

AGENDA ITEM NO.8/2(b)

Parish:	Boughton	
Proposal:	PROPOSED NEW RESIDENTIAL DWELLING	
Location:	Land W of Woodstock Mill Hill Road Boughton PE33 9AE	
Applicant:	MR. C BOND	
Case No:	22/01092/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 16 September 2022 Extension of Time Expiry Date: 21 October 2022

Reason for Referral to Planning Committee – Called in to committee by Cllr Sampson

Neighbourhood Plan: No

Case Summary

The proposal is for the construction of a new dwelling on land to the west of Woodstock, Mill Hill Road, Boughton. The site is currently a paddock associated with Woodstock to the east. At the time of the site visit, there were vehicles, trailers, miscellaneous materials such as timber posts, a green house and storage container on the site. The site is loosely defined by low soft landscaping to the south boundary and an established hedge along the north boundary. Towards the west of the site, there is a pond.

The application site is located on the west side of Mill Hill Road, west of Woodstock. The site is approx. 300m from Boughton's village centre and is 0.14ha in size. Boughton is classified as a Smaller Village and Hamlet and as such does not have a development boundary. Therefore, the site is categorised as countryside in the adopted Site Allocations and Development Management Policies Plan (SADMPP) (2016).

The application site is outside Boughton's conservation area, which ends along the east boundary of the application site.

Key Issues

Principle of Development
Design and Impact on the conservation area
Impact on Neighbours
Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

The proposal is for the construction of a new dwelling on land to the west of Woodstock, Mill Hill Road, Boughton. The proposed dwelling is proposed to be finished in a mix of flint cladding, buff brick, natural timber cladding, lead cladding, and grey roof tiling. The site is currently a paddock associated with Woodstock to the east. At the time of the site visit, there were vehicles, trailers, miscellaneous materials such as timber posts, a green house and storage container on the site. The site is loosely defined by low soft landscaping to the south boundary and an established hedge along the north boundary. Towards the west of the site, there is a pond.

The application site is located on the west side of Mill Hill Road, west of Woodstock. The site is approx. 300m from Boughton's village centre and is 0.14ha in size. Boughton is classified as a Smaller Village and Hamlet and as such does not have a development boundary. Therefore, the site is categorised as countryside in the adopted Site Allocations and Development Management Policies Plan (SADMPP) (2016). The application site is outside Boughton's conservation area, which ends along the east boundary of the application site.

The principle of a dwelling on this site has been established under planning reference 20/00945/O, which was determined at Planning Committee. A reserved matters application was submitted following the outline under planning reference 21/01366/RM for a bungalow, finished in timber cladding. The planning permission remains extant.

SUPPORTING CASE

To be included at a later date.

PLANNING HISTORY

21/01366/RM: Application Permitted: 23/11/21 - RESERVED MATTERS APPLICATION: Construction of one dwelling

20/00945/O: Application Permitted: 05/10/20 - Outline application: Site for construction of one dwelling (Planning Committee Decision)

RESPONSE TO CONSULTATION

Parish Council: OBJECTS

The Parish Council, having reviewed the revised plan and accompanying correspondence explaining the agent's perspective, believes the key material matters remain extant. The redrawing of boundary lines and fence line do not alter the position of the proposed location and size of the house and change of use from paddock to residential. The assertion that the boundary line is aligned with the properties to the north is misleading as the key matter is the position of the house, which remains approx. 20m behind the building line. The building line, as drawn on the diagram provided in the initial response, was the Planning Officer's key point when recommending to the Planning Committee that the outline application should be approved as its position was on that line which curved following the road's profile from the North to join with Woodstock.

This planning application remains back-fill and not in-fill and is therefore not compliant with DM03 policy. Moreover, with previous recent applications in the village for back-fill and/or

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change of use from paddock to residential having been refused by the Planning Authority the Parish Council is keen that a precedent is not set with this application and for the Borough Council not to have to have to reconcile contradictory approval and previous refusals. There are numerous other properties in the village that may seek to follow suit, leading to a significant change to the village density of building, layout and sustainability should a precedent be set to allow back-fill contrary to DM03.

