

AGENDA ITEM NO: 9/1 (a)

Parish:	Burnham Market	
Proposal:	SELF-BUILD Demolition of existing semi-detached dwellinghouse and erection of two-storey dwellinghouse (use class C3) attached to neighbouring property with associated landscaping and boundary treatment	
Location:	11 Walkers Close Creake Road Burnham Market King's Lynn Norfolk PE31 8EP	
Applicant:	Mrs Naomi Clark	
Case No:	25/01520/F (Full Application)	
Case Officer:	Jack Ibbotson	Date for Determination: 14 November 2025 Extension of Time Expiry Date: 5 December 2025

Reason for Referral to Planning Committee – Call in – Councillor Sam Sandell

Neighbourhood Plan: Yes

Case Summary

This application seeks full planning permission for the demolition and subsequent replacement of a semi-detached dwellinghouse at 11 Walkers Close, Creake Road, Burnham Market. The proposed dwelling would be a self-build and custom dwelling.

The proposal would see the replacement being constructed on an extended footprint with a wider two storey element with front, side and rear single storey extensions.

The proposal has been amended to remove a proposed garage to the front of the dwelling.

Key Issues

Principle of development

Demolition

Form and character and impact on National Landscape

Impact on neighbour amenity

Highway safety

Any other matters requiring consideration prior to the determination of the application

Human Rights Act and Public Sector Equality Duty

Recommendation

APPROVE

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THE APPLICATION

The site is an interwar period ex-local authority semi-detached house located to the south of the settlement of Burnham Market in a linear street of similar era and scale dwellings. The dwelling is a two-storey modest three bedroom dwelling, set in a large plot. There is an existing vehicular access to a parking area and pre-fabricated garage located to the side of the dwelling.

The house has a single storey rear offshoot and standalone outhouse which is adjoined to the mirrored adjoining dwelling. The existing house is a rendered external finish with a footprint of approximately 66m² when including the external store, and gross internal floor area (GIA) of approximately 83m² over two storeys. The existing dwelling is 7.8m tall to ridge, and 5.1m to eaves. It is 5.9m wide and 10.6m deep.

Planning permission is sought for the erection of a replacement dwelling following the demolition of the existing semi-detached house, prefabricated garage, and outbuildings.

The proposed dwelling would connect to the neighbouring dwelling in the same form and position as the current house with eaves and ridge at the same level.

The difference would be in the increase in the footprint of the house through the addition of a wider two storey side projection along with a part front and side flat roof extension and a rear projection with pitched roof. These would be single storey. The proposal would see the footprint of the house (including store) increase from approximately 66m² to approximately 112m². The proposed dwelling would have a GIA of 160m², an increase of approximately 92% .

The new dwelling would be in total a maximum of 12m wide, and 13.3m deep including the single storey projection to the rear. The roof would be 7.8m to ridge, and 5.1m to eaves, both the same as the original dwelling.

The two-storey extension element would follow the front and rear building line, whilst the single storey elements would project past the existing front, side and rear building lines.

The width of the dwelling would increase at two storeys from 5.9m to 10.2m and the total width would be 12.0m. The single storey side element would be set in from the boundary by 1.0m. The rear single storey projection would be set in from the boundary with 12 Walker Close by 5.3m and 3.1m to the boundary with 10 Walkers Close.

The proposed single storey rear projection would project 5.2m behind the main two storey rear elevation. This would be similar to the existing layout of the current house, although a longer projection to the rear (1.5m more than existing).

The roof would have a hipped profile which would be stepped back and down where the extension projects further to the side than the existing house.

Materials include white render, plain tiles aluminium windows, fascia and rainwater goods.

SUPPORTING CASE

The Agent has submitted the following supporting statement:

In the following statement we have addressed directly the objections received from the elderly residents of the neighbouring property, their family and the parish council.

Structural Safety and Stability

Objectors highlight that No. 11 and No. 12 share a single-skin, load-bearing party wall that supports structural beams within No. 12. Demolition of No. 11 could therefore compromise the stability of its adjoining neighbour, with additional risk to shared chimneys and drainage. They call for an independent structural survey before any work proceeds.

Response: Legal protections under the Party Wall Act and Section 215 (Untidy Sites) ensure the safeguarding of performance, thermal integrity, waterproofing, and structural stability of adjoining dwellings both during and after construction. Adjoining owners are protected under the law by the Party Wall Act and Section 215, which provide appropriate safeguards to ensure that all works are carried out in a controlled and compliant manner. An independent structural report, prepared by a qualified structural engineer, recommends demolition and reconstruction as the preferred option.

