

Parish:	Ringstead	
Proposal:	Variation of condition number 2 attached to planning permission 22/00674/F: First floor extension, rear extension and alterations to dwelling.	
Location:	Poachers Gap 21 Peddars Way South Ringstead Hunstanton PE36 5LF	
Applicant:	Smedley	
Case No:	24/01714/F (Full Application)	
Case Officer:	Tom Ellis-Daish	Date for Determination: 18 November 2024 Extension of Time Expiry Date: 7 February 2025

Reason for Referral to Planning Committee – Call in by Cllr de Winton.

Neighbourhood Plan: No

Case Summary

Planning permission was granted under application 22/00674/F for a first-floor extension, rear extension and alterations to a dwelling including a porch extension to the side (north).

The current application seeks to vary Condition 2 of Ref. 22/00674/F, relating to the approved plans, to enable the construction of a cart shed in place of the permitted porch and to include a flue that was omitted from the previous approval.

Key Issues

Principle of Development
Form and Character
Neighbour Amenity
Other Material Planning Considerations

Recommendation

APPROVE

THE APPLICATION

The site is located within Ringstead, which is classified as a Smaller Village or Hamlet under Policy CS02 of the Core Strategy (CS). As such, Ringstead does not have a defined Development Boundary and is therefore classified as countryside in planning terms.

The site is located approximately 260m from the Ringstead Conservation Area and is within a designated National Landscape.

The character of the area is predominantly rural, with neighbouring dwellings to the North and South of the site.

The site is not at risk of flooding from any source.

The previous application, which remains extant and could be implemented at any time, approved a first-floor extension (an additional storey on the existing bungalow), a rear extension and a side extension (a porch). This application proposed to amend this scheme by constructing a cart shed in place of the permitted porch and inserting a flue that was omitted from the previous scheme.

SUPPORTING CASE

Neither the applicant nor agent have provided a supporting statement.

PLANNING HISTORY

22/00674/F: Application Permitted: 14/06/22 - First floor extension, rear extension and alterations to dwelling (Delegated Decision).

RESPONSE TO CONSULTATION

Parish Council: OBJECTS

The Parish Council's objection can be summarised as follows:

- The introduction of the Cart Shed represents a significant variation to the approved planning application (22/00674/F) in terms of scale,
- The original bungalow is modest, whereas the approved works already allow for a significantly larger dwelling,
- The Cart Shed will further increase the scale and massing out of proportion with neighbouring properties,
- Raise concern that the structure could be converted into a separate dwelling for the use as holiday let,
- The emerging Ringstead Neighbourhood Plan emphasises that annexes and conversions must be appropriate to their location. It also requires that proposals for annexes and outbuildings should be designed so that they cannot be used as part of the main dwelling without the creation of an independent dwelling unit in the future,
- Concern that an additional structure in the garden of the property exacerbates the amount of new development. Additional concern as to whether or not this additional structure meets Permitted Development limits or not,
- The Cart Shed does not add anything to the character and setting of properties in this rural part of the village,

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- Provide clarification that whilst they object, if the application were to be approved they would request a condition to state “*The cart shed hereby approved shall only be used for purposes incidental to the needs and personal enjoyment of the occupants of the main dwelling and constructed in accordance with the approved plan, drawing no. 21187/02/E. The building shall at no times be used for business or commercial purposes or used as an independent unit of residential accommodation.*” and
- Concern over concrete apron, in association building in garden, and that this concrete may suggest further building works.

