

**AGENDA ITEM NO. 9/2(b)**

<b>Parish:</b>	<b>Burnham Overy</b>	
<b>Proposal:</b>	<b>The proposal is for replacement dwelling on the site of a 1970s bungalow.</b>	
<b>Location:</b>	<b>Furusato Wells Road Burnham Overy Staithe King's Lynn PE31 8JH</b>	
<b>Applicant:</b>	<b>Mr And Mrs D Mackenzie</b>	
<b>Case No:</b>	<b>23/01516/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 16 October 2023 Extension of Time Expiry Date: 9 February 2024</b>

**Reason for Referral to Planning Committee** – Officer Recommendation is Contrary to Parish Council Recommendation and Referred by Sifting Panel

**Neighbourhood Plan:** No

**Case Summary**

Full planning permission is sought for a replacement dwelling including an integrated annexe.

The site is located on the northern side of Wells Road in Burnham Overy Staithe, which is classified as a Rural Village in the Settlement Hierarchy (CS02.)

The site is dissected in approximately a 40:60 split with the southern 40% of the site, where the existing dwelling is located, falling within the development boundary and the northern 60% lying outside of the development boundary.

The site accommodates a 1.5 storey detached dwelling which is located within the front (southern) part of the site. The existing dwelling is of no particular architectural merit.

The site has residential uses to its west, east and south and countryside to the north.

The site lies within Burnham Over Staithe's Conservation Area and the North Norfolk Coast National Landscape (formally known as the Area Outstanding Natural Beauty.)

The northern part of the site lies within Flood Zones 2 and 3, whilst the southern part, where both the existing and proposed dwellings are located, lies within Flood Zone 1.

The site is bounded by a mixture of garden wall, close boarded timber fencing and hedging / garden planting.

## **Key Issues**

Principle of Development  
Form and Character and Impact on Conservation Area and National Landscape  
Neighbour Amenity  
Highway Safety  
Flood Risk and Drainage  
Landscaping and Trees  
Ecology  
Crime and Disorder  
Other Material Considerations

## **Recommendation**

**APPROVE**

## **THE APPLICATION**

Full planning permission is sought for a replacement dwelling including an integrated annexe.

The existing dwelling is 1.5 storey dwelling and built from common brick under a Norfolk pantile roof. The dwelling is of no particular architectural merit.

The proposed dwelling is a two-storey unashamedly modern dwelling with south facing single storey courtyards enclosed by flint walls and timber walkways. The two-storey elements of the house step up beyond these southern elements with the first-floor material being Corton under a pitched sedum roof running east/west and a flat roof to the north which would accommodate photovoltaic panels behind a low parapet. The north elevation is more broken up than the southern with a two storey rear projection framing the first-floor terrace which both conceals views from the Homestead to the west as well as preventing overlooking to it. The house has Corten steel colonnades which provide covered seating areas at ground floor level. The remainder of the house is fronted by a timber pergola further breaking up the building's silhouette.

The proposed dwelling would provide the following:

At ground floor level

- Garage, storage and plant contained within a flat roofed entrance structure that would have solar panels on the roof
- Entrance hall
- Boot room
- Utility
- Snug
- Open plan kitchen and dining area
- Living area
- WC
- Larder
- Outdoor terraces

At first floor level

- 3 ensuite bedrooms
- Internal seating area
- External seating area

and an integrated annexe / guest accommodation comprising:

At ground floor level

- Open plan kitchen, dining and living area
- A larder
- 1 bedroom with closet and bathroom
- Outdoor terraces

At first floor level

- A home office

There is a door connecting the annexe to the main dwelling at both ground and first floor level.

The site has residential uses to its west, east and south and countryside to the north.

The site lies within Burnham Over Staithe's Conservation Area and the North Norfolk Coast National Landscape (formally known as the Area Outstanding Natural Beauty.)

The northern part of the site lies within Flood Zones 2 and 3, whilst the southern part, where both the existing and proposed dwellings are located lies within Flood Zone 1.

The site is bounded by a mixture of garden wall, close boarded timber fencing and hedging / garden planting.

## **SUPPORTING CASE**

*APPLICANT'S STATEMENT* We love Burnham Over Staithe and agree that preserving the character of the village is very important, as is preserving the beauty of the coast path, however if we rebuild Furusato according to the current plans, we do not believe there will be a negative impact on either.

My husband and I are confident that we can build a beautiful modern house and create a beautiful garden (using the services of a talented young landscape designer) that will enhance the property. We also feel that if we were to go back to the drawing board and redesign another modern house using different materials there is a good chance it would still not appeal to some of the neighbours.

We acknowledge that the house is large but it is slightly smaller than the Arboretum which is also quite visible from the coast path and it is about the same size as another prominent modern house, Westering, the first house one sees as one enters BOS from the west. There is a concern about the view of the house from the coast path, however there is a lot of screening in front of our house, indeed quite a lot more than the surrounding houses, and we intend to plant more trees and shrubs in the garden and along the north in keeping with our "ecology first" landscape plan. We love a nice garden and value green space, and while we would like to have unobstructed views of the marsh and creek, we understand this is a uniquely beautiful conservation area and so we will be planting more trees, not just for our

benefit, but for the people walking past the property along the coast path, which we ourselves do daily.

The village comprises many different architectural styles and nowhere is this more on show than from the coast path with the varied and eclectic houses of different sizes, periods and materials all sitting in harmony with each other and we believe the new Furusato will blend sympathetically with its neighbours and echo the landscape with its earth coloured structure and green sedum roof.

