

Parish:	Northwold	
Proposal:	Variation of conditions 2, 7, 8, 10 and 11 of planning permission 15/00884/F	
Location:	Walnut Lodge 29 Church Lane Whittington Norfolk	
Applicant:	Mr Mervyn Douglas	
Case No:	20/01381/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 27 November 2020 Extension of Time Expiry Date: 12 March 2021

Reason for Referral to Planning Committee – Officer recommendation contrary to Parish Council and the Sifting Panel requires the application to be determined by Planning Committee

Neighbourhood Plan: No

Case Summary

The application seeks to vary an existing planning consent for a single detached dwelling (ref 15/00884/F) to alter the design and access/parking arrangements. The changes have already been made and therefore this application is retrospective.

The site is situated to the north of Church Lane, Whittington. Whittington is a Smaller Village and Hamlet in the adopted Local Plan.

Key Issues

- * Principle of Development
- * Highways & Access
- * Form and Character
- * Neighbour Amenity
- * Other Material Considerations.

Recommendation

APPROVE

THE APPLICATION

The application seeks to vary an existing planning consent for a single detached dwelling (ref 15/00884/F) to alter the design and access/parking arrangements. The changes have already been made and therefore this application is retrospective.

The application site is situated to the north of Church Lane, Whittington. Whittington is a Smaller Village and Hamlet in the adopted Local Plan.

The application seeks to vary the following conditions from planning consent ref. 15/00884/F-

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg: 705/02;
Dwg: 705/03B;
Dwg: 705/04D.
7. Prior to the first occupation of the development hereby permitted details of a method of screening of the western element (in its entirety) and of the north-western element (for the first 1.5 metres) of the balcony shall be submitted to and approved in writing by the Local Planning Authority. The details shall include material(s) that are solid / obscure and shall be no lower than 2 metres in height. The screen shall be constructed / erected as approved prior to the first occupation of the development and shall thereafter be retained in that condition.
8. 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 (drawing no 705/04D) in accordance with the highway specification drawing No: TRAD 5. 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. Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction 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.
11. Prior to the first occupation of the development hereby permitted the proposed on-site access car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

SUPPORTING CASE

The agent has submitted the following commentary-

Condition 2 refers to the original drawings which have been superseded by our Sketcher Partnership Ltd drawing 10256 1 which brings all the details and improvements together.

Condition 7 relates to the method of screening, this was included due to concerns by the neighbour with regards to overlooking, and therefore the inclusion of a glazed screen was deemed inappropriate and as was the fence panel option originally put forward. It was felt a purpose built 2.0 m high boarded screen would be more in keeping and resolve any overlooking problems.

Condition 8 relates to vehicular access , the immediate road access is still where originally approved and in accordance with highways requirements , the driveway within the site has

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been re-routed to the opposite side to use the sites contours and lessen the gradient and to also move it further away from the immediate neighbour to reduce the possible noise and traffic inconvenience.

Condition 9 refers to details of the access gates installed which are deemed appropriate.

Condition 10 addresses on-site parking. The drawings submitted show the actual layout which works out extremely well and is an improvement on that originally proposed.

PLANNING HISTORY

15/00884/DISC_A: Discharge of Condition final letter: 20/01/21 - DISCHARGE OF CONDITIONS 3, 4, 5 AND 6 OF PLANNING PERMISSION 15/00884/F: Proposed new chalet bungalow - Land At 27 Church Lane Whittington

15/00884/F: Application Permitted: 07/09/15 - Proposed new chalet bungalow - Land Adjacent No 27 Church Lane

RESPONSE TO CONSULTATION

Parish Council: OBJECTION on the following grounds (summarised):

1. The amendments are written as though everything has been completed but many of the conditions or amendments have not yet been completed or agreed.
2. Local residents were told that when the building was completed the derelict garage would be demolished. It is not shown on the original drawings but is now expected to be retained to support solar panels. The garage is clearly visible from the lane and the addition of solar panels on a flat roof is not in keeping as item 3.
3. Much was made of the intention to match the new building with the surrounding properties.
 - ii) Design and layout - The proposed new chalet bungalow is designed to closely match the existing properties in the vicinity. The overall scale, ridge height and floor slab levels and the roof pitch are determined by the existing properties on either side and opposite. As a result, the proposed new chalet bungalow fits in well with its neighbours and generally accords with Local Authority design guidance in terms of the street scene. The driveway slopes down with the contours of the site. This reflects the vehicular arrangements next door at No 27. The garaging serving the proposed new dwelling is invisible from the highway.
 - iii) Materials - The proposed materials relate well to those used in the construction of the surrounding properties. The applicant is willing to discuss sample materials as necessary with a view to ensuring that the proposed new dwelling sits appropriately in the street scene. ‘

The house itself is of a larger scale than the surrounding properties, but otherwise in keeping. However, the new fencing and gates are too high at 1.8 metres as all other properties in the road have open plan front gardens or have low walls, hedges or fences.

