

AGENDA ITEM NO. 9/2(c)

Parish:	King's Lynn	
Proposal:	Proposed Demolition of two existing garages with the erection of a private detached dwelling and associated works.	
Location:	Land And Outbuildings S of 28 And N of 30 Meadow Way West Lynn King's Lynn PE34 3JZ	
Applicant:	C/O Agent	
Case No:	23/00586/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 30 May 2023 Extension of Time Expiry Date: 8 December 2023

Reason for Referral to Planning Committee – Called in by Cllr Joyce

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for a 1.5 storey, 1-bed dwelling.

The site is located within the Development Boundary of West Lynn which is categorised as a 'Settlement adjacent to King's Lynn and the Main Towns' in the Settlement Hierarchy of the Core Strategy (Policy CS02.)

The site accommodates two garages that clearly have not been in use for a considerable period of time. It is unknown which residential property the land and garages once related to as, again, they appear to have been separated for a considerable period of time and there is no planning history or aerial photography that can shed light on this issue.

The site lies in an area at extreme risk of flooding being located within both flood zones 2 and 3 (as defined on the Local Authority's Strategic Flood Risk Maps) and within the Environment Agency's Breach Hazard Area (flooding to a depth of up to 2m.)

Key Issues

Principle of Development
Flood Risk
Form and Character
Highway Safety
Neighbour Amenities
Trees
Biodiversity
Crime and Disorder
Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

Full planning permission is sought for a 1.5 storey, 1-bed dwelling. No habitable accommodation is proposed at ground floor which is dedicated to ancillary uses such as a garage, secure cycle and bin store and a utility room.

The dwelling would have what is best described as a mansard roof covered with concrete interlocking roof tiles with flat roof dormers over a ground floor comprising of a mix of bricks and smooth sand cement render. The ground floor is raised 500mm above surrounding ground levels. Two car parking spaces are proposed.

The site is located within the Development Boundary of West Lynn which is categorised as a 'Settlement adjacent to King's Lynn and the Main Towns' in the Settlement Hierarchy of the Core Strategy (Policy CS02.)

The site accommodates two garages that clearly have not been in use for a considerable period of time. It is unknown which residential property the land and garages once related to as, again, they appear to have been separated for a considerable period of time.

Meadow Way is characterised, in the vicinity of the site, by single storey dwellings. The wider area includes two storey semi-detached dwellings.

The site lies in an area at extreme risk of flooding being located within both flood zones 2 and 3 (as defined on the Local Authority's Strategic Flood Risk Maps) and within the Environment Agency's Breach Hazard Area (flooding to a depth of up to 2m.)

There have been a few amendments in relation to the position of the dwelling, with the latest seeking to address the impact of the proposed development on substantial trees on a neighbouring site.

SUPPORTING CASE

None received at time of writing report.

RESPONSE TO CONSULTATION

Parish Council: No comments received at time of writing report.

Highways Authority (NCC): NO OBJECTION to the principle of the application and request conditions relating to visibility splays and parking provision be appended to any permission granted.

Environment Agency: NO OBJECTION, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Engineering Support Practice Ltd) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be raised 500mm
- Flood resilient measures will be incorporated up to 2.0 m above finished floor levels
- There will be no ground floor sleeping accommodation
- There will be no habitable ground floor accommodation

Sequential Test: In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites

appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.

Please be aware that our response to the submitted detail should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Exception Test: With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access buildings to rescue and evacuate people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

We have reviewed the submitted FRA with regard to tidal and main river flood risk sources only. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

Internal Drainage Board: No comments received at time of writing report.

Emergency Planning Officer (BCKLWN): NO OBJECTION However, because of the location of the site in an area at risk of flooding I would suggest that the occupiers:

- Sign up to the Environment Agency flood warning system
- A flood evacuation plan should be prepared:
- This will include actions to take on receipt of the different warning levels.
- Evacuation procedures e.g., isolating services and taking valuables etc
- Evacuation routes.

Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION
The application is for the demolition of existing garages and construction of a residential dwelling.

The applicant has provided a screening assessment stating no known contamination.

We have reviewed our files and the site is on land first seen developed in aerial photography dated 1999. The surrounding landscape is largely residential with the site bordered by Freebridge garage to the immediate west which has a site history of vehicle servicing/maintenance as well as other potentially contaminative uses.

Due to the proximity of the site to this land we recommend the full suite of contamination conditions be appended to any permission granted.

Due to the age of the property on site there is the potential for asbestos containing materials to be present. With this in mind we recommend an asbestos informative be appended to any permission granted.

Natural England: NO OBJECTION

European Sites: Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary.

Site of Special Scientific Interest (SSSI): Providing appropriate mitigation is secured to avoid impacts upon the European site(s) occurring there should be no additional impacts upon the SSSI interest features.

Senior Ecologist (BCKLWN): NO OBJECTION The amended ecology report is sufficient and most of my comments have been addressed within the revised report. However, the report is still missing recommendation of enhancement measures. In the absence of these being provided within the report I recommend the below:

Trees and hedgerows

- The elevations, site and location plans document notes that trees being plant are native which is welcomed. Where new hedgerows are proposed these should equally be comprised of native species. I recommend that at least five native woody species are used such as beech, hornbeam, dogrose, hawthorn, blackthorn and could include honey suckle and ivy to maximise biodiversity benefits of this feature,
- If retained the laurel hedgerow would benefit from enhancement which could include introducing more species diversity such as the addition of ivy and honey suckle and understorey planting to improve the benefits to biodiversity.

Garden

- The garden area is currently bare earth. This presents an opportunity for the developer to plant the new garden with a wildflower species rich mix where the garden will be grassed,
- Any ornamental shrub planting within the garden should include pollinator friendly species and/or night scented species to support invertebrates and foraging mammals.

Other suggested enhancements

- Installation of 2 signed hedgehog gaps per dwelling where more than one boundary will be impermeable (i.e., fencing/wall), and one bee brick per dwelling,
- Installation of the equivalent of 1 bird box per dwelling in line with BS 42021:2022 (swift boxes are recommended to support the swift population in the area (see swiftmapper.org.uk))

Any enhancements that will be included within the development should be discussed and agreed with the applicant.

Arboricultural Officer (BCKLWN): OBJECT

Amended comments: I've reviewed the amended plans in which the applicant has rotated the building in the plot so that there are no longer windows facing directly onto the trees at the rear.

However, the revised Tree Survey ref P3321-TS01 V2 by Ligna Consultancy shows the new proposed location of the building is still going to require work for foundations within the minimum root protection area of a trees T1 Poplar, T3 Poplar, and T4 Ash.

This proposal will require T2 Ash, T3, and T4 Poplar to be pruned to make space for the development, and the foundations will be within the minimum root protection areas for tree T1, Poplar, T3, Poplar and T4 Ash.

In respect of the impact on the existing trees on neighbouring ground, although the revisions are slightly less bad than the original, this proposal still poses an unacceptable threat to the continued wellbeing of trees on neighbouring land, by way of direct damage during construction work, and post development by the creation of an unsustainable relationship between the new dwelling and the trees, and on this basis, I cannot support it.

Original Comments: I cannot support this proposal, the design and layout of the dwelling does not consider the existing trees in the neighbouring garden to the west of the site, if built it would result in harm to the trees during construction work, require branches of the trees to be cut back just to make space for construction work and lead to an unsatisfactory relationship between the trees and the new property, prejudicing the long-term retention of the trees and potentially creating neighbour disputes over the trees.

The trees are visually prominent in the locality, they contribute to the character and appearance of the area and has done so for many years.

