

Parish:	Heacham	
Proposal:	Proposed 3 Bedroom Bungalow	
Location:	Porcherie 4A Hall Close Heacham Norfolk PE31 7JT	
Applicant:	Mr Williams	
Case No:	23/00681/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 28 July 2023 Extension of Time Expiry Date: 16 January 2024

Reason for Referral to Planning Committee – Referred by Sifting Panel

Neighbourhood Plan: Yes

Case Summary

The application site is located to the north-west of Hall Close, Heacham and comprises curtilage land historically associated with No. 4 Hall Close to the north.

Full planning permission is sought for the construction of a three bedroom bungalow.

The site is located within the development boundary of Heacham, which is classified as a Key Rural Service Centre within the Core Strategy's Settlement Hierarchy.

Key Issues

- Principle of Development
- Site History
- Form and Character
- Neighbour Amenity
- Highway Safety
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located to the north-west of Hall Close, Heacham and comprises curtilage land historically associated with No. 4 Hall Close to the north.

Access to the site is served via a private track off Hall Close.

The site currently comprises a gravel parking and turning area with access to No.4A Hall Close. It is currently bounded by a 1.8m close boarded timber fence and garden trees to the north; the same fence and conifer hedge to part of the eastern boundary; a single storey timber stable building, low level wall and access gates to the western boundary; and a section of 1.8m fencing and the remainder a low level hedgerow to the southern boundary.

Planning permission has previously been refused on the site (22/01932/F) for the construction of a bungalow and the this application seeks to address the issues raised.

Full planning permission is sought for the construction of a three bedroom bungalow with a footprint of approx. 103m sq. It would be orientated with it's principal elevation facing east, with on-site parking for two vehicles to the front and side and a private garden to the west.

A small strip of land to the west of the site will be separated from the proposed development in order to maintain access to No.4A and provide parking for the donor dwelling.

Traditional building materials are proposed, such as a red brick plinth and quoins, carrstone and red clay pantiles.

The site is located within the development boundary of Heacham, which is classified as a Key Rural Service Centre within the Core Strategy's Settlement Hierarchy.

SUPPORTING CASE

There is no supporting case accompanying the application.

PLANNING HISTORY

22/01932/F: Application Refused: 25/01/23 – (Delegated) Proposed 3 bedroom bungalow – Porcherie, 4A Hall Close, Heacham

20/00427/F: Application Permitted: 08/06/20 (Delegated) - Variation of condition 2 of planning permission 18/00608/F: Extension to side and rear of dwelling house – Porcherie, 4A Hall Close

18/00608/F: Application Permitted: 31/08/18 (Delegated) - Extension to side and rear of dwelling house – Porcherie, 4A Hall Close

18/00628/F: Application Withdrawn: 27/06/18 - Construction of two detached cottage type dwellings – Porcherie, 4A Hall Close

09/01702/F: Application Permitted: 23/11/09 (Delegated) - Replacement of existing piggery with new dwelling - 4 Hall Close, Heacham

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06/02121/O: Application Permitted: 28/11/06 (Delegated) - Outline Application:- Construction of dwelling - Land South Of Weathercocks, 4 Hall Close

11/01288/F: Application Permitted: 19/09/11 - Variation of Condition 2 of planning consent 09/01702/F to allow the use of Drawing 2/213/3H which shows a revised chimney and 1 extra rooflight to the living room - 4 Hall Close

RESPONSE TO CONSULTATION

Parish Council: OBJECT - Building in Countryside, Over development of site. Neighbourhood Plan Policy 4 must be a principal residency. Therefore, cannot be a holiday home or let and not sold on in the future as a holiday home or let. Neighbourhood plan Policy 5.7 the garden space on this property is very small not in keeping with intended occupation, it is cramming in a property on a small plot. Policy 6 parking would mean that the vehicle would need to manoeuvre on the narrow road to turn. In HPC view the reason that this was refused last year still remains.

Highways Authority: NO OBJECTION - subject to a condition relating to parking, in accordance with the approved plan.

Natural England: Standing Advice regarding GIRAMS and protected sites.

Arboricultural Officer: NO OBJECTION - subject to conditioning tree protection in accordance with the Arboricultural Report.

Historic Environment Service: There are no known archaeological implications.

REPRESENTATIONS

ONE representation received from a Third Party **NEITHER OBJECTING NOR IN SUPPORT** of the application, but makes the following comments: -

- Concerned about the impact of the development on their home.
- Loss of light.
- Trees adj. already shade garden.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

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 1 - Small Scale *(windfall and infill) development

Policy 2 - Housing Mix

Policy 4 - Principal Residence Requirement

Policy 5 - Design Principles

Policy 6 - Residential Car Parking

Policy 11 - Green Infrastructure

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The key considerations in the determination of this application are as follows: -

- Principle of Development
- Site History
- Form and Character
- Neighbour Amenity
- Highway Safety
- Other Material Considerations

Principle of Development:

Full planning consent is sought for the construction of a detached 3-bedroom bungalow, situated to the north-west of Hall Close, Heacham, via a private access track.

