

Parish:	Grimston	
Proposal:	Proposed extension and alterations to existing dwelling.	
Location:	Rose Cottage Watery Lane Grimston King's Lynn	
Applicant:	Mr And Mrs Howling	
Case No:	23/01446/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 12 September 2023 Extension of Time Expiry Date: 6 September 2024

Reason for Referral to Planning Committee – Called in by Councillor de Whalley.

Neighbourhood Plan: No

Case Summary

Members Update

The application was deferred at the Planning Committee of 29th July 2024 in order to seek further clarification in relation to parking requirements, the status of neighbouring land to the north in terms of use as garden space as well as the civil matters on site.

The report has been amended to reflect this, with additional clarification/information included within the officer's report in bold. In addition, late representations from the previous application are included within this report, again in bold.

The application site relates to one of an existing pair of cottages within rural Grimston, outside of the Development Boundary for the village. These cottages are classed as non-designated heritage assets as they appear on the First OS Map (1879-1886), and still retain their traditional form and character. The attached neighbouring cottage is to the east of the dwelling and site, with the neighbour's plot wrapping around to the north of the application site. To the south and west lie open agricultural fields.

The application itself seeks planning permission for a two-storey side extension to the west of the property.

Key Issues

- Principle of development
- Form and character
- Impact on neighbour amenity
- Parking and highway safety
- Protected species
- Any other matters requiring consideration prior to determination of the application

Recommendation

APPROVE

THE APPLICATION

The application site relates to an existing pair of two storey, pitched roof cottages within rural Grimston. The existing dwelling forming this application currently includes a single storey side projection to the west. The site is outside of the Development Boundary for the village and these cottages are classed as non-designated heritage assets as they appear on the First OS Map (1879 - 1886), and still retain their traditional form and character. The attached neighbouring cottage is to the east of the dwelling and site, with the neighbours plot wrapping around to the north of the application site. To the south and west lie open agricultural fields.

The application itself seeks planning permission for a two-storey side extension to the west of the property with matching eaves and a slightly lower ridge. The extension would be approx. 3.9m wide, approx. 7.6 m deep (approx. 4.8m deep to the side facing gable and approx. 2.8m to the rear projection) and approx. 6.8m high. Materials would include facing brick and red clay pantiles. The extension would be set back from the front elevation with a side facing gable. To the rear, the projection would have a rear facing gable in line with the existing two storey rear projection.

SUPPORTING CASE

The application is recommended for approval by the Planning Officer.

Consultation/Planning Process:

Consultation has been had with both the Planning Officer and Conservation, the application proposal has been revised from the applicant's original design to a reduced scheme, in terms of height, width and material to achieve a proposal which has a recommendation for approval from the Planning Officer.

Appearance:

The extension is subservient to the main cottages, uses traditional brick and tiled finishes in accordance with Conservation Officer desired appearance. The extension continues the row of cottages.

Scale:

The scale of the extension is in keeping with the existing cottages, whilst being subservient.

Access:

Access will remain to the property as current, unaffected by the proposed extension, the drawings (Existing and Proposed) throughout have identified the land in ownership of the applicant (edged red). These plans were issued to highways as part

of the planning consultation period and have been considered by the Highways Authority (see below responses).

Highways Consultation responses

(Sets out NCC Highways responses and lack of objection which are available online and summarised within the officer's report).

It is noted the Parish Council have commented upon parking/access but this will remain as existing to the dwelling. The highways authority have been consulted as part of the planning process and as above have no issue with the proposed dwelling extension, the proposal is not for an additional property but extension of the existing dwelling to provide the applicant with desired space/reconfigured layout.

Parish Council Comment:

The other matter raised by the Parish Council (in addition to highways – see above) was the roof finish and overall appearance of the cottage, this has been addressed as part of the planning process with review of the proposed extension design (including materials, volume, mass) in consultation with the Conservation Officer, addressing their initial comments with the reduced subservient extension, using materials to match the existing property, this includes the proposal for the roof tile to match the existing cottages.

Elected Member Planning Committee Call-In:

Notes the councillor call in for this application, whilst acknowledging that the matters raised were based upon the original proposed extension.

It is considered that the proposed scheme responds the character with the adjoining property as well as the (non-designated) local heritage area with the revised scheme noting the Conservation Officers comments. The proposal would not impact upon neighbouring amenity, the proposed extension would be a modest residential side extension. The extension would not now exceed 50% of the existing dwellings footprint.

