

**AGENDA ITEM NO: 9/3(c)**

<b>Parish:</b>	<b>Downham Market</b>	
<b>Proposal:</b>	<b>Construction of a new dwelling</b>	
<b>Location:</b>	<b>Land North of 11 Bennett Street Downham Market Norfolk PE38 9EE</b>	
<b>Applicant:</b>	<b>Mr and Mrs A B Archibald</b>	
<b>Case No:</b>	<b>16/00530/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 9 May 2016</b>

**Reason for Referral to Planning Committee** – Officer recommendation is contrary to Town Council recommendation.

**Case Summary**

Permission is sought for the erection of a 1.5 storey dwelling in the curtilage of a two storey semi-detached dwelling on Bennett Street, Downham Market.

The site lies within Built Environment Type C in flood zone 1.

**Key Issues**

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

**Recommendation**

**REFUSE**

**THE APPLICATION**

The application proposes the erection of a 2-bed dwelling with accommodation in the roof following the demolition of an existing garage on a site measuring approximately 0.29ha. The dwelling would be constructed from carstone, brick and timber cladding under a slate roof.

Four parking spaces are proposed to cater for the new dwelling as well as the donor property which is a bed and breakfast.

The site lies with flood zone 1 and Built Environment Type C.

## SUPPORTING CASE

The Planning Statement that accompanied the application states that the proposal would make good use of an area of under-used garden space in a highly sustainable location. The dwelling would be of an appropriate scale and design to reflect local character and would supply plentiful shared vehicular parking. The PS concludes that the proposal would not result in any demonstrable harm to the character and appearance of the area, nor would it significantly detract from the amenities of existing residents in the locality.

## PLANNING HISTORY

08/02613/F - Additional 2 unit bed and breakfast rooms and managers accommodation to existing bed and breakfast facility - Permitted

08/01713/F - Conservatory/breakfast room extension to bed and breakfast - Permitted

08/01680/F - Construction of 3 unit bed and breakfast rooms and managers accommodation to existing bed and breakfast facility - Refused

07/01068/CU - Change of use from dwelling to bed and breakfast - Permitted

## RESPONSE TO CONSULTATION

**Town Council: SUPPORT** – the application makes practical use of the available space, the application does not have any detrimental effect on existing parking problems and offers affordable housing in close proximity to both the station and town station.

**Highways Authority: NO OBJECTION** subject to condition

**Internal Drainage Board: NO OBJECTION** subject to the Board's Bylaws being complied with

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to asbestos

## REPRESENTATIONS

**ONE** letter of **OBJECTION** has been received from the occupier of the bungalow to the immediate north of the site (No.11A Bennett Street). The issues raised include:

- Loss of light to windows serving the sitting room and kitchen,
- Parking on Bennett Street is already a problem,
- Downham Market does not have the infrastructure to cope with the cumulative number of additional dwellings being permitted, and
- Loss of privacy.

## NATIONAL GUIDANCE

**National Planning Policy Framework** – sets out the Government's planning policies for England and how these are expected to be applied.

**National Planning Practice Guidance** - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING POLICIES**

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

**4/21** - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS04** - Downham Market

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **OTHER GUIDANCE**

Downham Market By Design

## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

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

## **Principle of Development**

The National Planning Policy Framework (NPPF), 2012 states, at paragraph 49, that: 'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

Downham Market is one of the borough's main towns. Additionally the application site falls within Built Environment Type C and the defined area of the as identified in the King's Lynn & West Norfolk Local Plan, 1998. Within this area the principle of new residential development is generally considered to be acceptable under Policies CS02, CS04 and CS09 of the Core Strategy, Policy 4/21 of the Local Plan and emerging Development Plan Policies DM1 and DM2. Development must however have regard for and be in harmony with the building characteristics of the locality and comply with all other relevant policies.

As such it is considered that the principle of development is acceptable, unless material considerations indicate otherwise.

## **Form and Character**

Paragraph 58 of the NPPF requires that planning decisions should 'ensure that developments will function well and add to the overall quality of the area...respond to local character...and be visually attract as a result of good architecture'. It goes on to state at paragraph 64 that 'permissions should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. This stance is reiterated in Core Strategy Policy CS08 and emerging Development Management Policy DM15.

Bennett Street is characterised by mainly residential dwellings. The dwellings themselves differ in age, style and design with the donor property being one of a pair of semi-detached dwellings and the other neighbour (11A) being a more modern bungalow.

Densities in the locality differ too. However, the higher density developments are in the form of terrace properties or flats, not detached dwellings as proposed by the current application.

