

## AGENDA ITEM : 8/3(f)

<b>Parish:</b>	<b>Tilney St Lawrence</b>	
<b>Proposal:</b>	<b>Proposed residential bungalow</b>	
<b>Location:</b>	<b>Land North of Ifields 46 High Road Tilney cum Islington Norfolk PE34 3BN</b>	
<b>Applicant:</b>	<b>Mr Vincent</b>	
<b>Case No:</b>	<b>21/01411/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Clare Harpham</b>	<b>Date for Determination: 30 September 2021 Extension of Time Expiry Date: 11 April 2022</b>

**Reason for Referral to Planning Committee** – The officer recommendation is at variance with the Parish Council who object to the proposal.

**Neighbourhood Plan:** No

### Case Summary

The application relates to a site on the eastern side of High Road, Tilney cum Islington. Tilney cum Islington is defined as a 'Smaller Village and Hamlet' within the settlement hierarchy of the Core Strategy.

Full planning permission is sought for the erection of a single storey detached dwelling.

### Key Issues

- Principle of development
- Design, form and character
- Neighbour amenity
- Highways Issues
- Flood Risk
- Other material considerations

### Recommendation

**APPROVE**

## THE APPLICATION

The application site is located at the southern end of Tilney Cum Islington and the regular shaped plot is sited on the eastern side of the High Road.

The site is currently utilised as garden land in association with the donor dwelling, and is laid to grass. The donor dwelling is located to the south of the application site and the site is

currently bounded to the northern boundary by a 1.8m (approx.) which drops down to approx. 1.2m to the front of the neighbouring dwelling. To the front boundary (west) is a domestic hedge and the site is open to the southern boundary and the donor dwelling. To the rear boundary (east) is a watercourse which has some low growing vegetation.

The area is predominantly residential in character with two storey semi-detached dwellings on the western side of the road; and the character along the eastern side is more varied, with terraced and semi-detached properties which are both single and two-storey.

The application is for full planning permission for a single storey dwelling.

## **SUPPORTING CASE**

I write in regard to application reference 21/01411/F. The planning application comprises of the erection of a three-bedroom bungalow within the residential garden curtilage of my clients dwelling.

I would firstly like to address the comments from the parish, one regarding the flood zone. The Environment Agency has confirmed that they have no objection to the proposal and has made 2no. recommendations which the design has included.

The Parish also mentions over development of the site, to which the scale of the property has been reduced in size and height previously and has been recommended for approval by the Planning Officer. We have worked extremely closely with the Planning Officer and taken all comments on board in amending the design to reduce overshadowing, overbearing and overdevelopment of the proposed site.

The design of the property has been duly thought out, especially in consideration of the neighbour and their south-facing ground floor windows, which is why we haven't proposed a chalet bungalow or a two-storey dwelling. The design is proportionate to the site; there is ample off-road parking that complies with NCC parking standards and still plenty of private garden to the rear overlooking the stunning views.

Natural England, NCC, Water Management Alliance and the Environment Agency have all either recommended approval or have no comments. The planning officer has also recommended approval.

Site sections have also been produced for comparison to be made between the proposed property and adjacent properties. The findings confirm that there will not be any opportunity to overlook the northern neighbour given that the dwelling is single storey, has a hip roof to keep the ridge as low as possible and there is a distance of approximately 4.7m between the properties.

I would like to express strongly that the proposal is very much in keeping with the surrounding area and what a positive impact we believe the proposal would have on the street scene.

## **PLANNING HISTORY**

17/01165/F: Application Permitted: 23/08/17 - Demolition of existing garages for proposed single storey extension and internal alterations – Ifields 46 High Road Tilney cum Islington

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** for the following reasons:

- A single storey property in a floodplain is inadvisable.
- Overdevelopment of the site.

**Highways Authority: NO OBJECTION** No highways related concerns, conditions are recommended relating to the access, visibility splay and parking / turning area.

**Environment Agency: NO OBJECTION** It is for the LPA to determine whether the Sequential Test needs to be applied and then if required the Exception Test. With regard to the Exception Test the LPA must be satisfied with the safety of people and their ability to reach safety including flood evacuation (we recommend your emergency planner is consulted).

