

Parish:	East Rudham	
Proposal:	Proposed new residential dwelling	
Location:	Land Adjacent To 54 Bagthorpe Road East Rudham King's Lynn PE31 8RA	
Applicant:	The Property And Land Company Ltd	
Case No:	21/01373/F (Full Application)	
Case Officer:	Mr C Fry	Date for Determination: 1 September 2021

Reason for Referral to Planning Committee – called in by Cllr Morley

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for the erection of a 1 ½ storey chalet detached dwelling with parking. Lying on the eastern side of Bagthorpe Road, the site is accessed via a gravel drive that also serves ex-authority semi-detached properties within a cul-de-sac setting.

The application site is contained within the development boundary of East Rudham which is Key Rural Service Centre.

Key Issues

- Principle of Development
- Impact upon Visual Amenity
- Impact upon Neighbour Amenity
- Highway Safety
- Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

The application site lies within the development boundary of East Rudham, a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy 2011.

The site is on the eastern side of Bagthorpe Road and is served by a gravel driveway. The site is currently waste grassland with hedging to the front (west) and southern boundaries. Two trees are located towards the front of the site, behind the hedge.

The application originally sought consent for a two storey detached dwelling which would be constructed in red brick. That proposed dwelling scales 8.3m (h) x 9m (d) x 8.9m (w).

The application now seeks consent for a 1 ½ storey dwelling which scales 7.2m (h) x 9m (d) x 8.9m (w). The property would be constructed from Hampton Rural Blend Brickwork, Orange pantile and grey upvc windows. Other features to note in the design of the dwelling include a storm porch and header treatments above the ground floor windows. The property would benefit from parking to the front and garden to the rear.

SUPPORTING CASE

No Design and Access Statements are required for this scale of development.

PLANNING HISTORY

17/00045/PREAPP: INFORMAL - Likely to approve: 11/05/17 - PRE- APPLICATION FULL (WITH CONSULTATIONS): Erection of 2 storey dwelling

RESPONSE TO CONSULTATION

Parish Council:

NO COMMENT received at time of report in regard to the amended 1 ½ storey scheme.

Original proposal

NO OBJECTION to the original 2 storey dwelling scheme

Highways Authority: NO COMMENT received at time of report regarding the amended 1 ½ storey scheme.

Original proposal

NO OBJECTION subject to conditions regarding the original 2 storey scheme.

Arboricultural Officer: NO COMMENT received at time of report in regard to the amended 1 ½ storey scheme.

Original proposal

NO OBJECTION please condition in accordance with the arb report regarding the original 2 storey scheme.

Environmental Health & Housing – Environmental Quality: No comment received regarding the 1 ½ storey scheme.

Original proposal

No comment to make regarding contaminated land when consulted on the original 2 storey scheme.

Natural England: NO COMMENT to make on the application. Natural England has not assessed the application in terms of the impacts on protected species.

REPRESENTATIONS

1 OBJECTION letter of representation regarding the amended scheme

- Nowhere for building lorries and materials to come in and out the one shared driveway. Our access in and out could be blocked, the road would be full of construction vehicles causing further obstruction on the road.
- There is also enough houses in the cul-de-sac and would crowd an already small area.
- Parking for construction vehicles would also be an issue
- Noise would also be an issue
- Safety for children in the cul-de-sac is still a concern as there is only one way in and out which is where they walk.
- Emergency vehicles would also have trouble coming in and out if there are lots of construction vehicles.
- Overlooking issues
- This house would look out place being a different style

5 OBJECTION letters of representation regarding the original scheme stating the following:-

- The plans cause overbearing issues upon an adjacent property, which will also cause a loss of natural light and sunlight, and the rights of people to enjoy their homes and privacy
- The access to this property will be over and un-adopted track regularly used by children from at least three families
- As a long standing resident I am aware of the long standing issues in relation to drainage in the cul-de-sac.
- Damage to the unmade road
- May prevent or prohibit access to my property
- Noise
- Concerns over boundary hedge
- Potential overlooking
- Small entry and exit to existing properties
- Blockage in driveway from construction vehicles
- Size and appearance does not match the existing properties. The grey upvc and Hampton Rural Blend would have a negative impact on the character and appearance of the existing 1930s ex local authority dwellings
- Can the sewerage system take the extra waste

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

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 Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

PLANNING CONSIDERATIONS

The main planning considerations in regards to the application are:-

1. Principle of Development
2. Impact upon Visual Amenity
3. Impact upon Neighbour Amenity
4. Highway Safety
5. Other Material Considerations

Principle of Development

The site lies within the development boundary of East Rudham. East Rudham is a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core strategy. Development within Key Rural Service Centres of this scale (1 dwelling) is acceptable. Thus, subject to other material considerations the proposal could be supported.

Impact upon Visual Amenity

The proposed site comprises of grassland to the side of a two storey ex-authority dwelling. Within the cul-de-sac, from which the site is accessed, there are 2 storey ex-authority semi-detached dwellings with parking to the front and side. Each property has similar sized amenity spaces. Dwellings to the south of the site comprise of two storey detached dwellings on wide, deep ample sized plots. Dwellings are set well back from the road. The properties

in the area are constructed from pantiles, mixed red/orange buff brick with white upvc windows and doors.

The proposed 1 ½ storey detached dwelling would be sited in front of no.54 Bagthorpe Road, one of a pair of two-storey semi-detached dwellings in the cul-de-sac. The property would be constructed from UPVC (grey) windows and doors, Hampton Rural Blend (irregular surfaced multi-tone brick in red) and Norfolk Pantiles. The property would face up the gravel drive (westerly direction) and have its ridge line perpendicular to the driveway. Parking would be provided to the front of the proposed dwelling.