While there have been a number of objections to our plan we have also had quite a lot of in person support from people locally.

*AGENT'S STATEMENT:* This house is one of a number of houses designed by our award-winning practice which, though treated in a contemporary manner relates closely and responds to the specific characteristics of the site.

*Position:* Whereas the existing house sits closer to Wells Road than neighbouring properties we believe that placing the new house more in line with these houses makes more sense. A subsidiary north wing creates privacy to north facing terraces and prevents overlooking between the Furusato and the Homestead

*Scale and form:* The proposed house is two stories in keeping with other buildings in this location. It is only 800mm higher than the existing bungalow and 100mm higher than the Arboretum to the west. The massing, as seen from the north, is broken up and stepped creating a varied silhouette. This variation is further enhanced by using the different materials of flint, corten and timber.

*Visibility:* From the north there is existing screening along the northern boundary which conceals and reveals the house similar to other houses adjacent. Like the existing bungalow it will be mostly concealed by vegetation as seen from the south and Wells Road.

*Materials:* These have been chosen in sympathy to local materials. Flint is familiar and commonly used in the area. Corten has similar tones, texture and colour to a red Norfolk brick; however, it is lighter weight and with less carbon footprint. As architects we have used this successfully on various coastal sites, one not far away in Blakeney and one in Jersey on the sea front. It is non-toxic and does not pollute ground water. Corten is steel that self-seals by oxidation providing a protective layer of rust. The Arboretum similarly uses a mixed palette of materials in a contemporary manner namely flint, metal cladding and timber.

Light spill will be contained by shutters.

*Energy:* The house is designed to be low energy with photovoltaic panels (concealed by parapet wall on the south side of the house), an air source heat pump (placed away from neighbouring properties) and highly insulated walls and roof.

## **PLANNING HISTORY**

No recent relevant history.

## **RESPONSE TO CONSULTATION**

**Parish Council:** **OBJECT** to the application and amendments because of the following:

1. Development extending beyond the village development boundary. It would set a significant negative precedent.
2. Significant harm to the character of the conservation area when viewed from the sea wall (primary view) and from other locations in the village due to massing, materials (especially Corten steel facades) and monolithic design.
3. It is misleading to use the term “replacement dwelling” as there are clearly 2 units on the plans.

The Burnham Overy Parish Council also reiterates its previous objections:

1. The Borough Council’s site Allocations and Development Management Policies Plan Policy DM2 seeks to limit new development in rural areas. The proposal is therefore not in accordance with the development boundary.
2. The Parish Council are very concerned that if this planning application is allowed to extend over the village envelope boundary, then this will set a precedent for other properties in the village and many other villages along the coast of this county.
3. The plans for the building sets out that this house will be split into two separate dwellings. This should be a condition that it is not to be used as a separate house or annex.
4. The house is very large and overbearing (with consideration to the Coastal footpath in the AONB)
5. The materials are not in keeping within the parish conservation statement. The materials, particularly the Corten steel facade, add to the dominant and discordant appearance and are not in keeping with the conservation area.
6. The property will be visible from the coastal footpath which is in an AONB and conservation area. The proposed house would be very visible and the intrusive design will dominate a sensitive view from the footpath along the sea wall, which is walked more than 100,000 times a year and currently looks towards a visually compact and coherent conservation area.
7. National Planning Policy Framework (NPPF) Clause 180c and Norfolk County Council’s Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies.

**Highways Authority: NO OBJECTION** subject to conditions relating to parking and turning provision and no obstruction of near channel edge of carriageway.

**PROW: NO OBJECTION** Although Burnham Overy Footpath 13 is in the vicinity, it does not appear to be affected by the proposals.

**Conservation Officer: NO OBJECTION** Furasato lies within the Burnham Overy Staithe Conservation Area. It is situated on a mature plot with good vegetation screening from the main Wells Road. It is also a good size plot. The site and the existing chalet bungalow are visible from the Norfolk Coast Path.

From the coast path there are a number of different styles of dwelling, some with Dutch gables, some with dormer windows and some with a mix of hip and pitch gables. At some points indeed the metal roof of the modern building called ‘The Arboretum’ is also visible. While most of these buildings, excepting The Arboretum, are constructed of traditional materials, they share a similar form, that of the long rectangular shape with varying extensions and alterations. Indeed, The Arboretum also follows this same form.

While the existing chalet bungalow on the site uses these same traditional materials, it does not make a positive contribution to the view back into the conservation area. Indeed, the best that can be said of it is it makes a neutral contribution. From Wells Road and inside the conservation area, the scale of the building is rather awkward being neither the long

rectangle form nor the smaller cottage form and again, it at best makes a neutral contribution to the street scene.

The principle of a replacement building on this site is therefore accepted.

The replacement building proposed within this application is strikingly modern in its use of materials. However, the form of the building takes the long rectangle, so familiar in Burnham Overy Staithe as its base. The long uninterrupted roof line is not dissimilar to the Sandgate Cottages opposite the site. The rear projection is a familiar form found along the coast and indeed on houses throughout the Borough. The height of the proposed building is higher than the existing but only by just over half a metre. It is moved further back into the site which will further reduce the perception of height within the conservation area street scene.

