

<b>Parish:</b>	<b>Heacham</b>	
<b>Proposal:</b>	<b>Demolition of Existing &amp; Provision of Replacement Dwelling and All Ancillary Works.</b>	
<b>Location:</b>	<b>Mary Ann 58 South Beach Heacham Norfolk</b>	
<b>Applicant:</b>	<b>Claire Gill</b>	
<b>Case No:</b>	<b>20/01854/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs Jade Calton</b>	<b>Date for Determination: 4 February 2021</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Parish

**Neighbourhood Plan:** No

**Case Summary**

The application is for a replacement dwelling at No. 58 South Beach, Heacham. The existing bungalow is proposed to be replaced with a two-storey dwelling with no habitable accommodation at ground floor due to the site's location in Flood Zone 3.

**Key Issues**

- Principle of development
- Flood Risk
- Form and Character
- Impact on neighbours
- Other material considerations

**Recommendation**

**APPROVE**

**THE APPLICATION**

The application is for a replacement dwelling at No. 58 South Beach, Heacham. The existing bungalow is proposed to be replaced with a two-storey dwelling with no habitable accommodation proposed at ground floor.

The subject site totals approximately 0.058ha and is bordered to the north and south by neighbouring dwellings. There are existing steps to the rear of the house which lead to a raised terrace, with the western boundary formed by sand dunes which are in the ownership of the

property and lead towards the beach. Side boundaries comprise a mix of close boarded and post and rail fencing.

## **SUPPORTING CASE**

None received at time of writing

## **PLANNING HISTORY**

2/97/1371/F: Application Permitted: 21/10/97 - Retention of holiday bungalow - 58 South Beach. Heacham - DELEGATED DECISION

## **RESPONSE TO CONSULTATION**

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

'It is an increased habitable area in a flood zone and the Basic Conditions statement for the NP, DM18 - Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham of SADMP states "Extensions to existing properties (beyond any Permitted Development Rights that could be exercised) should not materially increase the amount of habitable rooms. Significant extensions or those that raise the amount of habitable rooms in the property could lead to an increase in the number of people at risk and will not be permitted"

**Environment Agency: NO OBJECTION** stating that the FRA and DM18 should be complied with.

**Highways Authority: NO OBJECTION**

**Environmental Quality: NO OBJECTION**

**Emergency Planning Officer: NO OBJECTION** provided occupancy restriction condition is in place.

**Natural England: NO OBJECTION** - advice note should be followed in regard to drainage.

## **REPRESENTATIONS**

**TWO** letters of **OBJECTION**, the comments summarised as follows:

- Out of character with locality and ignores local vernacular
- Contrary to Local Plan
- Proximity to neighbouring dwellings and impact on amenity
- Ground floor could be converted to habitable space
- Impact of construction on surrounding dwellings
- Patio to rear of dwelling and Impact on dunes

**ONE neutral** letter, the comments summarised as follows:

- Sand dune provides protection against flooding and habitat for wildlife and should not be damaged
- Concern over height compared to neighbours
- There should be no impact on private track

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- No damage should be caused to neighbouring dwellings

## **LDF CORE STRATEGY POLICIES**

**CS08** - Sustainable Development

**CS11** - Transport

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM18** – Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham)

## **NATIONAL GUIDANCE**

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

## **PLANNING CONSIDERATIONS**

The key issues are:

Principle of development  
Flood Risk  
Form and Character  
Impact on neighbours  
Other material considerations

### **Principle of Development**

The application is for the construction of a replacement dwelling at Mary Ann, No. 58 South Beach, Heacham.

The application site is outside the development boundary for Heacham and therefore in the wider countryside where replacement dwellings are permitted subject to accordance with Policy DM5. The principle of development is therefore considered acceptable subject to accordance with other policies of the Local Plan.

### **Flood Risk**

The site is located within Flood Zone 3 of the Borough Council's SFRA and is within the Coastal Flood Risk Hazard Zone.

As outlined in Policy DM18 of the SADMPP (2016), this area of coastline is considered to be at very high risk of tidal flooding. Considering the risks associated with the seasonality of each of the highest astronomical tides, the probability of storm surges and wave action severity, reports undertaken for the Borough Council concluded that the only safe period of occupancy for dwellings in this zone was between 1st April and 30th September each year. Occupation

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outside these dates at this location could not be considered safe due to flood risk and would therefore be considered contrary to the NPPF (2019), specifically in regards to the requirements of the exceptions test outlined in Paragraphs 159 & 160.

