

<b>Parish:</b>	<b>Brancaster</b>	
<b>Proposal:</b>	<b>REMOVAL OR VARIATION OF CONDITION 6 OF PLANNING PERMISSION 14/01681/F: Revised design to planning permission 09/01846/F: To allow for the erection of one dwelling only in the grounds of plots 2 and 3 and increase garden land to plot 1</b>	
<b>Location:</b>	<b>Lynwood Main Road Brancaster Staithe King's Lynn</b>	
<b>Applicant:</b>	<b>Beechwood Estates &amp; Development</b>	
<b>Case No:</b>	<b>20/00819/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty</b>	<b>Date for Determination: 21 August 2020</b>

**Reason for Referral to Planning Committee – referred by Sifting Panel**

**Neighbourhood Plan:** No

**Case Summary**

The site is on the southern side of the Main Road, Brancaster Staithe and comprises a detached dwelling, Lynwood House, with associated garaging and garden land.

The site already has planning permission for a second dwelling on the site, which is the subject of this application. This planning application seeks amendments to the approved plans for this dwelling to change fenestration to the front elevation and add a basement.

The site has been subject to several planning applications in the last decade and the planning history is material to the consideration of this application.

The site is within the village of Brancaster Staithe which is a Key Rural Service Centre.

The site is also within the Coastal Zone and the AONB.

The site is surrounded by other residential properties to the east, west, south west and to the north on the opposite side of Main Road.

**Key Issues**

- Planning history
- Principle of development
- Impact upon the AONB;
- Design, character and appearance
- Impact upon Residential Amenity;
- Highway Issues;
- Crime and Disorder Act 1998;
- Other Material Considerations.

## **Recommendation**

**APPROVE**

### **THE APPLICATION**

The site is on the southern side of the Main Road, Brancaster Staithe and comprises a detached dwelling, Lynwood House, with associated garaging and garden land.

The site is surrounded by other residential properties to the east, west, south west and to the north on the opposite side of Main Road.

The site already has planning permission for a second dwelling on the site, which is the subject of this application. This planning application seeks amendments to the approved plans for the dwelling to change to the first floor window arrangement to the front elevation and add a basement.

Previously a high level window was approved to the first floor north elevation, and it is proposed to amend this to two separate windows, serving a landing and a dressing room. The proposed basement would add an additional 135 sqm of floor area to the property, resulting in a total floor area of 593 sqm.

The planning history of the site is listed below. Planning permission has been approved in the past for three dwellings on this site and this has since been reduced to two. One of these dwellings has already been constructed and is occupied.

A non-material amendment has previously been approved for some minor alterations to the dwelling but these current amendments are considered to be material changes, hence the need for a s73 variation of condition application.

### **SUPPORTING CASE**

To follow

### **PLANNING HISTORY**

14/01681/NMA\_1: Application Permitted: 20/05/20 - NON-MATERIAL AMENDMENT TO PLANNING CONSENT 14/01681/F: Revised design to planning permission 09/01846/F: To allow for the erection of one dwelling only in the grounds of plots 2 and 3 and increase garden land to plot

14/01681/F: Application Permitted: 21/01/15 - Revised design to planning permission 09/01846/F: To allow for the erection of one dwelling only in the grounds of plots 2 and 3 and increase garden land to plot1

13/00317/DISC\_A: Discharge of Condition final letter: 04/09/14 - Discharge of conditions 1, 2 and 3 of planning permission 13/00317/F: Minor variations to existing planning consent for plot 1

13/00317/F: Application Permitted: 30/04/13 - Minor variations to existing planning consent for plot 1

09/01846/DISC\_B: Discharge of Condition final letter: 04/09/14 - Discharge of condition 1, 3, 4, 5 and 8 of planning permission

09/01846/F: Replacement of existing bungalow and development of 2 additional dwellings