Comments to amended plans

The Parish Council perspective remains extant in objection on the grounds of the proposed main residence being circa 20m behind the building line. The amendment of the boundary redline to correct the shape and size of the plot has no effect on the Parish Council's view as the residence has not been brought forward to the building line as was agreed in the Outline Application upon which the building line was a significant determining factor in the Planning Officer's recommendation to approve. The residence being 20m rear of the building line makes this back fill rather than infill and therefore contrary to the SADMP DM3 policy.

For clarity the Cllrs who voted in favour of the application in the split vote did so with non-material reasons for support so should not be seen as diluting the objection in anyway.

Highways Authority: NO OBJECTIONS subject to conditions.

There is history for the construction of a dwelling on this site and that the proposed site access, parking and turning could also accord with standard. No objection subject to conditions regarding access and on-site car parking/turning.

Public Rights of Way: NO OBJECTION

We have no objection in principle to the application but would highlight that a Public Right of Way, known as Boughton Footpath 2 is aligned along adjacent to the Northern boundary of the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation

Internal Drainage Board: The Board has **NO COMMENT** from a drainage point of view.

Environmental Quality: NO OBJECTIONS

The application is for the construction of a dwelling. The applicant has provided a screening assessment stating no known contamination. We have reviewed our files and the site is on land not developed for the duration of our records until most recent aerial photography when 2 structures are seen in the south eastern corner, to be demolished before construction of the proposed property. A pond is first seen on site in aerial photography dated 1999 and remains present. The surrounding landscape is largely agricultural and residential.

No potential sources of contamination are identified in our records, or in the information provided by the applicant.

We have no objection regarding contaminated land

MOD Safeguarding: NO OBJECTIONS

The application site occupies the statutory safeguarding zone(s) surrounding RAF Marham. In particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome and is approx. 7.43 km from the centre of the airfield.

After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal

Conservation: OBJECTS

This site lies outside but adjacent to the Boughton Conservation Area, located within countryside currently classified as open countryside. The proposal is for a large detached house.

Whilst the proposal will not harm any physical fabric within the conservation area, it's location on the edge of the conservation area with large sweeping views across the nearby open countryside will be affected. As a rural conservation area, the surrounding open countryside contributes strongly to the conservation area's village setting. The scale of this proposal and the impact upon views over the countryside will harm the setting of the conservation area, rather than the physical fabric and character within the conservation area.

Paragraph 207 of the NPPF states "Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building or other element which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202 as appropriate taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole"

On this basis, I would advise that the erosion of the setting of the conservation area due to the scale and appearance of the new dwelling will cause some harm and on the basis of national and local policy and guidance should be refused.

REPRESENTATIONS

FOUR comments in **SUPPORT**. Comments summarised as follows:

- This is an interesting and high-quality dwelling which is in keeping with the properties typical of this village. Believe that such developments should be encouraged in the contact of many other less desirable schemes which are approved in other villages.
- Well designed and in keeping with other properties. It would do justice to the surrounding area.
- Seems like a good application which will enhance the area.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

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DM2 – Development Boundaries

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

OTHER GUIDANCE

Conservation Area Character Statement.

PLANNING CONSIDERATIONS

The key issues are:

- Principle of Development
- Design and Impact on the setting of the Conservation Area
- Impact on Neighbours
- Other Material Considerations

Principle of Development

Boughton is classed as a 'Smaller Village and Hamlet' (SVH) within the settlement hierarchy under Policy CS02 of the Core Strategy and as such does not have a development boundary and is treated as the countryside. Under Policy DM2, infilling in SVHs in accordance with Policy DM3 alongside countryside policies such as Policy CS06, is considered.

Policy DM3 of the SADMPP allows for sensitive infilling of small gaps within an otherwise continuously built-up frontage, where the development is appropriate to the scale and character of the group of buildings, and its surroundings and will not fill a gap with provides a positive contribution to the street scene.

Under the Outline application (planning ref 20/00945/O) which was presented to Planning Committee, it was argued that the site, being located on the corner of Mill Hill Road, could be considered a small gap in an otherwise continuously built-up frontage, with the construction of the row of dwellings to the north. However, this was subject to the positioning and design of the dwelling at Reserved Matters stage.

