

Parish:	South Wootton	
Proposal:	Proposed New Dwelling	
Location:	Old Rectory Hall Lane South Wootton King's Lynn PE30 3LG	
Applicant:	Mr Azam Gabair	
Case No:	22/00536/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 26 May 2022

Reason for Referral to Planning Committee – Officer recommendation is contrary to the views of the Parish Council and contrary to a previously dismissed appeal.

Neighbourhood Plan: Yes

Case Summary

The application relates to the construction of a new dwelling on garden land to the north of The Old Rectory, Hall Lane, South Wootton. The application site falls within the development boundary and within the South Wootton Neighbourhood Plan Area. Outline permission for a new dwelling has been granted three times in the past, including as recently as 2016. The 2016 application was determined after the adoption of the South Wootton Neighbourhood Plan (2015).

The most recent application on site, ref 20/00346/F was refused by Planning Committee and the Appeal Dismissed (attached), on the grounds of the cumulative impact of loss of trees on the surrounding street scene.

The application site is situated on the east side of Hall Lane and the application seeks full planning permission for a new two-storey dwelling.

The site is covered by a group Tree Preservation Order (TPO). The proposal involves the removal of 11 trees, primarily of trees which are of poor quality, are subject to excessive decay, or have limited positive impact on the street scene.

Key Issues

The key issues are:

- Principle of development
- Appeal History
- Form and Character and Impact on Trees
- Impact on Neighbour Amenity
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application involves the construction of a new dwelling on garden land to the north of The Old Rectory, Hall Lane, South Wootton. The application site falls within the development boundary and within the South Wootton Neighbourhood Plan Area. To the front of the site is a group of large trees (a mix of species including Cypress, Yew, Beech, Holly, Eucalytus, Juniper, Oak, Ash, Robinia), which are covered by a group Tree Preservation Order.

Hall Lane is characterised by two-storey detached dwellings, set back from the road within comfortable plots. The surrounding dwellings are constructed from a variety of different materials including carrstone and brick. The donor dwelling, which is constructed from carrstone and brick, is larger than the other dwellings in the lane and appears to be older.

The proposed dwelling would be constructed from brick and would be roofed with slate tiles. It would provide four bedrooms, as well as off-street parking, and would sit in line between the donor dwelling and the dwelling to the north of the site.

The dwelling is of standard proportions, with eaves height of approximately 5.75m and ridge at 9.3m. The total width of the dwelling as viewed from Hall Lane is approximately 14m with a maximum depth of 13m and is positioned a minimum of 10m north of the donor dwelling and 17.2m south of the adjoining neighbour.

The site is covered by a group Tree Preservation Order (TPO). In contrast to the most recent application on site, the proposal includes the use of the existing access point which results in the removal of fewer trees from the application site. A total of 11 trees are proposed to be removed to facilitate the development, primarily of trees which are of poor quality, are subject to excessive decay, or have limited positive impact on the street scene.

SUPPORTING CASE

Requested, but not received to date.

PLANNING HISTORY

22/00074/TPO: TPO Partial: 23/11/22 - 2/TPO/00036:T1 - Old Rectory

20/00346/F: Application Refused: 09/12/20 - New dwelling - Old Rectory - Appeal Dismissed - 19/11/2021 - COMMITTEE DECISION

15/01994/O: Application Permitted: 09/02/16 - New dwelling - Old Rectory – DELEGATED DECISION

12/01768/O: Application Permitted: 21/12/12 - Construction of new dwelling - Old Rectory – DELEGATED DECISION

09/00736/O: Application Permitted: 07/07/09 - Outline Application: construction of dwelling - Old Rectory Hall Lane – DELEGATED DECISION

2/97/1227/F: Application Permitted: 11/09/97 - Extension to dwelling - 24 The Boltons South Wootton – DELEGATED DECISION

RESPONSE TO CONSULTATION

Parish Council: OBJECT on the following grounds:

- Hall Lane is characterised by two storey detached dwellings, set back from the road within large plots. The proposed dwelling represents an undesirable overdevelopment of the site, resulting in an unacceptable cramped form of development, detrimental to the donor dwelling and local area. The proposal is therefore contrary to the NPPF policies and policies H2 and H3 of the South Wootton Neighbourhood Plan.

-The proposed dwelling will result in the loss of trees within and along the west of Hall Lane, which would be detrimental to the character and appearance of the locality, the proposal is therefore contrary to the NPPF and South Wootton Neighbourhood Plan Policies E1 and H2.