In this regard the proposed development would infill a space that offers some relief. Furthermore it is considered that the limited spacing around the property, together with parking for four vehicles to the front, would result in a cramped form of development that would be of detriment to the visual amenity of the locality.

It is therefore concluded that the proposed development would not enhance the quality of the environment and represents poor design contrary to the NPPF and Development Plan.

## **Highway Impact**

Whilst the Local Highway Authority (LHA) has no objection to the proposed development on the grounds of highway safety they have confirmed (in a telephone conversation) that the proposed parking layout is not achievable and that four vehicles could not be parked at any one time. They conclude that diagonal parking of three vehicles, at the most, could be accommodated in the proposed parking / turning area. Notwithstanding this, given the sustainable location of the site, the LHA does not consider that there is compelling justification for parking as required by paragraph 39 of the NPPF (as amended by HCWS488). Furthermore emerging DM Policy 17 states that 'reductions in car parking requirements may be considered for town centres and for other urban locations where it can be shown that the location and the availability of a range of sustainable transport links is likely to lead to a reduction in car ownership and hence the need for car parking provision'.

As such it is concluded by the LHA that parking standards can be lessened in this location without resulting in issues to the local road network or highway safety.

However, Bennett Street is relatively narrow, a situation that is exacerbated by on street parking. As such members need to consider whether the loss of the existing site (which forms part of the curtilage of a B&B), together with an increase in vehicular activity associated with a new dwelling, would result in an unreasonable degree of nuisance to occupiers of nearby residential dwellings to warrant a further reason for refusal.

It is pertinent to note that a previous approval for an additional two-bedroom unit to serve the bed and breakfast was conditioned to provide on-site parking and turning for six vehicles (08/02613/F).

Given the characteristics of this area and the specifics of the proposal, officers consider that the harm caused is enough to warrant a reason for refusal.

### **Neighbour Amenity**

One of the Core planning principles laid down in the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This principle is reiterated in emerging Development Management Policy DM15 the preamble of which states that: 'Development proposal should aim to create a high quality environment without detrimental impact on the amenity of new and existing residents'.

In this regard, as well as the broader disamenity issue mentioned in the Highway Impact section above, it is considered that the specific impacts on the existing occupants of No.11A would be unacceptable. The proposed dwelling would lie only 1 metre to the south of No.11A's boundary fence and only 2.55m from its southern elevation. No.11A is a single-storey detached dwelling with windows serving the kitchen and sitting room on its southern elevation.

Without any specific daylight studies being submitted (it should be noted that none were requested given the 'in principle' reason for refusal to the proposed development) your officers conclude that there would be material loss of daylight resulting in overshadowing to habitable rooms of 11A that would be above an acceptable degree.

It is therefore considered that the proposed development would be of detriment to the amenity of existing residents and is therefore contrary to the NPPF, Core Strategy Policy CS08 and emerging Development Management Policy DM15.

It is pertinent to note that a previous application for a three-bed unit to serve the existing bed and breakfast, which was further away from No.11A, was refused on its overbearing and overshadowing impacts with 11A (08/01713/F).

### **Other Material Considerations**

Contamination (asbestos) can be suitably conditioned.

There are no specific crime or disorder issues arising from the proposed development.

No objections have been received from statutory consultees.

## **CONCLUSION**

The site is within Downham Market, one of the borough's main towns, where residential development is actively sought. However, the proposed development would result in a cramped form of development that would be of detriment to the visual amenity of the locality, and the amenity of occupiers of neighbouring properties. It is therefore concluded that the development is contrary to the NPPF and Development Plan and should be refused for the following reasons.

## **RECOMMENDATION:**

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

- 1 The proposed development would result in a cramped and overdeveloped scheme that would be of detriment to the visual amenity of the locality and fails to enhance the quality of the environment. The proposal is therefore contrary to the NPPF, Core Strategy Policy CS08 emerging Development Management Policy DM15.
- 2 The proposed development would result in a material and unacceptable degree of overshadowing to habitable rooms of No.11A Bennett Street (the property to the immediate north of the site) which would be of detriment to the amenity of existing residents and is therefore contrary to the NPPF, Core Strategy Policy CS08 and emerging Development Management Policy DM15.
- 3 The proposed development, by virtue of the increase in vehicular activity coupled with the loss of existing parking spaces, would cause extra congestion and disamenity to an unacceptable level. It is therefore considered that the proposed development fails to take the opportunities available for improving the character and quality of the area and the way it functions, and in addition does not provide a good standard of amenity for all existing and future occupants of land and buildings. The proposed development is therefore contrary to the NPPF in general and specifically to paragraphs 17, 58 and 64, to Core Strategy Policy CS08 and to emerging Development Management Policy DM15.