Health, Safety, and Wellbeing

Elderly residents at No. 12 fear prolonged noise, vibration, and dust from demolition and rebuilding would severely affect their health and recovery, causing stress, anxiety, and sleep loss. Concerns also include dust and possible asbestos exposure, making their home environment unsafe. The construction period for a new dwelling would be under 12 months for a straightforward project of this nature, with the heavy construction works lasting approximately six months. A retention and extension strategy would likely cause more disturbance and increase the duration of the works. The Borough Council of King's Lynn and West Norfolk's Community Safety and Neighbourhood Nuisance Officer, Suzi Pimlott, has been consulted and has raised no objections to the proposals.

Loss of Light and Visual Impact

The proposed double garage positioned close to No. 12's front lounge window, would overshadow the room, reduce natural light, and appear visually intrusive. Objectors argue this would harm residential amenity and be out of keeping with the surrounding semi-rural character. Response: The garage has been removed from the application.

Accessibility and Highway Safety

Construction traffic and materials could block the public footpath directly outside No. 12, which elderly occupants depend on for safe access to local services. Combined with major nearby development, the works are seen as likely to create unsafe conditions for both pedestrians and vehicles.

Response: Norfolk County Council has been consulted. With the exception of a minor adjustment to the parking layout, which has been incorporated, the proposals are supported. The timing of the construction of an adjacent development is not within our control; however, we would expect that pedestrian access is maintained at all times in line with the Safety at Street Works and Road Works – A Code of Practice ("The Red Book").

Unnecessary Demolition.

Neighbours and the Parish Council argue that independent inspection has found no evidence of structural instability at No. 11, so demolition is unjustified. They believe refurbishment, rather than full demolition, would avoid unnecessary risk and disruption to adjoining properties.

Response: The demolition strategy has been adopted to ensure that the completed building will perform in accordance with both modern and future standards. A detailed statement has been provided outlining the retrofit versus rebuild case; please read the statement “Thomas Faire Architects – LP06 Climate Change Policy Context.” Given that the Borough Council of King’s Lynn and West Norfolk declared a climate emergency in 2021, we would have expected the Council to take steps to support the construction industry in doing its part to achieve Net Zero operational energy, combined with on-site renewables as proposed in this application. Further to this the current building is unsafe and demolition has been recommended.

Concluding Statement

We will ensure that the builders are briefed to minimise any disruption to the neighbouring properties during construction and will recommend that the builders engage with schemes such as considerate contractors.

PLANNING HISTORY

None relevant.

RESPONSE TO CONSULTATION

Parish Council: **OBJECTION** on the following grounds:

1. Risk to the Adjoining Property

The property is one half of a semi-detached pair. The party wall is a 9-inch single skin wall, which provides minimal structural separation. Demolishing one half of the building would pose a significant risk of damage to the neighbouring house (No. 12).

An independent survey commissioned by the neighbours found no evidence of structural instability, indicating there is no structural necessity for demolition.

2. Shared Chimney and Drainage

The houses share a chimney stack and a drainage system serving four properties.

These shared features create a high risk of disruption or damage during demolition and reconstruction. No detailed plan has been provided to show how these risks would be safely managed.

3. Construction Duration and Disruption

The proposed works are expected to take up to three years. Such a prolonged construction period would cause sustained noise, dust, vibration, and general disturbance to neighbouring properties.

The Eastern Daily Press (1 October) reported that “excessive construction disruption” has been accepted in other planning cases as a valid reason for refusal.

A three-year construction period would therefore be unreasonable and highly disruptive, particularly for elderly residents nearby.

4. Health and Wellbeing

The combined effect of structural risk, prolonged construction, and disturbance would have a significant impact on the health and wellbeing of elderly neighbours.

The National Planning Policy Framework (NPPF) recognises the importance of creating safe, inclusive, and healthy places:

Paragraph 92: “Aim to achieve healthy, inclusive and safe places which... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.”

Paragraph 130(f): “Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The likely impact on the health, safety, and quality of life of neighbouring residents is therefore a material planning consideration.

5. Conclusion

The Parish Council considers this development unsafe, unnecessary, and excessively disruptive. It would pose risks to the adjoining property, shared services, and the wellbeing of vulnerable residents.

For these reasons, the Parish Council strongly recommends that this application be refused

The PC would also like to comment the unprecedented level of public objection and concern to this - 22 members of public in physical attendance to voice concerns.

CSNN: NO OBJECTION subject to conditions

As this is for a single dwelling in an existing residential area, CSNN have no formal grounds to object to the replacement dwelling. We have to consider that if the house was to have internal refurbishment, this could consist of demolition of internal walls, etc. Likewise houses can be reroofed or underpinned etc, or have extensions added.

However, as this application also includes the demolition of an entire attached (semi-detached) dwelling, there are clearly obvious concerns over the impact on residential amenity for the occupiers of the attached dwelling.

There are civil legislation elements to this, such as the Party Wall etc. Act 1996, which are there to help the adjacent residents which should be followed and may include the need for structural survey of neighbouring property.

The option to retain the building may offer less impact on neighbours and is consider worth exploring further.

