

Parish:	Docking	
Proposal:	Front and rear garden landscaping works, including new garden shed and cabins.	
Location:	Sunnydene Well Street Docking KINGS LYNN	
Applicant:	Mr Chatfield	
Case No:	22/00793/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 25 July 2022 Extension of Time Expiry Date: 12 September 2022

Reason for Referral to Planning Committee – Called in by Councillor Sandell.

Neighbourhood Plan: No

Case Summary

This application relates to Sunnydene, a semi-detached dwelling located on Well Street in Docking. The site is located within the Conservation Area. The proposal is for various landscaping works to the plot, mostly to the rear alongside new outbuildings providing ancillary space to the existing dwelling.

Key Issues

Principle of Development and site history
 Form and Character
 Impact on Neighbour Amenity
 Any other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site consists of a recently completed semi-detached dwelling with the associated rear garden of the plot. The site is within Docking, with neighbouring dwellings to the north/west and south/east and woodland to the north-north/east. New residential development has recently been approved beyond this woodland under ref: 21/02252/F and associated applications. The site also falls within Docking Conservation Area.

This application seeks permission for various landscaping and three separate outbuildings within the garden land to the rear of the house. This includes land that has recently been

permitted as garden land to the end of the plot under a planning permission ref 21/02374/CU. The application also originally included a hot tub which has since been removed from the scheme.

SUPPORTING CASE

None received at time of writing.

PLANNING HISTORY

21/02374/CU: Application Permitted: 10/02/22 - Change of Use from Woodland to Residential land for use with 2 New Properties granted under permission 19/02125/F

21/02061/F: Application Withdrawn: 13/12/21 - VARIATION OF CONDITION 2 AND 5 OF PLANNING PERMISSION 19/02125/F: Demolition of existing dwelling and construction of two semi-detached dwellings

19/00175/TREECA: Tree Application - No objection: 03/12/19 - T1 - Willow - Fell - Replant x 2 with native hardwood

19/02125/F: Application Permitted: 06/02/20 - Demolition of existing dwelling and construction of two semi-detached dwellings

RESPONSE TO CONSULTATION

Parish Council: OBJECTS for the following reasons:

The Parish Council discussed this application at its meeting last night and the decision which was made unanimously was to OBJECT this application. Reasons for the objection are:

- This property is within a conservation area and the plans are not sympathetic.
- When the land was transferred over it was woodland and the restrictions stated it should remain and structures should not be installed. Woodland that had been in place for years on this site has already been removed so it is no longer a woodland, why does such a small space need to be laid to concrete and three wooden out buildings installed? The plans will create a concrete jungle in what was a lovely woodland habitat.
- Did the applicant have permission to remove all of the trees which were in the woodland?
- The placement of the hot tub is in close proximity to the outdoor living space of neighbours and this could cause noise and nuisance.

For these reasons the Parish Council believe that this should be turned down, new trees planted in the woodland area and more sympathetic landscaping be placed in the original garden area due to the conservation area.

Highways Authority: NO OBJECTION

Conservation Officer: NO OBJECTION

Following confirmation of a front boundary hedge and no loss of trees to the rear the conservation team raise no objection.

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Arboricultural Officer: NO OBJECTION

REPRESENTATIONS ONE public **OBJECTION** comment regarding:

- Impact on the Docking Conservation Area
- the proposed development seeks to hard landscape almost the entire garden area with a mix of modern materials which are entirely at odds with the previously verdant green setting of this part of the Docking Conservation Area (CA)
- Even though the majority of the proposed works are contained within the rear garden area of Sunnysdene, the harsh landscaping and buildings will be visible from outside the site and erode what was once part of the important green buffer between the CA and residential allocation of Docking. This would result in harm to the Docking CA where there are no public benefits to outweigh it in the planning balance.
- The proposal is clearly contrary to Policies CS06, CS08, and CS12 of the Council's Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMP) (2016) and the NPPF.
- Impact on Residential Amenity
- Impact on residential amenity and the enjoyment of their own property from the enclosed hot tub area adjacent to the shared boundary, as well as the proposed garden buildings. The garden space has been designed with socialising and entertaining in mind, which although not an issue in itself, has the potential to result in significant noise and disturbance to immediate neighbouring properties if used regularly and during unsocial hours.
- Hot tub is to be sited immediately adjacent to the shared boundary fence and has a raised decking area; this could cause overlooking.
- Given the rear area of the garden has already been terraced, the height of the proposed James cabin and Olaf shed to be sited immediately adjacent to the shared boundary will cause overbearing and overshadowing.
- Queries raised over roof pitch of outbuildings.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

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 considerations are:

Principle of development and site history

Form and character

Impact on neighbour amenity

Any other material considerations

Principle of Development and site history

The application relates to garden land within an existing residential plot. Whilst larger than originally approved, the extension to garden land (not curtilage) was approved under application reference: 21/02374/CU.

There is various enforcement and planning history for this site. Of most relevance is planning permission 21/02374/CU which permitted the change of use of a small parcel of land to the end of the plot into garden and included a condition removing permitted development rights for outbuildings. The condition was attached in order to retain control over development within this area of land in the interests of the amenities of the locality

The first enforcement investigation established that no trees were removed on the site.

The second investigation established that works had commenced on site in breach of Condition 3 attached to planning permission 21/02374/CU. This application arises as a result of that investigation and is part retrospective in nature.

Planning Practice Guidance states;

“A local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application (section 73A of the Town and Country Planning Act 1990) without delay.”

The agent and applicant were advised to submit an application, and this is now before members for a decision.