**Emergency Planning: NO OBJECTION** due to the location in an area at risk of flooding the occupants are advised to prepare a flood evacuation plan and sign up to the EA Flood Warning system.

**Internal Drainage Board:** Comments received as follows:-

There is a Board Adopted watercourse, Mill Basin (DRN137P0101), adjacent to the (rear) eastern site boundary, and the applicant intends to erect a fence along the eastern, southern and northern site boundary within 9 metres of this watercourse. Consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

It is indicated that surface water drainage will be to soakaway, if this is not possible and water is then discharged to a watercourse then consent will be required under Byelaw 3 and consent is likely to be conditional on payment of a Surface Water Development Contribution fee.

We note that foul drainage is indicated to a package treatment plant. If the applicant wishes to discharge treated water to a watercourse this will require consent under Byelaw 3 and if the proposed outfall is to the Board maintained drain (along eastern boundary) then consent will also be required to relax Byelaw 10.

We are not aware of any riparian watercourses within or adjacent to the site boundaries. Should the proposal involve the alteration of an existing watercourse this will require consent under Byelaw 4 and the Land Drainage Act 1991.

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** with respect to the above planning application. Information from BCKLWN archives suggests no historic contamination. The site is currently used as a residential garden and has not been known to be contaminated or suspected of being, as highlighted on the application form. A screening assessment form submitted with this application described the site existing ground cover as grassy with concrete driveway, with the existing bungalow on site having a pantile roof. Surrounding boundaries are made up of hedgerows and close boarded fencing. Out-buildings are made up of timber clad façades and corrugated roofing sheets and concrete pantiles.

While the site may not be suspected of contamination according to the information provided, there is suspicion, however, over the corrugated roofing sheet possibly containing asbestos. If this is the case, then it is requested the Asbestos Informative may apply should the permission be granted

**Natural England:** No comment to make, please refer to Standing Advice.

## **REPRESENTATIONS**

Four letters of **OBJECTION** from the same neighbour to the immediate north:-

- Have a right to light and will overshadow main living area and bedroom.
- Will overshadow garden in the afternoon.
- The effect of a new build on the foundations of our property.
- The applicant owns land on the other side of their bungalow and so could build there.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

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

**DM2** – Development Boundaries

**DM3** - Development in the Smaller Villages and Hamlets

**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 issues to consider when determining this application are as follows:

- Principle of development
- Design, form and character
- Neighbour amenity
- Highways Issues
- Flood Risk
- Other material considerations

### **Principle of Development**

The application is for full planning permission for a single storey detached dwelling with a hipped roof.

Tilney cum Islington is classed as a Small Village and Hamlet within Policy CS02 (Settlement Hierarchy) of the Core Strategy 2011 and as such does not have a development boundary. As such development is limited to that identified as suitable within Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP) 2016. Within this policy it states that 'in Smaller Villages and Hamlets, infilling in accordance with Policy DM3 will also be permitted...'

Policy DM3 of the SADMPP states with regard to housing that 'the sensitive infilling of small gaps within an otherwise continuously built up frontage will be permitted in Smaller Villages and Hamlets where:

- The development is appropriate to the scale and character of the group of buildings and its surroundings; and
- It will not fill a gap which provides a positive contribution to the landscape.

The proposed development would comply with Policy DM3 in that it will result in the infilling of a small gap in a continuous linear form of development, and the proposed dwelling would be in character with the locality.

Therefore, the proposal is considered acceptable in principle and would comply with the principles of the NPPF, and Policies DM2 and DM3 of the SADMPP.

### **Design, Form and Character**

High Road is characterised by a variety of dwelling types, with two storey semi-detached dwellings immediately opposite the site on the western side of High Road. Immediately to the south of the proposed dwelling is a single storey dwelling which is within the ownership of the applicants, and to the immediate north are a pair of two-storey semi-detached dwellings.

Therefore, whilst the development along the high road is linear in form, there is a mix of two-storey and single storey dwellings, as well as a mix of detached and semi-detached properties with a small number of terraced properties further north.

The size of the application site is similar to the plots immediately to the north of the application site; albeit they have two-storey semi-detached dwellings sited upon them; and

there is an objection from the Parish Council that the proposal is overdevelopment of the site.