CSNN's role is to ensure that all possible steps to provide as much mitigation as possible, in terms of noise, vibration and dust impacts, are required through the planning process. At all times Best Practicable Means (BPM) [Section 72 of the Control of Pollution Act 1974 & Part

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III of the Environmental Protection Act 1990] will be expected, however enhanced protection of the adjacent attached neighbours should be required via the planning process.

Conditions requested cover the following issues –

Construction hours, Construction Management Plan, on-site parking, foul water drainage, and amended details of air source heat pump position.

Local Highway Authority: NO OBJECTION subject to conditions

In regard to the updated layout, in highway terms there would be no issues with the revised proposals as suitable onsite parking and turning is retained.

A condition is recommended to ensure prior to the first occupation of the development the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Arboriculturist – No objection subject to conditions:

The proposal involves the demolition of one half of an existing semi-detached pair and the erection of a new two-storey four-bedroom dwelling with a single-storey garage to the front. The submitted Design Statement indicates that a landscaped front garden will be provided, including planted boundary treatments along the frontage of the new garage, which would help to soften the visual impact of on-plot parking. The drawings also suggest that existing trees and hedges to the rear of the property are to be retained.

While the development will result in further interruption to the once continuous green frontage along Creak Road, it would be desirable to retain or reinstate a green front boundary as far as practicable to maintain as much as possible the verdant character of the road. Retention of existing boundary vegetation and the inclusion of meaningful new planting around the periphery of the site will help integrate the new dwelling within the setting.

The following conditions are recommended requiring:

1. The submission and approval of a detailed hard and soft landscaping scheme (including boundary treatments and planting details); and
2. A tree and hedge protection scheme to safeguard existing vegetation during demolition and construction.

Environmental Quality – Contamination - No Objection:

The applicant has provided a screening assessment indicating no known contamination other than potential for asbestos containing materials to be present.

We have reviewed our files and the site is on land first seen developed in aerial photography from the 1940s. The surrounding landscape is largely residential.

Due to the age of the property on site there is the potential for asbestos containing materials to be present. With this in mind, we recommend the following informative.

The proposed development will include the refurbishment/replacement of the existing building which could contain asbestos materials. The Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out as to whether

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asbestos is or is liable to be present before demolition or other work is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan. If asbestos is not managed appropriately then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.

Historic Environment Services – No Objection:

No known archaeological implications.

REPRESENTATIONS

FOUR HUNDRED AND FORTY-SEVEN OBJECTIONS were received.

ONE NEUTRAL comment was received.

The objections received raised a variety of issues which can be broadly summarised as follows:

- The elderly neighbours should not have their amenity harmed, especially in their later years, through the noise and disturbance of the proposed demolition and building works.
- The disturbance would harm the health of the neighbouring residents.
- Access along the public footway could be blocked by construction traffic.
- The proposed changes are not required.
- Burnham Market is already over developed and has too many second homes/holiday homes.
- The demolition of the existing house is not justified as the original house is not considered to be unsound. Existing should be renovated.
- The demolition would result in contamination from asbestos.
- The demolition works could affect the structure of the neighbouring property.
- The property should be left for local people.
- The proposal is out of character with the area and landscape and is also overdevelopment.
- Priority should be given to affordable homes.
- Local Planning should put community cohesion first.
- The construction would take a long period of time causing harm.
- The council should seek to protect existing buildings to protect the environment and retain embedded carbon.
- If it is clear that it's safer to be demolished, it should be replaced with a 'like for like' house.
- The property could have bats present.
- Unless something is done soon to stop this gentrification of our beautiful Norfolk villages they will all end up as ghost towns in the winter.
- Walkers Close is a narrow residential road with limited access, meaning construction vehicles, materials, and deliveries would cause blockages, parking difficulties, and safety concerns for residents and pedestrians.
- The existing semi-detached property contributes to a balanced pair of dwellings, typical of the area's post-war vernacular. Demolishing it and replacing it with a significantly altered or larger design would destroy the visual symmetry of the pair, resulting in an unbalanced and incongruous appearance.
- The development is based on profit.

- The neighbours deserve protection on the basis of their standing in the village and the contribution they have made.
- It is not moral and lacks common decency.
- The council don't want 2nd homeowners but will grab double council tax.
- The development should wait until the neighbouring property is vacant.
- Internal migration is putting pressure on places like Burnham Market.
- An alternative site would be more appropriate.
- The council should not even consider this application.
- As a former right to buy property, when it was sold on there should have been a 'Covenant' that stated that any purchaser should be a Norfolk resident within a stated amount of miles from Burnham Market.
- It seems the only advantage of demolition would be the avoidance of VAT on the reconstruction.

ONE NEUTRAL comment was received setting out:

- None of the app documents are available to view.
- Cordially suggest Development Control extend the statutory consultation period so that comments can be made based on the substance of the app, not just emotional knee jerk reactions which are not based on material planning considerations.

KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040

LP01 - Spatial Strategy and Settlement Hierarchy Policy (Strategic Policy)

LP02 - Residential Development on Windfall Sites (Strategic Policy)

LP03 - Neighbourhood Plans (Strategic Policy)

LP04 - Presumption in Favour of Sustainable Development Policy (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP16 - Norfolk Coast National Landscape (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

LP19 - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP31 - Custom and Self-Build Housing (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

Policy 4: Replacement Dwellings

Policy 6: Design

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Policy 7: Residential Parking Standards

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

Principle of development
Demolition
Form and character and impact on National Landscape
Impact on neighbour amenity
Highway safety
Human Rights Act and Public Sector Equality Duty
Any other matters requiring consideration prior to determination of the application

Principle of Development:

Policy LP01 (Spatial Strategy and Settlement Hierarchy) of the King's Lynn and West Norfolk Local Plan (2021 - 2040) seeks to steer development to sustainable locations. Residential development is acceptable in principle at this site as it is located within the settlement boundary of Burnham Market, as defined by Policy LP01. This settlement is considered to be a tier 4 'key rural service centre' and policy LP01 sets out that tier 4 settlements are the "most sustainable settlements within the rural areas of the district. They are large enough to sustain a range of local facilities. These services and facilities help meet the day-to-day needs of their residents but also provide services to other nearby smaller settlements."

The proposal would not result in net new dwellings and therefore Policy LP02 (Windfall Development) is not wholly relevant. The definition of a windfall site in the Local Plan is -

A site not specifically allocated but which comes forward for development during the course of a plan. These are most often previously developed sites being redeveloped or more intensively developed. The term is most often used in relation to the supply of housing.:

In this case the site would be more intensively developed with a larger footprint and more living accommodation, albeit still only providing a single dwelling. Policy LP02 would support this 'windfall' site in so far as its location within the settlement boundary of the settlement, but the development would need to comply with other relevant Policies and meet 6 criterion set out in part 1 of Policy LP02 which are as follows:-

- a. It results in a sustainable design of development which respects and enhances local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the settlement in accordance with design and sustainable policies LP18, LP21, LP22;*
- b. It has regard to the size, type, tenure and range of housing that supports the needs of communities in accordance with housing policies LP28, LP29, LP30;*

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- c. It will not cause significant adverse impacts on services and infrastructure, and the local infrastructure is sufficient to accommodate the demands of the development in accordance with Policy LP05; and*
- d. Its context makes a positive contribution to the local environment and landscape setting in accordance with environment policies LP06, LP15, LP16, LP19, LP23, LP26;*
- e. It does not result in an unacceptable impact on highway safety, or residual, cumulative impacts on the road network which would be severe in accordance with transport Policy LP13; and*
- f. The development maximises opportunities to reduce the need to travel and encourages sustainable and active travel modes of transport in accordance with Policy LP13.*

Further consideration will be given to the above points where relevant below, however in principle the proposal would see a semi-detached dwelling replaced with a semi-detached dwelling of similar height and design. It would be wider than the existing dwelling, with a ground floor front projection and a side and rear two storey projection. This would have a similar form to semi-detached houses which have been extended in the locality and would therefore meet criterion a.

Part b is not relevant, as there is a 'fall back' in terms of the existing unrestricted market dwelling which this proposal replaces and therefore it is not possible to add restrictions on tenure for this one for one replacement.

The proposal would not have an adverse impact on services as it is a replacement dwelling, and whilst larger, the increase requirement on services and infrastructure would be nominal (Part c.) The proposal would make a neutral impact by virtue of its small scale, but the proposed quality of materials and finishes and on-going maintenance of the dwelling would be positive as would the reuse of developed land, rather than unsympathetic encroachment into undeveloped agricultural land complying with part d.

Part e. following the removal of the proposed carport garage to the front of the property and the change in parking layout, the proposal would comply with part e and by virtue of being within the settlement boundary of a key rural service centre with a separate footway to the village centre served by public transport (bus routes 26/26A, 201, 36 and 414 which is approximately 800m walk), and would therefore comply with part f.

Burnham Market has an adopted Neighbourhood Development Plan and therefore the development needs to be considered against relevant policies. As a replacement dwelling with no net new dwellings proposed, Policy 1 (Housing Mix), Policy 2 (Affordable Housing), Policy 3 (Second Homes and Furnished Holiday Lets) are not relevant.

In effect, the existing dwelling is not controlled in planning terms for its use or tenure and therefore any changes to this market dwelling's tenure or use within Use- class C3 (dwellinghouses) would be acceptable as existing. As no new dwellings are proposed, these policies do not apply to the proposed replacement dwelling. The Neighbourhood Plan has not allocated sites for residential development or self-build and custom build development.