Policy DM18 of the SADMPP (2019) applies in relation to replacement dwellings in this Hazard Zone and requires development proposals to demonstrate their accordance with seven criteria, namely:

- 1) The submission of a Flood Risk Assessment
- 2) All habitable accommodation above ground floor level
- 3) The dwelling will only be occupied between 1st April and 30th September
- 4) The dwelling will incorporate flood mitigation and resiliency measures
- 5) The building must be designed to withstand and be resilient to hydrostatic pressures
- 6) A flood warning and evacuation plan will be prepared and retained on site
- 7) The level of habitable accommodation should not be materially greater than that provided by the original dwelling and should not result in an increase in the number of bedrooms over and above the number in the original dwelling.

The proposal is considered to comply with the criteria outlined in Policy DM18 as detailed below.

1 - The FRA submitted as part of this application is considered acceptable and proposed plans indicate mitigation and resiliency measures to comply with the above policy provisions.

2- All habitable floor space is provided at first floor level (at a minimum 7.32m AOD). As existing sleeping accommodation is positioned at 5.635m AOD, this results in habitable rooms at approximately 2.5m above the existing floor levels in the bungalow.

3 – Conditions are recommended to ensure the occupation of the dwelling only between 1st April and 30th September.

4 & 5 – Flood mitigation and resilience measures have been detailed as part of the submission, this includes improved foundations and footings, solid concrete blockwork walls as recommended by a structural engineer.

6 – A flood warning and evacuation plan has been submitted with application detailing the actions for occupants to take in an emergency.

7 - The proposed bungalow has a current floor area of approximately 70m<sup>2</sup> with two bedrooms. Proposed plans indicate a total habitable floor space of approximately 71m<sup>2</sup> (excluding the external balcony) which is not considered to be a material increase in the habitable accommodation provided within the dwelling. It is noted that the ground floor of the proposal allows a total floor area in excess of this figure, however the ground floor of the development comprises carport, storage areas and a bathroom only and is therefore not included in this figure.

As stated above a separate condition is recommended to ensure that the proposed replacement dwelling is only occupied between 1 April and 30 September in order for the proposed development to be safe for its lifetime and comply with DM18. In addition and for the avoidance of doubt, conditions are also recommended to ensure that the development is completed in accordance with the mitigation measures proposed within the flood risk assessment submitted as part of this application.

Overall, the proposal is therefore considered to comply with the relevant policies relating to flood risk. Subject to the conditions discussed above, the proposal complies with paragraphs 155-160 of the NPPF (2019), and Policy DM18 of the SADMPP (2019).

### **Form and Character**

Proposed plans indicate a two storey dwelling, with open fronted car ports at ground floor. All habitable accommodation is proposed at first floor with a low pitched roof above with a total height of 6.3m. The pitch of the roof is consistent with a number of dwellings in the wider locality.

A covered balcony is proposed across the rear of the property, with substantial glazing proposed on this west elevation of the dwelling providing an outlook towards the dunes and seafront. A number of dwellings in the wider locality benefit from existing balconies on the rear elevation and this element of the proposal is therefore considered unlikely to lead to a significant impact on the form and character of the area.

The proposed dwelling is indicated to be clad in cement boarding at first floor and with coloured render at ground floor. These materials are considered acceptable in principle given the range of materials in the wider street scene.

Comments were received from neighbouring dwellings in relation to the impact on the street scene and the impact of the style of the dwelling on the local vernacular. These comments are noted, however the proposed dwelling is not considered likely to lead to any significant impact on the street scene as a whole. Whilst taller than the existing dwelling and the neighbouring dwellings either side as a result of flood risk mitigation, the wider street scene comprises a broad mix of dwelling styles and heights. The immediate vicinity comprises a broad mix of styles and a wide range of external materials and the proposal is not considered likely to lead to any adverse impact on the form and character of the area as a whole.

The proposal is therefore considered to comply with paragraph 127 of the NPPF and policies CS08 and DM15 of the Local Plan.

### **Impact on Neighbours**

The dwelling is proposed approximately 1m from the north boundary of the site and 4m from the neighbouring dwelling (north). Whilst no closer than the existing bungalow in terms of footprint, as a two storey dwelling, with a height increase from 2.8m to 6.3m to ridge line, and approximately 4.8m to eaves, there is the potential for the proposed dwelling to lead to an increased impact in terms of overshadowing of this neighbouring dwelling's side elevation. The impact of the dwellings position to the south of this neighbour and the representations received are noted, however given the distances involved and the overall position of the dwelling within the plot, the proposal is considered unlikely to lead to a significant adverse impact in regards to overshadowing of this neighbouring property.

The proposed dwelling is approximately 4 metres north of the neighbour to the south. Given the orientation of the dwellings, and a height to eaves of approximately 4.8m, this is considered to be an acceptable distance to mitigate the potential for any adverse overbearing or overshadowing of this neighbour.

