

Parish:	Burnham Market	
Proposal:	Variation of condition 2 of planning permission 17/02079/F to amend drawings	
Location:	25 Front Street Burnham Market King's Lynn Norfolk PE31 8EJ	
Applicant:	WW Properties (East Anglia) Limited	
Case No:	21/02121/F (Full Application)	
Case Officer:	Bradley Downes	Date for Determination: 1 February 2022

Reason for Referral to Planning Committee – Parish Council objection contrary to planning officer recommendation Sifting Panel chose not to delegate decision

Neighbourhood Plan: No

Case Summary

The application is retrospective for the variation of condition 2 of 17/02079/F, to make alterations to the approved plans to match what has been constructed on site. The most significant alterations include increased depth and different external materials of the single storey rear portion of the dwelling, change of the eastern balcony on the rear to a juliet balcony, balcony fenestrations altered from glass balustrade to steel railings, and a revised internal floor layout. These changes will be set out in more detail below. The application site lies on the north side of Front Street within Burnham Market conservation area, and lies opposite listed buildings along the south of Front Street.

Key Issues

- Principle of development
- Form and character
- Impact on neighbour amenity
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application is retrospective for the variation of condition 2 of 17/02079/F, to make alterations to the approved plans to match what has been constructed on site. The most significant alterations include increased depth and different external materials of the single storey rear portion of the dwelling, change of the eastern balcony on the rear to a juliet

balcony, balcony fenestrations altered from glass balustrade to steel railings, and a revised internal floor layout. These changes will be set out in more detail below. The application site lies on the north side of Front Street within Burnham Market Conservation area, and lies opposite Listed Buildings along the south of Front Street.

Permission was granted under 17/00630/F for the dwelling, and the design later amended under 17/02079/F. The development was then carried out with some further changes which this application is seeking to regularise. As such, at this stage it is only the changes to the design of the dwelling which are to be considered under this application.

SUPPORTING CASE

None submitted

PLANNING HISTORY

17/02079/F: Application Permitted: Delegated Decision: 03/01/18 - Variation of condition 2 of planning permission 17/00630/F (Construction of a dwelling and car port/outbuilding): To vary previously approved drawings - Julers Yard, 21 Front Street, Burnham Market

17/00630/F: Application Permitted: Delegated Decision: 13/10/17 - Construction of dwelling and car port/outbuilding. - Julers Yard 21 Front Street, Burnham Market

RESPONSE TO CONSULTATION

Parish Council: OBJECTION on the following grounds

Considered that the noise and privacy to neighbouring properties is concerning. Neighbours have objected to the living accommodation on the first floor. A more traditional layout on the ground floor would be more in keeping.

Conservation Officer: NO OBJECTION on the following grounds

The amendments will have no impact on the street scene or the conservation area.

REPRESENTATIONS

2 Letters were received which raise **OBJECTIONS** to the application as follows:

- This variation differs substantially from 17/02079/F where all living accommodation other than bedrooms and baths were at ground floor.
- The proposed first floor living accommodation significantly overlooks the garden of neighbouring properties, including patio and summer house in Whimbrel's garden.
- No. 27 Front Street and to some extent Creake Cottage, 30 North Street are also detrimentally overlooked by the property.
- Because living room is at first floor, there will be a loss of privacy and being readily overlooked throughout the day.
- The doors at first floor on the rear now serve lounge and dining rooms. As a result they will have a higher frequency of use during the day and more commonly occupied by larger numbers of people. As such social gatherings/music/tv with open doors at first

floor level will result in higher than usual noise carry resulting in noise pollution and disturbance.

- Screening to the east side balcony has not been installed as required by condition under 17/02079/F
- The railing to west side balcony has been removed allowing the flat-roof space has to be used for social activity, resulting in substantially greater overlooking impacts.
- It is foreseeable that the occupants would continue to use the flat roof for social purposes. External lighting has been installed either side of the first floor door, causing further concern about the intended future use of the flat roof.
- If permission is to be granted, recommend conditions to re-instate balcony screening of up 1.4m to the east side balcony, re-instate the barrier to the west side balcony, restrict access to the flat roof and to remove the external lighting.
- What has been constructed has resulted in a kitchen and living area facing directly into a bedroom window opposite which is approximately 7m away. There is now no privacy in our bedroom as the kitchen is a much more used and social part of the house as opposed to the previously approved bedroom. Kitchen should be reinstated towards the rear.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

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

Principle of Development

The subject site has existing permission for the construction of a dwelling under 17/00630/F and 17/02079/F which has been substantially completed. This application seeks retrospective permission for changes to the design of the dwelling.

The consideration of this application therefore is limited to the merits of the proposed amendments. The principle of making amendments to the design of a residential dwelling is considered acceptable.

Form and Character

The application involves alterations to the approved scheme as follows. Single-storey rear portion of the dwelling increasing in depth from 3m to 3.5m. The previously approved full balcony with glazed balustrade to the east side of the rear elevation has instead been constructed as a juliet balcony with a steel railing. A new finish is proposed to the single-storey rear portion; rather than full height glazing all around, it has been constructed with natural painted timber boarding to the east and west elevations with full height glazing along the rear elevation still. The internal floor layout has been amended so that the majority of bedrooms are now situated at ground floor and living room / kitchen etc at first floor. However, as set out in more detail below this element is beyond planning control. Lastly, the larger roof light window has been reduced from 4 panes to 2.