The materials used are striking. However, they do have some resonances with the traditional materials found within the conservation area. The use of flint is common and the Corten steel echoes the colour palette of the traditional Norfolk Red brick tones. The overall effect is a building which takes a similar form to that found elsewhere within the conservation area, it uses materials which are complimentary to those found throughout the conservation area and will not be too dissimilar in height to the existing building. However, given the orientation of the building and the additional length, the building will appear more dominant on the plot but, due to the already mature vegetation on the front of the site, the lines of the roof will be visibly broken up and the building will not be dominating within the street scene.

This being said, sedum roofs are always a cause for concern and in coastal areas where the weather is noticeably harsher, these do have a tendency to fail more quickly. Similarly, the use of Corten steel has also been considered to have a lesser life span in coastal areas. The agent should be certain before the application is approved, that the details proposed in this application are able to be built, and that the materials are suitable for the location proposed.

Landscaping will also be key to this proposal. While the desire for a view is acknowledged, landscaping could be used at the front and rear of the plot to reduce the impact of the building and assimilate it more quickly into the landscape. A suitable landscaping scheme should be submitted, and I am content that this is able to be a condition on any application.

The conservation team therefore do not object to the proposal. However, should the materials need to be altered following the application, this would water down the proposal and create a design which is no longer acceptable. The long elevations are only considered to be appropriate due to the use of Corten which mirrors the colour palette of brick. Other finishes such as timber would be out of keeping with the conservation area and create an overly dominant building despite the accepted forms of the proposed building. The agent should therefore be certain that the materials are able to be used successfully in the location proposed.

As it currently stands, we consider the proposal to be in line with paragraphs 130, 199 and 200 of the NPPF. You should therefore undertake the planning balance as required by paragraph 202 of the NPPF.

**Environment Agency (EA): NO OBJECTION.** The EA recommends some conditions and states that the applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres from a fluvial main river and from any flood defence structure or culvert or 16 metres from a tidal main river and from any flood defence structure or culvert.

**Internal Drainage Board: NO COMMENTS TO MAKE**

**Emergency Planning Officer: NO OBJECTION** Recommends a condition requiring applicant sign up to the EA's flood warning system and produce a flood evacuation plan.

**Natural England: NO OBJECTION** Natural England considers that the proposed development will not have significant adverse impact on statutorily protected nature conservation sites or landscapes.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION.** Recommends informatives be appended to any permission granted relating to burning wood and coal and asbestos.

**Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION.** I no longer have any concerns regarding pool filtration / circulation.

I request conditions relating to the following are appended to any decision issued:

- External lighting details
- Air Source Heat Pump details
- Incidental use (pool and pickle court)
- Construction Hours
- Construction Workers Parking

and informatives relating to:

- Noise, Dust and Smoke from Clearing, Demolition and Construction Work
- Burner and flue/chimney

**Anglian Water: NO OBJECTION** We can confirm that there is a 150mm foul sewer within the area of the proposed layout plan. The easement required for this sewer is 3m from the centre line of the sewer. If this easement cannot be achieved, we would recommend that the applicant consults Anglian Water direct and speaks to our local drainage team to discuss a potential build over agreement.

**Arboricultural Officer: NO OBJECTION** Although there will be a minor impact to the local landscape of the area, principally in views from the Norfolk Coastal path, by the removal of low and medium quality trees, this can be adequately compensated for by new-landscaping and tree planting. I have no objection to this proposal subject to conditions for protection of existing trees and landscaping including new tree planting. I have considered the siting and layout of the proposed new building, demolition of the existing building and the arboricultural information submitted by the applicant in the arboricultural impact assessment report by Norfolk Wildlife Services.

**Senior Ecologist: NO OBJECTION.** Recommend conditions relating to planting and lighting.

**Norfolk Constabulary: NO OBJECTION** The following recommendations are made:

- Unobserved parking areas are not advised
- Secure boundaries are preferable and should not provide stepping platform opportunities
- Lighting should be carefully designed to work in harmony with natural surveillance
- The home should be designed to incorporate physical security elements.

**Norfolk Fire & Rescue: NO OBJECTION** Draws the applicant's attention to Building Control requirements.

**Conservation Area Advisory Panel: OBJECT** The Panel felt in principle a replacement dwelling on the site would be appropriate. The Panel felt the size and scale of the dwelling would be appropriate but felt the materials used were inappropriate and felt it should be more in keeping with materials found locally and elsewhere in the conservation area and were therefore unable to support the application.

