

<b>Parish:</b>	<b>Burnham Market</b>	
<b>Proposal:</b>	<b>Demolition of existing house and rebuilding with new garage and art studio</b>	
<b>Location:</b>	<b>Bunessan Herrings Lane Burnham Market King's Lynn</b>	
<b>Applicant:</b>	<b>Mr And Mrs R Sumroy</b>	
<b>Case No:</b>	<b>20/00643/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty</b>	<b>Date for Determination: 30 June 2020 Extension of Time Expiry Date: 28 July 2020</b>

**Reason for Referral to Planning Committee** – Deferred by Planning Committee 11 January 2021

**Neighbourhood Plan:** No

**Case Summary**

The site comprises an existing detached dwelling with detached garage to the front garden.

The site is surrounded by residential properties to the north and south, with other residential properties on the other side of Herrings Lane to the west. Vehicle access is already in place from Herrings Lane.

This application seeks full planning permission for the demolition of the existing house and construction of a replacement dwellinghouse and detached garage/ art studio.

The site is within the settlement of Burnham Market, which is a Key Rural Service Centre. The whole village of Burnham Market is within the Area of Outstanding Natural Beauty (AONB).

Members will recall that this application was considered at the Planning Committee on 11 January 2021 and was deferred, in relation to the effect on the AONB and to see if the applicant would reduce the amount of glazing or use methods which would reduce the impact.

The applicant has now submitted amended plans showing a reduced amount of glazing and proposing the use of electrochromic (EC) glass.

**Key Issues**

- The principle of development on this site;
- Impact upon the AONB;

- Design, character and appearance
- Impact upon Residential Amenity;
- Highway Issues;
- Crime and Disorder Act 1998;
- Other Material Considerations.

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

The site comprises an existing detached dwelling with detached garage to the front garden.

The site is surrounded by residential properties to the north and south, with other residential properties on the other side of Herrings Lane to the west. Vehicle access is already in place from Herrings Lane.

The application seeks full planning permission for the demolition of the existing house and the construction of a replacement dwelling with new garage/ art studio. This application has been amended since it was submitted, and the number of outbuildings reduced to the front of the site from 2 to 1.

The existing 6-bedroom dwelling is a rendered property which features three gabled sections when viewed from the front and rear. It spans the width of the site with eaves of 4m to some sections and 5m to others. The ridge rises to 7m.

The proposed replacement dwelling is proposed to be constructed of red brick with flint panels and a zinc sheet roof with solar panels set in between the roof valleys. The proposed dwelling sits on a similar footprint as the existing, with eaves heights of approximately 5.5m and ridge of 7.5m.

The site is within the settlement of Burnham Market, which is a Key Rural Service Centre. It is also within the AONB but outside of the Burnham Market conservation area.

Since the January Planning Committee meeting amended plans have submitted showing a reduced amount of glazing and proposing the use of electrochromic (EC) glass for the larger glazed areas.

## **SUPPORTING CASE**

The applicant has submitted the following supporting text:-

### **The design concept of the new house**

The existing house is at the end of its life, is poorly designed, unsustainable and cannot be economically upgraded to an environmentally acceptable level moving forward into the 21st century.

However, the new house is closely related to the existing house, which has the same three gabled form facing Herrings Lane and the same building width side to side of the plot.

In terms of scale the ground floor level is the same as existing and the ridge height is the average of the two neighbouring properties and so fits snugly in the street scene. This is particularly apparent from Bellamy's Lane where all the houses in the row are clearly visible and Bunessan is designed not to draw attention to itself.

The scale is further broken down by the staggering forwards and backwards of the three gabled sections. Between these gables, balconies – none of which overlook neighbours – add visual interest and lessen the impact by providing a contrast to the two solid flint outer gable elements.

The wall materials are vernacular – flint on the public faces and brick on the sides - and the roof is of a sustainable coated zinc with photovoltaic cells mostly hidden in the valley gutters. There are several modern designs on Herrings Lane which use modern materials, but it was felt that the use of local flint would contribute to local distinctiveness.

The garden will be a major element of the design and the intention is to enhance the appearance of the outbuilding by growing plants up it as a living wall.

### **Our response to the concerns from the planning officer**

In response to comments and suggestions from the planning officer the house was moved forward in the plot to reduce overshadowing of the garden to the new house to the north. It sits pretty much in the same position as the existing house so there will be little change to this neighbour from the existing house.

