy and guidance.

### **Appeal History / Form, Character and Impact on Conservation Area**

The current proposal seeks to address the reasons for refusal of the previous application for a *New chalet dwelling, garage and new vehicular entrance* that was refused by planning committee on 13 March 2015 Ref: 14/01550/F.

The reasons for refusal were:

1. The part of the Hunstanton Conservation Area in which the proposed development is located is characterised by substantial houses in large gardens with trees, 29 Sandringham Road being one such house. The proposal to sub-divide the garden and construct a new property would result in a loss of spaciousness both in the street scene and within the setting of the donor property. Consequently, the proposal has an adverse impact upon both the setting of the donor property and upon the character of the Conservation Area and is contrary to paragraphs 131-134 of the National Planning Policy Framework; the National Planning Practice Guidance and Policy CS12 of the Local Development Framework Core Strategy 2011 and the Hunstanton Conservation Area Character Statement.
2. The design of the proposed dwelling takes references from adjacent dwellings that are outside of the Hunstanton Conservation Area rather than from dwellings in the Conservation Area itself. The proposal therefore fails to either preserve or enhance the character of the Conservation Area, contrary to paragraphs 131-134 of the National Planning Policy Framework; National Planning Practice Guidance and policies CS05 and CS12 of the Core Strategy and saved policy 4/21 of the King's Lynn and West Norfolk Local Plan 1998.

Planning Committee  
3 February 2020

The application was appealed and the appeal was dismissed on 17 February 2016.

The Inspector considered that the main issue was the effect of the development on the character or appearance of the Hunstanton Conservation Area.

In relation to the description of the appeal site the Inspector stated: *“The appeal site originally formed part of the garden of No. 29 Sandringham Road which is a substantial Victorian property, currently in use as flats. It sits in a spacious plot on the edge of the CA and is one of a pair of properties of similar scale and character...To the front of the appeal site is a decorative wall behind which there is a row of mature trees. There is also a cedar tree towards the centre of the site.*

*The appeal site is currently separated from No. 29 Sandringham Road by fencing. The site is visible from the road through gaps in the trees and when approaching from both directions. Although the appeal site appears relatively underused and unmaintained, it is undeveloped and appears as a large domestic garden within the streetscene.”*

In relation to the impact of the development on the character or appearance of the Conservation Area, the Inspector states: *“In accordance with the statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Hunstanton Conservation Area Character Statement (2009) identifies No.29 Sandringham Road, together with the neighbouring property to the northwest, as important unlisted buildings and their large gardens and trees within them as contributors to the special character of the area.*

*The proposed one and a half storey dwelling would be set deep into the plot behind the existing cedar tree. This and the majority of the trees within the plot would be retained having the effect of partly screening the proposed development from the road. However to achieve the access a number of trees would be removed together with a small section of the decorative wall increasing the visibility into the site.*

*The verdant undeveloped character of the appeal site is a significant feature of the Sandringham Road streetscene. It is the point of transition between imposing turn of the century houses with substantial gardens to more modern bungalows in much smaller plots. The space between Nos.29 and 31 Sandringham Road also affords views of No.29's decorative side elevation and gives the building a setting proportionate to its size which is consistent with the neighbouring property to the northwest.*

*No.29 Sandringham Road would be substantially taller and wider than the proposed dwelling with only a small separation distance between the two buildings. The contrasting scale and form of development would result in a relationship that would appear awkward and at odds with the prevailing character of this part of the CA, which is specifically defined by the two substantial properties set in large plots with significant space between them.*

*For these reasons, I consider that the introduction of the proposed dwelling in the space between Nos.29 and 31 would detract from the setting of No.29 and would be harmful to the Sandringham Road streetscene. I consider that due to the partial screening provided by the trees along the frontage and the cedar tree within the plot, the harm to the CA would be less than substantial. It should therefore be weighed against the public benefits of the proposal.”*

Comparing and contrasting the dismissed scheme with that currently proposed:

*Similarities:*

- The site remains a transitional site between *'imposing turn of the century houses with substantial gardens to more modern bungalows in much smaller plots'*
- The space between Nos.29 and 31 Sandringham Road still *affords views of No.29's decorative side elevation and gives the building a setting proportionate to its size which is consistent with the neighbouring property to the northwest although the current scheme would enable greater views of this elevation'*
- Both schemes would remove a large proportion of the garden which is a key contributor to the character of the Conservation Area, although the current scheme proposes to remove the close boarded timber fence thus giving a more open feel
- Both dwellings are shown set deep into the plot behind the cedar tree, although the current scheme is set further back thus affording greater views of the eastern elevation of the donor property
- Both schemes show the majority of the trees within the site, including the cedar, as being retained, and thus both schemes offer partial screening of the development from the road
- No.29 Sandringham Road would still be substantially taller and wider than the dwelling proposed under the current scheme and there would still only be a small separation distance between the two buildings. The contrasting scale and form of development would therefore still result in a relationship that would appear awkward and at odds with the prevailing character of this part of the Conservation Area, which is specifically defined by the two substantial properties set in large plots with significant space between them
- The introduction of the dwelling proposed under the current scheme in the space between Nos.29 and 31 would still detract from the setting of No.29 and would therefore still be harmful to the Sandringham Road streetscene
- The partial screening provided will still result in less than substantial harm to the Conservation Area (Heritage Asset) and the proposal will therefore need to be weighed against the public benefits

*Differences:*

- No frontage trees are to be removed (although one holly tree on the boundary of the site with the donor property will be removed)
- No part of the decorative frontage wall of the site will be removed
- Greater views of the eastern elevation of the donor property would be enabled by virtue of the dwelling being set further back in the site and the removal of the close boarded timber fence that currently separates the curtilage from The Homestead
- The scheme will read as though The Homestead has a relatively large garden.