It is worth noting that the site was laid out and designed months before the Arboricultural information was made available. The application form even stated there were no trees on the site or adjacent to it that could impact the proposals. The Arboricultural Impact Assessment report by Ligna Consultancy dated 14th July 2023 has tried to retrofit tree proposals into an already designed proposal in the interests of the client, and to the detriment of the trees.

The summary of arboricultural implications at part 3 of the Tree Survey document states that T2 (mature ash) and T3 (mature hybrid black poplar) will need to be pruned just to make space for the new building, the buildings foundations will be within the minimum root protection areas of the same two trees.

The default position is that no new development should be within the minimum root protection area of a tree unless there is an overriding justification for it.

This proposed development is simply too close to the trees. This is a small site, with a very large trees just to the other side of the western boundary fence. Even if the tree protection proposals were followed, it would not leave enough space for building works to take place. The proposed layout would necessitate that construction work would need to be carried out well within the minimum root protection area, foundations for almost half of the property would be within the root protection areas and work to dig them would need to be further inside the root protection areas, space has not been made for foundations on the Tree Protection Plan nor is there any details of service runs, especially those for foul and surface water to the west and south of the proposed dwelling, these would all be within the root protection areas of the trees. It seems doubtful that there would not even be space on site to erect the scaffolding, store materials and be able to build this property while at the same time adequately protecting the trees.

The other critical factor is the affect these trees may have on future occupiers of the proposed dwelling. It is a fact that new residents often fail to appreciate the implications and problems of living next to large mature trees, until it is too late. The ash and poplar tree situated immediately due west of the rear of the proposed dwelling will completely dominate the rear of the property, the small outdoor space and bedroom will be in constant shade, there will be low ambient light levels in these areas, and there will be no views of the sky from bedroom, it will make the room inside gloomy. Then there are also the seasonal issues of leaf and fruit fall, nesting birds, movement, and noise from the crown during high winds, all issues that create apprehension for anyone living near a mature tree.

The proposed development poses a threat to the continued wellbeing of trees on neighbouring land, by way of direct damage during construction work, and post development by the creation of an unsustainable relationship between the new dwelling and the trees.

REPRESENTATIONS

ONE letter of **SUPPORT**, signed by three residents has been received. The letter reads *To all the elected members of the planning committee, please can you register that all the immediate neighbours around the application site support this planning application for a small one-bedroom dwelling. We all have been looking at this dilapidated site over the years / decades and welcome the proposed scheme as it will significantly enhance the area / setting, the proposed dwelling is very small and well-designed and fits well and comfortably within the streetscene and will replace ugly dilapidated garages which can only benefit the community and immediate neighbours. We hope we can gain your support.*

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

CS01 - Spatial Strategy

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

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

Principle of Development

Flood Risk

Form and Character

Highway Safety

Neighbour Amenity
Trees
Biodiversity
Crime and Disorder
Other Material Considerations

Principle of Development:

The site lies within the development boundary for West Lynn which is characterised as a Settlement adjacent to King's Lynn and the main towns. Core Strategy Policy states, relation to such settlements, that *Development will take place in these locations where it can demonstrate a positive impact on the adjacent Sub Regional Centre / Main Town and which will assist in both maintaining and enhancing the provision of services, employment and local retail needs.*

A residential dwelling in this location, whilst not adding a substantial benefit, would nevertheless have a positive impact.

It is therefore considered that the principle of development could be supported provided other detailed matters, which are discussed below, could be resolved.

Flood Risk:

Paragraph 159 of the NPPF states: *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (where existing or future.) Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*

Para 161 of the NPPF makes it clear that [necessary] development should be considered on a sequential, risk-based basis, taking into account all sources of flooding. The sequential, risk-based approach to development is via the sequential and exceptions tests. Only if it is not possible to steer development to areas at lower risk of flooding should the exception test be undertaken.

To be acceptable the proposal must satisfy both elements of the exception test:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk, and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In relation to necessity, the LPA can demonstrate in excess of a five-year land supply (6.67 on 1 April 2023.) It is therefore not considered that the proposed development is necessary.