09/01846/NMA\_1: Application Refused: 10/01/13 - Non-material amendment to planning consent 09/01846/F: Replacement of existing bungalow and development of 2 additional dwellings

09/01846/F: Application Permitted: 09/12/09 - Replacement of existing bungalow and development of 2 additional dwellings

09/01846/DISC\_A: Discharge of Condition final letter: 16/04/12 - DISCHARGE OF CONDITIONS 2, 6 and 7: replacement of existing bungalow and development of 2 additional dwellings

09/01077/F: Application Refused: 24/09/09 - Demolition of existing bungalow and construction of 4 detached houses

08/00310/F: Application Refused: 01/05/08 - Demolition and rebuild of existing bungalow and construction of four new dwellings; Appeal Dismissed 23/03/09;

07/02567/F: Application Withdrawn: 24/01/08 - Demolition and rebuild of existing bungalow and construction of four new dwellings

2/02/1172/F: Application Permitted: 27/08/02 - Extensions to dwelling

2/02/0280/F: Application Permitted: 21/03/02 - Single storey extension and porch replacement

2/97/1847/F: Application Permitted: 03/02/98 - Construction of loft extension

2/97/0140/F: Application Permitted: 11/03/97 - Construction of boat store

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** - The Parish Council object to these plans as the neighbourhood plans states:

+ Larger dwellings of five bedrooms or more will only be permitted in exceptional circumstances where this meets the needs of a local resident family.

**Highways Authority: NO OBJECTION** - as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to resist the Variation of Condition 6.

## **REPRESENTATIONS**

**NONE** received

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Area

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**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

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy 1** - Size of Houses

**Policy 2** - Design, Style and Materials

**Policy 3** - Footprint for New and Redeveloped Dwellings

**Policy 4** - Parking Provision

**Policy 5** - Replacement Dwellings

**Policy 6** - Affordable / Shared Ownership Homes

**Policy 7** - Development of Shops, Workshops and Business Units

**Policy 8** - Protection of Heritage Assets and Views

**Policy 9:** Protection and Enhancement of The Natural Environment and Landscape

## **NATIONAL GUIDANCE**

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

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

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

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

- Planning history
- The principle of development on this site;
- Impact upon the AONB;
- Design, character and appearance
- Impact upon Residential Amenity;
- Highway Issues;
- Crime and Disorder Act 1998;
- Other Material Considerations.

### Planning history

The planning history of the site is a material consideration in this case.

A planning application for five dwellings on the site (along with the property next door) was refused planning permission and a subsequent appeal to the Planning Inspectorate was dismissed in 2009 (Ipa ref: 08/00310/F).

Planning permission for a scheme for four dwellings on the site was refused planning permission by the Development Control Board on 7 September 2009 (Ipa ref: 09/01077/F).

Planning permission for three dwellings on the site was approved in 2009 and work commenced on site in 2012.

The application was then amended (14/01681/F) to reduce the number of dwellings on the site to just two. This followed the completion of unit 1 and a reassessment of the options for the remainder of the site.

Accordingly the site already has planning permission for a large dwelling on this site that could be constructed without further consultation with the local planning authority. This current application seeks minor amendments to the design, to reflect the personal requirements of the applicant.

### Principle of Development

The site lies within the village of Brancaster Staithe and is within the Area of Outstanding Natural Beauty (AONB).

Brancaster Staithe is identified as a 'Key Rural Service Centre' where 'Local scale development will be concentrated in identified Key Rural Service Centres. This will include new housing, employment and retail development.'

The planning history shows that the principle of a dwelling on this site is acceptable and the approved dwelling could be constructed in its current form.

Since the previous planning approvals on the site, however, there has been a change in local planning policy. The Neighbourhood Plan for Brancaster, Brancaster Staithe and Burnham Deepdale has been adopted (Brought into force 30th November 2015).

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This document includes policies on the size of dwellings permitted within the villages.