Local Highway Authority: NO OBJECTION recommended conditions relating to the laying out of the access and visibility splays

Environmental Quality: NO OBJECTION No potential sources of contamination are identified in our records, or in the information provided by the applicant. no objection regarding contaminated land

Arboricultural Officer: NO OBJECTION with the following comments (summarised):

- Significantly fewer trees to be removed as part of this application than on previous attempts
- Two of the most important trees are found to be decayed and could not be retained
- Root Protection Area of T17 (Oak) is likely to be more affected than RPA drawing currently indicates - Pollarding of Oak Tree (T17) has previously been approved to 5m
- Lack of space for replacement planting
- The dwelling will be impact in terms of shading and light loss
- If approved, additional details of temporary ground protection and no-dig surfacing should be provided
- Removal of deadwood proposed in report is unlikely to lead to significant impacts on form and character

REPRESENTATIONS

ONE letter of **OBJECTION**, stating comments in agreement with the Parish Council. The proposed development does not improve the size and style of development or the impact on trees.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS11 – Transport

CS01 - Spatial Strategy

CS12 - Environmental Assets

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SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy H2 - Encouraging High Quality Design

Policy H3 - Infill Developments

Policy H4 - Local Character

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The main considerations are:

Principle of Development

Appeal History

Form and Character and Impact on Trees

Impact on Neighbours

Other material considerations

Principle of Development

The application site comprises garden land within the development boundary, therefore the principle of a new dwelling in this location is generally considered acceptable provided the proposal complies with all relevant planning policies.

It is also important to note that whilst outline planning permission for a new dwelling on the site has previously been granted three times in the past, the most recent application for full planning permission was refused and the subsequent appeal dismissed. Any development on the site must overcome the reasons for refusal of application ref 20/00346/F, as follows:

- Hall Lane is characterised by two-storey detached dwellings, set back from the road within comfortable plots. The proposed dwellinghouse represents an undesirable overdevelopment of the site, resulting in an unacceptable cramped form of development, detrimental to the donor dwelling and local area. The proposal is therefore contrary to the provisions of the NPPF (2018), policy CS08 of the Council's Core Strategy (2011), policy DM15 of the Site Allocations and Development Management Policies Plan (2016), and policies H.2 and H.3 of South Wootton's Neighbourhood Plan (2015).

- The proposed dwellinghouse will result in the loss of 28 trees altogether, within and along the west of Hall Lane, which would be detrimental to the character and appearance of the locality. The proposal is therefore contrary to the provisions of the NPPF (2018), policy CS08 of the Council's Core Strategy (2011), policy DM15 of the Site Allocations and Development Management Policies Plan (2016), and policies E.1 and H.2 of South Wootton's Neighbourhood Plan (2015).

The issues and the changes to the proposal scheme are discussed within the text below. A full copy of the relevant appeal is attached.

Form and Character

Hall Lane is characterised by two-storey detached dwellings, set back from the road within comfortable plots. The surrounding dwellings are constructed from a variety of different materials including both carrstone and brick. Large trees on boundaries are common and add to the character of the area.

The proposed dwelling will consist of a main two-storey element and a two-storey front projection. It is of standard construction and simple design, constructed with facing brick and roofed with slate tiles. The dwelling will be smaller in scale than the donor dwelling and will benefit from space either side to the boundaries.

The front projection will break up the bulk of the building, and the combination of form and materials will reduce its prominence in the street-scene. The garden area is sufficiently large and; given the dwelling to plot ratio and the extent of the garden area, the proposal is not considered to be a cramped form of development or overdevelopment of the plot.

The design of the dwelling submitted as part of this application is identical to that proposed under the refused application.

The Inspector, at Paragraphs 10 and 13 of the appeal decision, found no conflict in terms of the design of the dwelling (siting, scale, form and materials) and therefore, the dwelling's impact on the form and character of the area is considered acceptable. The inspector considered the proposal would comply with Policy H3 of the Neighbourhood Plan in regards to siting and design of the dwelling, stating the following:

'10. The introduction of a large two-storey dwelling and the resultant garden for the proposed dwelling and The Old Rectory would be comparable in size with other dwellings and gardens within the area. It would be well-spaced from The Old Rectory and properties along The Boltons. The proposed front elevation would broadly align with the build line of properties along Hall Lane. The proposed siting and plot size would be in-keeping with that of the surrounding development and as a result, it would not appear as an overly intensive form of development. In terms of its proposed siting, scale, form and materials, I find the appeal dwelling is well designed and it would relate appropriately to the established pattern, form and character of the surrounding context.'

