

<b>Parish:</b>	<b>Burnham Market</b>	
<b>Proposal:</b>	<b>Proposed garden office</b>	
<b>Location:</b>	<b>7 Mill Yard Overy Road Burnham Market King's Lynn PE31 8HH</b>	
<b>Applicant:</b>	<b>Mrs Lucy Gordon Clark</b>	
<b>Case No:</b>	<b>21/00543/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr M Broughton</b>	<b>Date for Determination: 14 May 2021 Extension of Time Expiry Date: 15 October 2021</b>

**Reason for Referral to Planning Committee** – Referred to Planning Committee at the discretion of the Assistant Director.

**Neighbourhood Plan:** No

**Case Summary**

The land is situated on the north side of Mill Yard, Overy Road, Burnham Market, within the village boundary, Conservation Area and the designated Norfolk Coast AONB.

The application is for the construction of a detached, single storey, office / garage building on garden land at 7 Mill Yard, Burnham Market

**Key Issues**

- Principle of development and policy
- Form and Character and impact on the Conservation Area and AONB
- Impact on neighbour amenity
- Other material considerations

**Recommendation**

**APPROVE**

**THE APPLICATION**

The land is approximately 32m east of B1355 Bellamy's Lane, situated on the north side of Mill Yard, Burnham Market, with vehicular access shared from Bellamy's Lane serving the Mill Yard track (no through route) and row of dwellings situated therein.

The site comprises garden land, approximately 18m deep x 7.6m at its widest point, but decreasing to 6.2m at the extreme northern boundary. The garden land is associated with and effectively fronting, but off-set to the host dwelling at No 7 Mill Yard.

Set-back to the rear north-east side of the site is an existing detached timber garage 2.8m wide x 5.8m deep with a 3m high ridge oriented south / north. In the north-west corner is a detached timber storage shed 2m wide x 2.7m. Both are to be demolished.

Access into the garden is via a 5 bar timber gate on the south side. Low level ranch fencing forms the west boundary and a wall is sited on the rear north boundary. There is marker post and wire on the eastern boundary, but the latter is backed by neighbouring, close formatted 3m - 4m high conifers.

The application presents an amended scheme to that submitted originally and seeks to construct a detached, single storey, office / garage building on the aforementioned garden land. The building would be set-back into the site in L shaped format, with the larger portion of the structure (garage element) abutting the eastern side of the site and the office element to the north-west side.

It would be built on a brick plinth, clad with timber boarding and have a pan-tiled roof, with 2 velux in the rear northern roof plane. The ground floor area would measure 5.6m wide on its rear northern elevation and 8.2m in depth along its eastern side. The office portion is 4.25m in depth on the north-west elevation. The overall ridge height would be 4m with eaves level 2.4m.

Post and rail fencing is proposed to the eastern boundary. An apple tree in the south-west corner of the site would be retained.

Some high level planting has been added to the west and northern boundaries more recently, but does not form part of the application description.

## **SUPPORTING CASE**

The timber framed and pan-tiled structure (revised scheme) is intended to be an office / garage which can cater for all the storage and use requirements of the existing two sheds which would be removed from the site. The garden fronting the building retains the same depth.

- Objections do not have merit from a planning perspective.
- No intention to use or sell the building as a residence
- No plumbing envisaged - electricity only

## **PLANNING HISTORY**

20/00164/F: Permitted: 16/04/20 - Proposed extension and alterations - 7 Mill Yard, Overy Road, Burnham Market

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECTION:** The building is overdevelopment of the plot being both too large and too high impacting the neighbouring gardens and conservation area.

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**Local Highway Authority: NO OBJECTION:** Access into the site is unmade, parking limited and would be considered unsuitable to serve additional units/increased vehicle activity associated with independent occupation/use of the building, separate from the main dwelling.

If the building is genuinely ancillary, then the traffic levels should not increase. To ensure the building remains ancillary to the main dwelling, an appropriate condition should be appended in the interests of highway safety.

For the avoidance of doubt, the Highway Authority would seek to recommend refusal of any subsequent planning application seeking to remove the ancillary condition.

