

AGENDA ITEM NO. 9/1(a)

Parish:	Downham Market	
Proposal:	Householder: Retrospective: Erection of Detached Garage	
Location:	Melanna 25 Ryston End Downham Market Norfolk PE38 9AX	
Applicant:	Peter Humphrey Associates	
Case No:	26/00414/F (Full Application)	
Case Officer:	Tom Ellis-Daish	Date for Determination: 1 May 2026 Extension of Time Expiry Date: 15 May 2026

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

Neighbourhood Plan: No

Case Summary

Permission was granted under application 25/01624/F for alterations to an existing dwelling and the erection of a garage in November 2025. Works on the garage then commenced and as it was not being constructed in accordance with the approved plans, it was reported to the Planning Enforcement Team. An application was then subsequently received, reference number 26/00155/F, which was subsequently withdrawn in March 2026. The current application was then received in March 2026.

Key Issues

- Principle of Development and Planning History
- Form and Character
- Impact on Neighbour Amenity
- Any other matters requiring consideration prior to the determination of the application

Recommendation

APPROVE

THE APPLICATION

Retrospective permission is sought for the erection of a detached garage.

The approximate dimensions of the garage are 6m in height, with a height of 3.1m to the eaves, 7m in width and 9m in depth. The garage is to be rendered. The garage consists of two floors, with storage above the garage itself and a lobby room. The garage door to the front of the proposal is of a double width. A window is present at ground floor level to the

rear, a rooflight is present in the southwestern roofspace and two doors are present toward the rear on the southwestern elevation.

The proposal differs from the permission granted under application 25/01624/F, which had approximate dimensions of 5.65m in height, 2.7m to the eaves, 7m in depth (shown as 9m on the floorplan and site plan due to an inconsistency), and 7m in width. The proposal under this application did not include an upper floor, rooflight or windows. A single door was included and was also on the southwestern elevation but was toward the front rather than the rear.

The proposal has also been sited differently to the garage approved under 25/01624/F, being approx. 3.6m further to the north than approved.

APPLICANT/AGENT SUPPORTING CASE

No supporting case has been received at the time of writing this report.

PLANNING HISTORY

26/00155/F: Application Withdrawn: 03/03/26 - Retrospective: Householder: Proposed detached garage.

25/01624/F: Application Permitted (Delegated): 17/11/25 - Erection of a porch to the front of the house, alteration of the house exterior, erection of free-standing garage to the side of the house.

RESPONSE TO CONSULTATION

Town Council: Objects.

- The applicant has not addressed the concerns previously raised and appears to have made the situation worse.
- Of serious concern is that the applicant is continuing to construct the building without permission being in place, for example the roof is now in place and work continues internally.

("Concerns previously raised" is taken to refer to concerns raised under withdrawn application 26/00155/F, and are summarised below)

- The application bears no resemblance to the original plans,
- Support views of objectors, noting the increased height overshadowing neighbouring properties which are mainly bungalows, a loss of outlook and privacy with the inclusion of doors and windows not originally shown on the plans
- Cllrs raise concerns that the original plans have been misrepresented and the new design hints at a use incompatible with a residential single garage.

Ward Councillor:

"I wish to call in this application as I did with the previous one as I believe some of the concerns from before should still be considered by the planning committee".

The Cllr makes reference to withdrawn application 26/00155/F, on which their reason for calling in the application was given as follows:

“So that they (the committee) can determine if the increased height and increased numbers of doors and windows in this application compared to before lead to a loss of privacy for neighbouring properties and impact the appearance of the area.”

REPRESENTATIONS

FIVE letters of **OBJECTION** have been received at the time of writing this report. An additional comment has also been received that clarifies that a support comment was incorrectly registered. This has since been rectified. The letters of objection are summarised as follows:

- The original plans (in reference to 25/01624/F) were in-keeping with this small bungalow residential area and we never opposed them.
- The roofline is considerably higher than all adjacent properties and not as stated.
- The garage can be seen from surrounding roads.
- The garage overpowers the plot and surrounding properties, being out of character and oversized.
- The resubmission has not addressed the height of the garage or situation with the windows.
- The resubmission seems to be a delay to proceedings to enable completion of the structure.
- Applicant appears to have little respect for planning processes and laws.
- The top floor of the structure has its own separate access and two windows which is more suggestive of a self-contained domestic residence than a garage.
- Volume of the garage is larger than the habitable space in the existing bungalow.
- The planning statement's claim that the building is 70% complete is untrue.
- Application incorrectly states that the site cannot be seen from a public road, footpath etc- the site can be seen all the way down Ryston Close as well as on Ryston End.
- Suggest that an application for an annexe will soon follow.
- The 375mm increase in height is there difference between seeing two doors and a windows (2 windows if this application is successful) or not. The effect of this change is therefore substantial.
- Anyone entering or existing the new building will overlook the third party's rear garden and will be able to look into their rear bedroom windows. The latest application states that the doors are at ground level with no overlooking issues, which is not true.
- The area is not prone to flooding and therefore there is no justification to construct a 300mm foundation above ground level. The decision to commence the build 300mm above ground level has significantly impacted the overall height.
- Trust that the decision will not be influenced by the fact that the building has already been constructed.

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

LP06 - Climate Change (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

LP20 - Environmental Assets- Historic Environment (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP41 - Downham Market (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

NATIONAL GUIDANCE

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

OTHER GUIDANCE

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development and planning history
- Form and character
- Impact on neighbour amenity
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

Paragraph 2 of the National Planning Policy Framework (2024) reiterates the requirements of planning law which is that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

In this instance, the Development Plan comprises the Local Plan (2021-2040).

The principle of an outbuilding to an existing dwelling is generally acceptable, subject to compliance with local and national planning policy and guidance.

In this instance, a similarly sited garage (although previously further to the rear of the plot) was approved under application 25/01624/F, which remains extant.

Section 73A of The Town and Country Planning Act 1990 allows for the granting of permission for development carried out without permission.

There is provision under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a previous permission, however this has not been utilised in this instance. Therefore the development as a whole can be considered.

As such, the principle of the siting of a garage in this location has also been found acceptable. As the garage approved under 25/01624/F remains extant, it should be afforded significant weight as a fallback permission to this application.

Form and Character:

The site is located along a gravel road within the development boundary for Downham Market and accommodates a single storey detached dwelling of buff brick construction. To the eastern side of the dwelling is a garage, which is the subject of this application. At the time of site visit, the garage appeared to be nearing completion (not in accordance with the approved plans), with doors inserted and the roof complete. Works to the dwelling were also approved under 25/01624/F, but do not appear to have commenced.

The boundary treatments to the site comprise an approx. 1.9m high closed board fence to the south and an approx. 1.8m high closed board fence with an approx. 2.2m high hedge to the east.

The surrounding area comprises other detached single storey, buff brick dwellings with some two storey dwellings visible. A rendered dwelling is also visible.

The garage is constructed is approx. 0.375m taller than the previously approved garage and includes an upper floor storage area where previously there would have been no upper floor. The additional height results from the inclusion of a 300mm base and an additional 75mm brick course. The resulting approximate dimensions of the garage are 6m in height, 7m in width and 9m in depth (9.5m including roof overhangs), where the previous garage measured approx. 5.65m in height, 2.7m to the eaves, 7m in depth (shown as 9m on the floorplan and site plan due to an inconsistency), and 7m in width.

There is also an additional door, leading to a lobby area with stairs to the upper floor. Another side door has been re-located toward the rear of the proposal and a ground floor window has been inserted to the rear (southeast) of the structure and rooflight to the western roof space.

The proposal would be finished in an off-white render and has a brown concrete tile roof.

The garage is visible from the western edge of the Downham Market Conservation Area, which occupies the western edge of the playing field of the Downham Market College and High School to the northeast of Ryston End. However, views from here are limited and the proposal is not considered to pose detrimental impacts on the Conservation Area. The Conservation Officer has verbally confirmed that they have no objection to the proposal in relation to the Conservation Area.

Whilst it is acknowledged that the proposal is tall, with a total height of approx. 6m, the difference of 0.375m over the approved garage does not adversely impact the character and appearance of the area.

