

Parish:	Downham Market	
Proposal:	Householder: Part Retrospective: Conversion of first floor area of existing garage to annexe and single story rear extension to dwelling, new boundary treatment and retention of patio area	
Location:	Melanna 25 Ryston End Downham Market Norfolk	
Applicant:	Mr Dick Cavill	
Case No:	26/01142/F (Full Application)	
Case Officer:	Tom Ellis-Daish	Date for Determination: 4 September 2026 Extension of Time Expiry Date: 9 October 2026

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

Neighbourhood Plan: No

Case Summary

This application seeks the conversion of an existing garage to an annexe, a single storey rear extension to an existing dwelling, a new boundary treatment and the retention of a patio area, which is attached to the garage.

Members may recall that permission was granted by the Planning Committee on 11th May 2026 for the retention of a detached garage under application 26/00414/F, subject to conditions.

Key Issues

Principle of Development
Planning History
Impact on Neighbour Amenity
Other matters requiring consideration prior to the determination of the application

Recommendation

APPROVE

THE APPLICATION

This application seeks permission for the conversion of the first-floor area of an existing garage to an annexe, a single-storey rear extension to the existing dwelling, new boundary treatment and the retention of a patio area.

The existing garage has approximate dimensions of 6m in height, with a height of 3.1m to the eaves, 7m in width and 9m in depth.

The proposed extension to the main dwelling would be to its rear, with approximate dimensions of 3.9m in height, measuring 2.6m to the eaves, 7.3m in width and 4.5m in depth. The extension would have a dual pitched roof and be finished in render to the sides and cladding to the rear, with triple-pane windows to either side and a door to the rear.

The new boundary treatment would be closed boarded at 2.15m in height, extending along the rear boundary before turning toward the dwelling's proposed extension.

The patio area has a height of approx. 0.3m and has a footprint of approx. 26.3 square metres. The patio is edged in a dark grey brick, with a slate-coloured infill.

APPLICANT/AGENT SUPPORTING CASE

The agent has indicated that they intend to submit a supporting statement, but this has not been received at the time of writing this report.

PLANNING HISTORY

26/00414/F: Application Permitted: 11/05/26 - Householder: Retrospective: Erection of Detached Garage- Committee Decision

25/01624/F: Application Permitted: 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- Delegated Decision

RESPONSE TO CONSULTATION

Reconsultation on revised plans has not closed at the time of writing this report and all comments below are in response to the initial consultation. Any further comments will be addressed in the Correspondence Received After the Publication of The Report document.

Town Council: OBJECTS.

- The proposed works do not comply with previous instructions regarding its construction,
- The works display no consideration with regard to incompatible or unacceptable use, and
- The building is a garage in name only.

REPRESENTATIONS

FOUR letters of **OBJECTION** have been received at the time of writing this report. Their comments are summarised as follows:

- The window above the door overlooks a bedroom and other windows, as well as the driveway and part of a back garden,
- Conditions imposed under 26/00414/F have not been complied with (these conditions limited the use of the garage to being a garage and store area, required the upper

window above the door to be blocked up, and that obscure glazing be fitted to the rear window),

- Concern over impacts if the garage were to be used as an Air B&B or similar, making specific reference to a lack of turning and parking space,
- This is overdevelopment,
- This is a new two-storey, self-contained dwelling built without permission,
- The building has never been used as a garage and the entry is blocked to vehicles,
- The application form is not filled out correctly,
- All services necessary to make the building a dwelling were installed before the building was erected,
- The applicant has deceived at every stage,
- The supporting statement states that the annexe will not become a separate dwelling, but it already is being used as such and has been for the last 3 months, with numerous loud events taking place late into the evening, causing disturbance, and
- Previous applications approved despite strong local opposition.

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

LP06 - Climate Change (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP14 - Parking Provision in New Development

LP41 - Downham Market (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

Neighbourhood Plan: Not Applicable

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

DM326 - Determining Development Proposals

DM826 - Unauthorised Development and Enforcement

DP3 - Key Principles for Well-Designed Places

CC2 - Mitigation of Climate Change

CC3 - Adaptation to Climate Change

TR4 - Street Design, access and parking

S4 - Principle of development within settlements

NATIONAL GUIDANCE

Planning Practice Guidance (PPG)
National Design Guide 2021

26/01142/F

Planning Committee
5th October 2026

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Planning History
- Impact on Neighbour Amenity
- Other Matters Requiring Consideration Prior to the Determination of the Application

Principle of Development:

Paragraph 3 and Policy DM3(1)(f) of the National Planning Policy Framework (2026) reiterate 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. It further clarifies that the National Planning Policy Framework is a material consideration.