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Form and Character

This application proposes various different elements which will be discussed in turn. To the front boundary, a fence with undulating heights would be installed, ranging from 1.9m to 0.8m at the highest and lowest points. In front of this, hedging is shown to be planted which would be secured by condition should the application be approved. Behind the fence/hedge, the proposed site plan indicates sleepers arranged to the edge of the parking area. The Conservation Team raise no objection to this front boundary and especially note the hedging as a positive feature. The main dwelling is a newer addition and whilst the proposed front boundary is a unique and more contemporary design, it relates suitably to the main dwelling and in turn the locality. As such, this front element of the works is considered to be visually acceptable and in keeping with the main dwelling and therefore the locality as well as the Conservation Area.

To the rear, the boundary treatment includes 'slatted wood fencing' which is shown as 1.8m and 1.6m. This includes an area with a row of 6 pleached trees. Closest to the main dwelling, a new patio area would extend into the garden with an area of shingle, flint and planting to the north/west. This area of the site originally included a hot tub but has since been removed from the scheme. Further to the rear of the garden, a retaining wall has been created in render with a ramp and steps and the garden beyond is therefore raised by approximately 0.4m. A raised bed and oak framed pergola is located at the top of the ramp/step with a further patio area beyond. To the north/west of this patio the 'James cabin' is present which is a timber, flat roof outbuilding with a mostly glazed front measuring approximately 2.8m by 3.8m. To the north corner of the plot, a small mono pitched shed is proposed measuring approximately 1.9m by 2m. An existing apple tree is located to the side of this building as well as a further gravel and planted area. To the side of this, towards the north east corner, a further outbuilding is proposed. This is the largest of the buildings and would be constructed in timber with a flat roof and measures approximately 4.8m by 3.2m. This is an open front outbuilding that would face into the internal garden area.

The site would become an extensively landscaped garden with mostly paved and gravelled areas alongside the proposed outbuildings. However, the works are domestic in scale and leave ample open space within the plot. The works would be well screened from the wider area by the main dwelling to the front, side and rear boundary treatments as well as a large area of trees to the rear. The Conservation Team does not object to the works to the rear and no trees are removed as a result of the scheme. Should any tree works be required, a separate application for tree works in a Conservation Area would be required. It is considered that the proposed works present an ancillary development to the residential dwelling and the wider visual impact to the works to the rear would be limited. As such, there would be no harm to the wider Conservation Area and the rear garden would be suitably designed in regard to the main dwelling.

The proposal complies with Policies CS08 and CS12 of the Core Strategy 2011 as well as DM15 of the Site Allocations and Development Management policies Plan 2016.

Impact on Neighbour Amenity

It is not considered that there would be any significant or adverse harm to neighbour amenity as a result of the development. The proposed hot tub and raised decked area surrounding it has been removed from the scheme thereby removing any potential noise and overlooking impact. The outbuildings would be either flat or mono pitched and single storey. As such, whilst close to boundaries they would not extend much over the height of the boundary treatment and they would be well separated from neighbouring dwellings. As a result, there would be no overbearing or overshadowing impact to the detriment of neighbour amenity.

The works as a whole are clearly ancillary additions to the existing garden space of an existing dwelling. There is no intensification of a use and the new outbuildings are considered to be acceptable additions given this existing use of the land.

The proposal therefore complies with Policies CS08 and CS12 of the Core Strategy 2011 as well as DM15 of the Site Allocations and Development Management policies Plan 2016.

Any Other Material Considerations

With regard to parking and highway safety, the Local Highway Authority raise no objection to the development.

Parish Council and Public Objection

Regarding impact on the Conservation Area, the Conservation Team raise no objection to the development, and it is therefore considered to have an acceptable impact. Whilst the comments relating to covenants on the land are noted, any potential breach of those covenants is a civil matter. The Arboricultural officer also raises no objection based on impact on trees and previous enforcement history shows no unauthorised removal of trees. The hot tub has been removed from the scheme and neighbour amenity has been addressed in the above report.

CONCLUSION

Overall, it is considered that the works to the front and rear of the property relate suitably to the context of the newer main dwelling. The new boundary to the front would be softened with hedging which has received no objection from the Conservation team. The works to the rear, whilst extensive, are considered to relate suitably to the main dwelling and plot. The wider visual impact is very limited due to the screening present and the impact on the Conservation Area is considered to be acceptable. The neighbour amenity impact of the proposed is also considered to be acceptable. The hot tub and raised surround have been removed from the scheme leaving outbuildings and a garden space that are considered ancillary to the residential use of the main dwelling. It is therefore considered that there would not be an adverse impact on neighbour amenity.

As such, the proposed development is considered to comply with Policies CS08 and CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management policies Plan 2016 as well as the NPPF.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Reason: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Condition: 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 Reason: The development hereby permitted shall be carried out in accordance with the following approved plans:

* PROPOSED SITE PLAN, Drawing Number: 20001 C

* PROPOSED ELEVATIONS & 3D IMAGE, Drawing Number: 20001 A

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- * OLAF SHED, Drawing Number: XXXXX-NIA-A-XX-DR-A-20005 A
- * PROPOSED JAMES LOG CABIN, Drawing Number: 20003
- * PROPOSED KONSTANTIN LOG CABIN, Drawing Number: 20004.

- 2 Condition: For the avoidance of doubt and in the interests of proper planning.
- 3 Reason: The front boundary hedge shall be planted as detailed on drawing number: 20001 C. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. The hedge and any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 3 Condition: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.