

Parish:	Stanhoe	
Proposal:	Proposed construction of a dwelling house with associated landscaping and a detached garage and retention of a garden shed	
Location:	Station Farm Cottage Station Road Stanhoe King's Lynn	
Applicant:	Mr David Miller	
Case No:	20/00603/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 22 June 2020 Extension of Time Expiry Date: 11 September 2020

Reason for Referral to Planning Committee – Referred to Committee by Sifting Panel

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for a replacement dwelling in the countryside.

There is extensive history on the site including appeal history.

Key Issues

- Principle of Development
- History and Form and Character
- Highway Safety
- Residential Amenity
- Crime and Disorder
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Full planning permission is sought for a replacement dwelling in the countryside. The existing dwelling has already been demolished and a previous consent for a replacement dwelling has been implemented.

The site lies in a remote location in an area where there is a handful of residential properties.

The proposed dwelling would provide a snug, kitchen / diner, utility, WC, a bedroom and ensuite and garage at ground-floor level and at first-floor a sitting area, a further two bedrooms and a bathroom.

The dwelling would be constructed from primarily Norfolk red brick under a red pantile roof with more contemporary metal lined projecting linings to the gable windows. A small area of flint work is proposed within the entrance recess. The garage is to be constructed from vertical timber boarding; PV panels are proposed on the southern mono-pitch roof slope.

New hedging is proposed to the north-east boundary, south-west corner of the yard and along the entire southern boundary of the site.

There is extensive history on the site including appeal history.

SUPPORTING CASE

The principle of a new dwelling in this location has already been established and permission implemented (planning approval 16/01226/F) April 2018, and the applicants, David and Gillian are very keen to complete their new home.

However, the approved design which the applicants can implement in full is perhaps a compromise: as explained in the Design and Access Statement, it has no relationship with the barns or the site, and its scale and size will have a noticeable impact on the streetscene. It also does not provide the practical accommodation of a ground floor bedroom to suit the changing needs of the family.

Therefore, an alternative design has been prepared and submitted, which is agreed by all (including the planning department), as being more sympathetic and appropriate to its context and a significant improvement, in terms of the quality of the design. So we hope that approval can be granted for this.

The one issue that has been raised about the proposed design during the consultation period relates to the position of the curtilage boundary line, separating the house from the adjoining meadow. This matter has been raised previously at this site so we thought it would be helpful to set out the details and background of this.

Looking at the planning history:

- On the previous application (18/0512/F) for an alternative design, the Planning Officer report made no mention of the proposed variation of the curtilage boundary line, which at the time was varied considerably more than this current application.
- Similarly, it is not mentioned in the Planning Officer Report for that application as being a material consideration.
- In the inspector's decision letter for the approved design (16/01226/F) the Inspector's acknowledges the fact that the curtilage has been modified but does not think the curtilage issue is a material consideration.
- During the pre-app discussion with the Council for this current planning application, the boundary line proposed was discussed and found to be acceptable in principle by the planning officer.

From the planning history it is apparent that neither the Council nor the planning inspector considered the position of the southern boundary to be a priority.

Furthermore, we submit that this boundary line is, in fact, arbitrary.

1. The approved boundary line position is not as the original line, and arguably this current proposed boundary line is closer to the original line.
2. The area (size) proposed is exactly as per the extant consent (and a more practical, shape).

In conclusion, this is a design that everyone seems to be happy with, of a quality that this site and location deserve and with a client committed to creating a special place. The proposed dwelling would perform to extremely high environmental standards, being highly insulated and designed to Passivhaus standards, and incorporating solar PV panels and a ground source heat pump.

We respectfully request that the planning committee supports this application and grant approval.

PLANNING HISTORY

18/01521/F: Application Refused: 11/10/18 - The erection of a replacement dwelling; **Appeal Dismissed 16/04/19**

16/01226/DISC_A: Discharge of Condition final letter: 07/12/17 - DISCHARGE OF CONDITION 8, 9, 10, 11, 14, 15, 16 and 17 - Demolition of existing dwelling and replacement with a new dwelling

16/01226/F: Application Refused: 14/10/16 - Demolition of existing dwelling and replacement with a new dwelling; **Appeal Allowed 17/03/17**

15/00218/F: Application Refused: 29/04/15 - Demolition of existing dwelling and replacement with a new dwelling; **Appeal Dismissed 06/02/16**

14/00989/F: Application Refused: 05/11/14 - Demolition of dilapidated existing dwelling and replacement with new dwelling

14/00128/F: Application Withdrawn: 25/03/14 - Demolition of a dilapidated existing dwelling and replacement with new dwelling

RESPONSE TO CONSULTATION

Parish Council: Neither Support nor Object.

This is the third full set of plans Stanhoe PC have had to scrutinise, none bearing any relation to the other except for the location.

We do not wish to support or to object to this particular plan but hope the BCKLWN Planning department will consider the following observations in their deliberations:

In favour:

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This is a significantly less intrusive design in comparison with its immediate precursor and appears to have made an effort to conform to the local scale and shape of its surroundings and buildings. We are however concerned that making concessions to planning 'exceptions' is merely a sign of fatigue with the process repeat planning requests.