Policy 4 (Replacement Dwellings) of Burnham Market Neighbourhood Development Plan (2022 - 2036) (BMNDP) is relevant however, and sets out proposals for replacements would be supported provided that they meet four criteria. In this case the first three criteria are relevant and these are as follows -

- a) They are appropriate to their location with the new dwelling integrating into the surrounding;*
- b) Do not unacceptably affect the amenity of neighbouring properties;*
- c) They are on a one-for-one basis;*

This report goes into more detail on point one and two in the sections on design and amenity, but in summary once built, the proposal is considered to integrate into the surroundings by taking the form of an extended dwelling of a similar form and character as the existing, albeit larger. This new dwelling would retain the general appearance of these semi-detached dwellings, albeit with 'extensions' (point a). The finished building has been designed to avoid harmful impacts on the neighbouring residential dwellings (point b) and would be on a one to one basis (point c).

The application has been submitted as a Self-Build and Custom dwelling. At the current time the Council is experiencing some difficulty in demonstrating that it has met the need for Custom and Self-Build due to a change in legislation, however this does not mean that planning permission should automatically be granted - it is just one of a range of material considerations that needs to consider.

In this case, as the proposal would not increase housing provision, as no net new dwellings are proposed, little weight is given to the fact that this proposal would be constructed as a self-build/custom house.

Demolition:

The complete demolition of a dwelling is considered to be operational development that requires planning permission. Planning Permission can be granted through an application such as this, where it is part of the proposed development or through permitted development rights in many cases.

Demolition is inherent in certain planning policies. In this case Policy 4 of the BMNDP allows replacement dwellings, which would require the demolition of the original dwelling.

The application has been supported by a structural survey. This has set out that the building is subject to some structural deficiencies including slight weaknesses to the roof, some bowing of walls (Up to 10mm) and structural cracks (up to 3mm), and lists issues associated with wear and tear, damp, lack of insulation. The structural survey does not conclude that the building is beyond repair. It does conclude that demolition and rebuild would be the "preferred option to fully upgrade the property to modern building standards".

Policy 4 does not require there to be a justification for the replacement of the dwelling, i.e. due to structural failures, or issues associated with energy performance etc.

Policy LP06, Policy 6 (part k) (Design) of the BMNDP and part 2 of the NPPF consider the importance of development contributing to the reduction in CO2 emissions and meeting net zero targets. Demolition, and the loss of the embedded carbon within the existing building materials is relevant, as are the improvements of a modernised efficient building reducing ongoing energy use and associated emissions. Policy LP06 does not require minor development to be supported by a sustainability and climate change statement but the agent has set out a brief assessment of the options available to them in terms of either retro-fitting the property, or the full demolition and re-build. The loss of embedded carbon or the emissions associated with the new build have not been assessed as this is not required in policy terms, and some weight is given to the future reductions.

It is important to note that in a large proportion of cases, demolition has in effect been granted planning permission by the Government in the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. The specific section relevant is in Schedule 2, Part 11 (Heritage and demolition), Class B (Demolition of buildings). In this case, the applicant could as an alternative to this planning application submit a prior approval application to the Council for confirmation that the works are permitted development. This is because the dwelling is not a statutorily listed building and is not within a conservation area.

Therefore, the loss of the existing dwelling through demolition is in principle acceptable, subject to limitations during the demolition to control the impact upon neighbour's amenity.

Separate to the control of demolition through planning legislation, demolition would be controlled by other legislation. This includes Health and Safety Legislation, The Party Wall Act, civil law, and the building regulations. By granting planning permission, this would not circumvent the applicants need to comply with this other legislation. The fact that neighbours would need to consider the implications of works adjacent to or affecting their land (such as Party Wall legislation) is not a material planning matter.

Form and Character and impact on National Landscape:

Policies LP02, LP18 (Design and Sustainable Development) and LP21 (Environment Design and Amenity) of the Local Plan, Paragraph 135 of the NPPF and Policy 6 (Design) of the BMNDP are all relevant in terms of design, scale, form of development and the impact it has upon the character of an area.

Policy LP16 is relevant to this development as the site is within the Norfolk Coast National Landscape. This policy states that:

Planning permission for any proposal within the National Landscape or affecting the setting of the National Landscape, will only be granted when it:

- a) conserves and enhances the Norfolk Coast National Landscape's special qualities, distinctive character, tranquillity and remoteness in accordance with national planning policy and the overall purpose of the National Landscape designation; and avoids adverse impacts from individual proposals (including their cumulative effects), unless these can be satisfactorily mitigated; and*
- b) is appropriate to the economic, social and environmental wellbeing of the area or is desirable for its understanding and enjoyment.*

When considering development within a National Landscape (A Protected Landscape) the Local Planning Authority has a duty under Countryside and Rights of Way Act 2000 (As amended) to seek to further the statutory purposes of Protected Landscapes.

Paragraph 189 of the NPPF sets out:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be

sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The most prominent elements of the development would be the two-storey main house with its stepped down, set back 'side extension' that projects further to the side than the original house, and the single storey part front and side flat roof projection.