In this instance, the Development Plan comprises the Local Plan (2021-2040). The National Planning Policy Framework (2026) (hereafter referred to as the NPPF) is a strong material consideration in the determination of this application.

Policy DM3 of the NPPF states that when considering development proposals, the LPA should work with the applicant in a proactive manner to seek solutions to problems arising from initial proposals and take a proportionate approach to consideration of the planning matters raised by proposals in a way that reflects their scale, complexity and potential impacts.

Policy LP37 of the Local Plan relates specifically to annexes and states that development of annexes will only be approved subject to conditions requiring that

- a. they remain in the same ownership as, and are occupied in conjunction with, the principal dwelling,
- b. it is ancillary and subordinate in scale to the principal dwelling, and
- c. its occupant(s) share the existing access, garden and parking of the main dwelling.

It is recommended that such conditions are attached.

Policy S4 of the NPPF states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed the National Decision-Making Policies of the Framework.

The proposal is located within the development boundary for Downham Market, within the curtilage of an existing dwelling, and well located to the services and transport links that available there.

The principle of development is therefore acceptable, subject to compliance with relevant Local and National Planning Policies and guidance.

Planning History:

The garage itself was approved after its construction under application 26/00414/F, but this was prior to the introduction of the current iteration of the NPPF at a time when seeking permission retrospectively was a legitimate route to permission. This consent was subject to conditions requested by the committee relating to the blocking up of an upper gable window and a ground floor rear window, in addition to a recommended condition preventing the garage

from being used as an annexe. For clarity, this application is a separate application for planning permission, rather than being for the variation or removal of these conditions.

It is noted however that the applicant has failed to comply with Condition 4 of that permission, which required that the ground floor window to the rear of the garage be fitted with obscure glazing within two months of the permission being granted. The Officer has made two site visits under this application. During the first site visit (23 July, unaccompanied) no obscure glazing had been fitted to this window. During a second site visit, the Officer was accompanied by the applicant so that they could access the interior of the structure and was shown that a film had been fitted to the clear window, but the glazing itself had not been replaced. The condition has therefore not been satisfied.

Condition 3 of 26/00414/F stated that “prior to first use of the garage and storeroom hereby permitted, the upper gable window to the front (northern) elevation shall be blocked up permanently and retained in accordance with the approved plans thereafter”. The Officer did not observe the garage and store being used as such during their site visits, and this would suggest that the condition has not been breached at the time of the site visits. However, a third-party comment suggests that the building is in use for accommodation. The Officer did not observe anything to suggest accommodation at the time of their site visit, with the gable window not being glazed and there being no stairwell to the upper floor.

Policy DM8 of the NPPF states that where consideration is being given to an application for retrospective permission, if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.

A patio area has been constructed since the committee last considered this site, for which permission is now retrospectively sought. There had been no discussion of such a patio under the previous applications here and there is no evidence to suggest that this element was an *intentional* breach of planning control. Therefore, no weight should be assigned to Policy DM8. It is further noted (as explored further below) that the patio is extremely close, if not within, the limitations prescribed under permitted development rights for patios.

Form and Character:

Policies LP18, LP21 and LP41 of the Local Plan requires that development respond to its context and conserve the amenity of the wider environment. This is consistent with the requirements of Policy DP3 of the NPPF.

The alterations to the garage in order to make it a habitable space would consist of fitting obscure glazing to an existing opening in the gable end above the garage door, fitting obscure glazing to an existing rear ground floor window and the introduction of two roof lights to the western elevation.

The proposed fitting of obscure glazing to both the front gable and rear ground floor window and proposed roof lights would not be detrimental to the appearance of the building and are therefore acceptable.

The proposed extension to the main dwelling would be to its rear, with approximate dimensions of 3.9m in height, measuring 2.6m to the eaves, 7.3m in width and 4.5m in depth. The extension would have a dual pitched roof and be finished in render to the sides and cladding to the rear, with triple-pane windows to either side and a door to the rear.

The extension is of an appropriate design and scale to the existing dwelling and plot.

The proposed boundary fence would be closed boarded at 2.15m in height, extending along the rear boundary before turning toward the dwelling's proposed extension. Such fencing is considered appropriate to a residential dwelling, and it is further noted that it would be only 0.15m over fencing which would otherwise be allowed by permitted development.