Comments have been raised by neighbours, which as part of the planning process is their right, the planning determination must be determined under planning policy and this application is recommended for approval by the Planning Officer – the application has been subject to amendment from the original scheme and the extension proposed.

Conservation Officer Comment:

As above, the current proposed extension addressed the Conservation Officer initial comments with reduced ridge height for subservience, use of traditional materials, omission of timber cladding, the applicant has considered the views of the authority officers (both Planning and Conservation) for the extension with this reduced scheme which is subservient to the main cottages, continues the cottage row and reflects the local vernacular/material use.

Arboriculturist Consult:

No comment was raised by authority officer.

Ecologist:

An Ecology Consultant was appointed and undertook ecology survey/report including bat surveys and report, identifying need for bat provision which is understood and will be accommodated as part of an approval determination – approval subject to related condition for Bat Mitigation Licence to be obtained to facilitate works.

Historic England:

No comment was raised by Natural England to the proposed extension.

Historic Environment:

Our client understands the potential condition requested in relation to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205.

Summary:

The proposal has been considered, in consultation with the authority (and their consultees) to provide an extension to the applicant's property. The design and scale have been considered/reviewed, ditto the finish, to provide a proposal which is supported and recommended for approval by the Authority on planning policy/grounds which all applicants should be based upon, therefore we trust that the Planning Committee will support this application and the officer recommendation.

PLANNING HISTORY

2/98/0712/F: Application Permitted: 08/07/98 - Construction of replacement garage – delegated decision.

RESPONSE TO CONSULTATION

Parish Council: OBJECT

No comment received to latest plans.

To previous scheme:

The Council did not support the revised application on the following grounds:

- i) The increase in bedrooms would require an extra parking space, due to the single-track nature of both Watery Lane and Candlestick Lane there is insufficient space for car parking on the Highway, and from the earlier responses to the application there is no additional privately owned space.
- ii) The roof material did not match the existing, nor is in keeping with the overall appearance of the cottage.
- iii) In the Council's view there is no suitable vehicular access or not enough access to the property.

Highways Authority: NO OBJECTION (summarised for clarity):

An additional bedroom (from 2-3) would not put it in the next band where an additional space would be reviewed (NCC Parking Standards). Ultimately, the parking guidance is to protect the users of the public highway from unsafe parking on the highway. Candlestick Lane and Watery Lane are narrow and unlikely to be parked on. There is also a length of private drive leading to the space which could be utilised. That is why Highways do not recommend an objection but that is not to say consideration could be given from a social and domestic viewpoint.

Additional comment:

It has been indicated that the driveway may not be available for vehicles to park due to ownership and private access rights of way issues. Nevertheless, the view of the highway authority remains unchanged in that any vehicles associated with this development would still not park on the surrounding highway.

Conservation Officer: NO OBJECTION (to final amended scheme)

Historic England: NO COMMENT

Historic Environment: NO OBJECTION

Several medieval inhumations were found in the garden of Rose Cottage and the adjacent house in the 1970s. It is unclear what the burials relate to. It has been suggested that this may have been the site of a medieval church. Roman and medieval pottery has also been found on the site.

Consequently, there is potential that significant heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance may be affected by the proposed development.

Conditions are recommended relating to a programme of archaeological mitigatory work which would be attached to any approval.

Ecologist: NO OBJECTION

The application is supported by a `nocturnal bat survey Report` (Biome Consulting, 2024). The result of these surveys identified a common pipistrelle day roost and a brown long eared bat day roost within the building. A licence will be required to facilitate the works as recommended within the report. If you are minded to grant consent please condition the requirement for a mitigation licence prior to the commencement of works on the house.

Informative:

The bats surveys undertaken in support of this application are only valid for 1 year. If the project is delayed beyond 01 June 2025 updated surveys will be required to inform the mitigation required to facilitate the works Bat boxes are recommended within the report and these should be installed as per the recommendations within the Nocturnal Bat Survey Report.

Arboricultural Officer: NO COMMENT

REPRESENTATIONS

Councillor de-Whalley Call in (comments relate to original scheme):

I have awaited discussion of this application at Grimston Parish Council, this evening so as to hear local representations.

Concerns include:

- The proposal being out of character with the adjoining property as well as the (non-designated) local heritage area.
- Loss of neighbouring amenity.
- Footprint of extension being greater than 50% of the existing dwelling.
- Scale of local opposition/public representations.