In the front garden the original two outbuildings – thought to be overly crowded and too overbearing on the rural feel of Herrings Lane by the planning officer – have been reduced to one building end-on, lowered slightly and set back from the road, which is now considered acceptable. This provides a lower key frontage than other houses along Herrings Lane, which often have garages with tall and overbearing pitched roofs.

Setting the outbuilding back will create space for planting at the front of the property to reinforce the leafy nature of Herrings Lane, a major concern of the planning officer.

### **Summary**

To summarise we believe this distinctive design will be an asset to the village, be neighbourly to the houses adjacent and contribute to the high standard of design and detailing we have come to expect in the borough.

### **PLANNING HISTORY**

2/03/1445/F: Application Permitted: 04/09/03 - Construction of detached garage and extension to dwelling – Bunessan Herrings Lane Burnham Market

2/03/0760/F: Application Permitted: 15/05/03 - Construction of replacement conservatory – Bunessan Herrings Lane Burnham Market

2/98/0510/F: Application Permitted: 14/05/98 - Demolition of garage and construction of 2 storey extension – Bunessan Herrings Lane Burnham Market

## RESPONSE TO CONSULTATION

**Parish Council:**        **OBJECT** – On the following grounds:

Overshadowing - The main house is too close to the boundary fence on both sides.

Layout and Density of Building - The visual appearance of the building with a zinc roof with PVC and excessive glazing overall.

Question - is the Art Studio for private or business use? The application mentions employment for local traders and crafts so does this apply to the building work or the Studio? It's rather vague. The 'art studio' just looks like extra accommodation and is therefore a second dwelling.

The Parish council would like to see a condition put on any approval that the art studio and new garage are not used for business or commercial purposes or as a separate dwelling.

**Local Highway Authority: NO OBJECTION** – conditionally – standard parking and turning condition plus restriction on use of studio to remain incidental to the use of the main dwellinghouse.

**Norfolk Coast Partnership:** (Amended plans) - Our main objection was due to the glazing, this has been slightly reduced but we were very pleased to see that EC glass has been incorporated on most of the windows.

This being the case, the light pollution should be dramatically reduced and we remove our objection but we would still like to see conditions on external lighting.

National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this proposed development should be:

- 1) fully shielded (enclosed in full cut-off flat glass fittings)
- 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
- 3) switched on only when needed (no dusk to dawn lamps)
- 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

Please also refer to the Institute of Lighting Professionals, Guidance Notes for the Reduction of Obtrusive Lights which gives guidance for lighting in an AONB.

I am still unsure about the zinc roof, whilst I accept that this isn't the first zinc roof in the area, it sets a precedent and slowly and cumulatively erodes the special qualities of the AONB. As this is not in a Conservation Area this will have less of a visual impact, but worth noting our concerns.

Previous comments:-

**OBJECT** – the excessive glazing and pv panels will have detrimental visual impact in the AONB thus going against NNPF para 172 which aims to 'conserve and enhance' the AONB. Increased light pollution will have an impact on our dark skies, a special feature of the AONB (sense of Remoteness, Tranquility and Wildness), currently under cause for concern.

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Recommend condition re: external lighting.

If glazing were reduced and lighting mitigated it may elicit a more favourable response.

**Natural England: NO OBJECTION**

**Arboricultural Officer: NO OBJECTION** - conditionally

**Environmental Quality: NO OBJECTION**– recommend informative re: asbestos

## **REPRESENTATIONS**

**ONE** third party comment received, referring to the following:-

- We live opposite this property. Whilst we have no objection to the demolition or build we are very concerned about the access and parking of the construction workers.
- We and other neighbours already have damage to our property from the construction traffic from a build next door to this property.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main issues for consideration in this case are:-

- The principle of development on this site;
- Impact upon the AONB;

- Design, character and appearance and impact upon the Conservation Area
- Impact upon Residential Amenity;
- Highway Issues;
- Crime and Disorder Act 1998;
- Other Material Considerations.

### **The principle of development**

The site is within the village settlement boundary but in any case, is replacing an existing dwelling. Burnham Market is a Key Rural Service Centre where development of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the Development Limits of the Key Rural Service Centres, in accordance with Policies DM1, DM2 and CS06 Development in rural areas.

The site is also within the AONB. There are a number of policy statements relevant to this application and the key aspects are summarised below.

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to their local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping.