To the rear the proposed single storey pitched roof rear projection replaces an existing rear projection and is set in from the neighbouring boundaries where a conservatory currently is sited.

Policy 6 sets out 11 criteria (parts a – k) by which design should be assessed. The BMNDP is supported by a specific design guidance and design code document. The site is located within an area characterised as CA2 'Southern Cluster' with predominantly bungalows and some semi-detached two storey council housing.

In this case as a replacement dwelling, the proposal would retain a similar level density of development (ie. Low density) of the character area (part a). This is the case even with an extended footprint, although the application has been amended to remove the proposed garage from the scheme which reduces the density of development. The site would have a similar character to other existing dwellings which have seen additional domestic extensions and outbuildings built overtime.

The main section of the house would have the same roof ridge and eaves height as the neighbouring dwelling and use the same hipped roof design (part b) as the original. The materials proposed are of a relatively modern high specification but would mimic to a degree the external appearance of those used in the interwar local authority housing (part c).

The dwelling continues to follow the linear development and fronts onto the road. The two storey elements of the new dwelling would be in line with the original and neighbouring house. The set back side projection with stepped down roof ridge would read in the context of the neighbouring properties extension to the east, albeit has a more appropriate hipped roof design.

Whilst a front projection at ground floor level is proposed, this would not wrap around the full front elevation and the original building line would be clear. Nor is it a tall structure and would have the appearance of a porch. On balance, this is considered to accord with parts d and e of Policy 6.

Subject to a landscaping condition, the proposal shows a screening hedge along the front boundary and retains sufficient front and rear garden areas (Parts f and g). It is noted that the development would lead to cars being parked at the front of the site, rather than the side of the site. A condition would be required to ensure that the landscaping scheme complies with part h of Policy 6 (at least 50% of the frontage being retained as landscaping area).

As the site is within the Norfolk Coast National Landscape consideration is given to Policy LP16 parts a) and b) as well as NPPF paragraph 189. The redevelopment of an existing residential dwelling would avoid impacts on the National Landscape as the site is developed land within the context of a street scene which is bound on both sides by development.

Consideration has been given to the statutory duty to seek to further the purposes of protected landscapes, and in this case the proposal would not have an adverse impact upon the National Landscape.

The proposal is therefore considered to accord with Policies LP02, LP16, LP18 and LP21 of the Local Plan, Paragraphs 135 and 189 of the NPPF and Policy 6 (Design) of the BMNDP.

Impact on Neighbour Amenity:

Policy LP21 of the Local Plan 2021-2040 sets out that proposals will be assessed against their impact on neighbouring uses and their occupants and this is assessed by a variety of factors. Those relevant to the amenity of neighbours in this case are:

- b. overlooking, overbearing, overshadowing;
- c. noise;
- e. air quality;
- f. light pollution;
- g. contamination and soil quality;
- j. visual impact.

The NPPF at paragraph 135 seeks to *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.* and;

Policy 4 part b of the BMNDP stipulates that proposals for replacement dwellings *do not unacceptably affect the amenity of neighbouring properties.*

In relation to the completed development, the extension would not result in adverse impacts upon neighbouring residential amenity. The main area of additional development proposed would be to the side of where the existing house stands. As such the additional width of the two-storey structure towards the northern boundary would have some impact upon neighbouring amenity of the house to the north and may at times of the day and year may cause some additional shadowing of neighbouring gardens.

However, as the two-storey element of the dwelling follows the same front and rear building lines as the original dwelling and its adjoining neighbour, and the roof is slightly stepped down, and there is a separation distance to the boundary, this impact would be limited. The two-storey element would not result in any significant further overshadowing to the south.

The single storey elements are set in from boundaries and are not excessively tall (albeit taller to include increased roof insulation etc) than older extensions, and therefore the proposal would not result in adverse impacts over what exists currently in terms of impact on daylight, sun light or outlook.

The proposal does include additional windows in the north side elevation and in the side elevation of the rear projection. Those at ground floor are set away from the boundary by approximately 1.0m and would be screened by boundary treatment. The first-floor window would face towards the side and front garden of the neighbouring dwelling. This window is set away from the boundary and whilst it serves a habitable room, it would not cause significant overlooking of either the rear garden or room to room privacy issues. This is because the neighbouring dwelling is set back in relation to the application site.

In regard to the amenity of neighbours during demolition and construction, in particular those living at the adjoining dwelling, this has been raised as a serious concern in many of the public representations. The Council's CSNN officer has commented on the application and does not object to the proposal. In planning terms, as stated above, demolition, and in

general building works are not prohibited or stifled by policy subject to controls over their impact.