## REPRESENTATIONS

**FIFTY+** letters of **OBJECTION** have been received. The reasons for objection can be summarised as:

- The preapplication advice was factually incorrect to state that the site lied within the development boundary
- The proposed dwelling extends outside of the village envelope; any replacement dwelling should be within the village envelope
- The plans lack clarity
- A copy of an appeal that was dismissed within the borough that relied on Policy DM5 has been submitted. This case is in line with the appeal decision because the new dwelling is not a replacement because it is in a different place and larger. Approval of this application would be the grounds of a Judicial Review because "*like cases must be decided alike*".
- The comparative ridge heights are incorrect, Furusato, which is a bungalow, cannot be higher than the Homestead which is a three-storey dwelling
- Overlooking to neighbouring properties
- The development is contrary to the Development Plan and should therefore be refused unless there are material considerations which indicate otherwise
- The building materials are totally out of keeping with the area and the use of Corten in a coastal environment is not recommended by the manufacturers; the sedum roof will be highly visible and likely is not appropriate in a coastal environment or on a pitched roof
- The house will be an eyesore and be of detriment to the AONB and Conservation Area
- Views from the coastal path will be ruined
- The proposed dwelling and annexe equate to two dwellings
- The dwelling will have a formidable and imposing built form which is contrary to the established character and will spoil and erode the rural setting of this part of the village conservation area and undeveloped coastline
- The development will fail to preserve and enhance the character and appear of the conservation area and would have a demonstrably harmful impact and fail to respect the integrity of the AONB
- The dwelling is simply too large and not of an appropriate design or materials
- The design is totally out of keeping with the vast majority of the built environment of the village
- Impact on trees
- Additional buildings are proposed outside of the village boundary including a large pavilion, sauna and a pickle court. These structures are large, highly intrusive and clearly visible from the coastal path and should be scaled back
- Landscaping will take years to establish and should not therefore be considered an appropriate form of screening
- The public sewer runs down the west site boundary. The 3m easement should be shown on the plans



- The solar panels will be visible from the neighbouring property and may have a dazzling effect. One third party suggests that they would be better placed on the main dwelling
- The plans do not show the position of the ASHP
- Ecological impact of the chemical run-off from the metal materials
- Light sources need to be strictly controlled
- The pickle court, pool and pavilion (with sauna, wet room, etc.) would generate a large amount of disturbance and noise affecting local amenity
- Windows of The Chapel (an adjacent property) overlook the entire site
- The applicants acquired the land which in planning terms comprises three separate parcels: 1) The Hollies, an end terrace house, 2) Furusato a chalet style bungalow and 3) a field with no planning use. This application is for a replacement of the bungalow (Furusato) and should only include that residential planning use
- The village boundary is shown in a different position on the proposed site plan from the exiting site plan
- The proposed frontage boundary wall is out of keeping with the locality
- No site notice was posted and some neighbours did not received neighbour notifications
- The sewage and drainage systems will not be able to cope
- This is a missed opportunity
- Boundary issues
- Important spacing between buildings is being lost at the detriment to the form and character of the locality. This is another example
- Specialised glass that decreases light emission should be investigated and applied in the build
- Loss of views of the sea
- The dwelling will be 15 feet closer to the neighbouring property to the west (the Homestead.) The Homestead is referred to in the Burnham Overy Staithe Conservation Area Statement as being an important 17th century building. The size and siting of the proposed new property will adversely impact the Homestead and be overbearing and result in overshadowing
- Section drawings should be provided to enable proper consideration of the impacts and context
- the use of knapped flintwork and rusty Corten will be a forbidding combination with the large glazed areas
- The development pays scant regard to the pre-application advice that was given and does not address the issues raised
- It is a precedent for inconsiderate development if approved
- The height of the lightwell should be included
- Further details of the flues are required
- The light well should not be allowed because at night this will create a shaft of artificial light upwards into the night sky
- Works have already commenced on site
- The proposed pavilion will be overbearing to the Chapel to the west
- The development does not follow the building frontage line
- Has the applicant been asked to amend the scheme
- All permitted development rights should be removed if permission is granted
- Would it be possible to substitute the Corten with red zinc

A letter of representation was also made by Cllr Cowper, who is a member of the planning committee. Cllr Cowper's representation was reflective of the issues summarised above from both the Parish Council and third parties.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS07** - Development in Coastal Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

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

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM7** - Residential Annexes

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

## **PLANNING CONSIDERATIONS**

**The main considerations in the determination of this application are:**

- Principle of Development
- Form and Character and Impact on Conservation Area and National Landscape
- Neighbour Amenity
- Highway Safety
- Flood Risk and Drainage
- Landscaping and Trees
- Ecology
- Crime and Disorder
- Other Material Considerations

### **Principle of Development:**

The site is dissected in approximately a 40:60 split with the southern 40% of the site, where the existing dwelling is located, falling within the development boundary and the northern 60% laying outside of the development boundary. However, aerial photography clearly

shows that there has never been a physical boundary between the two, and the land is clearly in one residential planning unit. In this regard the development boundary, that has no physical distinction on the ground, is somewhat of an arbitrary line in this instance.

The land to the immediate east also lies outside of the development boundary but is also clearly in residential use and has been for some considerable time. Furthermore, there is considerable built form, albeit within the development boundary, to the west and northwest of the site and to a lesser extent to the east and northeast outside of the development boundary.

Given that residential uses bound three of the site's four boundaries (east, west and south) and that the land forms part of the same residential planning unit, it would be difficult to suggest that it would be unacceptable for the land to be used in association with the dwelling regardless of whether the dwelling is to be replaced or not. In this instance, for the reasons outlined above, it is not considered that the development boundary, that has no physical demarcation on the ground, is reason to suggest that residential use of the land and encroachment of the dwelling and other incidental structures onto this land is unacceptable.

Permitted development rights are already limited given the site's location within a National Landscape and Conservation Area. However, if Members consider it necessary permitted development rights could be further restricted by condition.

The existing dwelling is of no particular architectural merit and its demolition is therefore considered acceptable.

The replacement dwelling with integrated annexe is to be located further north within the site than the existing dwelling, but still largely within the development boundary. However, the rear two projections and outdoor terraces serving both the dwelling and the annexe, as well as the pavilion, natural pool and pickle court all lie outside of the development boundary. Notwithstanding this, there is a substantial amount of built form to the west / northwest and some limited to the east / northeast of the proposed replacement dwelling and incidental buildings / structures. Therefore, it is not considered that built form further north within the site would be incongruous or unacceptable in principle.