The patio area, for which permission is sought retrospectively, is attached to the side of the garage/store building, between the garage/store and the dwellinghouse. The patio area is at a height of approx. 0.3m and has a footprint of approx. 26.3 square metres. The patio is edged in a dark grey brick, with a slate-coloured infill. Whilst such a patio area would typically be attached to the dwellinghouse, rather than an outbuilding, its presence is not detrimental to the character of the site such that would warrant a refusal of this application. It is further noted that patio areas can often be permitted development. The Permitted Development Rights for Householders: Technical Guidance clarifies that a platform is not considered a raised platform up to a height of 0.3m, meaning that permission would only be required when they exceed this height.

Taken as a whole, the development would not significantly impact the character and appearance of the dwelling as a whole and would accord with the requirements of Policies LP18, LP21 and LP41 of the Local Plan and Policy DP3 of the NPPF.

Impact on Neighbour Amenity:

Policy LP21 of the Local Plan requires development to be assessed against their impact on neighbour amenity and the amenity of their occupants. Policy P3 of the NPPF is consistent with the requirements of the Local Plan.

The gable end window above the garage door would be fitted with obscure glazing. Whilst previously a condition had been attached at the request of the committee requiring this window be blocked up prior to the first use of the garage/store. This has not yet been undertaken.

The window would contribute to the provision of adequate natural light for the occupiers of the annexe, whilst obscured glazing would mitigate potential impacts on neighbour amenity as a result of overlooking.

A condition is recommended requiring the obscure glazing be fitted prior to first occupation/use of the annexe.

The window to the rear of the garage/store at ground floor level would be fitted with obscure glazing (as conditioned under the previous approval). This window would serve a toilet/shower room, and its obscuring will be conditioned. The window would therefore not result in adverse impacts on neighbour amenity or the amenity of future occupiers.

The proposed rooflights: Previously, a single rooflight was permitted to serve the storage area above the garage. As this application relates to an annexe, concern was raised around the provision of adequate natural light to the occupiers, as required by Policy P3 of the NPPF. Following these comments, an additional rooflight is proposed, resulting in two rooflights facing to the southwest. There would be an element of overlooking from these rooflights toward the southwest, however toward no.19 Ryston Close this would be at an oblique angle. A further element of overlooking would occur toward 18 Ryston Close, but this mitigation is present in the form of the boundary treatment (approx. 1.8m hedge and the proposed 2.15m closed boarded fence).

The proposed rear extension would not lead to adverse impacts on neighbour amenity owing to its limited scale and siting in relation to neighbouring properties and the path of the sun.

Given the windows of this extension would be at ground floor level it is not considered that the proposal would result in adverse overlooking impacts.

The proposed boundary fencing is sufficient as to mitigate potential overlooking from the raised patio area toward no.19 Ryston Close. The fencing would be a height of approx. 2.15m and as such is not considered to be overbearing. Given the path of the sun, the majority of the shadow of the fencing would be cast into the host property's garden, except in the early morning and late evening. It is further noted that part of the shadow of the fencing would be within the shadow of the existing hedge. Additionally, the proposed fencing is only 0.15m above that which would be allowed under permitted development rights.

The patio area: Whilst this patio area is close to the boundary with properties along Ryston Close, it must be acknowledged that seating and barbecue facilities (which were on the patio area at the time of the Officer's site visit) could generally be placed anywhere in the property's curtilage. Given the relatively shallow depth of the site, the impact of having a fixed point here is not materially greater than the impact which would arise from such facilities elsewhere in the garden of the host dwelling, as such facilities could be sited anywhere. Whilst at current there is a degree of overlooking from the patio toward properties to the south, particularly when standing, this would be mitigated by the proposed fencing. It is recommended that a condition be attached requiring the installation of the fencing to be carried out within a two month time limit, to eliminate the element of overlooking which is currently occurring.

Taken as a whole, the proposal would not pose adverse impacts on neighbour amenity, in accordance with the requirements of Policy LP21 of the Local Plan and Policy P3 of the NPPF.

Other Matters requiring consideration prior to the determination of the application:

Climate Change:

Policy LP06 requires that development be located sustainably, conserve energy and take advantage of opportunities to re-use existing buildings. This approach is supported by Policies CC2 and CC3 of the NPPF.

The proposal would make use of an existing building, rather than requiring a completely new construction. However, as the proposal for the garage/store was only recently approved, and has not yet been fully completed, this should not be assigned weight in the determination of this application.

The development would be well located within an existing settlement, which itself provides sustainable transport options and services, reducing the need to travel by private motor vehicle. It is further noted that the site is located within Flood Zone 1.

The extension to the main dwelling would also be to a modern building standard.