If the development were necessary (which it is not), *to meet the regeneration objectives within King's Lynn and maintain the sustainability of local communities in rural areas*, as required by Development Plan Policy CS01, then the development must be in a sequentially preferable location taking all sources of flooding into account.

The whole of West Lynn lies within flood zones 2 and 3. However, this site lies at a greater residual risk from flooding in a breach event than other areas of the village. The applicant has provided some evidence that there are no reasonably available sites to accommodate the proposed development by looking on Rightmove and Zoopla.

Notwithstanding this, even if the sequential test were considered to be passed, both elements of the exception test must be satisfied. The Environment Agency has suggested the development would be safe for its lifetime because there is no ground floor habitable accommodation and safe refuge is available at first floor level. This lack of ground floor habitable accommodation is also a requirement of the LPA's flood risk protocol contained with Appendices 3, 4 and 5 of the Site Allocation and Development Management Policies Plan (SADMP.) This signifies the significance of the risks associated with flooding, and results in a solid ground floor with limited openings that is not representative of residential dwellings as a whole and certainly not in this location. Whilst the first element of the exception test can be considered to be passed, it is at the expense of the design and appearance of the proposed dwelling. This is covered in more detail later in this report.

In relation to the first criteria of the exception test the development (a single dwellinghouse) would not provide wider sustainability benefits to the community that outweigh the flood risk. In relation to this, the risks associated with flooding are wider than the risks to the property and its occupants and include rescue services.

As both criteria are required to be passed, the development fails the exception test.

This aim of avoiding areas at risk of flooding unless it would meet specific regeneration objectives is reiterated in Development Plan Policies CS01 and CS02.

The development is therefore contrary to the NPPF in general and specifically to paragraphs 159 and 161 of the NPPF and Development Plan Policies CS01 and CS08.

Form and Character:

Paragraphs 130a), b) and c) of the NPPF requires developments *to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovate of change.*

Paragraph 134 of the NPPF makes it clear that development that is not well designed should be refused.

This is reiterated in Development Plan Policy CS08 that requires development to *respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment* and DM15 which states *The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of material. Development that has a significant adverse impact on the amenity of others or which is of poor design will be refused.*

This part of Meadow Way is characterised by modest, traditional, single storey detached dwellings, although it is acknowledged that there are some modest, traditional, two-storey dwellings in the wider locality.

The proposed 1.5-storey dwelling is of an appearance that bears no resemblance to existing built form and cannot be considered attractive or sensitive or sympathetic to the local setting and is cramped and shoehorned into what is a very small site. The design issues are further exacerbated by the lack of traditional openings at ground floor level which are as a result of

reducing the risks associated with flooding. The development is therefore considered to represent poor design.

Additionally, the garden serving the property would have a very small garden that would be heavily overshadowed for most of the day by the combination of boundary trees to the south and west. This offers poor amenity and is contrary to paragraph 130f) of the NPPF that requires development to offer a high standard of amenity for existing and future user. This requirement is reiterated in Development Plan Policy DM15.

The development is therefore contrary to the NPPF in general but specifically to paragraphs 130a), b), c), f) and 134 of the NPPF, and Development Plan Policies CS08 and DM15.

Impact on Neighbour Amenity:

Paragraph 130f) requires development to offer a high standard of amenity for existing users e.g., neighbours.

*This is reiterated in Development Plan Policy DM15 that states **Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including, overlooking, overbearing and overshadowing... Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.***

The proposed dwelling is only between 1.2 and 1.5m from the boundary of the property to north (No.28 Meadow Way) and there is one first floor window on the northern elevation of the proposed dwelling serving a bedroom (a habitable room.) Given the close proximity of the property to the north and the limited garden area serving this property, it is considered that the proposed development would result in an unacceptable degree of overshadowing and overlooking.