A number of third parties and the Parish Council consider the description of development is incorrect and that two dwellings are proposed rather than one. However, the plans and Design and Access Statement refer to the eastern third of the dwelling as either 'guest accommodation' or an annexe. Additionally, there is an internal connecting door at both ground and first floor level and the parking and gardens are not subdivided. The use of the annexe can, and if permission is granted would, be controlled by condition to ensure it is retained in the same ownership and is not used as a separate and independent dwellinghouse.

It is therefore considered that the principle of the proposed development including encroachment outside of the development boundary is acceptable subject to compliance with other relevant planning policy and guidance.

### **Form and Character and Impact on Conservation Area and National Landscape:**

The site is located within Burnham Overy Staithe Conservation Area and the North Norfolk Coast National Landscape (formally Area of Outstanding Natural Beauty.)

The Conservation Area Statement makes no specific reference to the site or the contribution the land outside of the development boundary makes to the character of the Conservation Area. The neighbouring property to the west (the Homestead) is mentioned in passing as is

the Old Chapel which lies to the northwest of the site. Neither mention suggests that the proposed development would be of detriment to the Conservation Area or spacing of the built form within it.

Other than the issue of the development boundary which has been covered above, the scale, mass, design / appearance, and materials of the proposed replacement dwelling are the most contentious issues with all objections from third parties and the Parish Council mentioning this aspect.

The general consensus of public opinion is that the replacement dwelling is wholly unacceptable in terms of its scale, massing and general appearance and that the use of Corten and sedum roofs is likewise unacceptable and not in keeping with the existing built form of Burnham Overy Staithe. They consider that the development would result in a dwelling that would be overbearing, incongruous and of significant detriment to the character of the Conservation Area and North Norfolk Coast National Landscape.

Paragraph 209 of the NPPF states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

This is reiterated in Development Plan Policies CS01, CS07, CS08, CS12 and DM15 which all seek to protect the historic environment.

In relation to the impact on Protected Landscapes, paragraph 180 of the NPPF requires planning decision to contribute and enhance the natural and local environment by *a) protecting and enhancing valued landscapes, ...(in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside; and c) maintaining the character of the undeveloped coast...*

The NPPF continues at paragraph 182 by stating that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (now National Landscapes.) It states that *The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

Protection of the National Landscape is reiterated in Development Plan Policies CS01, CS07, CS08, CS12 and DM15.

It is clear that public opinion is that the development would result in harm to the conservation area and the National Landscape and that, in their opinion, that harm would be substantial and unacceptable.

However, the Conservation Officer has a different opinion and considers, for the reasons given in their detailed response to the application which can be viewed in full above, that whilst the development would be visible and 'more dominant on the plot' it would not be 'dominating' and would not result in harm. The Conservation Officer acknowledges that the use of Corten is not the norm and that the design is modern. However, she concludes that the dwelling is sensitive to the defining characteristics of the locality in terms of built form (long rectangular shape with rear projection) with the colour of the Corten steel reflecting the red tones of Norfolk bricks. The use of flint, a vernacular material, has raised little commentary from objectors which is also true of the modest amount of timber proposed.

The NPPF makes it clear at paragraph 135c) that being sympathetic to local character and history does not necessarily mean that development has to follow the norm and that decisions should not prevent or discourage appropriate innovation or change.

There have also been many comments relating to the lack of detail on the plans and inaccuracies in the height of the proposed replacement dwelling. However, the applicant has confirmed the measurements to be correct and your officers consider the plans acceptable and sufficiently detailed. Whilst the replacement dwelling is obviously taller than the dwelling it will replace, its position further north within the site on lower ground largely counters the increase in ridge height. The existing ridge height is 7m and the proposed ridge height is 8.4m; however, the difference in land levels means the replacement dwelling will only be 0.8m taller in reality. Comparative ridge heights have been given with Jocks Cottage being 2m taller, Harbour House 1.3m taller, The Arboretum 0.1m lower and The Homestead 1.2m lower. Plans showing how the replacement dwelling relates in height to existing built form has also been provided.

It is clear that there is a difference of opinion in regard to the design and materials of the proposed replacement dwelling. However, design is subjective and personal taste cannot be used to determine what is considered 'beautiful'.

The key aspects of the proposed development are the impact on the conservation area and National Landscape. In relation to the former the Conservation Officer considers the development would not result in harm and in relation to the latter Natural England made no specific comment and the Norfolk Coast Partnership made no comment at all. One would have to conclude that if either considered the development would be of detriment to the National Landscape they would have commented accordingly. Furthermore, there are other examples of new, large, modern dwellings in substantial plots in the immediate locality e.g., the Arboretum to the west. Members therefore need to consider the conflicting opinions of the Parish Council and third parties with that of the Conservation Officer and lack of comment from Natural England and the Norfolk Coast Partnership in relation to the proposed development and whether its impact on the National Landscape and Conservation Area would result in unacceptable harm.

Your officers consider, on balance, that the scale, mass, design / appearance and materials of the proposed replacement dwelling are acceptable and would not result in harm to the historic environment (Conservation Area) or natural environment (National Landscape) and therefore accords with the NPPF in general and specifically to paragraphs 135c), 180a), b) and c), 182 and 209 of the NPPF and Development Plan Policies CS01, CS07, CS08, CS12 and DM15.