The proposed bungalow will take up the much of the width of the site, however this is not dissimilar to the dwelling immediately to the north, or some of the dwellings further north along the High Road. There is room for parking and turning to the front, which is a similar arrangement to the immediate neighbour to the north.

The bungalow itself is L-shaped with a hipped roof, with the shorter side adjacent to the dwelling to the north. The width of the front elevation would be 11.60m (width of plot 14.43m), with the side elevation (north) measuring 8.61m and the side elevation (south) measuring 12.77m. This is not considered overdevelopment of the plot, with off road parking and private amenity space provided (rear garden depth between 12.80m and 14.40m).

The proposal is considered to be acceptable in terms of design and scale with regard to the other dwellings in the locality and therefore would comply with para 130 of the NPPF and Policies CS06 and CS08 of the Core Strategy 2011.

### **Neighbour Amenity**

The impact upon the neighbour to the north and the donor dwelling to the south has been considered.

The neighbour to the north has three windows within its ground floor side (southern) elevation, two of which that serve its living room. It does have one window serving the same room to the northern elevation (within an existing single storey projection to the front), however the majority of this room is served by the two south facing side windows.

The proposed bungalow will sit directly to the south of these windows, however amended plans were received during the course of the application to mitigate against amenity issues to this neighbour. The neighbouring window closer to the front of the house would be 4.25m away from the side elevation of the proposed bungalow and the window nearer to the rear would be 4.50m at the closest point to the bungalow, however the majority of the proposal would be 8.0m from this side window. A section has also been submitted (drawing 21-P36-PL003B) that demonstrates that, even when the raised floor levels are accounted for, the proposed hipped roof will help mitigate against loss of light to these habitable rooms. Whilst there will undoubtedly be some impact when the sun is low in the sky and after midday, it is not considered that the impact would be to the degree that would warrant a refusal due to loss of light. Similarly the proposal is directly south of a first floor bedroom window, but there would be minimal impact upon this habitable room due to the distance of the roofline from this window due to the hipped roof. Permitted development rights will be removed to ensure that an additional storey is not added in future which could overshadow the neighbours windows.

Given the height to the eaves (2.65m) and the distance to the neighbours windows (4.25m at its closest) the proposal is not considered to be overbearing on this neighbour.

There would be one side window within the rear projection which would face north towards this neighbour, which would serve a kitchen (not a habitable room for planning purposes) and this would be 5.20m from the boundary and 8.0m from the side of the neighbours dwelling. This is not considered to cause material overlooking towards the neighbour.

The proposed dwelling is to have raised finished floor levels (500mm above existing ground levels), and will be accessed by a ramped access to the front of the dwelling and the rear

patio will be raised on the southern side (0.35m). This is considered at a sufficient distance and height that it would not require additional screening to reduce any potential overlooking towards the neighbour to the north.

This neighbour has objected to the proposal due to loss of light to their habitable rooms and garden. The impact upon the habitable rooms has been addressed above, but it is not considered there would be any material impact upon the rear garden due to the orientation and distance of the proposed bungalow to the boundary at the rear of the neighbour's house. The garden to the side of the neighbour's dwelling does not look like it is used as a sitting area, as it has a water-butt and oil tank in situ.

This neighbour has also objected on the grounds that building close to their dwelling may have an impact upon their foundations. There are engineering solutions to the construction of foundations, however this is a civil matter and not a reason to refuse the application.

There is also an objection as the donor dwelling owns land on the other side of their bungalow and the neighbour states it would be better built there. The application as submitted is in this location (between Ifields (no.46) and no.50 and needs to be considered as such.

The impact upon the donor dwelling (bungalow) to the south has also been considered. The bungalow has no windows in its side elevation. The proposal would be sited 1.8m to the north of this dwelling but there would be no material impact with regard to overlooking or overshadowing due to the orientation of the proposal with this dwelling. The raised patio behind the proposed bungalow would be adjacent to the proposed 1.8m boundary fence, however it will be screened by the outbuildings within the donor dwellings rear garden and therefore no further screening is proposed. Whilst the long side elevation (12.77m) of the bungalow is in relatively close proximity to the donor bungalow it is not considered to be overbearing given its mainly adjacent to a blank gable wall. The proposal would not have a detrimental impact with regard to amenity on the donor dwelling.