Taking a proportionate approach, with regard to the scale and type of development as required by Policy DM3 of the NPPF, the proposal is considered to accord with the requirements of Policy LP06 of the Local Plan and Policies CC2 and CC3 of the NPPF.

Highway Impacts:

Policy LP14 of the Local Plan states that for developments other than new dwellings, parking provision will be negotiated having regard to the current parking standards published by Norfolk County Council.

Policy TR4 of the NPPF requires that transport considerations be integral to the design of a development, giving priority to walking and cycling and providing a suitable number of parking spaces.

Norfolk County Council Parking Guidelines state that a two- or three-bedroom dwelling is required to provide at least two parking spaces.

It should be noted that the proposed plans show alterations to the main dwellinghouse already approved under application 25/01624/F, which remains extant, but have not yet been carried out. These alterations include the conversion of an existing attached garage to a bedroom and dresser/walk in wardrobe. The loss of the garage shown on the plans is therefore already approved and effectively does not account for a loss of parking in the determination of this application.

The garage space retained under this proposal would measure approx. 6.3m wide and have a depth of 6m. This is below the NCC Parking Guidelines threshold to be considered a garage providing a parking space, which requires a width of 3m and a depth of 7m.

The dwelling as-existing has three bedrooms. With the alterations already approved under application 25/01624/F, the dwelling would have two bedrooms, plus an annexe. The addition of an annexe would therefore not result in an a materially different parking demand and would not alter the requirement under the Norfolk County Council Parking Guidelines for two parking spaces or put a materially increased strain upon the highway. Regardless, it is apparent that the required two vehicles could reasonably be parked at the front of the dwelling.

The proposal therefore accords with Policy LP14 of the Local Plan and Policy TR4 of the NPPF.

Flood Risk:

The site is located within Flood Zone 1 and the sleeping accommodation of the annexe would be located at an upper floor level.

Specific comments or issues:

Comments which have not been addressed throughout this report and raise material planning considerations are addressed below:

- * If the building were to be used as an Air B and B or similar, the impact would not be materially different to its use as an annexe, given the limited space within the building, and
- * This is an application for an annexe, not a new separate dwelling.

CONCLUSION:

This proposal is for the conversion of first floor area of existing garage/store to an annex, with a single-story rear extension to an existing dwelling, new boundary treatment and the retention of a patio area.

Whilst permission is sought retrospectively for the patio area it must be acknowledged that it is extremely close to, if not within, the provisions allowed by permitted development rights. There is no evidence to suggest that the applicant would have been aware that permission may be required for this patio area prior to the Officer's site visit and there is no evidence of intention. As such, no weight should be assigned to Policy DM8 of the NPPF.

The measures to mitigate against the potential amenity impacts of the proposal, namely the obscure glazing to be fitted to the upper gable and ground floor rear window, as well as the proposed fencing, are sufficient as to prevent the impact of the proposal being adverse, and the design of the proposal is acceptable.

The proposal would accord with Policies LP06, LP14, LP18, LP21, LP37 and LP41 of the Local Plan and Policies DP3, CC2, CC3, TR4 and S4 of the NPPF. There are no other material considerations to outweigh the compliance with the above policies and the development should be approved without delay.

It is therefore recommended that the application be approved subject to the implementation 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 plans drawing nos:

Location Plan shown on drawing 7281/PL01,
With the exception of the Proposed Site Plan, drawing 7281/PL02: Proposed Elevations, Floor Plan and Roof Plan of Dwelling, and
7281/PL04-A: Proposed Elevations, Section, Floor Plans and Roof Plan of Garage and Proposed Site Plan.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The annexe hereby approved shall remain in the same ownership as, and be occupied in conjunction with, the principal dwelling at all times sharing the same access, garden and parking of the principal dwelling and shall at no time be subdivided by fences, walls or other means of enclosure, or let or used as an independent unit of residential accommodation.
- 2 Reason: To ensure that the annexe remains in use in conjunction with the main dwelling, in accordance with Policy LP37 of the Local Plan.
- 3 Condition: The proposed fencing shown on drawing 7281/PL04-A shall be installed within two months of the date of this permission.
- 3 Reason: In the interests of neighbour amenity, in accordance with the requirements of Policy P3 of the NPPF and Policy LP21 of the Local Plan.
- 4 Condition: Prior to first use of the annexe hereby permitted, obscure glazing shall be fitted to the ground floor rear window and front upper gable window of the garage, as shown on drawing 7281/PL04-A.
- 4 Reason: In the interests of neighbour amenity, in accordance with the requirements of Policy LP21 of the Local Plan and Policy P3 of the NPPF.