Core Strategy Policies CS01, CS02, CS06, CS08 and CS012 are relevant. CS06 promotes sustainable patterns of development to ensure strong, diverse economic activity whilst maintaining local character and a high quality environment.

SADMP Policies DM1, DM2 and DM15 also apply.

### **Impact upon the AONB**

The existing dwelling is a two storey detached property in a row of residential properties. It is flanked to the north and south by other detached dwellings that have replaced older dwellings. The existing dwelling has three gables to the front and rear which breaks up the scale and mass of the dwelling in the street scene and from longer views.

AONB's have the highest status of protection in relation to landscape and scenic beauty. In this case the application site is at the north western edge of the village; to the west are open fields. The land levels drop from north to south as do the properties in the row along Herrings Lane, which are set north/south. The siting of the development plays an important role in the transition between open countryside and the built form.

Currently views of the existing dwelling from Herrings Lane are partially screened by existing planting on the site. The siting and design of the replacement dwelling means that no significant or high-quality trees will be affected by the proposal; only one apple tree would need to be removed for development purposes. To the western field boundary there are significantly less trees and foliage and the same can be said to the northern boundary.

Like the dwelling it seeks to replace, the proposed replacement dwelling is also of two storey height and has low pitched roofs. The dwelling is proposed to be sited in the same position as that it seeks to replace, which means that the rear garden is smaller than the front. The application site is large and a significant amount of space remains to the front and rear of the proposed dwelling. The amount of spacing between this and neighbouring dwellings would remain the same as the current arrangement.

The upper floor and the roof will be the main visible parts of the development. The walls are proposed to be constructed from brick and flint panelling and it is proposed that the modest pitched roof will be zinc sheeting. The ridge height of the proposed replacement dwelling is taken from the average of the two neighbouring properties to ensure that it is in keeping.

There are only long public views from across the fields to the west. From this distance the proposed development will be seen in a row of other properties of similar heights. Given that the dimensions of the dwelling are compatible with surrounding development, the planting on the site is to be retained and the development proposes a series of shallow roofs, and the development will not be viewed in isolation, it is considered that the proposed development will not have a detrimental impact upon the natural beauty of the landscape in this designated area.

Objection to the original plans was received from the Norfolk Coastal Partnership to the amount of glazing and photovoltaic panels to the roof.

However, since the January Planning Committee meeting amended plans have been submitted showing a reduced amount of glazing and proposing the use of electrochromic (EC) glass for the larger glazed areas.

NCP's main objection was due to the impact of the extent of the glazing. NCP acknowledges that this has been slightly reduced in area and they are very pleased to see that EC glass has been incorporated on most of the windows.

They acknowledge that the light pollution should be dramatically reduced and they confirm the removal of their former objection. They do, however, request a condition be imposed regarding external lighting.

NCP comment about the proposed zinc roof, which they accept this isn't the first zinc roof in the area. They raise concerns about this setting a precedent which may slowly and cumulatively erode the special qualities of the AONB. However, as this is not in a Conservation Area they acknowledge that this will have less of a visual impact.

In terms of government advice regarding light pollution and dark landscapes it is necessary to consider whether new lighting would be conspicuously out of keeping with local nocturnal light levels, making it desirable to minimise or avoid new lighting. In this case it is noted that there is already a dwelling on the site which has existing fenestration and the capacity for external lighting. This domestic use will not change.

The house is located in a residential street where many houses have glazed sections facing both towards Herrings Lane and to the open countryside, which is separated from public views by a large field. In context, this house will be viewed amongst other dwellings which flank the site.

The amended plans show a small reduction in glazing, but the use of EC glass, which would provide benefits in terms of light pollution overcomes the objection from NCP. In this case it is considered that the degree of glazing and light pollution would not be materially greater or have any greater visual impact in the AONB than the dwelling it seeks to replace. There is therefore no conflict with NNPF para 172 which aims to 'conserve and enhance' the AONB.

It is recommended that a condition be imposed requiring the details of the EC glass to be submitted prior to installation, to ensure that the concerns about light pollution are satisfied.

NCP also raise concern regarding increased light pollution which will have an impact on dark skies, a special feature of the AONB (sense of Remoteness, Tranquillity and Wildness).

They recommend that a planning condition be imposed to restrict the degree of light spillage beyond the site.

However, the site is already a dwellinghouse and this use is not changing. The proposal will not lead to an anticipated excessive increase in external lighting and it would not be considered reasonable or necessary to impose a planning condition restricting external lighting in this case.