Third-party Objections:

Third Party Correspondence from previous Late Representations (summarised for clarity): THREE public OBJECTIONS:

- **Reiterates that the marked boundary to the South is incorrect, intruding into the neighbouring field.**
- **Reiterates that there is no access for construction works from the neighbouring field to the South and West of the site.**
- **Development is too big for the plot with poor choice of materials given setting in village.**
- **Archaeology impact.**
- **Impact on neighbour amenity.**
- **Drainage problems in area.**
- **Impact on rare chalk stream.**
- **No access to site, nowhere for the delivery of materials or parking during construction – where do the Highway Authority think vehicles will park and how will they access the site area for deliveries without causing damage and disruption, noise and pollution?**
- **Impact on both Watery Lane and Candlestick Lane in terms of parking, damage as well as safety.**
- **Cars have parked in the private car park who do not live in the cottages before.**
- **Potential for vehicles to reverse down Candlestick Lane, stopping and reversing off of the B1153 on Gayton Road. A banks man is not permitted to direct traffic on a public highway. This road has limited visibility at the Junction on Candlestick Lane and cars do not always adhere to the 30mph limit.**
- **Frequently commercial vehicles acting on behalf of Anglian Water reverse the full length of Watery Lane and Candlestick Lane to access the pumping station and damage the surrounding grass verges.**

ONE OBJECTION for the latest set of plans (summarised for clarity):

- Concerns are reiterated regarding overdevelopment of site/loss of open space, overlooking and loss of privacy, highway issues including vehicular access and highway safety as well as impact on historical character and appearance of area, addition of third bedroom, capacity of physical infrastructure (public drainage / Anglian Water pumping station on Watery Lane outside property), loss of residential amenity and adverse impact upon nature conservation interests and biodiversity opportunities.
- Additional points not already made by public objections include:

- Proposed overdevelopment is contrary to Policy DM15, as it goes directly against protecting and enhancing the amenity of its wider environment, heritage and cultural value, whilst failing to fairly consider the impact on the site itself and on us as neighbours.
- On the original planning portal forms in 'Parking', the applicants falsely stated that proposed works would not affect existing car parking arrangements. This is untrue and an attempt to mislead any planning decision.
- Owners of Appletree Cottage use this small single lane driveway day and night for parking vehicles and also own a pantile roofed 18th century wash house on the middle of the driveway (marked on plans) which requires constant daily access to for tools and maintenance. There is a five-bar gate (not shown on plans) providing further access to the property towards the end of the drive and we also require constant access to this.
- Joe Crowley, from BBC's Countryfile, recently spotted and confirmed water voles present in the stream adjacent to the properties.

Previous scheme:

TWENTY ONE OBJECTIONS from **ELEVEN** objectors regarding (summarised for clarity):

- Impact of proposal on harmony of existing historic cottages.
- Harmful visual impact as a result of materials, form, design and scale contrary to Policy DM 5. As confirmed at appeal Policy CS06 of the Core Strategy requires development to maintain local character.
- Harmful visual impact on locality including view from Candlestick and Watery Lane.
- The extension would have a footprint twice the size of the current cottage.
- Omission of outbuildings (installed without planning permission) on application site from plans and associated loss of garden space/overdevelopment.
- Rare chalk stream running nearby.
- Impact on archelogy – previous medieval remains and Roman artefacts have been found on site.
- Impact of development on protect species (such as nesting bats, egrets, owls and a red kite) as well as impact from lighting.
- No practical way to construct the development. Rose Cottage has no access to its property except on foot, over a path belonging to Appletree Cottage (neighbouring dwelling). This is not a shared path and neighbours own this land and applicants have the right to walk across the path and to make repairs to the current property only. This is noted clearly in Appletree Cottage (neighbouring dwelling) deeds: "SUBJECT TO the existing right of way on foot only over the Property for the purpose of access to and egress from the adjoining property known as Rose Cottage and SUBJECT ALSO TO any existing rights for the passage and running of water soil and electricity through the drains sewers pipes cables and wires serving Rose Cottage NOW laid in under or over the Property"
- There is no parking for Rose Cottage, except for one car in the garage. There would be no room for storage or for site vehicles on the drive adjacent to Appletree Cottage where neighbours park car/s daily.
- Appletree Cottage (neighbouring dwelling) has priority right of access to the front of the property via this drive, 'day and night both by motor vehicle and on foot'. So no skips or equipment can be left there. This is also stated in deeds.
- Watery Lane is also single lane road and not suitable for any heavy site traffic for deliveries or for parking for contractors.
- The area alongside the Anglian Water pump house regularly floods during high rainfall & access to the pump house is required many times using a large tanker.
- Impact on neighbours amenity during construction as they work from home including traffic, the age of houses, digging foundations, heavy machinery and demolishing existing

structure all against a party wall as well as overhanging cables and shared utilities points and pipes, dust and noise.