The site lies just inside of Heacham's development boundary as defined by the Development Plan.

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Heacham is classified as a Key Rural Service Centre within the Core Strategy's Settlement Hierarchy. Limited growth of a scale and nature appropriate to secure the sustainability of each settlement, will be supported within the Development Limits of such Centres.

As such the principle of development would be acceptable in accordance with the Settlement Hierarchy within the Development Plan.

Policy 4 of the Heacham Parish Neighbourhood Plan relates to 'Principal Residences' and requires new dwellings to be suitably controlled, stating that 'due to the impact upon the local housing market of the continued growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a Principal Residence.

Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition **OR** legal agreement. New unrestricted second homes will not be supported at any time.

Principal Residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home.

The condition **OR** obligation on new open market homes will require that they are occupied only as the primary (principal) residence of those persons entitled to occupy them'.

The policy further requires proof that the dwelling is being used as a principal residence via verifiable evidence.

The Planning Practice Guidance (PPG) sets out that legal agreements should only be used where it is not possible to secure the development via planning conditions. In this instance, it is considered that a suitably worded planning condition will adequately control the occupation of the dwelling and it is not considered necessary to replicate this control via a S106 agreement.

The Applicant's agent has asserted that the new dwelling will be a principal residence.

Site History:

A previous application, ref: 22/01932/F sought consent for the construction of a three bedroom bungalow on the site but was refused for the following reasons: -

1. *The proposed development does not preserve or respond sensitively to the character and context of the immediate locality by virtue of its restricted size and contrived layout. As such, this would result in an undesirable development that would appear cramped, detrimental to the quality of the local environment. Consequently, the proposal fails to represent good design and is therefore contrary to Policies 1 and 5 of the Heacham Parish Neighbourhood Plan (2022); Policies CS06 and CS08 of the Core Strategy (2011); Policy DM15 of the Site Allocations and Development Management Policies Plan (2016), and the general provisions of the NPPF.*

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2 *By virtue of its contrived layout and cramped from of development, there would be limited space to the site's frontage, which fails to provide adequate parking and manoeuvring space for the associated dwelling. Consequently the proposal does not represent a desirable development that would function well and add to the overall quality of the area, contrary to Policy 1 of the Heacham Parish Neighbourhood Plan (2022); Policy CS08 of the Core Strategy (2011); Policy DM15 of the Site Allocations and Development Management Policies Plan (2016); and the general provisions of the NPPF.*

The current application proposes to address the reasons for refusal by reducing the footprint of the dwelling, from the previous 122 square metres to the current proposed 103 square metres. The site area remains the same as previously proposed at approx. 407 square metres (excluding the access).

The building to plot ratio has therefore reduced from 29% to 25% coverage.

Form and Character:

The application site measures approx. 407 sqm (excluding access) and is of a rough rectangular shape.

Whilst the development immediately to the north and north-east of the site comprises more traditional style properties, rural in character with relatively spacious plots, in contrast, the modern development immediately to the south is far more densely laid out with small plots. This development was approved as part of a larger housing development under outline planning permission in 1992 (2/92/2088/O), with subsequent applications for full planning permission coming forward in a piecemeal fashion between 1996 and 2013.

The application site comprises a parcel of land which has been severed from the historic wider site, probably farmhouse curtilage, and is read in context with the northern side of Hall Lane.

However, it is only the narrow private access track to the south of the application site which separates the site from the modern estate type development immediately adjacent, and thus could be argued to also be seen in context with the newer development in the locality.

Although the northern side of Hall Close comprises a more traditional development, there is the exception of the donor dwelling No.4a Hall Close (conversion of piggery to annexe in 2006 and subsequent replacement annex with new dwelling in 2009).

In 2006 outline consent was granted on the application site (06/02121/O) for residential development, and whilst limited weight can be afforded to this due to its age and the fact that there has since been in particular the introduction of the Heacham Parish Neighbourhood Plan (2022), the site history is something to be mindful of.

Nationally, the NPPF's overarching aims are for the presumption in favour of sustainable development, but above all, decisions should be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF encourages decisions to support development that makes efficient use of the land, whilst taking into account the desirability of maintaining an area's prevailing character and setting.

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SADMP Policy DM15 states that 'development must protect and enhance the amenity of the wider environment including its heritage and cultural value. 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 materials. Development proposals should also demonstrate that adequate parking facilities are available'.