Whilst this application is not a S.73 variation of application 25/01624/F, it is noted that Town Council comments on that application stated that “the new garage fits well within the site and enhances the value and appearance of the property”. No comment was made on the height of the proposal, and no third-party objections were received.

As such, the proposal is considered to accord with the requirements of Policies LP18, LP20, LP21 and LP41 of the Local Plan.

Impact on Neighbour Amenity:

Different elements of amenity impacts have been addressed in turn below:

Overshadowing:

Due to the path of the sun, the proposal would not cause adverse overshadowing impacts to the south. The host dwelling would receive a portion of overshadowing in the mornings, but the impact of this is not considered to be adverse.

The proposal approx. 3.6m closer to the dwelling opposite to the north, in addition to being 0.375m taller. Some additional shadow would be cast over the highway and toward the dwelling opposite to the north at midday in winter months (when shadows are longer), but not to such an extent that that application should be refused.

To the east, the effect of the additional height and revised siting is not significantly different from the permission granted under application 25/01624/F.

Overlooking:

The revised proposal includes a window at ground floor level to the rear (southeast), and two doors to the side (southwest). Due to the orientation and siting of the garage within the plot, the window to the southeast faces toward the neighbouring dwelling to the rear (south). A site visit to the neighbouring property has been undertaken, and it is apparent that this window is visible from two bedroom windows on the northern elevation of the dwelling to the south, as well as their garden and courtyard. The distance between these windows and the window of the garage is approx. 10m. The lower edge of the pane of the window is approx. 1.4m above ground level and the upper edge of the pane of the window is approx. 2.5m above ground level. Given the proposed use of the building as a garage, and that this window would serve a lobby area, through which movement is generally made and the user is unlikely to dwell, it is not considered that a refusal could be substantiated. If the use of the structure were to change in such a way that would reasonably result in increased time at this window, the impact would be considered unacceptable and therefore a condition has been attached preventing the use of the building from being anything other than a garage with storage.

The two side doors of the proposal are also visible from the bedrooms of the property to the south, giving rise to concern around overlooking when entering or exiting the garage. Previously under application 25/01624/F a side door was also proposed, but this would have been towards the front of the garage and had a maximum height of approx. 2.2m above ground level, as opposed to the approx. 2.6m of the current application. Overlooking resulting from the use of the doors would be transient, and whilst impactful is not considered to be adverse to such an extent that the application should be refused. Some mitigation to the south is provided by the approx. 1.9m high boundary treatment, but this would not fully obscure the doors or window.

The proposed rooflight is not considered to result in adverse overlooking impacts as it serves a storage room rather than a habitable room and would primarily look over the host dwelling.

Overbearing:

The additional 0.375m in height of the proposal is not considered to result in the proposal being adversely overbearing to neighbouring properties. Furthermore, the revised siting brings it away from the southern boundary.

As such, the proposal is considered to accord with the requirements of Policies LP18 and LP21.

Specific comments and issues:

*There was an inconsistency between approved plans under application 25/01624/F, with the proposed elevations showing a depth of 7m and the proposed floorplan showing a depth of 9m.

- *Plan 7281/PL01/A shows a drawing entitled “Approved Section Through Garage (Ref: 25/01624/F)”. For clarity, no such drawing showing a storage area above the garage was submitted under that application. Nor was any means of access to such a space shown.
- *The development has begun on site. As such, no “time limit condition” has been attached.

CONCLUSION:

The proposal seeks retrospective consent for a garage in a residential area of Downham Market. The proposal is considered to be of an acceptable design and whilst impacts to neighbouring properties would occur, they are not to such an extent that the application should be refused. The proposal’s increase in height over the previous approval is minimal and the revised siting results in the proposal being further from the boundary line to the south. The proposal is considered to accord with the requirements of Policies LP18 and LP21 of the Local Plan and as such, it is recommended that the application be approved subject to the imposition of the following conditions:

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan drawing no:

7281/PL01/A: Proposed Drawing 1.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The use of the building hereby approved shall be limited to that of a domestic garage and storage area, and at no time shall be used for any other purpose without the written prior approval of the Local Planning Authority.
- 2 Reason: In the interests of the amenity of nearby occupiers, in accordance with the requirements of Policy LP21 of the Local Plan.