It is therefore considered that the development would have an unacceptable impact on the amenity of occupiers of the dwelling to the immediate north No.28 Meadow Way and is therefore contrary to the NPPF in general but specifically to paragraph 130f) of the NPPF and Development Plan Policy DM15.

Highway Safety:

Paragraph 110b) of the NPPF requires that *safe and suitable access to the site can be achieved by all users.*

This is reiterated in Development Plan Policies CS11 and DM15.

Parking provision is covered in Development Plan Policy DM17 and requires a 1-bed dwelling to provide 1no. parking space.

Two parking spaces are proposed, one more than necessary. Additionally, a garage is also proposed although this cannot be counted as a parking space due to its internal measurements that are below that required by DM17 (3m x 7m). Whilst there is a lack of on-site turning, given the end of cul-de-sac location the local Highway Authority has no objection on the grounds of highway safety.

Therefore, in relation to highway issues and parking, the development is considered to accord with the NPPF in general and specifically to paragraph 110b) of the NPPF and Development Plan Policies CS11, DM15 and DM17.

Trees:

Paragraph 131 of the NPPF states *Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible...*

Paragraph 174b) again seeks recognition of the wider benefits from natural capital and ecosystem services including trees.

The arboricultural officer has made it very clear that, even with tree protection measures in place, the construction of the proposed dwelling would have an unacceptable impact on existing significant trees that offer substantial amenity value due to the impacts on the roots of those trees.

He also has significant concerns in relation to the affect the trees would have on future occupiers of the proposed development stating in his representation that *It is a fact that new residents often fail to appreciate the implications and problems of living next to large mature trees, until it is too late. The ash and poplar tree situated immediately due west of the rear of the proposed dwelling will completely dominate the rear of the property, the small outdoor space and bedroom will be in constant shade, there will be low ambient light levels in these areas, and there will be no views of the sky from bedroom, it will make the room inside gloomy. Then there are also the seasonal issues of leaf and fruit fall, nesting birds, movement, and noise from the crown during high winds, all issues that create apprehension for anyone living near a mature tree.*

It is therefore concluded that the proposed development poses a threat to the continued wellbeing of trees on neighbouring land by way of direct damage during construction work and post development by the creation of an unsustainable relationship between the new dwelling and the trees. The proposed development is therefore contrary to the NPPF in general and specifically to paragraphs 131 and 174b) of the NPPF.

Ecology:

Paragraph 174d) of the NPPF requires planning decisions to minimise impact on and provide net gains for biodiversity. Paragraph 180a) states *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

This is reiterated in Development Management Policies CS01 and CS12.

The Local Authority's Senior Ecologist has confirmed that she accepts the findings of the amended Preliminary Ecological Appraisal (dated July 2023) that accompanied the application that concludes that the site has low ecological value and limited connectivity to any surrounding habitats. However, if planning permission is granted, she recommends a condition securing:

- 1) The inclusion of a wildflower species rich grass mix and pollinator friendly and/or night scented plant species into any garden landscaping
- 2) Installation of minimum two signed hedgehog holes within impermeable boundary treatment

- 3) Installation of one bird box
- 4) Enhancement of laurel hedgerow through addition of native species and species rich understorey planting
- 5) Any new hedgerow planting to comprise native woody species.

The site lies within the Zone of Influence of the following protected sites:

- North Norfolk Coast Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar
- Breckland SPA
- Dersingham Bog SAC and Ramsar
- The Wash SPA and Ramsar

An appropriate assessment has been carried out by the Local Planning Authority (LPA) as Competent Authority that concludes that there would be no direct impacts on protected site and that indirect impacts from increased recreational activity could be mitigated by payment of the Green Infrastructure and Recreational Avoidance Mitigation Strategy Fee (GIRAMS) of £210.84.

The GIRAMS payment, in line with Development Plan Policy DM19, has been made.