Overall, whilst there will be some impact upon the neighbour to the north with regard to overshadowing, the proposal is not considered to warrant a refusal on this basis given the distance from the habitable windows, and the hipped roof which helps mitigate against the impact. The proposal is therefore considered to comply with para 130 of the NPPF and Policy DM15 of the SADMPP 2016.

### **Highways Issues**

The proposal would incorporate new access into the application site and there are no objections to the proposal from the Highways Officer subject to conditions relating to the creation of the access and parking area and the provision of a visibility splay.

The proposal is therefore considered acceptable with regard to highways considerations.

### **Flood Risk**

The application site is located within flood zone 3 of the SFRA and a Tidal Hazard Mapping area where should there be a breach the site could flood up to depths of 0.25m. There are no objections from the Environment Agency to the proposal based upon the submitted FRA, provided conditions are in place to secure the finished floor levels and flood resilience measures.

Whilst the EA have no objection, the LPA still need to apply the sequential and exceptions test. The aim of the sequential test aims to steer new development to areas with the lowest probability of flooding. Within the village there are sites at a lesser risk of flooding.

The current proposal is for a single dwelling and therefore sites which could accommodate a single dwelling have been considered when applying the Sequential Test. There are no alternative sites available for a single dwelling within a lower flood zone within Tilney Cum Islington and therefore the sequential test is passed.

Whilst the sequential test is passed the site is also required to pass the exception test.

The Exception test requires development to:-

- provide wider sustainability benefits to the community that outweigh flood risk, and
- That the development will be safe in its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In terms of wider sustainability benefits to the community, the development will provide an additional dwelling within a part of the village where residential development is acceptable. The Environment Agency have confirmed that the site-specific Flood Risk Assessment is acceptable and that the dwelling can be made safe for its lifetime. The proposal is therefore considered to pass the Exception Test.

The proposal is therefore considered acceptable with regard to flood risk.

### **Other material considerations**

The proposal seeks to dispose of surface water via soakaway and foul drainage via a package treatment plant. Both of these is acceptable however consent may be required if treated water is required to be disposed of via a watercourse. This procedure is separate to planning and an informative will be placed on any decision notice to ensure the applicant is aware of all other consents required.

The IDB have also noted that the watercourse to the end of the rear garden (along the eastern boundary) is a Board maintained drain. Therefore to erect any fencing within 9 metres of this drain will also require a relaxation of Byelaw 10 for which the applicant will be made aware within the informative.

There are no objections to the proposal from Environmental Quality.

There are no comments from Natural England and no ecology details were requested in line with the Standing Advice given by Natural England.

### **Crime and Disorder**

There are no issues arising with regard to crime and disorder as a result of this planning application.



## CONCLUSION

The proposed single storey dwelling is considered to represent sustainable development in line with Local Plan Policies. It would be in character with the form and character of the area and would not cause amenity issues to the degree that would warrant a refusal. The proposal is in accordance with the principles of the NPPF, Policies CS06, CS08, CS09 and CS11 of the Core Strategy 2011 and Policies DM2, DM3, DM15 and DM17 of the SADMPP 2016 and as such it is 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 21-P36-PL002H and 21-P36-PL003B received by the LPA on the 7th February 2022.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first occupation of the development hereby permitted the vehicular access crossing over the verge/footway shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification (TRAD 2) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 3 Reason To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.
- 4 Condition Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 4 Reason In the interests of highway safety in accordance with the principles of the NPPF.
- 5 Condition Prior to the first occupation of the development hereby permitted the proposed access/on-site car parking /turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

- 5 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 6 Condition The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (ECL0544/SWANN EDWARDS ARCHITECTURE) by Ellingham Consulting Ltd:-
- Finished floor levels will be set no lower than 0.5m above existing ground level; and
  - Flood resilient measures will be incorporated up to 300 mm above finished floor levels.
- 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 AA and Class B 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 of a dwellinghouse by construction of additional storeys, and additions etc to the roof of a dwellinghouse, shall not be allowed without the granting of specific planning permission.
- 7 Reason In order that the Local Planning Authority may retain control of the development which might be detrimental to the amenities of the neighbour if otherwise allowed by the mentioned Order.