

## AGENDA ITEM NO. 9/2(h)

<b>Parish:</b>	<b>Walsoken</b>	
<b>Proposal:</b>	<b>Erection of 2 dwellings involving demolition of existing barns</b>	
<b>Location:</b>	<b>The Barn 3 Burrettgate Road Walsoken Norfolk PE14 7BN</b>	
<b>Applicant:</b>	<b>Mr S McCurry</b>	
<b>Case No:</b>	<b>23/01743/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination:</b> <b>8 December 2023</b> <b>Extension of Time Expiry Date:</b> <b>9 February 2024</b>

**Reason for Referral to Planning Committee** – Called in for determination by the Planning Committee at the request of Cllr Richard Blunt.

**Neighbourhood Plan:** No

### Case Summary

This is an irregular shaped site, covering approx. 0.3ha of land to the east of frontage development on Burrettgate Road and south of that onto Sparrowgate Road in Walsoken.

There is an existing access off Burrettgate Road between Nos. 1 & 5 serving the site. It presently contains a sizeable (247m<sup>2</sup>) brick and slate single storey barn on Plot 1 (southern-most) and a smaller (96.5m<sup>2</sup>) timber barn on Plot 2 (northern-most).

The access to the site lies within the defined development area of the village, however the majority of the site lies in 'countryside'.

Permission has historically been granted (initially under the prior notification procedure for permitted development) for change of use of two barns into dwellings (19/01979/PACU3) and subsequently the 'fall-back' position justifying the development of two new dwellings (21/02377/F) with footprints of 247m<sup>2</sup> and 94.6m<sup>2</sup> respectively.

This application seeks to change the design of the proposed dwelling on Plot 1.

### Key Issues

Principle of development  
Design, appearance and impact upon character of the countryside  
Impact upon adjoining properties  
Any other material considerations

### Recommendation

**REFUSE**

## **THE APPLICATION**

This application effectively seeks to amend the design of the dwelling on Plot 1 of two plots previously approved on this site.

Two new dwellings were granted under application ref: 21/02377/F following demolition of the existing two agricultural barns with earlier prior notification approval (ref: 19/01979/PACU3) to convert into two dwellings.

Plot 2 (northern-most) is a modest two bedroomed single storey dwelling of rustic character, sited between 18.3m and 19.7m away from the common boundary with The Limes/No.1 Burrettgate Road, and is identical to that already approved under application ref: 21/02377/F.

The most significant change applies to the proposed new dwelling on Plot 1 (southern-most). The replacement dwelling approved under application 21/02377/F on this plot was a substantial three bedroomed single storey dwelling once again with rustic features in brick and slate construction. It was of the same footprint and proportions as the existing barn on the site but positioned between 15m and 17.5m away from the common boundary with Nos. 5 & 7 Burrettgate Road.

This is now proposed to be a four double bedroomed two-storey dwelling with a H-form footprint. There are two double pitched elements east-west aligned with a connecting north-south link. Double gables are therefore presented to the east and west, plus two balconies at first floor level facing east. It is a contemporary design with brick ground floor, vertical timber cladding at first floor and metal sheet roofing.

## **SUPPORTING CASE**

The agent has submitted the following statement in support of this application:

“Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP) states that development will be permitted inside of development boundaries. Outside of these boundaries will be considered as countryside where development will be more restricted.

The site lies part inside/part outside of the development boundary for Walsoken, with the access being positioned inside and the dwellings being positioned outside of the defined boundary. However, the proposal will replace the two barns which benefit from planning permission for demolition and rebuild into two new dwellings under reference 21/02377/F. This permission has been implemented as has been confirmed by CNC Building Control. Accordingly there is extant planning permission for the erection of two new dwellings on this site which constitutes a fallback position for the site and a material planning consideration. The principle of the development is therefore established.

Under 21/02377/F, the replacement dwellings would be positioned further back within the site to provide for a better relationship with the existing dwellings to the east. The current application proposes to replicate the siting of the dwellings in 21/02377/F. Plot 2, which is the northernmost plot, will remain as approved and there will be a redesign of Plot 1.

Plot 1 is a bespoke design which meets the specific aspirations of the applicant. It remains of an agricultural-type character, paying homage to the original building and the setting beyond the site. The dwelling is a contemporary, executive property which will address the

ever-changing lifestyle needs of the applicant, complying with the aspirations of the National Design Guide.