If permission is granted, materials and a sample panel will be suitably conditioned.

### **Neighbour Amenity:**

Paragraph 135f) of the NPPF requires development to have a high standard of amenity for existing and future users. This is reiterated in Development Plan Policy DM15.

Whilst occupiers of the Homestead consider that the development would result in unacceptable impacts, there would be no material overlooking because there are only two first floor windows on the western elevation (a secondary bedroom window and an ensuite bathroom window) both of which are shown to be obscurely glazed and will be conditioned as such. The distance of 11m between side elevations is sufficient to prevent overbearing impacts and is akin to spacing of other development in the locality, and whilst there would be

some increased overshadowing it would be for limited parts of the day and would not be sufficient to warrant refusal.

Concerns have also been raised in relation to primarily noise from the summer pavilion (which is shown to accommodate a store, wet room, sauna, veranda and boat rack and will have a rooflight), natural pool and pickle court, and there is also a suggestion that the summer pavilion is too large.

It should be noted that all these facilities are incidental (and similar to facilities that neighbouring properties benefit from) and will be conditioned as such. The pickle court is located in a similar position to the existing tennis court serving the property to the immediate east. No external lighting will be allowed and therefore the court will only be able to be used in daylight hours. It is considered that this 'natural' restriction as well as its proposed location will mean that there would not be any material disamenity. However, if it transpired that there was, Community Safety and Neighbourhood Nuisance have their own powers to address issues of statutory nuisance.

Likewise, the natural pool and summer pavilion will be incidental uses and it is unlikely that such uses would result in neighbour nuisance. It is also not considered that light escaping from the rooflights would be sufficient to result in neighbour disamenity.

Additionally, further details in relation to the pickle court and natural pool will be sought by condition (such as surfacing, enclosure, depth.)

Concern has also been expressed in relation to the proposed solar panels in terms of glare. However, modern solar panels result in limited glare, and it not considered that there would be any material neighbour impact from the panels.

It is therefore considered that neighbour amenity is acceptable and complies with the NPPF in general but specifically to paragraph 135f) of the NPPF and Development Plan Policy DM15.

### **Highway Safety:**

Access is shown to be in the same location as existing to which the local highway authority raises no objection. However, the plans show some potential development in this locality. For the avoidance of doubt a condition will be appended to any permission granted ensuring the access is not altered without specified plans being submitted.

Parking provision is in accordance with parking standards and therefore in accordance with Development Plan Policy DM17.

It is therefore considered that there are no highway safety implications arising from the proposed replacement dwelling and that the development accords with the NPPF and Development Plan in that regard.

### **Flood Risk and Drainage:**

*Flood Risk:* Chapter 14 of the NPPF requires development to be steered away from areas at highest risk of flooding. This is reiterated in Development Plan Policies CS01 and CS08.

Whilst part of the site (the northern part) lies in flood zones 2 and 3 and the southern part where both the existing and proposed dwellings are located lies within flood zone 1. There is therefore no increase in risk associated with the proposed development.

The Environment Agency suggests that the incidental buildings / uses would be better relocated into flood zone 1. However, given their incidental nature and lack of habitable accommodation it is considered that the risks are minimal and it is not considered necessary to require them to be moved into the southern part of the site.

Likewise, the condition requested by the Emergency Planning Officer regarding an evacuation plan is not considered necessary. However, it will be appended as an informative.

*Drainage:* Anglian Water has confirmed that either a 3m easement or a build over agreement is required. In this instance a 3m easement has not been provided and therefore a build over agreement will be required. This is an issue between Anglian Water and the applicant that is covered by alternative legislation and therefore does not need further consideration under this planning application.

In relation to the risks associated with flooding and drainage it is therefore considered that the proposed development accords with the NPPF in general and specifically to Chapter 14 of the NPPF.

### **Landscaping and Trees:**

Limited landscape details have been submitted and therefore this aspect will be suitably conditioned if permission is granted.

None of the trees on site are protected by a Tree Preservation Order although a number of trees will be protected by virtue of their size and location within a conservation area. No trees were identified in the Arboricultural Impact Assessment (AIA) as being veteran or ancient trees.

The importance of trees is highlighted in paragraph 136 of the NPPF which requires retention of existing trees wherever possible and the incorporation and long-term maintenance of new trees. The AIA that accompanied the application concludes that the predicted tree loss associated with development of the site will cause a short-term loss of amenity value, although it continues by suggesting that replacement planting will mitigate this loss in the long-term.

In summary, the AIA states:

- T2 (a category B Eucalyptus) will require a canopy lift of 5m above existing ground level to allow access for delivery vehicles and materials
- G2 (category C Cherry Trees), T6 (a category C Plum), T14 (a category B Yew), T15 (a category B Cherry Plum), T16 (a category B Apple), T17 (a category C Pear), T18 (a category B Cherry Plum), and T20 (a category B Apple) will be lost to accommodate the development
- Retained trees will require protection during construction works
- The following tree planting is proposed: yew (x3), apple (x3) pear (x2) judas tree (x2) common hawthorn (x5)

The arboricultural officer has confirmed he raises no objection to the loss of the trees and has provided suggested conditions in relation to tree protection, landscaping and tree planting.

It is therefore considered that the development accords with the NPPF in general but specifically to paragraph 136 of the NPPF in relation to landscaping and trees.