In regard to Heacham's Neighbourhood Plan, Policy 1 (small scale windfall and infill development) is relevant and states: -

Proposals for infill residential development within the development boundary of Heacham village will be supported on their merits taking account of the scale of the proposal in relation to the size and location of the proposed site, the character of the immediate area, the size of the village as a whole

In assessing the proposal against the abovementioned Policies, when taking into account the form and layout of the locality as a whole, and the mix in densities, it cannot be said that the proposed development does not respond to the character and context of the area. Whilst the proposed development site is relatively small, it is certainly no smaller than the adjacent plots directly to the south of the site, and the reduction in footprint means that a reasonable 25% plot coverage can be achieved which is well within the development limits of the area.

Although the proposed bungalow would be located forward of Nos.4 and 4A it would be set back within its plot which would provide a transitional step and rounding off of development at the end of the private track. The layout and modest form of the proposed dwelling would ensure that sufficient space is maintained between dwellings and would therefore cause no visual harm to this part of the Close.

The scale of the proposal is clearly proportionate to the size and location of the site and it would provide a 'smaller house' (bungalow) to contribute to the local housing stock, which is encouraged throughout the Neighbourhood Plan.

Although the proposed parking layout may be slightly constrained, with the exception of dwellings to the north and north-east, tight parking arrangements, including tandem parking and parking to the front of dwellings is not uncommon in the wider vicinity. Furthermore, the proposed plans demonstrate that there is sufficient space for two vehicles to park in accordance with the adopted standards. It is therefore considered that the space provided on site for vehicle parking would not appear unduly limited or contrived, or uncharacteristic of the area.

The Parish Council's concerns in relation to the development being cramped on a small plot with a very small garden space are acknowledged. However, as explained above, while the neighbouring dwellings to the north-east are set in comparably more spacious plots, there is some variation and the prevailing form and character of the area is not uniform. Therefore, on balance, it is not considered that the introduction of a modest dwelling within a more compact plot would cause significant harm to the character and appearance of the area, and thus the first reason for refusal of the previous application (22/01932/F) has been adequately addressed.

Conditions have been recommended for the removal of Permitted Development Rights for extensions to the new dwelling and outbuildings to ensure that appropriate spacing around the built form is retained.

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The proposal therefore accords with Neighbourhood Plan policies 1 and 2; Local plan Policies CS06, CS08 and DM15; and the general principals of the NPPF.

Neighbour Amenity:

The proposed development involves the construction of a small-scale bungalow with adequate separation distances between that and neighbouring dwellings.

The concerns raised by the Third Party in relation to the impact on their amenities, including loss of light and overshadowing have been taken into consideration in the recommendation of this application. However, it is considered that the existing 1.8m close boarded fence and garden trees along the northern boundary will mostly screen the development from the property to the north, thus causing no overlooking or loss of privacy.

An Arboricultural Implications Plan supports the application which demonstrates that the proposed development would be located outside of the root protection zones of the small trees along the northern boundary and the mature Blue Spruce (on third party land) in the north-east corner. The trees will therefore continue to offer appropriate screening from the development, thus limiting any impact on neighbour amenities. A condition will be imposed securing their retention.

The separation distance between the proposed dwelling and No.4 to the north is approx. 21m (dwelling to dwelling). This, together with the modest height of the proposed bungalow would mean that there would be no significant overshadowing, overbearing impact or loss of light to the neighbouring property to the north.

The same applies to the neighbouring property to the north-east No.3, there is adequate separation distance between dwellings and sufficient screening from boundary treatment so not to cause a material impact on residential amenity.

It is not considered that the proposed development would have any impact on the existing residential development to the south.

Conditions have been recommended for the removal of Permitted Development Rights for extensions to the new dwelling, new windows, additions to the roof and outbuildings to ensure that there is no future impact on neighbour amenities.

It is considered therefore that the proposal accords with Neighbourhood Plan Policies 1 and 5; Local Plan policies CS08 and DM15; and the general principals of the NPPF.

Highway Safety:

The proposal involves the construction of an additional dwelling served from the existing private track onto the private element of Hall Close. As such, the proposal would not affect the current traffic patterns or the free flow of traffic on an adopted highway.

The Local Highway Authority raises no objection to the proposed development on highway safety grounds, subject to a standard condition relating to the proposed on-site parking.

The proposal includes the provision of two car parking spaces on site, one to the southern side and one to the frontage. This accords with the number of spaces required by the

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adopted standards and set out within the Neighbourhood Plan to serve a dwelling of the size proposed.