'13. The Council's first reason for refusal also cites a conflict with Policy H3 of the NP. However, given my findings above, in relation to the proposed siting, scale and design of the appeal dwelling, I therefore find no conflict with this policy.'

Having regard to the Inspector's decision, the proposal is considered to comply with Policy CS08 of the King's Lynn & West Norfolk Borough Council Core Strategy (2011), Policy DM15 of the King's Lynn & West Norfolk Site Allocations and Development Management

Policies Plan (2016) and Policies E.1, H.2, H.3 and H.4 of the South Wootton Neighbourhood Plan (2015).

Impact of Loss of Trees

Three trees on site (T10, T17 Oak, T25 Yew and T37 Yew) are Category B, three trees are Category U (T9 Lawson Cypress, T29 Holly and T38 Plum) the remaining 32 trees (a mix of species) are Category C.

The appeal application 20/00346/F resulted in the removal of the following trees (28 total):

- 4 No. Lawson Cypress Trees (T1-3, T9), 2 No. Beech (T5, T7), Holly (T6) and a Eucalyptus (T10) along the east boundary of the site
- A group of 6 No. Lawson Cypress trees (T11-T16) in the centre of the site
- The removal of an Ash tree (T19), A Robinia (T20), 7 No. Holly trees (T23, T24, T26, T28, T29, T30, T31), a Yew Tree (T25), 3 No. Ash (T27, T32, T33) and a Plum tree (T38) alongside the front boundary and to allow the construction of the access point.

Works also included the pollarding of an overmature oak tree (T17) to 5m and the removal of deadwood from multiple trees along the front boundary (west) T21, T34, T35, T37 and T39).

The Appeal Inspector's key concern related to the visual impact of the loss of trees on the character of the surrounding street scene. Whilst the Inspector agreed that the loss of category U trees (T9 Lawson Cypress, T29 Holly and T38 Plum) and the eucalyptus was acceptable and would not cause harm, they note the cumulative impact of the removal of the Category C and one Category B tree would lead to harm to the character and appearance of the area.

The most mature trees are confined to site boundaries and form an important part of the local landscape. The inspector draws particular attention to the loss of trees that were previously required for the proposed access point along the front boundary.

The changes to the proposed access point, to share the existing driveway with the donor dwelling have significantly reduced the number of trees that are required to be removed to facilitate development – from 28 trees in the previous iteration to 11 as part of this application.

A Yew tree (T25) specifically noted by the Inspector to contribute to the character and appearance of the area is now proposed to be retained.

In contrast, the Tree Report submitted as part of this application states a total of 11 trees must be removed to facilitate the development:

- A Beech Tree (T7 - Cat C), A Lawson Cypress (T9 Cat U) and a Eucalyptus (T10 – Cat. B with wound to main stem) along the east boundary of the site
- A group of 6 No. Lawson Cypress trees (T11-T16 – Cat U) in the centre of the site
- A Holly Tree (T29 – Cat U) and a Plum Tree (T38 – Cat U) alongside the front boundary. No trees are required to be removed to facilitate access to the development, which is now shared with the donor dwelling.

T7, T9 and T38 have existing consent for removal under application ref 22/00074/TPO, T17 has existing consent for pollarding to 5 metres.

The Tree Report for this application also recommend the removal of deadwood from a number of trees along the front boundary that were previously proposed to be removed. This will allow the retention of these trees with only limited impact on the form and character of the street scene.

The Arboricultural Officer has stated that the proposed changes to the front boundary, including the removal of deadwood and pollarding of the Oak tree, will not lead to adverse impacts on the street scene. Conditions are recommended to ensure full details of proposed ground protection measures and no-dig surfacing for the driveway are submitted prior to the commencement of ground works. This will further control impacts on trees.

The number of trees required to be removed has been significantly reduced as part of this revised scheme and it is considered that the retention of trees, particularly those along the front boundary of the site, is sufficient to overcome the previous reason for refusal. Whilst some trees are proposed to be removed, considering the extant TPO consent for some works and the position of the trees within the site, the impact of the loss of 11 trees on the form and character is not considered to warrant refusal.