- Owners of Rose Cottage who do not live there and have left the property empty since July 1st 2022.
- Overlooking of neighbours front and back garden.
- Impact on trees to the front of the application site in front of house.
- Impact of views from nearby footpath.
- Bigger property means more waste water which is already a bad problem in Grimston. Anglian Water have failed to sort the water sewage problem that is already acute in Watery Lane, any further load on this system will be a significant problem .
- Bedrooms going from 2 to 3 would increase parking requirement which cannot be achieved on site. Applicants have stated that proposed works will NOT affect existing car parking arrangements.
- The red line on the southern side of the plan is not the correct boundary and protrudes into neighbouring field. The correct one is the line above it (to the North). There is no access from the field to the south.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM5 – Enlargement or Replacement of Dwellings in the Countryside

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 are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Parking and highway safety
- Protected species
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

Grimston (with Gayton and Pott Row) is designated as a Key Rural Service Centre under policy CS02 in the Local Development Framework- Core Strategy 2011. However, this application site falls outside of the development boundary for Grimston. Policy DM 2 – Development Boundaries of the Site Allocations & Development Management Policies Plan states; “The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas”.

Therefore, this application needs to be considered against Policy DM 5 – Enlargement or Replacement of Dwellings in the Countryside. This policy states; “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 for 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 such, the principle of development is acceptable subject to the development meeting the conditions set out above.

Form and Character:

The original proposal for this application consisted of a large two storey side extension with a glazed link between the existing dwelling alongside a single storey rear element. Materials included cladding and metal roof sheeting to the extension. However, the Conservation Team objected stating that “these cottages are classed as non designated heritage assets as they appear of the First OS Map (1879 - 1886), and still retain their traditional form and character. They are settled into their plots and together with the nearby historic cottages and buildings, the whole area around Watery Lane has a very unique traditional village character”. The proposal was not considered appropriate for this cottage in this location due to its scale, form, massing and design and would have caused harm to the non-designated heritage asset. It was considered that some form of extension may be possible, but it should be sympathetic to the donor building in terms of scale, materials and appearance.

As such, an amended scheme was submitted. This consisted of a much reduced two storey pitched roof side extension less than the width of the main dwelling. This was set down slightly below the ridge of the main dwelling and set in from the front elevation with a side facing gable. A two storey rear facing gable extended in line with the existing rear gable to the main dwelling. To the front elevation, fenestration is traditionally proportioned with two windows at ground and first floor. The side elevation consists of a patio door with window above at first floor to the gable with a window at ground and first floor to the rear projection. The rear elevation consists of a three section window at ground floor replicated at first floor without the central section (with a solid panel between). The rear window at first floor to the

existing dwelling serving a bedroom was also shown to be replaced. Materials included brick to match the existing dwelling as well as matching red clay pantiles. However, to the rear timber cladding was included to walls. It was also stated on plan that the proposal would include, to the existing dwelling, to remove the painted finish and repair brick / mortar joints if suitable else re-paint existing brick with the extension finish to match.

The Conservation Team considered that these amendments were a significant improvement however the extension should be further reduced in height to appear subservient to the host cottage. The extension should also be constructed of either natural brick or render, not painted and the rear extension should not include timber boarding as it is not a traditional material for this style of extension, or for the area.

The final scheme is therefore mostly as above however, the ridge has been slightly lowered further. In addition, the extension is wholly of brick and does not include any cladding and is no longer proposed to be painted. It is noted that the front elevation consists of traditional proportioned cottage style windows while to the side and rear transitions to larger windows, less in character with the existing cottage. However, the front elevation is the most visible within the wider historic village setting with little to no view of the side and rear from public viewpoints. In addition, while not as in-character it is not considered that the larger windows would amount to harm to the non-designated heritage asset, also noting that the Conservation Team do not object on this point.