**Conservation Officer: NO OBJECTION:** This site lies within the Burnham Market Conservation Area and forms one of several independent gardens serving adjacent, but not connected to, host cottages. These gardens are characterised by informal planting of fruit trees, lawns and other planting, some better kept than others. Low key buildings such as timber garages and sheds are also to be found. This garden setting enhances the historic cottages to which they belong and make a positive contribution to the Burnham Market Conservation Area.

This garden already contains a timber garage and modest timber garden shed. The amended shape and position of the proposed studio will ensure that the garden sits around the building and the relationship between building and garden is far less eroded, especially if complimented by careful planting. This will allow the garden to retain a spacious feel and will reduce the harm this proposal could cause to the Burnham Market Conservation Area.

On the basis of the amended application, no further conservation objections.

**Norfolk Coast Partnership: NO OBJECTION:** Acknowledge some of the observations made regarding scale and the impact on the Conservation Area. However there will be limited impact to the wider landscape of the AONB so we have no major objections. Recommend condition and Informative re external lighting applied

**Natural England: NO OBJECTION:** Advice provided in our previous response applies equally to this amendment - we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

## REPRESENTATIONS

**TEN OBJECTIONS** submitted comprising:

- One objection – member of the public
- Four objections – individual neighbour dwellings
- Three objections – one neighbouring household
- Two objections - one neighbouring household

Overbearing - Overshadowing: Small lane characterised by small terraced cottages and small outbuildings. Overall scale (mass and height) will impact on nearby dwellings and garden amenity, is not in keeping with the locality and will set an undesirable precedent for further development in the Conservation area - a sensitive location

The new building is so close to the boundaries it would necessitate disruptive access to the neighbouring gardens, with inevitable, if temporary, loss of amenity and future maintenance issues. Gardens were formerly allotments and contain unobtrusive, single storey garages, garden sheds and small conservatories. In its present form, size, location, and orientation, the building is inappropriate

Revised proposal is seductive. It appears, on first examination, to have a significantly smaller impact than the previous application. However, on closer examination it is clear that it is little better, and in some ways worse, than its predecessor. Gross external square footage has increased from roughly 415 sq ft to 435 sq ft. and the building would dominate what has traditionally been a small, simple cottage garden. It would significantly diminish both the character of Mill Yard and the amenity of our garden.

Would dominate and block the light from neighbouring conservatory and garden, which is at the rear of the proposed office (north)

Re-consult time was insufficient to respond

- Note: A re-consultation period of 7 days was applied to all consultees (all of whom responded) and relevant persons in relation to the amended scheme (10 letters of objection as listed)

High beech trees have been planted along the applicant's side of the western boundary adjacent to the garden of No 5 whilst this planning application has been awaiting decision

- Note: The said boundary treatment is not considered in this application and is not development.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

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

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main planning considerations are:

- Principle of development and policy
- Form and Character and impact on the Conservation Area and AONB
- Impact on amenity
- Other considerations

### **Principle of development**

Mill Yard lies at the eastern end of the built-up area of Burnham Market, with access from Bellamy's Lane, in an area traditionally known as Burnham Ulph. It is within the Conservation Area and AONB.

The application seeks to construct an L shaped office / garage for personal use of the applicant in the garden of the dwelling (7 Mill Yard).

In principle, development in this location is acceptable if the proposal accords with the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and the Site Allocations and Development Management Policies Plan (SADMP) 2016. Due consideration is also given to the National Planning Policy Framework.

### **Form and Character and impact on the Conservation Area and AONB**

Mill Yard, on the eastern side of Bellamy's Lane (formerly Norton Lane) is an unmade, no through track serving the 2 storey, 18th century terraced cottages of traditional style therein, numbered 1-3, 4,5,6 and 7, sited on the south side of the track, with No 1-3 at the eastern most end of the track.

This range of cottages are undesignated heritage assets within the Burnham Market Conservation Area. Their location and the informal access track add to the character of the conservation area, albeit not detailed in the village conservation character statement.

On the northern side of the track are the elongated gardens to the cottages, historically on 1886 ordnance and other mapping, and, as reported, considered to be former vegetable plots.