The proposed site and dwelling of this application are a significant amendment to the Outline and subsequent Reserved Matters applications, which have been approved on a section of the site. The application site extends further west, encroaching into the paddock and countryside. Under Policy DM3, sensitive infilling of small gaps is considered. The application site, being considerable extended, fails to present as a small gap within an otherwise continuous built-up frontage which would enable sensitive infilling. Furthermore, the proposed two-storey dwelling, which spans almost the whole width of the application site, is not sympathetic to the existing form of development along Mill Hill Road. The siting and layout of the proposed dwelling would appear at odds with the existing arrangement of

developments along Mill Hill Road. Thus, it is considered that the alteration and enlargement of the application site, in combination with the layout, size and scale of the proposed dwelling, would no longer meet the requirements under Policy DM3 for a sensitive infill plot and would encroach into the countryside with no justification, contrary to Policies CS01 and CS06.

Paragraph 134 of the NPPF states development that is not well designed should be refused, where it does not reflect local design policies and government advice on design. The proposed dwelling is a significant redesign of the approved dwelling on this site and considered a retrograde step which would have a harmful impact on the setting of the conservation area, the countryside, and overall street scene.

The proposal therefore fails to comply with policies CS02, CS06, CS08 and CS12 of the Core Strategy (2011), and Policies DM2 and DM3 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Design and Impact on the setting of the Conservation Area

The application site is located on the west side of Mill Hill Road and lies outside of Boughton's conservation area, which ends along the west boundary of Woodstock. The site is accessed by a track on the bend of Mill Hill Road and defined by soft landscaping around its boundaries. The block plan shows the siting of the dwelling, parking and turning area, rear garden, and siting of two temporary caravans. It is important to note on the block plan, that no rear boundary is shown, other than the existing rear boundary, and two temporary caravans are shown to be sited outside of the defined application site.

Mill Hill Road serves as an entrance point into the village. The road is characterised by open countryside to the east side. Along the west side of the road, there is sporadic linear residential development which intensifies as it approaches the village centre. Dwellings within the immediate vicinity are of various designs. To the north of application site are modern two-storey dwellings and to the south, the dwellings are vernacular in design and use of materials. The donor dwelling, Woodstock, is a bungalow, constructed in stone cladding, antique brick, and brown clay pantiles. The character of Mill Hill Road is somewhat diluted by the addition of the modern dwellings to the north, which add little to the intrinsic local character, but ultimately is considered to enable further modern additions to the village.

The proposed dwelling consists of a large two-storey contemporary ranch-style dwelling, with an attached double garage to the north and attached three-bay car port along the west. The proposed dwelling has features such as dormer and velux windows, open apex oak frame porches to the front and rear doors, large full-length glazing and Juliet balconies. It would be approx. 9.3m tall, with a hipped roof above the southwest section of the proposed dwelling, dropping to 7m elsewhere. Furthermore, the 'L' shape dwelling will be 26.3m wide and 19.5m deep, set approx. 21m from the west elevation of Woodstock. The garage will project west by an additional 2.7m. A range of materials are proposed to finish the dwelling, including flint cladding, buff brick, natural timber cladding, lead cladding, and grey roof tiling. This is in excess of the previously approved reserved matters scheme which was a modest sized ranch-style bungalow of approx. 4.6m tall. The approved bungalow was an 'L' shape dwelling, approx. 14.4m wide and 13.4m deep, with a section which project 7.5m to the south. The bungalow was proposed to be clad in untreated timber cladding with Sandtoft Rivius Antique grey or slate roof tiles. Given the scale and design of the development proposed, it fails to consider the sensitive location of the site and local setting, contrary to policy DM15. The contemporary design of the proposed dwelling, in combination with its scale, would appear out of character in this locality where dwellings are moderate and set within comfortable plots.

The proposed dwelling is overdevelopment of a substantial site, which is contrary to the existing form and character of dwellings along this part of Mill Hill Road. Within the immediate vicinity, dwellings are of mixed designs, set within a comfortable but not a substantial sized plot. Considering the neighbouring sites within the close proximity, dwellings generally take up less than half the size of the plot, with generous external amenity space for a front garden, driveway, and rear garden. The proposed dwelling spans almost the whole width of the site with a large driveway which dominates the majority of the site. Little external amenity space is offered on the site, despite the size of the plot. Under the National Design Guide, external amenity space is an important aspect to consider in design. Amenity space should be well-designed and fit for purpose. For a large family-sized dwelling, the external amenity space is not considered to suitably serve the dwelling. Furthermore, there is concern that as the rear boundary is not defined, domestication of the paddock to the west could take place for external amenity space outside of the application site.