However, demolition and building works can have a detrimental impact upon the amenity of neighbours and the environment. Whilst the legislation separate to planning above would generally control much of the practical development including demolition, some control is required through planning conditions. In this case, due to the building being 'semi-detached', it is considered reasonable and necessary to attach planning conditions to limit the hours of work, and to require further information regarding the construction management scheme to be submitted for approval. Whilst steps would therefore be taken to reduce the impact, this cannot be fully alleviated. It is considered however that with these controls in place, the amenity harm would be reduced so as to make the impact acceptable. It is noted that the objections state a 3 year process, and whilst the LPA would have no control over the development program once commenced, the demolition process would not take years.

It is considered that the operational development would cause some harm, but through the use of planning conditions this can be minimised, and that the final design has been assessed as not having a significant impact upon amenity in accordance with Policy LP21 of the Local Plan 2021-2040 Part 2 b, c, e, f, g, and j; Paragraph 135 part f of the NPPF 2024; and Policy 4 part b of the BMNDP. Therefore subject to conditions the harm is not considered sufficient to warrant refusal.

Highway Safety:

Following the removal of the proposed garage and layout of onsite parking and turning the proposal has been considered acceptable in highways terms by the Local Highway Authority and would comply with Policy LP13 (Transportation) and LP14 (Parking Provision in New Development).

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

The site is located in an area designated as flood zone 1 and as a replacement dwelling would not be at an increased risk of flooding, or result in increased risk of flooding elsewhere.

In terms of ecology and biodiversity net gain, the site has been considered by the Council's ecologist and it is not considered necessary to survey the building for bats due to the location, construction and roof materials. The development would not encroach into undeveloped land, and as a self-build would be exempt from biodiversity net gain requirements. A condition would be attached to ensure that as part of the landscaping scheme some biodiversity enhancements are included, however this does not need to comply with statutory BNG requirements. A condition would be attached to ensure that if the development is not brought forward on a self-build basis that BNG can be secured.

The proposal, which does not result in a net increase in residential dwellings, would not be liable for GIRAMs payment.

The development does not require any contributions due to it being of a small scale, however the development would be CIL liable.

Potential sources of contamination have been identified should the building be demolished, specifically asbestos within the fabric of the building. However, the Environmental Quality team raise no objection on contamination grounds subject to the demolition following

separate legislation associated with the safe removal of asbestos. The proposal complies with Policy LP21 of the New Local Plan in regard to contamination.

The building is not listed and is not within a conservation area. There are no known archaeological implications and therefore the demolition of the building and its replacement in historic terms is considered acceptable.

The CSNN team have requested that details of foul water drainage are controlled through planning condition. However, this is not considered to meet the tests of planning conditions, specifically not being reasonable or necessary in this instance. The reason being, as an existing dwelling there is an existing connection to foul water sewers which could be utilised, and secondly, as part of the required building control consenting regime this would be controlled at that stage. Therefore, it is not considered justified to duplicate this process at a planning stage, considering there is an existing connection.

Human rights and Public Sector Equality Duty

The concerns raised in the Parish Council Objection and the letters of objection by neighbours cover issues related to noise and disturbance of the demolition and potential harm to property through the works occurring and harm to the amenity and health of the neighbours.

The interference with Article 8 of the European Convention on Human Rights (ECHR) rights of any proposed occupiers and also the neighbours at the adjoining properties to respect for private and family life and the home is a qualified right and must be weighed against the wider public interest in the upholding of the law, including planning law which aims to balance the competing demands and impacts of development.

In this case the wider benefit of allowing new development which meets the needs of changing energy efficiency standards and living conditions is set out in national and local plan policy. In this instance given that there are controls available to limit the harmful impact of the demolition through planning conditions, and also separate legislation related to party wall the impact is not considered unacceptable.

The Public Sector Equality Duty under the Equality Act 2010 is relevant in this instance given that a protected characteristic has been raised in the age of neighbours to the development site and the impact that the proposal may have on their health and amenity.

The LPA sympathise and accept that the works including demolition of the application building would have an impact on the neighbour's amenity and potentially their personal health during the demolition and construction phases of development with the potential for noise, disturbance, dust and vibration. That said the LPA cannot apportion significant weight to this when considering the planning balance. Neighbouring amenity is a material planning issue in the determination of the application, however, through planning conditions it is possible to minimise this impact.

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages

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suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered and may be balanced against other relevant factors.

In this instance, the impact of development including demolition is considered to have an impact on the amenity of these neighbours. Through planning control in the form of conditions such as the hours of work and requirement for a detailed construction management scheme this impact is considered to be minimised. It is also considered that protections included in separate legislation such as relating to asbestos removal, building regulations and the Party Wall Act would protect to a degree the amenity and health of neighbours.

Representations:

The issues raised in the representations objecting to the scheme where related to material planning matters have been covered within the body of the report. Some comments are not relevant in determining a planning application. These include where the applicants have moved from, their own motive to do work on a property which they own, that the Council should not consider the application, the property use is restricted by covenants and council tax.

CONCLUSION:

The development is considered to be acceptable and in accordance with the National Planning Policy Framework and Planning Practice Guidance, relevant policies of the King's Lynn and West Norfolk Local Plan and Burnham Market Neighbourhood Development Plan.