Therefore, in relation to biodiversity, the development is considered to accord with the NPPF in general and specifically to paragraphs 174d) and 180a) of the NPPF and Development Plan Policies CS01, CS12 and DM19.

Crime and Disorder:

There are no specific crime and disorder issues associated with the proposed development.

Other Material Considerations:

There are no other material considerations.

Specific Comments and/or Issues:

In relation to the third-party representation the LPA responds as follows:

- 1) The letter was signed by residents of three dwellings and did not include a signature from No.28 the dwelling that would be most affected by the proposed development and cannot therefore be considered to represent *all the immediate neighbours*.
- 2) In terms of the poor state of the site, there is no premium on neglect and the visual impact of the site could be improved without the erection of a dwellinghouse.
- 3) For the reasons outlined in the report it is not considered that the development is well-designed, would sit comfortably within the streetscene or would enhance the area.

CONCLUSION:

The site is located within the development boundary of West Lynn a settlement adjacent to King's Lynn where residential development is generally supported.

The site lies in an area at significant risk of flooding and represents development that is not necessary. Additionally, the proposed development fails the exception test by virtue of not providing wider sustainable benefits that outweigh the risks associated with flooding.

Furthermore, the proposed development would result in a cramped form of development with a dwelling whose scale and appearance are at odds with the built characteristics of the locality. The development does not respond sensitively and sympathetically to the local setting, is not visually attractive and would not add to the overall quality of the area.

Additionally, the development would result in poor amenity for occupiers of both the proposed dwelling and the dwelling to the immediate north by virtue of overshadowing and overlooking. Therefore, the proposed development would not function well or offer a high standard of amenity for existing and future users.

In addition, the development would damage existing trees during construction and put unacceptable pressure on them once the dwelling was occupied.

The development is therefore contrary to the NPPF in general, but specifically to paragraphs 130a), b), c), f), 131, 134, 159, 161 and 174b) and Development Plan Policies CS01, CS08 and DM15.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1) The site is located in Flood Zone 3 as depicted on the Local Authority's Strategic Flood Risk Assessment (SFRA) and within the Environment Agency's Tidal Hazard Breach Mapping Area (TBHM). Tidal Hazard Mapping identifies that the site could flood to depths of up to 2m in a breach event. Given the proposed development is not necessary it is not necessary to undertake the sequential and / or exception tests. However, for completeness, whilst it could be argued that the sequential test is passed, because the development would not provide wider sustainable benefits that outweigh the risks associated with flooding the development fails the exception test. The development is therefore contrary to the NPPF in general and specifically to paragraphs 159 and 161 of the NPPF and Development Plan Policies CS01 and CS08.
- 2) The proposed dwelling would result in a cramped form of development with a dwelling whose scale and appearance is at odds with the built characteristics of the locality. The development does not respond sensitively and sympathetically to the local setting, is not visually attractive and would not add to the overall quality of the area. The development is therefore contrary to the NPPF in general but specifically to paragraphs 130a), b), c), f) and 134 of the NPPF, and Development Plan Policies CS08 and DM15.
- 3) The proposed dwelling due to its height and proximity to the shared boundary with the residential property to the north (No.28 Meadow Way) would overshadow the small amenity area of this neighbouring dwelling to an unacceptable degree and would also result in overlooking from the first-floor window on the northern elevation to the detriment of the amenity of the occupants of that dwelling. The proposal is therefore contrary to the NPPF in general but specifically to paragraph 130f) of the NPPF and Development Plan Policy DM15.
- 4) The proposed development, by virtue of its siting would result in damage to the root protection area of significant trees on neighbouring land and unsatisfactory relationship between the proposed dwelling and the trees and would create a threat to the continued wellbeing of mature trees that make a positive contribution to the visual amenity of the area. The long-term protection of these trees would be prejudiced by the proposed

development. The development is therefore contrary to the NPPF in general, but specifically to paragraph 131 of the NPPF.