## **Ecology:**

The NPPF places great weight on protecting and enhancing habitats and biodiversity, with Chapter 15 of the NPPF concentrating on this subject that includes protected sites, sites of specific scientific interest, habitats, and protected species.

This is reiterated in Development Plan Policy CS12.

This application is for a replacement dwelling and therefore impacts on protected sites are assessed as minimal and neither an appropriate assessment nor GIRAMS are required.

In relation to the ecological value of the site itself the Local Authority's Senior Ecologist raises no objection agreeing with the assessment that accompanied the application that the site has limited ecological value or potential and that no further surveys are required.

The Senior Ecologist recommends that hedgerow planting and light pollution be controlled via condition. The former will be covered by the landscaping condition requested by the arboricultural officer.

It is therefore considered that in terms of ecology the development accords with the NPPF in general and specifically to Chapter 15 of the NPPF and Development Plan Policy CS12.

## **Crime and Disorder:**

There are no specific crime and disorder issues arising from the proposed development and the Police Architectural Liaison Officer has made suggestions to the applicant in relation to Designing out Crime.

## **Other Material Considerations:**

In relation to Parish Council and third-party comments not covered in the main body of the report your officers comment as follows:

- Development beyond development boundary that would set a precedent – *covered in report and all applications have to be considered on their own merits and therefore approval of the application would not set a precedent*
- The preapplication advice was factually incorrect to state that the site lied within the development boundary – *preapplication advice is not in the public domain. Furthermore, the application has been determined on its own merits with full consideration that some of the site lies outside of the development boundary*
- A copy of an appeal that was dismissed within the borough that relied on Policy DM5 has been submitted. This case is in line with the appeal decision because the new dwelling is not a replacement because it is in a different place and larger. Approval of this application would be the grounds of a Judicial Review because "like cases must be decided alike" - *The LPA is putting no weight on Development Plan Policy DM5 which is not relevant to the current application because the development does not relate to the replacement or extension of a dwelling in the countryside*
- *The plans do not show the position of the ASHP – the position of the ASHP is shown on the plans*
- Ecological impact of the chemical run-off from the metal materials – *the applicant has stated that there is no pollution potential. Furthermore, the LPA's Senior Ecologist raises no concern in relation to this*
- Windows of The Chapel (an adjacent property) overlook the entire site – *this is the current situation*



- The proposed frontage boundary wall is out of keeping with the locality – *details of the frontage wall will be secured by condition*
- No site notice was posted and some neighbours did not received neighbour notifications – *there is photographic evidence that the site notice was posted and a record that neighbours sharing a boundary with the site, other than The Chapel, were consulted which is the Council's practice. The statutory requirement is to undertake only one of these methods of notification and therefore the LPA's lawful requirements were met. Furthermore, it is apparent that nobody was prejudiced, and comments have been received from occupiers of The Chapel*
- Boundary issues – *this is a civil matter. Notwithstanding this, the red line site boundary appears to accord with the Title Deeds for the site*
- Specialised glass that decreases light emission should be investigated and applied in the build – *specified glazing could be conditioned if considered necessary*
- Loss of views of the sea – *there is no right to a public view*
- The height of the lightwell should be included – *the lightwell protrudes 0.4m above the ridge height*
- Further details of the flues are required – *CSNN are satisfied with the amount of information submitted*
- Works have already commenced on site – *the works underway appear to relate to development on the neighbouring property (in the same ownership as the applicant)*
- The development does not follow the building frontage line – *it is not considered that there is a definitive building line*
- Has the applicant been asked to amend the scheme - *the application needs to be considered as submitted*
- All permitted development rights should be removed if permission is granted – *it is not considered reasonable nor necessary to remove all permitted development rights. To do so would therefore fail the conditions tests laid down in Planning Practice Guidance*
- Would it be possible to substitute the Corten with red zinc - *the application needs to be considered as submitted.*

## **CONCLUSION:**

The development proposes a replacement dwelling with integrated annexe largely contained within the development boundary of Burnham Overy Staithe. Some encroachment of built form into land outside of the development boundary will occur. However, the land in question is within the same residential planning unit and has residential uses on three of its four boundaries, and therefore, whilst contrary to the Parish Council and a significant number of third-party opinions, the development is considered acceptable in this respect.

Likewise, it is considered that provision of an annexe, that can be suitably conditioned, is not tantamount to an additional dwelling.

Other than the issue of the development boundary, the most contentious issue with this application is that of the scale, design and materials of the proposed dwelling itself. Members will need to consider if they believe these aspects of the proposed development are acceptable.

In line with the Conservation Officer, it can be confirmed that officers consider, on balance, that the scale, mass, design, appearance, and materials are acceptable and would conserve the character of the Conservation Area and North Norfolk National Landscape.

It is not considered that the proposed development would result in unacceptable neighbour amenity or highway impacts subject to appropriate conditions and that tree protection, planting and landscaping can be suitably conditioned.

It is therefore considered, on balance, that this application accords with the NPPF in general and specifically to chapters 14 and 15 and paragraphs 135a) and c), 136, 180a), b) and c), 182 and 2019 of the NPPF and Development Plan Policies CS01, CS02, CS07, CS08, CS11, CS12, DM1, DM2, DM7, DM15 and DM17 and should be approved subject to the following conditions.