To the existing dwelling it is stated that the existing painted finish would be removed and repaired (brick / mortar joints) if suitable otherwise it would be re-painted as existing. The Conservation Team no longer object and the proposed development is considered appropriate both in terms of scale, materials and relationship with the main dwelling as a non-designated heritage asset as well as the context as part of a small range of traditional cottages. The proposal would now reflect the character of the rural and traditional village locality. Taking into account the two single storey existing outbuildings it is also considered that ample amenity space would remain to the plot. A condition would be attached to any approval requiring samples of materials to ensure a suitable visual finish.

It is noted that there are two small trees and mature vegetation to the northern boundary of the site in proximity to the dwelling forming this application. However, there is not a TPO associated nor is the site within a Conservation Area and these trees and associated mature vegetation could be removed at any time without permission. The Arboricultural Officer has been consulted and has raised no issues providing 'no comment'.

Overall, the application would be in accordance with policies CS06, CS08 and CS12 of the Core Strategy 2011, DM5 and DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.

Impact on Neighbour Amenity:

The plan as now presented consists of a two-storey side extension to the west of the existing dwelling. With the neighbouring dwelling to the east, the extension does not extend past either the front or rear elevation of the main dwelling and with the separation to the boundaries it is not considered that there would be any unacceptable overbearing or overshadowing issues to either the neighbouring dwelling itself or main amenity space.

In relation to overlooking, to the rear the bedroom at first floor to the existing dwelling would have the same relationship with the neighbouring dwelling as existing as the window would be of the same proportions with a comparable impact - this would not require consent. To the new extension, the rear first floor windows would serve a dressing room and en-suite. Based on the use of these rooms as well as the orientation in relation with the neighbouring

dwelling and plot it is not considered that there would be any unacceptable overlooking or amenity issues. These rooms by nature of use would be unlikely to present prolonged opportunities for overlooking. It is your officer's opinion that obscure glazing via condition would not be required in this instance. In addition, lateral views towards the private amenity space of the neighbouring dwelling would be limited. The extension is set away from the shared boundary as it is to the side of the existing dwelling and mostly faces towards the open fields to the rear of the properties.

To the front elevation, the existing bedroom to the existing part of the dwelling would be unchanged served by one window with the bathroom next to it served by the other existing window. To the extension, two first floor windows are proposed which would serve a new bedroom. The neighbouring plot wraps around the application site to the north. However, as this area of land is already overlooked by the existing bedroom, it is not considered that the additional two windows serving the new bedroom would significantly alter this impact or increase it in a manner that would warrant refusal compared to the current impact. These front facing windows are also not the sole windows to the room.

In terms of the area of land to the north of the site, it is not considered to be part of the domestic curtilage of the neighbouring dwelling (so does not for instance benefit from certain permitted development rights - PART 1 - Development within the curtilage of a dwellinghouse of the General Permitted Development Order 2015 (as amended)). In addition, evidence has been submitted by the agent for the application that this area of land has previously been used as a Certified Location site allowing up to 5 caravan/motorhome pitches on site without planning permission – evidence available suggests that this use has ceased. However, it is clear that this land is currently used as garden space by the neighbours and the assessment of the proposed development needs to be made on this basis. Based on the above assessment, this area of land is already overlooked and the additional overlooking as a result of the proposed extension is not therefore considered to cause unacceptable harm to neighbour amenity.

The side elevation would face into the plot of the main dwelling itself to the west. All new ground floor windows and doors would either face to the open field to the rear, the application site or be screened by boundary treatment to the north (1.8m approx. fence). Overall, taking a balanced view the development is considered acceptable in terms of neighbour amenity impact and would be in accordance with Policy CS08 of the Core Strategy 2011 and DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.

Parking and Highway Safety:

NCC Highways do not object to this proposed development. They note within their response that an additional bedroom (from 2-3) would not put it in the next band where an additional space would be required taking into account NCC Parking Standards. The Highway Officer considers that Candlestick Lane and Watery Lane are narrow and unlikely to be parked on and that there is also a length of private drive leading to the existing parking space/garage. While it has been indicated that the driveway may not be available for vehicles to park due to ownership and private access rights of way issues the view of the highway authority remains unchanged as vehicles associated with this development would still not park on the surrounding highway.