4. The barrier at the end of the balcony is lower than specified in the planning conditions and timber fencing is not an appropriate material and gives the impression that it is a temporary measure.
5. An unfinished spiral staircase can be seen from the road at the western end of the balcony which is not on any plans and if used would overlook the neighbouring amenity.
6. There is reference to a temporary generator in the "amendments to the scheme correspondence". This is housed in a purpose built structure which is shown on the revised plans. This suggests that the generator is a permanent fixture which would require planning permission. The noise of the generator is excessive and has already disturbed the neighbourhood for extended periods for the last six months and continues to do so.

Local Highway Authority: NO OBJECTION and recommends that the highway related conditions be reapplied but with reference to the revised drawings.

Historic Environment Service: NO COMMENTS.

REPRESENTATIONS

FIVE letters of **OBJECTION** received, and **ONE NEUTRAL**. The following objections are raised-

- The new metal railings and gates are too high at 1.8 metres as all other properties in the road have open plan front gardens or low walls, hedges or fences. There also appears to be no provision for pedestrian access.
- The railings do not provide security as our wall which is the boundary between 27 and 29 Church Lane is low enough to provide access and the rear of 29 has only a low, two wire, fence which makes a secure front irrelevant.
- The house sale particulars include a 3 phase backup generator which is now described as a temporary generator in the amendments. The noise from the generator is excessive and has disturbed the neighbourhood for extended periods over the last six months. What assurances would there be that this "temporary generator" would be removed?
- The material for the screen at the end of the balcony should have been agreed before its erection, and the timber fencing is not an appropriate material and gives the impression that it is a temporary measure. It is a cheap solution, unlike appropriate materials chosen to be in keeping with the quality of construction of the house.
- There is a spiral staircase exterior to the screen and are concerned that this will be retained and the screen removed in the future. used which would invade privacy.
- The solar panels are described as being fitted, this is not the case.
- The existing dilapidated garage can already be clearly seen from the lane and solar panels on its roof would be even more intrusive. Furthermore the roof overhang is only 700mm from our boundary so would not be allowed now under permitted development, if this even applies to an unfinished development. The garage is an eyesore from our

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property, and solar panels on the roof would be even more intrusive as well as potentially increasing the height to over 2.5 metres. The garage has major cracks in the structure and base, and houses vermin and wildlife. It is visible from Church Lane. If the solar panels are not to be installed the garage should be removed.

The neutral representation stated-

- Queries regarding the height of the fencing and gates.
- The railings do not conform well with the locality, but the embellishments will likely fade in time and planting will help them blend in.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

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 matters for consideration are-

- Principle of Development
- Highways & Access
- Form and Character
- Neighbour Amenity
- Other Material Considerations

Principle of Development

The principle of development for the erection of a dwelling has been established under planning consent 15/00884/F. This application seeks to amend elements of the proposed design and site layout of the approved dwelling.

Highways & Access

The application seeks to amend conditions 8,10 and 11 of the existing planning consent. These conditions relate to the parking and turning arrangements previously approved, as well as the vehicular access and the entrance gates / railings / hedging alongside the front access/ highway.

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The previously approved scheme included the retention of an existing 0.8m low boundary wall either side of the access, and beyond this on the eastern boundary was established planting (some of which has been retained). The approved scheme sited the parking and turning area / driveway to the west of the plot in line with the access and then curving round behind the dwelling towards the east to access the garages/ workshops to the rear.

The revised scheme includes new entrance gates, railings and planting along the front boundary with amendments to the layout of driveway and parking area also. The current application seeks to amend the layout so that vehicles enter the site and drive to the east around the dwelling and then the driveway curves back round to access the garages/ workshops to the rear.

In addition, an existing garage on site is now proposed for retention. This was to be demolished previously as part of the approved scheme but given it has been in place for some time and is lawful in its own right..

The Local Highway Authority does not object to the revised scheme but requests that the same conditions are carried forward to ensure the revised scheme is completed in accordance with the plans hereby submitted.

Objections from the Parish Council and neighbouring dwellings raise concerns at the nature of the fencing and entrance gates already installed, fronting onto Church Lane as well as the retention of the garage. These objections are from a visual point of view though rather than raising highway safety concerns and the visual appearance of the site is addressed below.

Notwithstanding the above, insofar as access and parking arrangements, the proposal complies with Policies DM15 and DM17 of the SADMPP.

Form and Character

As stated above the previously approved scheme included the retention of an existing 0.8m low boundary wall either side of the access, and beyond this on the eastern boundary was established planting (some of which has been retained).

The applicant has already installed large decorative entrance gates to the dwelling. These are set back 5m from the highway, in accordance with LHA requirements, however they are clearly visible in the street scene at over 2m in height. Railings (1.8m high) have also been installed along the front of the dwelling although these are more subtle. The applicant has retained some of the existing front hedge to the east and laurel planting (900 mm high plants) is in place on the inside of these.