## **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 drawing numbers:  
  
PL-002 Rev.A Site Plan as proposed  
PL-100 Rev.B Ground Floor as proposed  
PL-101 First Floor as proposed  
PL-110 Rev.A Roof Plan as proposed  
PL-200 Rev.B North Elevation as proposed  
PL-201 Rev.A East Elevation as proposed  
PL-202 Rev.A South Elevation as proposed  
PL-203 Rev.A West Elevation as proposed  
PL-204 Rev.A Front Elevation as proposed  
PL-205 North Garage Elevation as proposed  
PL-300 Rev.A Section A as proposed  
PL-301 Rev.B Section B as proposed  
PL-302 Rev.A Section C as proposed  
PL-400 Rev.A Summer Pavilion as proposed.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No works or development shall take place until a scheme for the protection of the retained trees (section 5.5, BS 5837:2012, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
  - A. A site layout plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of every retained tree on site superimposed on the layout plan. The positions of all trees to be removed shall be indicated on this plan.
  - B. A schedule of tree works for all the retained trees in paragraphs (a) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work.
  - C. The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion

zone, and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures, such as tree boxes. These details are to be identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). Barrier and ground protection offsets should be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection. The Tree Protection Barriers/ground protection must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

- D. The details and positions (shown on the plan at paragraph (A) above of the underground service runs (section 7.7 of BS5837:2012). the details of the working methods to be employed with regard to site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.

The Tree Protection Barriers/ground protection shall be retained intact for the full duration of the development work hereby approved until all equipment, materials and surplus materials have been removed from the site. If the Tree Protection Barriers/ground protection is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 3 Reason: To ensure the existing trees within the Burnham Overy Staithe Conservation Area are suitably protected throughout the demolition and construction phases of this development in accordance with the NPPF.
- 4 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the demolition and construction period has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented until the development is completed.
- 4 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 5 Condition: Demolition, construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays. Piling, where applicable, shall only be carried out weekdays between the hours of 0900-1700.
- 5 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 6 Condition: Prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with tree, plants, and grass establishment) schedules of trees

plants noting species, tree and plant sizes and proposed numbers and densities where appropriate. Tree planting details to include tree planting pit specifications, method of irrigation and method of support.

- 6 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 7 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. 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. 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.
- 7 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 8 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 8 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the NPPF and Development Plan Policies DM15 and DM17.
- 9 Condition: Prior to any development in relation to new access provision full details of the access including surface materials, boundary treatments and access gates, bollards, chains or other means of obstruction/closure (the latter of which shall be set a minimum distance of 5 metres from the near channel edge of the adjacent carriageway) full details shall be submitted to and approved in writing by the Local Planning Authority. The access shall be provided in accordance with the approved details prior to the first occupation of the development hereby permitted.
- 9 Reason: In the interests of highway safety and visual amenity and to enable vehicles to safely draw off the highway before any gates/obstruction is opened in accordance with the NPPF and Development Plan Policies CS08, CS11 and DM15.
- 10 Condition: Prior to any development in relation to the pickle court, full details of the pickle court including surface materials and enclosure details shall be submitted to and approved in writing by the Local Planning Authority. The native pool shall be provided in accordance with the approved details and maintained and retained thereafter as approved.
- 10 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 11 Condition: Prior to any development in relation to the natural pool, full details of the pool including depths, materials and enclosure details shall be submitted to and approved in writing by the Local Planning Authority. The natural pool shall be provided in accordance with the approved details and maintained and retained thereafter as approved.

- 11 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 12 Condition: Prior to the installation of any external lighting a detailed outdoor lighting scheme shall be 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, 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.
- 12 Reason: In the interests of minimising light pollution in the interests of the amenity of the locality and ecology in accordance with the NPPF and Development Plan Policies CS12 and DM15.
- 13 Condition: Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 13 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 14 Condition: No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 14 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 15 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 15 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 16 Condition: Finished ground floor levels shall be set no lower than 6.82m AOD.
- 16 Reason: To reduce the risks associated with flooding in accordance with the NPPF.
- 17 Condition: Prior to the first occupation of the development hereby permitted the first floor windows on the western elevation of the dwelling hereby permitted, shown on drawing number PL-101 to serve a bedroom and its ensuite bathroom, shall be glazed with obscure glass and shall be non-opening unless the parts of the window which can

be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be retained and maintained as installed.

- 17 Reason: In the interests of the amenity of occupiers of neighbouring dwellings in accordance with the NPPF and Development Plan Policy DM15.
- 18 Condition: The use of the natural pool, pickle court and summer pavilion hereby permitted 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 for business or commercial purposes or as habitable accommodation.
- 18 Reason: In the interests of the amenity of the locality and to reduce the risks associated with flooding in accordance with the NPPF and Development Plan Policy DM15.
- 19 Condition: Prior to the first occupation of the development hereby permitted, the dwelling shall be glazed with glass that has a Visible Light Transmission (VLT) of no more than 0.65 VLT. Glazing within the development shall thereafter be retained and maintained at a VLT of no more than 0.65 VLT unless otherwise agreed in writing by the Local Planning Authority
- 19 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 20 Condition: The guest accommodation / annexe hereby approved shall remain in the same ownership as, and be occupied in conjunction with, the principal dwelling at all times sharing the access, garden and parking of the principal dwelling and shall at no time be let or used as an independent unit of residential accommodation.
- 20 Reason: For the avoidance of doubt and to ensure that a separate dwellinghouse, that has not been considered as part of this application, is approved without due consideration in line with the NPPF and Development Plan.