It has clearly made efforts to incorporate modern concepts with traditional requirements

Against:

An explicit condition (which was acknowledged by the planners and applicants at the first plan) is that the neighbouring agricultural land (delineated by a hedge border) was to remain untouched. Since then the hedge has been removed, the house appears to sit on the line and the agricultural land is now referred to as a 'wildflower meadow' giving the impression it could become a garden for the house in the future. This should be again expressly prevented.

Some materials such as powder coated metal windows and the metal 'brise' are clearly out of keeping with the locality as are the black (rather than red) pantiles.

We note that no local community consultations appear to have taken place nor any postings at the site. Presumably this may be due to current COVID restrictions, but question the legality of the current planning process.

Finally has the applicant obtained legal consent for the siting and use of the caravan, planning comments for which were received several weeks ago?

Local Highway Authority: NO OBJECTION subject to condition(s) - Given that the proposal is for a replacement dwelling, previously granted consent at appeal, I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns, that Norfolk County Council does not wish to raise any highway objections.

Environmental Quality: The applicant has submitted a hazardous waste consignment note, by Collins Waste Solutions dated 4th May 2018 alongside a Waste Transfer certificate from Mooney Demolition Co Ltd, dated 10th April 2018. Therefore, as requested documents have been received, we would have no objections to the proposed development regarding contaminated land or air quality.

Representations: **TWO** letters of **OBJECTION** have been received. The issues raised can be summarised as:

- The extent of the curtilage
- Loss of walnut tree
- Reference to the wildflower meadow
- Land ownership / rights of way.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

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

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

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

- Principle of Development
- History and Form and Character
- Highway Safety
- Residential Amenity
- Crime and Disorder
- Other Material Considerations

Principle of Development

The previous applications listed in the history section of this report have related to a replacement dwelling in the countryside which is generally accepted subject to design, form and character and impact on the intrinsic character and beauty of the countryside. Whilst the original dwelling has been demolished and there is therefore no dwelling to replace, evidence has been supplied that permission 16/01226/F has been implemented and therefore officers are satisfied that the proposal is for an amended scheme relating to a replacement dwelling rather than a new dwelling in the countryside.

The principle of the proposed development is therefore acceptable.

History and Form and Character

The previously implemented application (16/01226/F), which was allowed at appeal, addressed an earlier appeal dismissal with the Inspector stating that: *The proposed dwelling has been designed so that it would reflect the local vernacular with a combination of flint and brick to the exterior walls. This would integrate the proposed building with nearby structures including the adjacent farm. The front elevation would be well balanced with a simple and symmetrical placement of timber fenestration. This would improve the streetscene. The*

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proposed front elevation is largely unaltered from the previous appeal and the Inspector found it to be acceptable, as do I. Moreover, the side gables would be well proportioned and finished in a combination of flint and brick and a chimney would be sited along the ridge to add a period flavour and articulate the ride line.

The concerns with the previous appeal scheme, which ultimately resulted in the appeal being dismissed, were with the design and scale of the proposed rear projecting element. To address this, the character of the front elevation of the appeal scheme now continues into the side elevations. Unlike the previous appeal scheme the two storey rear projection would be subservient to the side gables of the property being shallower in depth. This would result in a clear hierarchy to the scale and form of the building. The rear projection would also have a simple gabled form and detailing that would be consistent with the front elevation. As a consequence, the rear projection would not appear as an overly dominant or discordant feature in views from Station Road or other nearby vantage points. In this respect the appellant has satisfactorily addressed the main limitation evident in the previous scheme’.

The current proposal is very different to any of the previous proposals taken to appeal, being relatively low scale, with only modest accommodation in the roof, taking it to 1.5 stories in height. It has been designed to be relatively simple in form and to emulate an agricultural building, albeit with some limited contemporary design features.

The applicant has taken on board the Parish Council’s comments in relation to black pantiles and amended plans have been received changing these to the more traditional red.

The powder coated windows and doors, along with the two projecting windows, are considered appropriate and give a modern ‘twist’ without being dominant features on an otherwise simple form of development.

In the allowed appeal decision the Inspector continued: *“Moreover, the proposed garage has been reduced in scale and moved further into the site. This would create a sense of space between the proposed structures. As a result they would not present a perception that the proposed house and garage would be harmful in-depth development.”*

The current garage is again agricultural in design and although it is directly adjacent to the proposed house, it is subservient to the proposed dwelling, and the two in combination sit side-by-side satisfactorily in terms of visual impact.

The Inspector continued by stating: *The proposed house would not appear unduly large in its plot and the simple and traditional scale and form would ensure the size of the proposed dwelling would be compatible with nearby buildings. There has been some debate over the original boundary of the residential curtilage. Notwithstanding this, the boundary hedge with the adjoining meadow would be reinstated as part of the proposal thereby restoring and redefining the landscape character of this area as a distinct feature from the residential curtilage of the house. A new wall would also be built to define the house from the adjoining farmyard. As such, the scale and position of the house, and the boundaries of its curtilage would be integrated with the area.’*

Conditions requiring these boundary features will be suitably appended to any permission granted.