Policy 1 specifically refers that 'The provision of smaller dwellings (those with one two or three bedrooms) will be encouraged. (Rooms otherwise designated on plans but clearly capable of use as bedrooms will be counted as bedrooms for the purposes of this policy). Dwellings of 5 bedrooms or more will, exceptionally, be allowed where evidence is provided that this is needed to provide the main residence of a household with long standing residency in the Parish. New dwellings should be a maximum of two storeys in height. If extra room is needed it should be obtained by putting rooms in the roof rather than a full third storey. Care and consideration should be given to retaining the views within, and of, the Area of Outstanding Natural Beauty, the Conservation Area, and listed buildings.'

The proposal would result in a dwelling of a substantial size with 6 bedrooms; two of which would be provided in the loft space. The proposal would also introduce additional accommodation beneath ground level, resulting in accommodation over 4 floors. The visible elements of the dwelling, however, would be two storey in height, but the dwellinghouse would have four floors.

In this respect the proposal does not accord with neighbourhood plan policy. Members should be aware, however, that permission has already been approved for a dwelling of the same visible size on this site; the differences relate to the proposed new beneath ground basement and an amendment to a first floor single window only and this is a material consideration.

#### Impact upon the AONB

AONB's have the highest status of protection in relation to landscape and scenic beauty. In this case the application site is within the curtilage of already developed plots of land for two existing dwellings.

The planning history shows that the principle of more dwellings on this location was previously found to be acceptable in terms of the impact upon the wider landscape character. This proposal would result in less built form on the site than previous planning permission and therefore less impact on the wider environment.

The height and dimensions of the above-ground dwelling would be virtually the same as that previously found to be acceptable under ref: 14/01681/F and it is considered that the proposed development will not detract from the character and appearance of the AONB.

#### Design, character and appearance

The proposed changes would result the addition of a new basement and two first floor windows to the north elevation in lieu of a previous high level window. Whilst the proposed basement extension has a significant footprint, it would not be visible from beyond the site. It would have natural daylight through light wells in the floor that are level with ground levels.

The amendment to the fenestration involves two windows to the first floor north elevation instead of the previously approved high level window.

Neighbourhood Plan policy in regard to design, style and materials (Policy 2) states that 'any new dwelling, redevelopment or extension to a dwelling in the area should be carefully designed to blend in with adjacent properties and areas to maintain the character of the village. The use of traditional materials, especially those sourced locally, and of low ecological impact materials and techniques is to be encouraged.'

Policy 3 of the NP states that ,new, redeveloped and extended residential buildings should occupy no more than 50% of the plot unless the setting of a listed building, or the character and appearance of the conservation area, would be better conserved by higher plot coverage.'

It is considered that the changes proposed will not be at odds with either of these neighbourhood plan policies.

The design of these dwellings is contemporary but makes reference to the village through common design elements and the use of traditional, local materials. The proposed changes to Plot 2 still retain these characteristics and respond to the site to create a bespoke dwelling.

With this regard the fundamental issues of design, character and appearance will remain largely unaffected by the proposed changes. The revised scheme still promotes local distinctiveness and complements the character and best qualities of the local area in accordance with national and local policy.

#### Impact upon Residential Amenity

The relationship between the two dwellings within the site and the relationship with existing dwellings beyond the site boundary was previously found to be acceptable.

The amendment to the fenestration involves the insertion of two window to the first floor north elevation, which serve a landing and a dressing room and not a habitable rooms. This would replace the previously approved high level window to this part of the house.

These new windows to the north elevation would look out over the driveway of the property and out towards the property Brecklands. However, given the distances between the two properties and the nature of the rooms they serve it will not result in a degree of overlooking that would cause significant amenity issues.

The proposed basement extension will not be visible beyond the site boundary and therefore no impact on the occupants of neighbouring properties in terms of overlooking, loss of light or overshadowing.

#### Highway Issues

There are no implications for highways issues as a result of these proposed changes.