For completeness, Norfolk County Council Parking Standards require two parking spaces for a two or three bedroom dwelling. However, the existing dwelling with two bedrooms only currently has one parking space. With the addition of one bedroom for a total of three this does not increase the required provision of parking. Therefore,

acknowledging the existing dwelling lacks one parking space, it would not be reasonable to require an additional parking space when the parking standards do not require an additional space when increasing from two bedrooms to three.

Paragraph 115 of the NPPF states: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” In this case, as detailed above, the development would not lead to highways safety impacts that the Highway Officer feels could substantiate an objection.

Overall, a refusal on this basis could not be substantiated on this ground taking into account the above justification and the development is considered to be acceptable in regard to highway safety and parking in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF 2023.

Protected Species

A Preliminary Roost Assessment Report (8 February 2024) followed by a Nocturnal Bat Survey Report (5 June 2024) have been submitted in support of this application.

Bats

The submitted Nocturnal Bat Survey Report states: “a single Common Pipistrelle was recorded emerging from its day roost from the southern roof slope of the extension on 7 May 2024 and a single Common Pipistrelle (considered likely to be the same individual) was recorded emerging from its day roost from under a ridge tile of the main house on 28 May 2024. The PRA also recorded a small number of definitive Brown Long-eared Bat droppings in the void of the existing extension. It is considered that the void represents a very rarely used day-roost of a single individual Brown Long-eared Bat and this should also be included within the Natural England licence application.

The results from the surveys are considered to represent an accurate reflection of bat roosting activity at the site (1x day roosting Common Pipistrelle – consistent results across the two nocturnal surveys enabling confident roost characterisation and negating the need for any additional nocturnal surveys, and 1x day roost very rarely used by a single Brown Long-eared Bat”).

No other protected species have been identified or are considered to be impacted as a result of the proposed development.

The submitted report states that the site can be registered under the Bat Mitigation Class Licence (BMCL) scheme through a Registered Consultant (RC). Local planning authorities must consider the potential for developments assessed as affecting European Protected Species to satisfy the three derogation tests set out in the Conservation of Habitats and Species Regulations 2017(as amended) for licensing to permit otherwise unlawful activities.

The Three tests of Derogation are as follows:

‘Test 1 - Overriding Public Interest

The overriding public interest of the proposed development project is derived from the provision of some economic benefits for local builders and suppliers. The development would be an extension to an existing dwelling/building and the submitted report outlines that “the proposed works will destroy the day roost of a single Common Pipistrelle in the southern roof slope of the extension and a rarely used day roost of a single Brown Long-eared Bat in

the void of the extension. The works are considered unlikely to cause adverse impacts to the Common Pipistrelle day roost in the ridge of the main section of the house...Given the identified roosts to be impacted are of low conservation status, the site can be registered under the Bat Mitigation Class Licence (BMCL) scheme through a Registered Consultant (RC)". The report outlines that while there is no requirement for any compensatory roosting features to be installed under the BMCL scheme (favourable conservation status is maintained without any compensation), two bat boxes are recommended to be installed on trees within the site.

Test 2 - No Satisfactory Alternative

The proposal is to extend the existing building. The only alternative to this proposal would be to leave the existing building as it is. This option would be a set-back to the property owner (Natural England give weight to the personal costs of the applicant). The economic benefits from the construction works would also be lost.

Test 3 - Maintaining A Favourable Conservation Status

The third test, maintaining a favourable conservation status for the local protected species population, is shown to be possible for the development given the identified roosts to be impacted are of low conservation status.

Based on the information provided within the submitted reports it is also important to note the fact that Natural England give weight to the personal costs of the applicant. As this proposal is for an extension to an existing property and the development is shown to not affect the favourable conservation status of the species the development can be viewed favourably in this regard. This is in addition to the small boost to the local economy insofar as construction and materials. It is therefore considered that a license is likely to be granted and that the scheme therefore passes the test of derogation.

It is recommended that any approval of the works should only be subject to a planning condition to ensure that a mitigation licence is secured prior to commencement and the compensation is delivered on site. Accordingly, it is recommended that this be controlled by way of planning condition.

Therefore, the application is considered to be in accordance with Policy CS08 and CS12 of the Core Strategy 2011, DM15 and DM19 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.

Other matters requiring consideration prior to the determination of this application:

Civil Matters

Issues relating to access to the application site, land ownership, rights of access and deeds would be civil matters outside of the scope of this planning application. This application can only consider material planning considerations. Civil matters, whether prohibitive to the development or not, cannot be considered within planning applications.