It is submitted that the dwellings are of sufficient distance from the rear boundaries of the properties to the west so to not cause any harm to their residential amenities by reasons of overlooking or overshadowing. The existing landscaping and hard boundary treatments on the western boundary will protect the rear garden areas of the dwellings along Burrettgate Road.

The proposal would result in a high quality, beautiful and sustainable building which is promoted by paragraph 131 of the NPPF and there are no technical objections to the development. It is therefore respectfully requested that planning permission is granted.”

## **PLANNING HISTORY**

21/02377/F: Application Permitted: 30/11/22 - Erection of 2 x single storey dwellings involving the demolition of the existing barns on site (Delegated decision)

19/01979/PACU3: Prior Approval - Approved: 13/01/20 - Prior Notification: Change of use of agricultural buildings to two dwelling houses (Delegated decision)

2/99/0185/O: Application Refused: 20/04/99 - Site for construction of dwellinghouse (Delegated decision)

## **RESPONSE TO CONSULTATION**

**Parish Council:** The Parish Council would like to defer the decision on this application to the Planning Officer.

**Local Highway Authority (NCC): NO OBJECTION** subject to condition to implement access, parking and turning provisions prior to occupancy.

**King’s Lynn Internal Drainage Board: NO OBJECTION** advice offered on Byelaw issues.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** – suggest condition regarding unexpected contamination.

## **REPRESENTATIONS**

**SIX** items of correspondence received raising **OBJECTION** on the following summarised grounds:

- Surface water flooding
- Overlooking properties on Burrettgate Road
- Proximity of Plot 1 to Burrettgate Road properties
- Disposal of asbestos containing material
- Septic tank connection issue
- Breach of covenants attached to the sale of the land
- Size of building far exceeds that which was approved
- Devaluation of adjoining property
- Future developments

**Cllr Richard Blunt:** Requests that the application is called in for determination by the Planning Committee.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM5** – Enlargement or Replacement of Dwellings in the Countryside

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main considerations in determining this application are as follows:

- Principle of development
- Design, appearance and impact upon character of the countryside
- Impact upon adjoining properties
- Any other material considerations

### **Principle of development**

The land use principle for the development of two dwellings on this site has already been established by previous planning applications (refs: 19/01979/PACU3 & 21/02377/F). The latter of which has been commenced and is extant.

This matter must turn on points of detailed analysis. Officers note case law (*Mansell vs Tonbridge and Malling Borough Council [2017]*); that enables a “fall-back” position for replacement permission for dwellings under an extant “Part Q” Permitted Development permission. In this case, this amounts to a decision as to whether:

*“a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights”.*

Furthermore, whether the proposals under this application are in fact an acceptable fallback position as judged against the extant planning permission 21/02377/F for the replacement dwelling at Plot 1.

This proposal therefore revolves around the proposed amended design for the dwelling on Plot 1.

### **Design, appearance and impact upon character of the countryside**

The key Development Plan policies involved in assessing this application are as follows:

Policy CS06 – Development in Rural Areas: which seeks inter alia to “...maintain local character and a high-quality environment...” and “...in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty...”

Policy CS08 – Sustainable Development: which states inter alia: “All new development in the borough should be of high-quality design. New development will be required to demonstrate its ability 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 “...achieve high standards of sustainable design.”

Policy DM 5 – Enlargement or Replacement of Dwellings in the Countryside also applies to this proposal which states as follows:

“Proposals for replacement dwellings or extensions to existing dwellings will be approved where the design is of a high quality and will preserve the character or appearance of the street scene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.”

As indicated above, the dwelling on Plot 1, approved and commenced under application ref: 21/02377/F, was single storey with eaves at 3m and ridge at 6.8m, and a floor plan of some 247m<sup>2</sup>.

The dwelling now proposed is two-storey with eaves at 5m and principal ridges at 7.9m. The floor plan comprises some 505m<sup>2</sup> (including balconies), so the accommodation has effectively doubled in size. The ground floor comprises an integral garage, entrance hall, utility, three bedrooms plus a study. The first floor comprises a bedroom, living room, living/kitchen/dining room plus two east-facing balconies.

The siting of the dwelling has moved closer to the common boundaries with Nos. 5 & 7 Burrettgate Road (11-13m accordingly).