### **Design, character and appearance**

There is no defined built characteristic in the locality, with Herrings Lane comprising a mix of, generally large dwellings of differing ages, scales, designs and materials. The ground levels rise markedly from south to north along Herrings Lane so that the houses step up the hill.

The existing detached dwelling comprises three gabled elements, with a rear conservatory. It is sited towards the rear of the plot in line with other dwellings to the north and south. The front garden has mature planting.

The amended plans raise no new, material design issues. The use of EC glazing to the larger areas of fenestration may result in a darker appearance to these sections, but this will be assessed once the details of the glazing to be used has been submitted by way of planning condition.

The proposed replacement dwelling follows a similar three gabled design. The mass of the building has therefore been disguised, by breaking up the main roof with gables and using fenestration of varying sizes which reduces the overall mass of built form. Overall these elements mean that the design has interest and that the scale of the building will not be apparent from any one viewpoint. As the land levels change from south to north along the lane, the low ridge height will result in a dwelling that does not dominate the dwelling to the south.

By comparison the proposed replacement dwelling is 1m higher at eaves level than some of the existing eaves levels on site, and half a metre taller to the ridge. In terms of materials, the proposed dwelling would result in high quality materials through the use of traditional red brick and flint panels, which is more typical of Burnham Market than the render of the existing property.

Whilst the proposed replacement dwelling takes reference from existing, traditional dwellings, the proposed design also introduces some modern, contemporary elements, including modern fenestration detailing and the mix of traditional flint with modern zinc roof materials. Outside space in the form of first floor balconies and ground floor terracing have all been designed in at this stage.

There are many bespoke, individually designed dwellings along Herrings Lane that carefully blend traditional design elements and materials with a contemporary twist. The use of zinc as a roofing material along the coastal villages can be evidenced, with some of these properties being located in conservation areas. It is recommended however, that a condition be imposed seeking the non-reflective nature of this roof material to ensure that it fits within the street scene.

During the course of the application the number of outbuildings to the front of the site has been reduced from two to one, in response to concerns from the planning officer. The proposed outbuilding has a flat roof, is just 3m high, and has been set back further in the site to retain the soft landscaping at the front of the site closest to Herrings Lane.



Burnham Market's conservation area covers a significant amount of the village and the nearest section covers a garden to a property on the opposite side of the road to the south west. The closest point is approximately 50m from this site. It is considered the proposed replacement dwelling will have no impact on the character and appearance of the conservation area.

In terms of design the proposed replacement dwelling is considered to reflect the building characteristics of the village and the surrounding area. It is considered that the proposal relates well in terms of scale and mass to the village and proposes matching or contrasting building materials. The proposal is considered acceptable and accords with the provisions of the NPPF, Local Plan and Core Strategy Policies, in particular Policy DM15.

## **Highway Issues**

The access remains in the same position and adequate parking and turning can be achieved within the site.

The Highways Authority has not raised an objection regarding the proposal. Conditionally there are no outstanding highway safety issues.

## **Impact upon Residential Amenity**

Existing residential properties are to the north and south, and on the opposite side of the lane to the west. The relationship between the development as proposed and existing dwellings has been examined.

The site to the north has recently been constructed. Consideration has been given to the relationship between the two properties in terms of overlooking, the development being overbearing, overshadowing and causing loss of light. The distance between the two dwellings remains unchanged. The eaves of the side elevation of the proposed new dwelling are in the same position, albeit higher.

The property to the north is sited at a higher ground level so that the eaves and ridge height are higher than Bunessan. Given the change in ground levels between the properties, however, the proposed replacement dwelling will remain at a lower level and will not be overbearing. The only windows proposed facing north serve bathrooms or non-habitable rooms.

There is a detached dwelling to the south of the site. Again, there is no change to the separation distances between these two properties. The element of the property closest to the application boundary is the garaging of this neighbouring property. The only windows facing south are a high level kitchen window to the ground floor and windows to bathrooms or non-habitable rooms.

Although the property to the south is set at a lower ground level, the proposed dwelling will not appear over dominant due to the design of the dwelling and the way its mass has been broken up into sections and the roof pitch kept low.

The distances between the proposed development and the dwellings north and south are such that there will be no significant concerns regarding overshadowing or loss of light.