All of the proposed alterations are proposed at the rear of the dwelling and would not be easily visible from Front Street. The conservation officer raised no objections to the proposal and subsequently it is considered the alterations would not have any significant adverse impact on the character and appearance of the conservation area or the setting or significance of any nearby listed buildings. The development is therefore considered to comply with Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).

Impact on residential amenity

It is considered the enlargement of the rear single-storey portion to approximately 3.5m from its original 3.0m, its change of materials to timber cladding, and the reduction in size of the largest roof light are not considered to have any significant impacts on residential amenity.

The proposed alterations to the balconies and internal floor layout are where the most concerns have been raised. It is considered changing the full balcony with glazed screening on the east side to a juliet style balcony with metal railing will not have any significant increase in its capacity to overlook neighbouring property to the east. It was previously considered that maintaining the obscure glazed balustrade would reduce the perception of overlooking, but since the approved glass balustrades were only approximately 0.8m in height, ultimately there is no material mitigation achieved by them remaining obscured. Therefore, it is considered the change from obscure glazed balustrade to steel railings (east balcony railing approximately 1m in height while west balcony remains approximately 0.8m), would not have any additional overlooking impact on the neighbours to the east and west.

Regarding the changes to the internal floor layout, concern is raised that rooms more commonly used during the day such as living room and kitchen are now set at first-floor level, and that this will lead to greater noise disturbance and overlooking opportunities throughout the day. The internal floor layout and arrangement of rooms in a residential dwelling are not a material consideration, as internal works are not taken to be development for the purposes of planning and the layout could be re-arranged again freely at any time without the need for planning permission. Therefore, the alterations to the internal floor layout of the dwelling to put bedrooms at ground floor and living room / kitchen etc at first-floor do not require consideration in this application as the change could have been carried out without planning permission.

Another concern raised by third party responses was the window to window relationship with No. 28 to the south, whose front elevation lies approximately 7m away from the front elevation of the proposed dwelling. Front Street is a relatively narrow street with many existing close front window to window relationships. In any case, as it has been established above that the internal layout is not a material planning consideration and the actual design and positioning of the windows on the front elevation is unchanged from the existing

approval, there would not be any additional overlooking impact on the front elevation of No. 28.

Some external lighting has been installed either side of the juliet balcony and a third party considers this should be removed to discourage use of the flat roof as a balcony space. However, this form of domestic lighting does not need planning permission, and is not part of this application.

Some conditions have been suggested by a third-party response. It is considered that to insist on a 1.4m high screen to each juliet balcony would not be a reasonable condition as the existing approval has no such requirement. Third party concerns have also mentioned that there has been use of the single storey flat roof space for social activity. This space was not permitted to be a balcony under the previous permission and it would not be necessary to impose a condition to restrict the use of the flat roof space, because to do so would amount to the creation of a new balcony and require planning permission in its own right. It is considered with the proposed steel railing in place, the resulting juliet balcony on the west side would not have any significant additional overlooking impact on the neighbour to the west when compared with the existing permission.

While it is noted there are some concerns with the proposed alterations, it has been carefully considered above that there would not be any detrimental impact on residential amenity over and above the existing approved scheme. As such, the proposed development is considered to maintain a satisfactory standard of amenity for neighbouring occupiers in accordance with Policy DM15 of the SADMPP 2016.

Specific comments or issues:

Many of the conditions on the 17/02079/F decision notice are now redundant as the development is complete. The remaining 6 conditions proposed (though in an amended form), are still considered relevant and necessary to impose on the development.

CONCLUSION

The proposed minor alterations to the dwelling as built will not have any adverse impacts on the character and appearance of the street scene, conservation area, or the setting or significance of any nearby listed buildings. It is considered the proposed alterations to the balconies on the rear of the dwelling would not have any additional impact on residential amenity over and above that already approved. Other alterations to the design of the dwelling are also not considered to have any material impact on residential amenity.

As such, it is considered the proposed dwelling is in accordance with Policy DM15 of the SADMPP 2016, Policies CS06, CS08 and CS12 of the Core Strategy 2011, and in accordance with the NPPF. It is recommended that the Planning Committee approve this application.

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:-
 - Proposed Plans and Elevations - drawing no. 1916-02A dated February 2022

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- Proposed Site Plan - drawing no. 102 dated October 2017 (see 17/02079/F)

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The use of the outbuilding building hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used as an independent unit of residential accommodation or for business or commercial purposes.
- 2 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.
- 3 Condition: Vehicular access shall be retained at the position shown on the approved plan 330-102 dated October 2017 (see 17/02029/F) in accordance with the highway specification drawing No: TRAD 1.
- 3 Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 4 Condition: No part of the proposed structure (to include fascia board/rainwater guttering) shall overhang or encroach upon highway land and no gate/door/ground floor window shall open outwards over the highway.
- 4 Reason: In the interests of highway safety.
- 5 Condition: The approved access / on-site car parking shall be retained in accordance with the approved plan 330-102 dated October 2017 (see 17/02029/F) for that specific use.
- 5 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.