The concerns of the Parish Council, direct neighbours and other respondents have been considered, however, subject to controls over the hours of work and method of demolition the impact of this development is not considered to pose an unacceptable impact upon neighbouring residents. It is noted that other legislation associated with private property ownership, demolition and building works would also be relevant which would control the proposed development and building works and protect private property rights.

In regard to the design, character and form as well as amenity impacts of the proposed larger structure, the fact that it would to a greater degree mimic the original building, and take the form of an extended semi-detached dwelling is considered acceptable when considered against Policies LP02, LP18 (Design and Sustainable Development) and LP21 (Environment Design and Amenity) of the Local Plan, Paragraph of the NPPF and Policy 6 (Design) of the BMNDP.

The harm associated with this proposed development to adjoining neighbours during the demolition and construction phase has been assessed. Whilst there would undoubtedly be impacts upon the amenity of neighbours, subject to conditions these impacts are not

considered unacceptable. There is a Public Sector Equality Duty under the Equality Act 2010 and Human Rights Act (HRA) 1998 to consider any impacts where it affects a protected characteristic (Age in this case). It is concluded that consideration has been given to the disturbance the development would have upon the neighbours enjoyment of their house, however the wider public benefits which are the allowing new development which meets the needs of changing energy efficiency standards and living conditions as supported in national and local plan policy would weigh in favour of this development.

As a result, the proposal is considered acceptable and complies with all relevant planning policies referenced including Policies LP01, LP02, LP03, LP04, LP06, LP13, LP14, LP16, LP18, LP19, LP21, LP31 of the Local Plan, Policies 4, 6 and 7 of the Burnham Market Neighbourhood Development Plan, and the National Planning Policy Framework.

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.
 - 322 Proposed Elevations front and back
 - 323 proposed Elevations side and courtyard
 - 302 rev 01 Proposed Block plan
 - 310 rev01 Existing and Proposed Site Section
 - 300 Location Plan
 - 311 Existing and proposed roof plan
 - 313 Proposed ground and first floor plan
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Demolition, clearance, construction, development or any work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0830 and 1730 weekdays, with no work allowed on Saturdays, Sundays and Bank/Public Holidays. Piling, where applicable, shall only be carried out weekdays between the hours of 0900-1700 and must be the CFA (continuous flight auger) technique only.
- 3 Reason: To ensure that the works are properly controlled in the interests of safeguarding the amenity of neighbours in accordance with the principles of the NPPF and Policy LP21 of the Local Plan 2021 - 2040.
- 4 Condition: Prior to commencement of demolition and development a detailed construction management scheme must be submitted to and approved in writing by the Local Planning Authority; this must include the conditioned working and delivery/collection hours (see condition 3). The scheme shall also provide the location of any fixed machinery, their sound power levels, all acoustic noise control measures, the location of contractor parking, the location and layout of the materials storage area,

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machinery storage area and waste & recycling storage area, all proposed attenuation and mitigation methods to protect residents from noise, dust, vibrations and lighting, and communication methods to the attached residents regarding the demolition & construction phases and likely disruptions. If piling is required, and also for the demolition phase, in particular, a detailed and full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved until the dwelling is habitable.

- 4 Reason: To ensure that the works are properly controlled in the interests of safeguarding the amenity of neighbours in accordance with the principles of the NPPF and Policy LP21 of the Local Plan 2021 - 2040.

This also needs to be a pre-commencement condition given the fundamental details linked to management of demolition which need to be planned for at the earliest stage in the development.

- 5 Condition: Work on site shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the demolition and construction period has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented until the development is completed.

- 5 Reason: In the interests of highway safety and to protect the amenity of neighbours in accordance with Policies LP13 and LP21 of the Local Plan 2021 - 2040.

- 6 Condition: Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

- 6 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with and Policies LP13 and LP14 of the Local Plan 2021 - 2040.

- 7 Condition: Notwithstanding details submitted with the application, prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of antivibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.

- 7 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF and Policies LP18 and LP21 of the Local Plan 2021 - 2040.

- 8 Condition: "Biodiversity Net Gain Self Build Exemption

- (i) The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 as amended (2016).
- (ii) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years

(iii) Prior to the first occupation of the dwelling the Council shall be notified of the person(s) who will take up first occupation of the dwelling."

- 8 Reason: To ensure the development meets the criteria for self build and custom build application Biodiversity Net Gain exemption in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.
- 9 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 9 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF and Policy LP18 and LP21 of the Local Plan 2021 - 2040.
- 10 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 10 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF and Policy LP18 and LP21 of the Local Plan 2021 - 2040.
- 11 Condition: No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 11 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF and Policy LP18, LP21 of the Local Plan 2021 - 2040.

This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 12 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) 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.

- 12 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF and Policies LP18 and LP21 of the Local Plan 2021 - 2040.