#### Crime and Disorder Act 1998

Section 17 of the above act requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. This application will not have a material impact upon crime and disorder.

#### Other material considerations

The Parish Council supported the previous application for the two large dwellings on this site. However, given that the NP no longer gives general support to large dwellings in the village, they found the proposal to be at odds with NP policy. As referred to above, however, the dwellinghouse already granted permission on the site does not comply with the more recent NP policy and Members should be aware that this could be constructed in its current form.

There are no highway safety issues, flood risk, nature conservation or heritage asset implications.

## **CONCLUSION**

This Sec 73 application seeks to vary the approved plans condition, to provide a basement, and to make some minor changes to the fenestration. If successful, a S73 application results in a second planning permission and the applicant would still have the option to choose which permission to implement.

The planning history of the site shows that a dwellinghouse of large proportions, with the same number of bedrooms, has already been found to be acceptable and importantly is the subject of an extant permission, as that scheme was implemented. This is considered to be an overriding material consideration. The dwelling house with permission was found to be fully acceptable in terms of the impact on the form and character of the area, including the AONB, and the impact on the amenity of the neighbours.

Members are advised that given this is a S73 application, the Local Planning Authority is only permitted to consider the issue of the conditions attached to the planning permission; in this case it is the approved plans conditions that is being varied to allow the proposed minor changes. It is not required to re-examine the merits of the original planning application. It is considered that in this case the proposed additional basement and minor changes to the fenestration would not result in any additional harm or impact, and would not be in conflict with other policies in the Local and Neighbourhood Plan, and the NPPF.

Whilst a totally new dwelling of this number of bedrooms would potentially be in conflict with Policy 1 of the Brancaster Parish Neighbourhood Plan in terms of the resulting size of the dwelling house, as stated above, it is a key material consideration that a house of this scale and number of bedrooms can already be constructed through the permission already in place, and therefore permission should be approved.

The proposed dwelling house with these minor changes is therefore considered to be of appropriate design and layout, and the proposed amended scheme relates to neighbouring buildings and the local area more generally. A new approval would also need to be subject to any previous and/or amended conditions that are still considered to be relevant.

## **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: Prior to the first occupation of the development hereby permitted the proposed on-site parking area shall be laid out, demarcated, levelled and surfaced in accordance with the approved plan and retained thereafter available for that specific use.



- 2 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 3 Condition: All hard and soft landscape works shall be carried out in accordance with the details shown on the approved plans. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 3 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality.
- 4 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and D of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, the enlargement of a dwelling house consisting of an addition or alteration to its roof, or the erection or construction of a porch outside any external door of a dwelling house, shall not be allowed without the granting of specific planning permission.
- 4 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 mentioned Order.
- 5 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the provision within the curtilage of the dwelling house of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.
- 5 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 mentioned Order.
- 6 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:-
- \* Drawing No. BRE06 -01, Location Plan, Scale 1:1250
  - \* Drawing No. BRE06 -02A, Comparative Block Plan, Scale 1:500
  - \* Drawing No. BRE06 -03 Ground Floor Plan, Scale 1:100
  - \* Drawing No. BRE06 -07 Proposed Section, Scale 1:50
  - \* Drawing No. BRE06 -09 Front and Rear Elevations, Scale 1:100
  - \* Drawing No. BRE06 -10 Side Elevations, Scale 1:100
  - \* Drawing No. BRE06 -11 Basement/Ground Floor Plan, Scale 1:100
  - \* Drawing No. BRE06 -12 First and Second Floor Plan, Scale 1:100
  - \* Drawing No. BRE06 -13 Site Plans, Scale 1:250
  - \* Drawing No. ARN01.01.06 rev - Elevations and Block Plan
  - \* Drawing No. ARN01.01.05 rev A – Floor Plans, Section & Location Plan
- 6 Reason: For the avoidance of doubt and in the interests of proper planning.