Parish Council Objections

As noted there is not an up to date Parish Council comment on the latest plan. In terms of the most recent comment, parking and highway safety is addressed within the above report. The roof material now proposed matches the existing (red clay pantiles).

Third Party Objections

Form and character including the non-designated heritage assets, wider locality and trees, neighbour amenity, parking and highway safety as well as protected species are discussed within the body of the above report.

During the course of the application the outbuildings have been shown on amended plans. The agents states that the applicant installed these under permitted devolvement however this can be verified outside of this application. The agent has confirmed that the plans are accurate based on OS mapping and also reference a previous application with the same red line. The impact on archelogy has been considered by the Historic Environment Service and the recommended conditions that would be attached to any approval.

The nearby chalk stream is not adjacent to the boundary of the main application site where the extension is proposed. It runs adjacent to the eastern boundary of the neighbouring plot (where the applicant's garage is also located) as well as to the north of the neighbours plot. In relation to the area alongside the Anglian Water pump house regularly flooding, EA Flood mapping shows that the application site is within flood zone 1 (the area at the lowest risk of flooding) and is not at risk of surface water flooding. Due to the scale of this application as a householder extension and noting that there is only an increase of one bedroom and an additional one toilet, it is not considered that foul water details would be required.

In relation to the construction of the development, issues relating to access to the application site, land ownership, rights of access and deeds would be civil matters outside of the scope of this planning application. In relation to construction itself including impact on amenity and noting the unique situation on site, due to the scale of this development – a householder application for an extension to an existing dwelling – it is not considered reasonable or proportionate to condition or seek to control construction traffic and/or management. Party Wall issues would be outside of the scope of this planning application.

Response to Third Party objections in previous Late Representations: The issues raised by third parties are considered to be addressed within the officer's report. In terms of the southern boundary the agent has confirmed plans to be correct; if there is a dispute as to the correct alignment of the boundary then this would be a civil matter. The footprint of the proposed development would not extend beyond the current rear elevation of the host dwelling. Access to the site across land not within the applicant's ownership or control would again be a civil matter. The form and character of the proposal, including design, scale and materials as well as neighbour amenity, archaeology, drainage and impact on the nearby chalk stream are addressed within the officer's report. Highways safety, parking and construction are also addressed within the officer's report.

CONCLUSION:

Overall, it is considered that the proposed design, scale and materials are now appropriate given the rural setting in this area of the village of Grimston as well as the status of the cottages as non-designated heritage assets. A condition is recommended for any approval that would require material samples to ensure a suitable visual finish. The BCKLWN Ecologist does not object to the proposed plans and protected species impact is also considered to be acceptable as extensively explored within the above report.

It is considered that there would be a suitable impact on neighbour amenity based on the existing situation and proposed development. Norfolk County Council Highways raise no

objection based on Highway Safety and parking with the unique situation on site taken into account.

Overall, the development is therefore considered to be in accordance with Policies CS06, CS08, CS11 and CS12 of the Core Strategy 2011 as well Policy DM5, DM15 and DM19 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023 and is duly recommended for approval.

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:

* PROPOSED DRAWING, Drawing Number: 4041_281/03 REV C, Received: 15 Jan 2024
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used 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.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF and DM15 of the Site Allocations and Development Management Policies Plan 2016.
- 4 Condition: No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 4 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 5 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 4.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.

- 6 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 4 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

In this instance the programme of archaeological mitigatory work will comprise the monitoring of groundworks for the development under archaeological supervision and control. A brief for the archaeological work can be obtained from Norfolk County Council Environment Service.

- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.

- 7 Condition: Prior to the commencement of works on the house a mitigation licence (Bat Mitigation Class Licence) shall be secured from Natural England.

In addition, the development hereby permitted shall be carried out in strict accordance in regard to the Conclusions and Required Actions within the submitted Nocturnal Bat Survey Report. This shall include but not be limited to:

* Two Schwegler 2F bat boxes are installed on trees within the site. Boxes should be sited at least 4m above ground level and facing southeast to southwest.

- 7 Reason: To ensure that the development takes place in accordance with the principles and parameters contained with the Nocturnal Bat Survey Report in accordance with Policy CS08 and CS12 of the Core Strategy 2011 as well as DM15 and DM19 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.