At the entrance to Mill Yard on the junction with the north side of Bellamy's Lane lies, in good shape, a detached aged building, purported to be a former grain store for the post-mill and set-back from that building, is the relatively modern Lettes dwelling, accessed from Bellamy's Lane, but forming the junction plot with Mill Yard.

Thereafter lie the aforementioned gardens from west to east: No 5, No 7, No 6, No 4 and the combined garden of No 1-3 at the eastern end of the track. The gardens are out of sequence in relation to the dwellings and also, in relation to Nos 5, 7 and 6, the gardens are off-set from the dwelling frontages.

The plan GA01 Revision 4 identifies boldly the garden in question. The garden on the western side of the site is that of No 5, equally as narrow as that of No 7, and which abuts the site of Lettes dwelling, whilst that on the east side is garden of No 6 and 4 respectively, with garden for No 1-3 the larger garden area at the eastern-most end of the track. Thus:

- The garden to No 5 has hedge west abutting Lettes dwelling, low wall south to Mill Yard and fence to the east boundary, a fruit tree on site and a shed at its north-western edge. Backing this garden, and part of the adjacent No 7, are trees and hedge – providing a degree of screening on that boundary from the dwelling sited north at 2 Bellamys Lane.
- The garden to No 7 is ranch fenced to abut No 5, with a fruit tree on site and set-back a garage and shed on its northern end - as previously described – giving the impression of an L shaped format, albeit both buildings are detached.
- The garden to No 6 has 3m - 4m high conifers on its west boundary with No 7, is overgrown by brambles, a greenhouse at the northern end and a garage of similar proportions to that existing on site No 5, but more central to the said site.
- There are a mix of outbuildings on or fronting gardens to No 4 and 1-3 including 2 small brick former outdoor or privy style builds.
- Lettes dwelling has a low wall forming its Mill Yard south boundary. With hedge on its eastern boundary with No 5 and a substantial tree in the south-east corner of its garden, a fair degree of view of Mill Yard gardens is screened to a passer-by on Bellamys Lane.

On the south side, prior to the row of cottages and partly fronting the lane, lie Louisa and Beatrix Barns (converted barns to dwellings) but with access from Bellamy's Lane and private gardens encompassed by wall along Bellamys Lane and Overy Road.

A modern 2 storey detached dwelling (2 Bellamys Lane) with conservatory on its rear eastern elevation abuts the northern side of the proposal site, where the land is at a higher level than the said garden land of No 7 and the boundary is a relatively modern wall.

Given the above, it is evident that there are outbuildings of varying scale within the gardens setting. It is also evident that the site is contained by existing development.

There is a requirement to preserve or enhance the character or appearance of the conservation area.

Whilst the quaintness of Mill Yard is recognised in conjunction with the dwellings, the historic fabric of the row of dwellings is unaffected.

The structure is to be timber clad with pan-tiles and is considered to be of a low key style, constructed in materials which would not undermine the rural character of the village and taking the ground floor area proposed being similar to that existing in visual terms, then the proposal is not considered over-development of the site.

Each case is viewed on its own merit. Given its set-back siting, layout and screening available (landscaping at Leetes dwelling), it is unlikely it will create any adverse appearance on the setting of the Conservation Area or AONB. Public views into the gardens of Mill Yard are restricted by Leetes dwelling hedge and tree and in terms of overall views, there would be marginal visual impact on the locality or neighbouring sites.

The Conservation Officer and NCP Officer raise no objection to the amended scheme.

The proposal would therefore comply with the NPPF, Policy CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

## **Impact on amenity**

The existing detached garage and detached shed on the garden (in L shaped format) are to be demolished. The amended scheme shows the ground floor area and siting of the proposed L shaped garage / office overlaying the existing buildings and is not dissimilar in format, though it is greater in floor area at the rear north edge of the garden. There would be no change to in 'open' garden area than that fronting the existing garage.

The proposed ground floor of the building would measure 5.6m wide on its rear northern elevation and 8.2m in depth along its eastern side, the latter approximately 0.5m clearance along the majority of the 3-4m high conifer boundary with No 6.