Neighbouring objectors and the Parish Council state that the railings and in particular the gates, are not in keeping with the locality. They are too high and intricate and at odds with the rural character of Church Lane. They state that the applicant's reasoning that these are needed for security is not valid. The immediate neighbouring dwellings have low boundary walls and hedges to the front and in considering the street scene along Church Lane, the majority of boundaries are walls/ hedging with a couple of examples of railings further west on Church Lane (although these are not at this same height).

However, on balance, given this is not a conservation area, the fact that the gates are set back from the highway, and that the form of these is such that there are gaps within the gates and railings which allow views through and into the site (they are not a solid mass), it is not considered that these are not of sufficient harm in the street scene to warrant refusal and removal.

This application also seeks to retain an existing garage structure which is on site, and was historically in place prior to the construction of the dwelling. Neighbours argue that the garage is in poor condition and that the structure is not sound and it is an eyesore and should be removed. The siting of the garage is such that there is limited visibility from the highway, due to the significant change in land levels on the site the garage is set down to the rear of the dwelling. Furthermore, given the garage is lawful and it does not require planning consent, it can remain on site.

The amended scheme is in accordance with policies CS08 (Core Strategy 2011) and DM15 (SADMPP 2016).

Neighbour Amenity

A number of neighbour amenity issues have been raised in response to this application. As stated below the electricity generator should not be considered as part of this application. Similarly, the installation of solar panels does not form part of this planning application, and so these objections are no longer relevant.

The remaining issue is that of the privacy screen to the western end of the rear balcony, which was required as part of the 2015 consent to prevent any overlooking / loss of privacy to the neighbours to the west. The applicant has installed a timber purpose built privacy screen 2m in height in line with the requirement of condition 7 of 15/00884/F and exceeds the minimum width required (the screen is 2m in depth and the condition required a minimum of 1.5m) and is therefore seeking to retain this screen. Neighbouring objections state the fact that it is timber means it is not of sufficient high quality in design terms and gives the impression of a temporary nature. The screen is to the rear of the dwelling and as such has little impact on the street scene (it is just visible as you approach the dwelling along Church Lane from the west). It is suggested that a condition securing the retention and maintenance of a privacy screen in this location is carried forward to this planning consent if approved. Should the screen be amended or removed, this can be enforced against. In neighbour amenity terms the application is considered acceptable and complies with policy DM15 of the SADMPP.

Other Material Considerations

Temporary electricity generator- when the application was submitted there was reference made to an electrical generator on site. This did give rise to noise issues and CSNN did visit the site and held discussions regarding this. However the presence and use of a generator does not require planning permission and this does not form part of this application. More recently the dwelling is in the process of being sold and the agent has confirmed that now mains electricity has been connected (in December 2020) this is surplus to requirements and was disconnected on 22 December and will now be removed from site.

Solar panels- Objections were also raised to the initial inclusion in this application of solar panels on the garage roof. The applicant has confirmed that it is now not their intention to install any solar panels, so these are removed from the application and they are not included on the most recent plans submitted for approval.

Spiral staircase - Previously, during construction, there was a spiral staircase in place on the western end of the balcony, which neighbours refer to in their objections. This was not part of the approved scheme, and is not included on the proposed plans. This is also due to be removed from site.

CONCLUSION

This application seeks to amend the scheme approved under application 15/00884/F, therefore the principle of development has been established. The revisions to the access, and parking and turning areas are acceptable to the Local Highway Authority. In residential amenity terms, the proposed scheme includes the retention of a privacy screen which was a requirement of condition 7 of the 2015 consent, and this is also considered acceptable. Neighbour objections and comments from the Parish Council raise a number of concerns regarding the visual appearance of the amendments to the proposed scheme, particularly with regard to the retention of the existing garage and the installation of railings and gates along the front boundary. The garage is an existing structure, is lawful and does not require planning consent. In terms of the railings and the gates, these are higher than boundary treatments elsewhere along Church Lane, however given this is not a conservation area, the gates are set back from the highway and the gates and railings are of the form that allows views through into the site, these are not considered to be of sufficient harm to the street scene to warrant refusal of the application. Therefore the scheme is considered to be in accordance with Core Strategy policies CS08 and CS11, and SADMPP policies DM15 and DM17 and is recommended for approval.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

1. Condition: The development hereby permitted shall be carried out in accordance with the following approved plan (Drawing No 0256B).
1. Reason: For the avoidance of doubt and in the interests of proper planning.
2. Condition: The privacy screen on the western end of the rear balcony as shown on Drawing No. 0256B, shall be maintained and retained as approved in perpetuity.
2. Reason: In order to prevent overlooking in the interests of neighbour amenity in accordance with the NPPF.
3. 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 (drawing no 0256B) in accordance with the highway specification drawing No: TRAD 5. 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.
3. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with the NPPF.
4. Condition: Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 1 metre above the level of the adjacent highway carriageway.
4. Reason: In the interests of highway safety in accordance with the NPPF.
5. Condition: Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction 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.

- 5 Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in the interests of highway safety in accordance with the NPPF.
- 6 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason: To ensure the permanent availability of the parking manoeuvring area in the interests of highway safety in accordance with the NPPF.