Similarly the nearest properties to the west are on the opposite side of the road and set back in their sites. There are no concerns regarding the development being overbearing, overshadowing or causing loss of light.

The combination of internal layout, existing planting to the site boundary and neighbouring site and distance between properties mean that the proposal will not result in significant overlooking of neighbouring properties.

In summary, there will be no significantly detrimental impact upon the amenity of the occupants of neighbouring properties in terms of overlooking, being overshadowed or the dwelling being over bearing, as a result of this proposal.

## **Landscaping**

The application has been supported by a Tree Survey and Arboricultural Impact Assessment. This concludes that no significant harm to existing landscaping will result from the proposal.

One apple tree will be removed for development purposes and replaced with a heavy standard tree. All other trees featured in the submitted report will be retained and protected throughout the development.

The proposal seeks to retain the existing planting to the front boundary. As this is important in softening the impact upon the AONB, and for the character of the village it is recommended that a condition be imposed which retains the planting, or if it is destroyed that a replacement be planted.

The Tree Officer raises no issues subject to the imposition of conditions.

## **Other material considerations**

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. This application will not have a material impact upon crime and disorder.

The site lies within 2km of a SSSI (North Norfolk Coast). However, the proposed development would not have a significant adverse effect on the features on which the SSSI is designated.

The recently received third party comments are noted. However, concern over potential damage to highways or neighbouring properties during construction is beyond the powers of planning legislation and not a material planning consideration.

## **CONCLUSION**

In principle a replacement dwelling on this site in Burnham Market is supported as it is considered to be sufficiently in harmony with the building characteristics of the area. To address comments made by councillors at the January Committee, the amended plans show a reduced amount of glazing, and also provide electrochromatic glazing (EC) glazing, the details of which can be controlled through planning condition.

The applicant has incorporated traditionally used local materials to give the design a context as well as introducing contemporary elements such as a zinc roof. Providing details are controlled by condition, this is considered fully acceptable, and the design of the proposal promotes local distinctiveness.

There are no outstanding concerns regarding overlooking, overshadowing or the development being overbearing.

Conditionally there are no outstanding landscaping issues. There are no nature conservation or flood risk issues.

The proposed development is considered to comply with Core Strategy Policies CS01, CS02, CS06, CS08 and CS12, SADMP Policies DM1, DM2, DM15 and DM17 and advice within the NPPF and therefore it is recommended that the proposal for the development be approved.

## **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:

\* Drawing No. GA, Proposed Site Plan, drawn 04.11.2020, scanned 6 January 2021

\* Drawing No. GA, Proposed Garage, drawn 04.11.2020, scanned 6 January 2021

\* Bunessan Floor Plans revised 04.02.21, Scale 1:100, scanned 8 February 2021

\* Bunessan Roof Plans, Scale 1:100, scanned 6 January 2021

\* Bunessan Elevations Rev 1, Scale 1:100, scanned 8 February 2021

2 Reason: For the avoidance of doubt and in the interests of proper planning.

3 Condition: No development or other operations shall commence on site until the existing trees have been protected in accordance with the scheme as detailed in the Arboricultural Impact Assessment, prepared by A.T. Coombes Associates Ltd, dated 1 April 2020.

The protective fencing and the ground protection 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 or ground protection are damaged all operations shall cease until they are repaired in accordance with the approved details.

Nothing shall be stored or placed in any protected area in accordance with this condition.

In all other regards the development shall be carried out in full accordance with the details contained in the above mentioned Report including appropriate tree replacement

3 Reason: To ensure that the existing trees and hedgerow are properly protected in accordance with the National Planning Policy Framework 2019.

4 Condition: The zinc roof material of the replacement dwelling hereby permitted shall have a non-reflective finish, unless otherwise approved in writing by the Local Planning Authority.

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4. Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF and to limit the impact of the replacement dwelling in the wider landscape.
5. Condition: Details of the electrochromatic glazing, shown as 'EC' on Drawing No. GA rev 1, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The development shall be carried out in accordance with the approved details.
5. Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF and to limit the impact of the replacement dwelling in the wider landscape.
6. Condition: Prior to the first occupation/use of the development hereby permitted the proposed on-site car parking and turning area shall be laid out, 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.
7. Condition: The Studio/garage building hereby approved shall be incidental to the use of the main dwelling and shall not be occupied at any time as a separate and un-associated unit.
7. Reason: In the interests of highway safety and neighbour amenity.
8. 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.
8. Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.