REPRESENTATIONS THREE letters of **OBJECTION** have been received from third parties, their comments can be summarised as follows:

- Were not properly informed of the original, now permitted, application,
- Concern that the application is not an extension of the existing bungalow, but rather a completely new house. Question the ability of the existing dwelling to support the works without demolition and rebuilding,
- Whole project is far too large, with the proposed building extending from hedge to hedge and increased height,
- Acknowledge that there are other two storey buildings on the road, but that they are set much further back from the road than the site in question,
- The proposal will change the character of the road, which lies in a conservation area and is situated directly on the National Trail of Peddars Way,
- Concerns over light and noise emissions resulting from the works previously approved,
- This addition further pushes the boundaries,
- Loss of summer sunset in neighbouring garden due to the height,
- Loss of view due to development,
- The proposal will “dwarf” the properties on either side,
- The ancient hedges provide a habitat for insects, moths and invertebrates and will need to be either damaged or removed as a result of the works. Additional concern over the siting of scaffolding to carry out the works,
- Note the lack of a bat survey with the original application. Further state that there are many bats in the location, and they can be seen flying around the property, suggesting that they might be roosting in the roof,
- Note that the property is only inhabited a few weeks of the year, which might suggest they have a peaceful roost in the roof,
- State that the possibility of bats should be investigated prior to work commences and question why this was not commissioned before a grant of planning permission,
- The proposal does not sit well within its plot, filling the site completely and looking too large already without the addition,
- Echo Parish Council objection,
- Note a lack of an asbestos risk survey and draw attention to an identical property next door which did contain asbestos and
- The area is full of over-developed plots, which collectively impact the rural and natural surroundings.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM15 – Environment, Design and Amenity

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

Form and Character

Neighbour Amenity

Other Material Planning Considerations

Principle of Development:

The principle of development has been found acceptable by virtue of planning permission granted under application 22/00674/F. This is a material planning consideration carrying significant weight in the determination of this application.

An application approved under section 73 has the effect of granting a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

This application seeks to amend this extant permission by virtue of varying condition 2 to alter the approved plans to enable the construction of a cart shed in place of the permitted porch and to include a flue that was omitted from the previous approval.

It should be noted that, as is common with many S73 applications, other conditions (than those listed by the applicant) are also affected by the proposed changes and will need to be appropriately reworded if permission is granted.

The Core Strategy and Site Allocations and Development Management Policies Plan form the development plan for this locality. It should be noted that Ringstead Neighbourhood Plan is not yet at a stage where it can be given any material weight in the planning balance, having not yet been subject to a referendum.

Form and Character:

Policy DM15 of the SADMPP and CS08 of the CS require that development be sympathetic to the surrounding area and of a high-quality design whilst promoting sustainability. This is further supported by the NPPF. As the site is located outside of any development boundary, and is therefore within the countryside, it is also subject to Policy DM5 of the Core Strategy, which requires further the requirements for good design and preservation of character.

The proposed variations to the previously approved permission include the provision of a timber framed cart shed in place of a porch and a flue. All other alterations remain as approved under Planning Permission 22/00674/F the impacts of which were fully considered during the determination of that application and do not need to be further considered under the current application.

The approved porch located on the north elevation has a depth of c.4.3 metres at the deepest point and a width of c.1.86 metres. The eaves height to the front elevation (west) is c.2.72 metres, the eaves height to the rear elevation (east) is c.2.39 metres and the overall height at the centre is c.4.35 metres. The reason for the variation of heights is due to a change in ground levels.

The proposed cart shed has a depth of c.6.35 metres at the deepest point, a width of c.3.91 metres, an eaves height on the front elevation of c.2.57 metres, an eaves height at the rear of c.2.56 metres and an overall height of c.4.52 metres.

Both the porch and the cart shed that would replace it feature the use of timber, meaning that the materials have already been found acceptable by virtue of the previous permission.

Contrary to Parish Council opinion, it is not considered that the change from a porch to a cart shed is significant, would result in an adverse impact on the character of the building or the streetscene, or result in overdevelopment of the site, and would present only a minor increase in height and width proportional to the overall permitted development. Whilst not in a conservation area, the site does lay within the National Landscape of which the LPA has a duty to reasonably and proportionately seek to further its statutory purpose. Given that the alterations would result in a minor increase in scale over the approved scheme it is considered that the development would conserve the landscape and scenic beauty of the National Landscape.

The addition of the flue is likewise considered acceptable. Furthermore, it falls within permitted development parameters.