The office portion is 4.25m in depth on the north-west corner and that section of the building would be approximately 0.4m - 0.6m from the boundary with No 5. Overall ridge height would be 4m with eaves level 2.4m high all round.

Apart from the double timber garage doors (south), two pedestrian doors are proposed in conjunction with 2 cottage style windows (west elevation of the garage element and south elevation of the office element).

The neighbouring garden to no 5 (west) is set to lawn, as is No 7, and approximately 7.5m wide x 18m deep. Given orientation, scale, design and layout, with just 2.45m of the proposed building in close proximity to the boundary at the northern most end of the site, it is highly unlikely the proposal, to any great extent, will create overbearing or overshadowing of the garden of No 5 given the limited scale and form of the building. Whilst there are windows to the building, given current access to gardens and boundary treatment there is already view into and from each garden.

The neighbouring garden (east) No 6 has high level conifers on the boundary, thus views of the proposed building will be limited, with no likely overbearing, and given orientation no overshadowing issues.

The neighbouring garden on the north side at 2 Bellamy's Lane is at a distinctly higher level than the proposal site. The proposal includes a splayed northern roof plane to off-set the build against the boundary. Thus there will be no significant loss of light to that dwelling. There is no right to a view from one site to the other and given scale and layout, the proposed building is unlikely to create any adverse impact on that dwelling.

The use proposed is personal to the applicant for office, garage and storage purposes and can be conditioned accordingly.

Notwithstanding the 4m high ridge height, eaves level is kept to 2.4m. Given the dimensions, design, set-back and relatively low level eaves height, it is considered impact on surrounding dwellings would be minimal, ensuring the garden still retains a spacious feel.

Building works are only temporary and land access will be a matter between site owners.

On the basis of the above, the proposal would therefore comply with the NPPF, Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

## **Other Considerations:**

Highways:

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There is no loss of on-site parking, no additional vehicular movements proposed and this proposal should not affect highway movements onto Bellamy's Road. A condition would be imposed so that the development remains ancillary to the use of the dwelling and not for business or commercial purposes. The Local Highway Authority raises an objection as a result.

Lighting:

This locality is AONB. Development proposals that include external lighting can cause light pollution which could be harmful to the dark skies which characterise this part of Norfolk.

In conjunction with the National Planning Policy Framework Clause 125, the Norfolk County Council's Environmental Lighting Zones Policy recognises the importance of preserving dark landscapes and dark skies.

The application has not identified any outdoor lighting. Any future outdoor lighting associated with the development would require application. No objection has been received from North Coast Partnership nor Natural England.

Crime and disorder:

There are no known crime and disorder issues associated with this site or proposal

## **CONCLUSION:**

Historically, a garage and a shed have been present in the current location over a number of years

It is considered that the proposed office / garage is of an acceptable design and scale, which does not overdevelop the site, which will not impact adversely on the character and appearance of the locality or neighbour amenity and would not create a detrimental impact upon the Conservation Area or AONB.

Overall, the proposal is considered to be in accordance with the requirements of the Core Strategy 2011, the Site Allocations and Development Management Policies Plan (SADMP) 2016, as well as the National Planning Policy Framework. It is therefore recommended this application 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 plan:

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\* Block plan, roof plan, elevations and layout – drawing GA01 REV 4 – receipt dated 11/08/21.

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The use of the garden office / garage building hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling (7 Mill Yard) and shall at no time be used for any permanent residential occupancy, nor for any business or commercial purposes.
- 3 Reason: In the interests of highway safety and residential amenity, in accordance with the NPPF.
- 4 Condition: No lighting to the exterior of the building hereby approved shall be allowed without a detailed lighting scheme being submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.
- 4 Reason: In the interests of 'dark skies' and the overall amenity of this locality, in accordance with the NPPF, Policy CS12 of the Core Strategy 2011 and Policy DM15 of the SADMP 2016.
- 5 Condition: No development above ground level shall take place on any external surface of the garden building hereby permitted until samples of the brick, timber and roofing tile have been made available on site for inspection by the Local Planning Authority and subsequently approved in writing. 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 Policy CS12 of the Core Strategy 2011