A more recent application was refused and dismissed at Appeal (18/01521/F). The reasons for refusal and dismissal were again in terms of form and character in relation to the scale, massing and design of the proposed dwelling. The Inspector considering that the 2018 appeal scheme would result in a dwelling that was: *‘conspicuously large, with awkward elements and expansive, steeply angled rooflines at odds with the rural character of the*

site'. As with the approved scheme, the current proposal is considered to address the reasons for refusal / dismissal.

In summary, whilst different in nature, the current proposal is considered to be of a scale, mass, design and materials that relate adequately to the site and its wider setting and it is considered to have suitably addressed the relevant previous appeal decisions.

Highway Safety

The Local Highway Authority raises no objection to the proposed access (which is the significantly similar to that allowed at appeal).

Residential Amenity

There would be no material overlooking, overbearing or overshadowing impacts to any neighbouring residential properties due to the distances involved.

Crime and Disorder

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

Other Material Considerations

In relation to the proposed development, the red line site boundary is similar to the previous appeal decision and largely in line with pre-application discussions. The application relates only to development shown within the red line site boundary. As such any proposed or indicative change of use on land outside of the red line boundary, including blue land, would need to be considered under a separate application.

The lawful use of the caravan raised by the Parish Council on adjacent land is not a material consideration in the determination of this application. That issue would need to be investigated separately.

Conditions placed on the previous appeal decision will be appended to any permission granted under the current application, amended as necessary.

In relation to third party comments:

The extent of the curtilage – covered in report;

Loss of walnut tree – the tree is not protected, and a verbal discussion with the Arboricultural officer has confirmed, that in this particular case, it is not worthy of a TPO;

Reference to the wildflower meadow (blue land) – covered in report; and

Land ownership / rights of way – this is a civil matter, and the applicant has confirmed that the land the third party is referring to is outside of the red line site boundary.

In relation to ecology, the Inspector appended a condition to the 2016 allowed appeal. A similar condition, amended as necessary, will be appended to any permission granted under the current application.

CONCLUSION

This is a proposal for a replacement dwelling on a plot with a long appeal history. In essence the schemes that have been dismissed on appeal previously have been dismissed because of concerns mainly about the scale of the proposed development.

The proposed replacement dwelling now proposed is of a relatively low scale, with only modest accommodation in the roof, taking it to 1.5 stories in height. It has been designed to be relatively simple in form and to emulate an agricultural building, albeit with some limited contemporary design features, and it is considered to have suitably addressed the relevant previous appeal decisions.

It is therefore recommended that the application 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 numbers: PL01 Rev.B, PL11 Rev.E, PL12 Rev.D, PL13 Rev.A, PL14 Rev.A, PL15 Rev.B and PL16 Rev.A.
- 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 building(s) and/or extension(s) 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 principles of the NPPF.
- 4 Condition: Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (PL12 Rev.D) in accordance with highway specification drawing TRAD 4. 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.
- 4 Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with the NPPF and Development Plan.
- 5 Condition: Vehicular access to and egress from the adjoining highway shall be limited to the access approved under condition 4. Any other accesses or egresses shall be permanently closed and the highway verge be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.

- 5 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.
- 6 Condition: Any access gate(s) shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls, fences, hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site.
- 6 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.
- 7 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and thereafter be retained available for that specific use.
- 7 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.
- 8 Condition: Prior to the first occupation of the development hereby permitted, bat and bird boxes shall be erected on the dwelling and garages in accordance with the approved plan (PL.15 Rev.B) and thereafter be retained in those positions. Furthermore a further six bat boxes shall be erected on 2no. trees within the site prior to the first occupation of the dwelling hereby permitted in accordance with a plan to be agreed in writing by the Local Planning Authority.
- 8 Reason: In the interests of biodiversity in accordance with the NPPF and Development Plan.
- 9 Condition: All existing trees and hedgerows shown to be retained on drawing no: PL.12 Rev.C shall be protected in accordance with the details contained within the Arboricultural Report that accompanied the application (dated April 2020 undertaken by C J Yardley). The protective fencing shall be erected 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.
- 9 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 10 Condition: Other than in relation to the southern boundary hedge, all soft and hard landscaping shall be carried out in accordance with drawing no: PL12 Rev.D prior to the first occupation of the development hereby permitted or in accordance with a programme to be agreed in writing by the Local Planning Authority.

Any existing or proposed 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 a similar size and

species as those originally planted, unless otherwise agreed in writing by the Local Planning Authority.

In relation to the southern boundary hedge this shall be of the same species as the new hedging to the northeast boundary and southwest corner of the site as detailed on drawing no PL12 Rev.D unless otherwise agreed in writing. The southern boundary hedge shall be planted prior to the first occupation of the dwelling hereby permitted and shall thereafter be maintained at a height no lower than 1m.

- 10 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 11 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class A 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, improvement, or other alteration to the dwellinghouse shall not be allowed without the prior granting of a specific planning permission.
- 11 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.