The Parish Council's comments in regard to parking and manoeuvring on site are noted. And whilst the previous application (22/01932/F) was refused on grounds that 'there would be limited space to the site's frontage, which fails to provide adequate parking and manoeuvring space', this element of the scheme has now been addressed in the current application. The footprint of the proposed dwelling has been reduced and therefore provides more space on site to provide less contrived parking (not in the tandem layout previously proposed). The proposed parking layout is not uncommon.

On balance, it is considered that due to the small-scale nature of the development, and the likely low numbers and slow speed of vehicular movements in the vicinity of the access to the site and generally within the small cul-de-sac, it is considered that any increase in the type of movements of concern, would not be so significant as to result in unacceptable risk to highway safety.

Thus, the proposal accords with Neighbourhood Plan Policy 6; DMP Policies DM15 and DM17; and section 9 of the NPPF, which together and amongst other matters, require safe access and adequate parking facilities.

Other Material Considerations:

Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

CONCLUSION:

The proposed development involves the construction of a three bedroom bungalow, located within the development boundary of Heacham. An existing access would be utilised served from a private track off Hall Close. There would be no material impact on neighbour amenities nor highway safety. Whilst it is acknowledged that the site is quite small, given the density of the development to the south, and the fact that the proposed dwelling is proportionate to the size of the plot and in turn, the private garden space is commensurate to the scale of the dwelling, it is not considered that the proposed development would be out of keeping with character and context of the area.

Furthermore, the proposal would provide a small house of principal residence, which are both key priorities within the Neighbourhood Plan.

It is considered, therefore, that the proposed development accords with Heacham Parish Neighbourhood Plan Policies 1, 2, 4, 5, 6 and 11; Core Strategy Policies CS01, CS02, CS06, CS08, CS11 and CS12; SADMP Policies DM1, DM2, DM15 and DM17; and the general provisions of the NPPF.

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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 using only the following approved plans: 22070-02 Rev. C.
 - 2 Reason: For the avoidance of doubt and in the interests of proper planning.
 - 3 Condition: The dwelling hereby approved shall be occupied only as the primary (principal) residence of those persons entitled to occupy it. The occupiers of the dwelling shall be required to provide evidence that they are meeting the requirements of the condition, and shall make this information available at all reasonable times to the Local Planning Authority.
 - 3 Reason: In order that the development permitted is in accordance with the requirements of the Heacham Parish Neighbourhood Plan (2022).
 - 4 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
 - 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with Neighbourhood Plan Policy 5; Local Plan Policies CS08 and DM15; and the general principles of the NPPF.
 - 5 Condition: Prior to the commencement of the development hereby permitted all tree removal/pruning work and protection measures including tree protective fencing, and ground protection, shall be implemented in strict accordance with the part 4 and part 5 of the approved 'Tree Report and Arboricultural Implication and Tree Protection Plan' dated October 2023 by Heritage Tree Specialists.
 - 5 Reason: In the interests of the amenities of the locality, in accordance with Neighbourhood Plan policies 5 and 11; Local Plan Policies CS06, CS08, CS12 and DM15; and the general principles of the NPPF.
- This needs to be a pre-commencement condition given the potential for trees to be lost during development.
- 6 Condition: The trees along the northern boundary of the site shall be retained (and protected during construction) as shown on the approved Tree Plan. Any of those trees or plants that within a period of 5 years from the completion of the development die or

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become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted.

- 6 Reason: In the interests of the amenities of neighbouring residents, in accordance with Neighbourhood Plan policies 5 and 11; Local Plan Policies CS08 and DM15; and the general principles of the NPPF.
- 7 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site car parking/turning areas shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- 7 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with Neighbourhood Plan Policy 5; Local Plan Policy CS08, CS11, DM15 and DM17; and the general provisions of the NPPF.
- 8 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, alterations to the roof, the enlargement of a dwelling house consisting of an addition or alteration to its roof, or the erection or construction of a porch outside any external door of a dwelling house, shall not be allowed without the granting of specific planning permission.
- 8 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality and neighbouring residents if otherwise allowed by the mentioned Order, in accordance with Neighbourhood Plan Policies 1 and 5; Local plan Policies CS08 and DM15; and the general provisions of the NPPF.
- 9 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the provision within the curtilage of the dwelling house of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.
- 9 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality and neighbouring residents if otherwise allowed by the mentioned Order, in accordance with Neighbourhood Plan Policies 1 and 5; Local plan Policies CS08 and DM15; and the general provisions of the NPPF.
- 10 Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new windows/dormer windows (other than those expressly authorised by this permission), shall be allowed without the granting of specific planning permission.
- 10 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of neighbouring residents if otherwise allowed by the mentioned Order, in accordance with Neighbourhood Plan Policies 1 and 5; Local plan Policies CS08 and DM15; and the general provisions of the NPPF.

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