The dwelling would be alien to the form of dwelling (detached) found within the cul-de-sac but, such dwellings are found in the wider locality on Bagthorpe Road so on balance, the form of dwelling is acceptable. However, those detached dwellings on Bagthorpe Road, are on much larger, deeper and wider plots, compared to this dwelling which is being shoehorned into the corner of the cul-de-sac, sitting forward of the building line of no.54. Fundamentally, the proposal is cramped and unduly prominent within the cul-de-sac contrary to the established character of detached dwellings in the locality.

The agent draws reference to a pre-application in 2017 that reported that a two storey dwelling on the site could be supported if presented formally. That pre-application detailed a dwelling set further back on the site with a projection to the front flanking the southern boundary.

Since the 2017 pre-application, the government has placed greater emphasis on good design. Paragraph 128 of the NPPF states that LPAs need to prepare design guides and codes to set out design expectations but in the absence of such local design guides and codes, paragraph 129 of the NPPF, states that the National Design Guide and National Model Design Code should be used to guide decisions on such applications

The National Model Design Guide states that (Paragraph 53) well designed new development is influenced by, amongst other things, the characteristics of the existing built form, this includes the height, scale and massing and relationships between buildings and in this case, for the reasons stated above the proposal would not advocate good design principles, contrary to paragraphs 126,128,129 of the NPPF and the Council Design Policies CS08 of the Core Strategy 2011 and DM15 of the Site Allocation and Development Management Policies Plan 2016.

Impact upon Neighbour Amenity

The proposed dwelling is sited in front and to the south west of no.54 Bagthorpe Road. Notwithstanding that the proposed dwelling has been reduced in height by 1m, it remains at its closest point the proposed dwelling would only be 5.8m from this neighbour's front elevation. This separation distance is unacceptable and would cause the neighbour detrimental overbearing issues upon the enjoyment of their habitable rooms that face towards the proposed dwelling. The proposed property would also cast shadow into the rooms at the front of no.54 to such a degree that would warrant a refusal of the application. This neighbour would not be overlooked as there are no windows proposed at ground or first floor in the northern elevation of the proposed property.

The adjoining dwelling to no.54 would not be detrimentally affected by the proposed dwelling given the proposed dwelling's siting and scale.

The proposed dwelling causes no detrimental impact upon the neighbour to the south, no. 40 Bagthorpe Road. The hedgerow along the southern boundary will screen any views from ground floor windows into this neighbour's garden and there is over 30m between first floor

windows in the proposed dwelling and the windows in this neighbouring property. Albeit the proposed dwelling is adjacent to the shared boundary with no.40 Bagthorpe Road, it is towards the very rear of their long garden. Being sited to the north of the neighbour the dwelling would not cause any overshadowing into this neighbour's garden. There are no neighbours to the east or west of the site that would be materially affected by the proposal.

Given the close proximity and unneighbourly siting of the proposed dwelling and its resultant impact on No 54, the proposal would not comply with Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

Highway Safety

The proposed property is served by 2 parking spaces to the front of it. This accords with NCC standards.

The officer's recommended condition that the access onto Bagthorpe Road to be widened to 4.5m to NCC standards could be imposed.

Other Material Considerations

An established hedgerow forms the southern boundary of the site. Hedges and trees are also evident towards the front of the site. A small group of trees in the garden of no.54 and two other trees are located immediately off-site that could be affected by the proposal.

From the arboricultural report that has accompanied the application, the two trees and hedgerow to the front of the site would need to be removed to facilitate the parking. The hedgerow that forms the southern boundary would also need to be cut back. The trees offsite would not be impacted by the development.

The Arboricultural Officer has no objection to the proposal and requests that a condition be imposed that the development will be carried out in accordance with the arboricultural report.

Bar the hedges that form the front and the southern boundaries of the site, there are no redeeming features on or off site that would require a protected species report. It is advised that should Members wish to approve the application, that the works to the hedgerows are conducted outside of the bird nesting season (Bird nesting March-August inclusive).

The site is contained in flood zone 1. Surface and foul water drainage information can be requested by way of condition.

The Environmental Quality Officer has no objection to the proposal in terms of contaminated land.

CONCLUSION

Notwithstanding the pre-application that was submitted in 2017 stating that a 2 storey dwelling would likely to gain officer's support if presented formally, the government in the interim period has placed greater emphasis on achieving good design through the publication of the National Design Code and National Design Guides.

The proposed dwelling is not considered to advocate the good design principles within the Guides and Codes. The dwelling being a 1 ½ storey detached dwelling shoehorned into a corner of the cul-de-sac on a small plot and sited in unduly prominent in a forward position of no.54 causes a visual amenity issue within the cul-de-sac and contrary to the character of

development in the wider locality where detached dwellings are sited on large ample plots. Additionally, the siting and scale of the dwelling will result in overbearing and overshadowing issues upon the adjacent neighbour at no.54 to such a degree that the proposal would be an unneighbourly form of development.

The proposal is therefore recommended refusal for the following reasons.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposal, due to the form, scale and siting forward of the neighbouring properties, would result in dwelling that would appear cramped and overly prominent form of development contrary to the established form and character of the cul-de sac and the wider locality. The proposal therefore fails to comply with Policies CS02, CS06 and CS08 of the Local Development Framework Core Strategy 2011; Policy DM15 of the Site Allocation and Development Management Policies Plan and paragraphs 126,129,130 and 134 of the NPPF
- 2 The proposal by virtue of its scale and siting in relation to no.54 Bagthorpe would cause detrimental overshadowing and overbearing issues upon this neighbour. The proposal therefore fails to comply with CS08 of the Local Development Framework Core Strategy 2011; Policy DM15 of the Site Allocation and Development Management and paragraphs 126,129,130 and 134 of the NPPF