The site is surrounded by a mixture of bungalows and two-storey dwellings, with the proposed dwelling set approx. 21m to the west of Woodstock. Despite the distance from Woodstock, the proposed dwelling is considered to dominate the street scene due to its height, width, and siting on the site, and ultimately harm the setting of Boughton's conservation area. The site currently acts as an important break between the boundary of Boughton's conservation area and of the modern developments to the north, with open views in and out of the countryside along Mill Hill Road. In Boughton's conservation area statement, the setting of Boughton is summarised as 'one of linear settlement along these roads interspersed with pockets of mature landscape...[where] attractive views of the open countryside beyond are afforded'. The proposed dwelling threatens to limit these important views to and across the countryside from Mill Hill Road and from Cavenham Road which would cause harm to the setting of the conservation area.

Initial comments from Conservation raised no objections to the scheme, subject to a condition for the materials. However, further comments were submitted by Conservation who raised objections on the impact of the scheme to the setting of Boughton's conservation area. In their comment, Conservation stated that whilst the scheme would not harm any physical fabric of within the conservation area, its location on the edge of the conservation area with large open views across the countryside would be affected. Mature landscaping between and beyond buildings which enable attractive views of the open countryside between these components is mentioned to form the setting and location of Boughton in Boughton's conservation area statement. Therefore, the impact of the proposed dwelling, in obscuring views to the countryside is considered to create undue harm.

The application was also taken to the Conservation Area Advisory Panel (CAAP) in September 2022 where it was unanimously agreed that the development was unacceptable and would cause harm to the conservation area. The dwelling was considered too big and intrusive and would dominate views of the conservation area when approaching from the west.

Paragraph 207 of the NPPF states that loss of an element which makes a positive contribution to the significance of the Conservation Area should be treated as substantial harm under paragraph 201 or less than substantial under paragraph 202, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area. Paragraphs 201 and 202 of the NPPF state that harm to a designated heritage asset should be outweighed by the public benefit of the proposal. The scheme is for one dwelling and will not have any public benefit. Therefore, the harm to the setting of the conservation area is not considered to be outweighed by the public benefit of the scheme.

The proposal, by reason of its design, scale, and siting therefore fails to accord with Policies CS08 and CS12 of the Core Strategy (2011), policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016) and provisions within the NPPF, namely paragraph 201 and 202, for harm to the setting of the conservation area.

Impact on Neighbours

The dwelling will be sited approx. 21m from Woodstock and approx. 18m from Plot 4 of the row of dwellings to the north. Considering the siting of the dwelling, distances from neighbours, and orientation of dwellings, the proposed dwelling is unlikely to be overbearing and significantly shadow the surrounding neighbours' private amenity spaces and habitable rooms. Furthermore, based on the siting of the dwelling and placement of windows, views to the surrounding neighbour's private amenity spaces will be limited.

Therefore, in terms of impact on neighbour amenities, the proposal be in accordance with policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Other Material Considerations

Highway and PROW - There were no concerns raised by the Highway Authority and PROW subject to conditions and informative.

Flood Risk - The site is located within Flood Zone 1 of the Strategic Flood Risk Assessment 2018 and is therefore at lowest risk of flooding.

Drainage - Drainage arrangements have not been supplied as part of the application and would be conditioned.

There are no objections received or conditions required from MOD Safeguarding Environmental Quality.

CONCLUSION

The application site is in Boughton, which is classified as a Smaller Village and Hamlet (SVH) under the settlement hierarchy under policy CS02 of the Core Strategy and therefore does not have a development boundary. Under Policy DM2, infilling in SVHs in accordance with Policy DM3 alongside countryside policies such as Policy CS06, is considered. Although Outline consent was granted on the site under planning ref 20/00945/O, this was subject to an appropriate Reserved Matters. It is considered the proposal, by reason of the size of the application site and layout of the proposed dwelling, would no longer meet the requirements under Policy DM3 to be considered an infill development. Therefore, the principal of development is contrary to the adopted Local Plan.