Comments from the Arboricultural Officer regarding the lack of suitable space for replacement trees and potential additional pressure are noted however the Inspector has found that the design and siting of the dwelling is acceptable.

Consideration has been given to controlling permitted development rights as part of any approval. In light of existing controls regarding works to TPO trees, it is not considered necessary to remove permitted development allowances in this instance. TPO Consent would be required for any extensions or alterations that are likely to lead to damage to any tree retained on site.

The application is considered to comply with Paragraph 131 of the NPPF (2021), Policy CS08 of the King's Lynn & West Norfolk Borough Council Core Strategy (2011)(CS), Policy DM15 of the King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016)(SADMPP) and Policies E.1 and H2 of the South Wootton Neighbourhood Plan (2015).

Impact on Neighbours

The proposed dwelling will be a sufficient distance from surrounding properties to limit the potential for adverse impacts on neighbours.

Windows on the rear elevation will provide a viewpoint towards the very rear gardens of No. 24 and 23 The Boltons. Given the TPO trees along this boundary are primarily to be retained, combined with the distances involved, no significant impact on these dwellings is likely.

Whilst located to the south of No. 25, with in excess of 18m distance between the proposed dwellings, the proposal is not considered likely to lead to overshadowing or overbearing to an extent that would warrant refusal.

To the south, the proposed dwelling will share an access with and be in closer proximity to the donor dwelling, known as The Old Rectory. Given the nature of the development, with windows to non-habitable rooms and parking area proposed to the south of the dwelling, the proposal is not considered likely to lead to any significant adverse impact on the donor

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dwelling. Windows on the side elevation of the donor dwelling will not have any direct views into private amenity space given the angles involved.

The proposal therefore complies with Policy H2 of South Wootton's Neighbourhood Plan, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Other Material Considerations

Highway Safety – The proposed access point, to Hall Lane meets the requirements set out by the Local Highway Authority who raise no objection to the proposal. The shared access point can achieve sufficient visibility splays without adverse impacts on the trees which border the road. The development complies with Policy CS11 and DM15 in regards to the provision of a safe access.

Contamination – The Environmental Quality team raise no objection in regards to contaminated land. A screening assessment has been provided which states there is no known contamination and no potential sources of contamination are identified in the Environmental Quality Team's records. The proposal complies with Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016) in regard to contamination.

CONCLUSION

The principle of development is acceptable, and previous appeal history confirms that the siting, scale and design of the proposed dwelling would not cause significant harm to the form and character of the area or to neighbour amenity or highway safety.

The previous appeal raised concern over the cumulative impact of the loss of trees on the character of the street scene. With the number of trees to be removed decreased from 28 to 11, the proposed development is not considered likely to lead to loss of trees to an extent that would lead to any significant impact on the character of the street scene. Proposed conditions relating to ground protection and the no-dig surfaced driveway will further control and limit and adverse impact on the health of the trees to be retained.

The proposal therefore complies with Policies CS01, CS02, CS08 and CS12 of the Borough Council of King's Lynn and West Norfolk's Core Strategy (2011), Policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016), the provisions of the National Planning Policy Framework (2019), and the policies within the South Wootton Neighbourhood Plan (2015). It is therefore recommended that planning permission be approved subject to the conditions outlined below

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:

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*1259-06e

*1259-07b

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The development hereby permitted shall be implemented in strict accordance with the Arboricultural Implications and Tree Protection Plan (Revision December 2022) and Tree Report written by Heritage Tree Specialists Ltd received via email dated 14 December 2022.
- 3 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 4 Condition: Notwithstanding the details submitted as part of this application, prior to the commencement of development full details of all temporary ground protection measures, and the No-Dig surface for the driveway including proposed materials, in line with Section 6.2 of the approved tree report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.
- 4 Reason: For the avoidance of doubt and in the interests of ensuring trees are suitably protected to prevent adverse impacts on the amenities of the locality, in accordance with the NPPF.
- 5 Condition: Visibility splays measuring 2.4m x 43m metres (north) and 2.4m x 25m (south) shall be provided to each side of the access where it meets the nearside carriageway edge. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 5 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 6 Condition: Prior to the first occupation of the development hereby permitted the proposed access /on-site car parking / turning area 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 areas, in the interests of satisfactory development and highway safety in accordance with the NPPF.
- 7 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.