The variations sought to condition 2 are therefore considered acceptable with regard to form and character and impact on the National Landscape, and accord with Development Plan Policies CS08, CS12, DM5 and DM15 and the NPPF.

Neighbour Amenity:

Policies DM5 and DM15 of the Site Allocations and Development Management Policies Plan require that the impact of a development on the amenity of neighbours and occupiers be assessed. They state that schemes which adversely impact on amenity should be refused.

The potential impacts of the cart shed have been considered, particularly regarding the property to the north of the site. At its closest point the cart shed would be c.0.9m from the boundary of this property and 1.6m at the furthest point and c.4.9m to its southern elevation. Because the cart shed is located on the northern elevation of the main dwelling, and is lower in height, much of the shadow that would be cast by the cart shed would be within the

shadow of the main dwelling for most of the day. The impact of the shadow cast by the cart shed in isolation would not be material.

Likewise, the cart shed would not result in any material overbearing impacts due to its height, existing boundary treatment (a substantial hedge) and the area of the neighbouring property to the north affected (parking and turning area).

The variations sought to condition 2 are therefore considered acceptable with regard to neighbour amenity and accord with Development Plan Policies DM5 and DM15 and the NPPF.

Other Material Planning Considerations:

There are no highway safety or drainage issues arising from the proposed development.

Third party and Parish Council comments have raised concerns around the development of the main dwelling and a shed and concrete apron in the rear garden. Enforcement officers have confirmed that both the shed and the associated concrete apron are within Permitted Development parameters. However, they do not form part of this application and have not been given consideration in relation to their impact or accordance with permitted development.

Further comments have also raised concern about the conversion of the cart shed to a holiday let or annexe. The cart shed as presented lacks walls on two of its elevations and is not considered to have the capability to be used as accommodation. Furthermore, the application has to be taken as presented, and therefore it must be considered as a cart shed. It is not 'necessary' to include the condition requested by the Parish Council because planning permission would be required to use the building for an alternative use and therefore such a condition would fail the "tests" laid down in the Planning Practice Guidance.

A third-party comment raised concern about the potential for a bat roost in the roof of the existing dwelling and fauna in the hedgerows at the side of the dwelling. Further concern was raised about the ability of the existing dwelling to support the weight of an additional floor.

This application involves the change from a proposed porch to a proposed cart shed and the addition of a flue; therefore, the elements of change sought by this application would not result in impacts on bats. The application does not suggest changes to the boundary treatments. Furthermore, any concern surrounding the positioning of scaffolding, which may or may not impact the hedge, would be a civil matter. Finally, the ability of the existing structure to support the works is a matter for building control and structural engineers, and the planning system must take the development to be carried out as described.

Concerns were raised about the potential for asbestos in the property. However, this is covered by other legislation.

The development proposed under the original permission can be carried out at any time until that permission expires (15 June 2025). Therefore, concerns relating to the appropriateness of the original permission cannot be given any material weight in the planning balance of this application that seeks only to replace a porch with a cart shed and insert a flue.

Given this application is for the amendment to a permitted scheme conditions imposed on the original consent (obscure glazing and sample panel) will be imposed on this permission, amended where necessary.

CONCLUSION:

This application proposes changes to a consented scheme by virtue of an application under S73 of the Town and Country Planning Act, 1990.

It is considered that the amendments (cart shed and flue) are acceptable and would not result in adverse impacts on form and character or neighbour amenity over and above the consented scheme.

The development is considered to be in accordance with the Development Plan and relevant paragraphs of the NPPF.

It is therefore recommended that this application be approved subject to the conditions below:

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the 15.06.2025.
- 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 PLANS & ELEVATIONS, Drawing Number: 21187-02 F.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Before the first occupation of the extension hereby permitted the window at first floor on the south elevation shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.
- 3 Reason: To protect the residential amenities of the occupiers of nearby property.
- 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 front elevation (brick and flint infill) 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 the principles of the NPPF.