Additionally, the development, by reason of its scale, design, and layout fails to respond sensitively to the local setting, dominating the immediate street scene and eroding important spaces to and across the countryside. The proposed dwelling is a large contemporary ranch-style dwelling set to the west of a low-profile bungalow built in vernacular materials. To the north of the site are modern two-storey dwellings, and more traditional, vernacular cottages to the south. The scale and design of the proposed dwelling pays nominal consideration to the existing form of dwellings along Mill Hill Road, resulting in a substantial dwelling.

Although Boughton's conservation area straddles the site to the west, the proposed dwelling is considered to harm the setting to the conservation area due to its size, scale, and layout.

The Conservation Officer considered the impact of the proposed dwelling to result in substantial harm. Paragraph 201 and 202 of the NPPF requires that harm is weighed against the public benefit. The scheme is for one dwelling and there is not considered to be public benefit from the development.

It is thereby recommended that Members refuse the application due to the fact the scheme fails to accord with the provisions of the NPPF, and the adopted Local Plan policies CS01, CS02, CS06, CS08, CS12 of the Core Strategy (2011) and DM2, DM3, DM5 and DM15 of the SADMPP (2016).

RECOMMENDATION

REFUSE for the following reason(s):

- 1 Reason: Paragraph 134 of the NPPF states: Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The proposed dwelling is a large modern ranch-style dwelling set within a substantial plot. The layout, size, and scale of the proposed dwelling would represent a retrograde step which is not sympathetic to the existing form and pattern of development of existing dwellings along Mill Hill Road. The proposed dwelling is set to the west of a low-profile bungalow built in vernacular materials. To the north of the site are modern two-storey dwellings, and more traditional, vernacular cottages to the south. The scale and design of the proposed dwelling pays nominal consideration to the existing form of dwellings along Mill Hill Road, resulting in a substantial dwelling, which would dominate the immediate street scene and erode important spaces to and across the countryside. Furthermore, the scheme fails to consider national design guidance, such as well-designed amenity space, which is fit for purpose, nor would fit in with the overall form and layout of their surroundings.

The proposal therefore fails to comply with provisions with the NPPF, Policies CS06 and CS08 of the Core Strategy (2011) and Policies DM5 and DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

- 2 Reason: The sizeable two-storey dwelling is sited outside of Boughton's conservation area, in the countryside. However, views of the site are visible from within the conservation area, and development on the site would impact its setting. In Boughton's conservation area statement, the setting of Boughton is summarised as 'one of linear settlement along these roads interspersed with pockets of mature landscape...[where] attractive views of the open countryside beyond are afforded'. The countryside setting beyond the conservation area therefore contribute significantly to its setting. The siting, scale, and size of the proposed dwelling is considered to hinder views across, in, and out of the countryside into the conservation area along Mill Hill Road and Cavenham Road. Paragraph 201, 202 and 207 of the NPPF seeks to ensure that harm to a designated heritage asset is appropriately outweighed by the public benefit of the

scheme. The scheme is for a single dwelling and the harm is not considered to be outweighed by the public benefit of the scheme.

The proposal therefore fails to comply with provisions with the NPPF, Policies CS06, CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

- 3 Reason: Policy DM3 of the Site Allocations & Development Management Policies Plan (SADMPP) (2016), limits development to that suitable for rural areas and enables sensitive limited new residential infill development to be built within a continuous built frontage within smaller villages and hamlets, provided that it is of an appropriate scale and character and will not fill a gap which provides a positive contribution to the street scene.

The application site is a sensitive plot to the west of Woodstock. Although Outline consent has been granted on the site, this was subject to an appropriate Reserved Matters scheme, which has been submitted and approved. It is considered that the alteration and enlargement of the application site, in combination with the layout, size, and scale of the proposed dwelling, would no longer meets the requirements of sensitive infilling in a small gap. The substantial size of the plot would appear at odds with the existing form and pattern of existing development along Mill Hill Road. Additionally, considering the siting and scale of the dwelling, the scheme would ultimately fill a gap which positively contributes to the street scene and setting. Furthermore, no evidence has been provided to justify how the proposed dwelling would meet specific identified local needs under Policy CS06 and DM3.

The proposed development is therefore contrary to Policies CS01, CS02 and CS06 of the Core Strategy (2011) and Policies DM2 and DM3 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).