The design of the new dwelling is of a contemporary style with large, glazed gables and windows facing east and west. Its size, proportions, form and over-fenestration do not portray a rustic building; it therefore fails to reflect the scale and character of the building it seeks to replace and its surroundings.

The site is somewhat screened by the frontage development of detached houses on Burrettgate Road to the west and Sparrowgate Road to the north and there are large agricultural storage buildings to the south; the remainder of the land in the applicant's ownership lies to the east with the A47 beyond.

There would be glimpsed views of Plot 1 between existing buildings along Burrettgate Road and potentially at some distance from the east. The building would therefore be visible from public areas and have an impact upon its rural setting.

With regards to the dwelling on Plot 2, this has not changed so the impact of that particular unit is considered to be acceptable.

The design and appearance of the proposed dwelling on Plot 1 is however considered to be significantly larger than that already/previously approved and its design and appearance is out of context with the locality. The proposal therefore conflicts with Policies CS06, CS08 & DM5 of the Development Plan.

### **Impact upon adjoining properties**

As stated above, the accommodation is such that bedrooms are mostly at ground floor level and active rooms are at first floor level. The siting of the dwelling is closer to the common boundaries with Nos. 5 & 7 Burrettgate Road (11-13m away respectively) than the earlier consent (15-17.5 metres). The large west-facing glazed gables with full height fenestration, especially that serving the lounge/kitchen/dining room, is likely to give rise to overlooking of those neighbouring properties to the immediate west.

Whilst objections have been made on the grounds of loss of views, there is no private right to view across third party land. There would also be adequate separation distance to negate concerns regarding overbearing and overshadowing implications.

The large, glazed gables combined with other fenestration are likely to create light pollution which would adversely affect the adjoining properties specifically and the locality generally.

The proposal therefore fails to comply with Policy DM15 of the Development Plan.

### **Any other material considerations:**

Access already exists off Burrettgate Road and has no issues, subject to condition recommended by the Local Highway Authority to provide on-site parking and turning areas prior to occupancy.

All other technical matters are capable of being secured via condition and there are no objections from technical consultees including the IDB.

Asbestos-containing material disposal is covered under separate legislation and is not therefore a planning matter.

Connection to a neighbour's septic tank and breach of covenants attached to the sale of the land are civil issues rather than planning matters.

The effect of development, albeit up or down, upon the valuation of adjoining property is not a planning consideration.

Any future developments would be subjected to further planning applications which would be considered on their merits.

## **CONCLUSION**

The proposed dwelling on Plot 1 is considered to be significantly larger than that already/previously approved and its design and appearance is out of context with its countryside setting. The large west-facing glazed gables with full height fenestration, especially that serving the lounge/kitchen/dining room, is likely to give rise to overlooking of those neighbouring properties to the immediate west. The over-fenestration is also likely to create light pollution which would adversely affect the adjoining properties specifically and the locality generally.

On this basis then officers are minded that these proposals are not an acceptable fall-back as set against the extant permission 21/02377/F. Furthermore, the current proposals were informally tabled during processing of 21/02377/F and considered against the earlier "Part Q" permission. Officers considered that the proposals did not represent a more comprehensive and coherent redevelopment of the site as opposed to the "Part Q" consent and the design was rejected resulting in the single storey replacement being negotiated and approved under 21/02377/F.

The proposal therefore fails to accord with the provisions of the NPPF, Policies CS06 & CS08 of the Core Strategy (2011) and Policies DM5 & DM15 of the SADMPP (2016). It is duly recommended for refusal for the reason stated below.

There is a 'fall-back' position in that the earlier permission granted under ref: 21/02377/F can be developed/completed, officers contend that this earlier position is policy compliant and preferable to the unacceptable harm created under the current proposals.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The proposed dwelling on Plot 1 is considered to be significantly larger than that already/previously approved and its design and appearance is out of context with its countryside setting. The proposal therefore conflicts with Policies CS06 & CS08 of the Core Strategy (2011) and Policy DM5 of the SADMPP (2016).
- 2 The large west-facing glazed gables with full height fenestration, especially that serving the lounge/kitchen/dining room, is likely to give rise to overlooking of those neighbouring residential properties to the immediate west to the detriment of residential amenity. Also, the large, glazed gables combined with other fenestration are likely to create light pollution which would adversely affect those adjoining properties specifically and the locality generally. The proposal therefore fails to comply with Policy DM15 of the SADMPP (2016).