A condition is recommended to ensure that screening is erected on the side elevations of the proposed balcony to limit any potential loss of privacy for adjoining properties. Only high level roof lights are proposed on side elevations and, subject to this screening being constructed, the proposal is considered unlikely to lead to overlooking or any significant loss of privacy for these neighbouring dwellings.

Overall, the proposal is considered to comply with the design principles outlined in paragraph 127 of the NPPF and policies CS08 and DM15 of the Local Plan. The proposed replacement dwelling will not pose a significant adverse impact on the amenity of adjoining residents.

### **Other material considerations**

The dwelling retains parking on site in accordance with the required standard and the proposal has not drawn objections from the Local Highway Authority. South Beach itself is an unmade private track and will not be adversely impacted by the proposal.

The existing septic tank is proposed to be retained post-development which is considered acceptable considering that this is existing on site. Storm water is proposed to be directed to soakaways in accordance with the required standard.

In regards to protected species and ecology, as a replacement dwelling the proposal is considered unlikely to lead to an adverse impact on any designated site. The proposal is entirely within the existing curtilage and will not lead to a loss of habitats.

Neighbour representations commented on any impact on the dunes in relation to a proposed patio to the rear. This patio is shown on the existing site plan and no changes are indicated to be made as part of this application. Neighbours also comments on the potential for ground floor rooms to be converted to habitable use - this would be contrary to the FRA condition proposed to be included on the consent,

Comments have also been received also relating to the potential impact on surrounding dwellings during construction and the need for access. These comments are noted however these issues are civil matters and are not material planning considerations. Any impact on the private track as a result of construction traffic will also need to be dealt with separately.

The Parish Council objected on the basis that the proposal fails to comply with DM18. For the reasons outlined above, the Borough Council consider the proposed plans to accord with this policy and the principle of development is therefore considered acceptable.

The Heacham Neighbourhood Plan is due to go out for submission consultation on 6th April 2021. In accordance with paragraph 48 of the NPPF (2019), the Neighbourhood Plan Policies are considered to have limited weight at this stage of the consultation process.

There are no known crime and disorder impacts associated with this proposal.

### **CONCLUSION**

The proposed development is considered to comply with Policy DM18 in regards to the construction of replacement dwellings in the coastal flood risk hazard zone. Conditions are recommended to ensure that the proposal is only occupied between 1st April and 30th September each year to comply with this policy.

The dwelling is sufficiently distanced from neighbouring dwellings to minimise the potential for any adverse impact on adjoining properties and the overall design of the dwelling is considered to comply with policies CS08 and DM15 of the Local Plan.

The application is therefore recommended for approval.

## 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:
  - \*2013.PL.03 - Proposed Site Section & Elevations
  - \*2013.PL.02 - Proposed Plans, Sections, Elevations & Block Plan
  - \*2013,PL.01 - Location Plan
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The dwelling hereby permitted shall only be occupied between 1st April and 30<sup>th</sup> September in any given year.
- 3 Reason: For the avoidance of doubt and to prevent an adverse risk of flooding in accordance with the NPPF (2019) and DM18 of the SADMPP (2016).
- 4 Condition: The development hereby permitted shall be completed and retained in accordance with the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) written by Geoff Beel Consultancy, dated 23rd November 2020. In particular, the FRA states that:
  - \*Finished first floor levels will be set no lower than 7.32mAOD.
  - \*Flood resistance and resilient measures will be incorporated into the design.
  - \*There will be no habitable ground floor accommodation.
- 4 Reason: In order to prevent an increased risk of flooding in accordance with the principles of the NPPF.
- 5 Condition: The development hereby approved shall be carried out in accordance with the Flood Resilient Measures document dated 23rd November 2020 submitted as part of this application unless otherwise agreed in writing by the Local Planning Authority.
- 5 Reason: In order to prevent an increased risk of flooding in accordance with the principles of the NPPF.
- 6 Condition: The development hereby approved shall be carried out in accordance with the Flood Warning & Evacuation Plan written by Geoff Beel Consultancy dated November 2020 unless otherwise agreed in writing by the Local Planning Authority.
- 6 Reason: In order to prevent an increased risk of flooding in accordance with the principles of the NPPF.
- 7 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house, the enlargement of

the dwelling house consisting of an addition or alteration to its roof or the provision within the curtilage of the dwelling house of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission

- 7 Reason: In order that the Local Planning Authority may retain control over development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 8 Condition: Notwithstanding the details shown on the approved plan, prior to the first occupation of the dwelling hereby approved, 1.8m high obscure glazed screening shall be erected along the north and south side elevations of the proposed balcony shown on dwg No. 2013.PL.02, to the written satisfaction of the Local Planning Authority. The screens shall be retained and maintained as approved thereafter.
- 8 Reason: In the interests of the amenities of the locality in accordance with the NPPF.