Your officers acknowledge the significant attempts made by the applicant / agent to address the Inspector's reasons for dismissal of the previous application. However, it is considered that the erection of any dwelling on the site would result in similar detrimental impacts on the character or appearance of the Conservation Area raised by the Inspector.

The public benefit would still be the provision of a single dwellinghouse; but as with the previous balance, *"this does not outweigh the weight to be given to the designated heritage asset's conservation."*

## **Policy Update**

Since the refusal and dismissal of the previous scheme the policy framework has altered at both the national and local level. The Site Specifics Allocations and Development Management Policies Plan has been adopted (Sept. 2016) with the saved policies of the Local Plan revoked and the NPPF has been updated (Feb. 2019). However, the emphasis of protecting and enhancing Conservation Areas still remains a policy consideration, and

Planning Committee  
3 February 2020

whilst policy numbering may have altered and the documents they are contained within updated, the policy considerations remain in their essence largely unaltered.

Of great significance is that at the time of the previous refusal the LPA could not demonstrate a five-year supply of housing land. Therefore, even given this lack of housing land supply the decision to build on this parcel of land was found to be of such detriment to the character or appearance of the conservation area that it did not weigh in favour.

Currently the LPA can demonstrate a five-year housing land supply well in excess of five-years.

### **Highway Safety**

The Local Highway Authority raises no objection to the amended plan, with access onto Sandringham Road via the existing access serving The Homestead, on the grounds of highway safety.

Parking provision and access across the site are also considered acceptable and accord with current standards.

There are therefore no highway safety implications with the proposed development.

### **Residential Amenity**

Whist the removal of the close boarded timber fence between the site and the donor property would give a more open feel to the setting of The Homestead this could result in unacceptable neighbour amenity issues. There would be no boundary between ground floor windows of the flats in The Homestead that face eastwards and essentially the garden of the new dwelling. This would not represent good design and would not be a relationship that your officers would find acceptable.

In other regards, given the low height of the proposed dwelling and location of fenestration it is not considered that issues of overbearing, overshadowing or overlooking would be material or of a level to warrant refusal.

### **Tree Protection**

Only one tree is proposed to be lost, this being a small holly tree on the boundary between The Homestead and the site. The tree offers limited amenity, and the Arboricultural Officer raises no objection to its loss.

In relation to the protection of the other trees, the Arboricultural Officer is satisfied that they can be suitably protected during construction and that the development would not have a detrimental impact on their long-term health.

### **Other Considerations**

In relation to third party comments not specifically covered above your officers comment as follows:

- Approval of the development would set a precedent – every application needs to be assessed on its own merits
- Enforcement should end the separation [of the land from the donor property], protect the trees and reinstate the original character of the property – the erection of the fence falls within permitted development and therefore enforcement action cannot be taken

Planning Committee  
3 February 2020

- The flat owners are freehold owners and do not agree to use of their access to serve the development – this is a civil matter that the grant of planning permission would not affect
- Access the property from the north will damage the entry pillars (which have been damaged in the past by vehicular activity)
- There is a covenant on the garden to prevent it from development - this is a civil matter that the grant of planning permission would not affect

### **Crime and Disorder**

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

### **CONCLUSION**

It is clear that the applicant / agent has gone to considerable lengths to address the Inspector's reasons for dismissing the previous appeal.

However the development of the site would result in unacceptable harm to the character or appearance of the Conservation Area by virtue of the loss of the garden that provides the spacing between properties [Nos.29 and 31] and is a specific contributor to the special character of this particular part of the Conservation Area as outlined in the Conservation Area Statement. Furthermore the contrasting scale and form of development (between the substantial building that is No.29 and the modest proposed dwelling) would result in a relationship that would appear awkward and at odds with the prevailing character of this part of the Conservation Area, which is specifically defined by two substantial properties set in large plots with significant space between them.

In summary the scheme would result in less than substantial harm to the Conservation Area that is not outweighed by public benefit of providing a single dwellinghouse.

It is therefore recommended that this application be refused for the reasons given below.

### **RECOMMENDATION:**

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

- 1 The verdant undeveloped character of the site is a significant feature of the streetscene and the space between Nos.29 and 31 offered by the site gives the building a setting proportionate to its size. The Hunstanton Conservation Area Character Statement (2009) identifies No.29 Sandringham Road together with the neighbouring property to the northwest as important unlisted buildings and their large gardens as contributors to the special character of the area. To build in this space would disrupt this important characteristic to the detriment of the setting of No.29 and the wider Sandringham Road streetscene. This would result in less than substantial harm to the Conservation Area that due to the limited benefit of a single dwellinghouse would not be outweighed by the public benefit. The proposed development is therefore contrary to the NPPF and Local Plan Policies CS01, CS08, CS12 and DM15.