

Parish:	Old Hunstanton	
Proposal:	Replacement Dwelling (self build).	
Location:	Cedar Lodge 2 Hamilton Road West Old Hunstanton Hunstanton	
Applicant:	Mr Dighton	
Case No:	24/00349/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 3 May 2024 Extension of Time Expiry Date: 6 September 2024

Reason for Referral to Planning Committee – Referred by Sifting Panel.

Neighbourhood Plan: Yes

Case Summary

The application site relates to an existing two storey detached dwelling located within a residential area and prominent corner plot within Old Hunstanton at the junction of Hamilton Road West and Sea Lane. The site is not located within the Norfolk Coast National Landscape but is directly adjacent to the Old Hunstaton Conservation Area. In addition, there are several Listed and Non-Designated vernacular cottages located on Sea Lane in close proximity to the site including directly to the south.

The application itself proposes the demolition of the existing dwelling and a replacement dwelling with associated landscaping.

Key Issues

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety and parking
- Flood risk and drainage
- Any other matters requiring consideration prior to determination of the application

Recommendation

APPROVE

THE APPLICATION

The application site relates to an existing two storey detached dwelling of late 20th century design. The site is located within a residential area with neighbouring properties immediately to the east and south with further residential development across Sea Lane to the west and across Hamilton Road West to the north. The site consists of a prominent corner plot within

Old Hunstanton at the junction of Hamilton Road West and Sea Lane. The land level of site is level with Hamilton Road West at the access to the site however towards the corner with Sea Lane and Sea Lane itself the site is higher with a verge to the side of the plot down to the road level of Sea Lane. Land Levels also drop to the north of the site towards the coastline which adds to the prominence of the plot. The site is not located within the Norfolk Coast National Landscape but is directly adjacent to the Old Hunstanton Conservation Area. In addition, there are several Listed and Non-Designated vernacular cottages located on Sea Lane in close proximity to the site including directly to the southern boundary.

The application itself proposes the demolition of the existing dwelling and a replacement dwelling consisting of a two-storey wing adjacent to Sea Lane connecting to a single storey garage (in the general location of the existing), a central flat roof two storey element with a further two storey wing adjacent to the eastern boundary with associated landscaping and boundary treatment.

SUPPORTING CASE

None received at time of writing.

PLANNING HISTORY

No recent history available.

RESPONSE TO CONSULTATION

Parish Council: OBJECT:

Old Hunstanton Parish Council wish to object to the amended application due to over development of the site, being out of character with the surrounding conservation area and objections made by neighbours. A replacement dwelling of the appropriate size and appearance would be welcome, but we do not think the current plan sits within the parameters of our Neighbourhood Plan. It also appears that the proposed balconies will overlook and invade the privacy of neighbours.

We have been made aware from residents that it appears cedar trees have already been removed from the front of the property. Is this correct and have enforcement been involved?

Original comment:

The Parish Council wishes to object to this planning application as it is an overdevelopment of the plot and more than the 40% on the NDP. It is also next to the conservation area border and has a huge impact on the neighbouring properties including overlooking, loss of privacy etc.

Highways Authority: NO OBJECTION:

In relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, Norfolk County Council does not wish to resist the grant of consent, but would seek to condition parking provision and advise that the boundary features may encroach upon the adopted public highway, requiring the following informative note to be appended to any consent notice issued:

“This proposal involves excavations adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants’ responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact -streetworks.west@norfolk.gov.uk.”

The suggested condition and informative would be attached to any approval.

Conservation Officer: NO OBJECTION (latest comment below – previous comments available online):

Following the submission of the street scene drawing and the amended plans for this application –while the form of the building may be different to what it around it, the scale and mass would mean that the proposed building would not be overly tall when compared those around it and the use of differing yet complimentary materials, breaks up the form reducing the overall sense of mass.

The conservation team therefore do not object to this proposal. If you are minded to approve this application, please consider conditions relating to the following;

- Sample panel showing the laying of the car stone, type of car stone and mortar as well as the brick, bond and mortar to be used;
- Details of all external materials to be used in the development;
- Details of the joinery to be used in the development;
- Flue shall be painted black and retained as such in perpetuity;
- Hard and soft landscaping and boundary treatments

Historic Environment: NO COMMENT

Environmental Quality: NO OBJECTION

The application is for the demolition of the existing dwelling and construction of a replacement. The applicant has provided a site plan illustrating the proposed changes. We have reviewed our files and the site is on land first seen developed in historic maps dated 1945-1970. The surrounding landscape is largely residential.

Due to the age of the property on site there is the potential for asbestos containing materials to be present. A suggested informative would be attached to an approval in relation to asbestos.

REPRESENTATIONS (summarised for clarity – full responses available online)

Amended Submission: **NINE** public **OBJECTIONS** from **FIVE** objectors :

- Overlooking to north from the proposed balcony taking into account raised level of the site compared to the north. Pitched roof garage only hides this.
- Impact to east including large oppressive east elevation, with dark timber cladding – loss of light and overshadowing. This proposed Eastern flank wall will cut out light which has been enjoyed for more than 20 years as existing and windows and doors and will cast shadow over rear patio and garden area to neighbouring dwelling. The proposed Eastern Flank Wall will detrimentally affect legal rights of light.

- The proposed wing along the boundary adjacent to no.4 does not meet the BRE 25 or 45 degree guidance, and will result in a loss of light to No.4 in the dining and living rooms and bedrooms.
- Large area of glazing at ground floor to east.
- Proposal ignores policy 8 of the Old Hunstanton Neighbourhood Plan.
- Does not have regard to the amenity of neighbouring occupiers.
- The size and design of the proposed dwellings is not in keeping with those in the vicinity and having regard to its prominent and elevated corner position will over dominate the area - The scale of the proposed development does not appear to have been revised and is of an urban scale.
- Scale and mass- footprint is excessive considering locality and nos. 1 and 6 have significant single storey elements to them making this proposal incongruent with the street scene on dominant corner. The dwelling is almost entirely two storey.
- The Old Hunstanton Neighbourhood Plan vision statement notes “Any development of Old Hunstanton should be of a scale and nature so as to be sympathetic to the unique character of this West Norfolk seaside village, respecting its historic and rural nature”. The scale of the proposed development at no.2, with over 50% more plot coverage than the average property in Hamilton Road West, fails to achieve this vision. It also fails to respect Policy 6 which notes “Development must not appear cramped or inappropriate in its village setting”.
- The current dwelling has a natural break between house and garage, but this is lost in the proposed development with a solid two storey appearance across the whole width of the property. The proposed brick wall surrounding the property is also out of character with anything in the near vicinity.
- Increase in ridge height.
- How will surface water and drainage be dealt with?
- How will variation in levels be dealt with.
- Clarification sought over ‘approved roof height’ shown on street scene plan.
- Impact on Biodiversity and loss of existing trees. Policy 14 of the Old Hunstanton Neighbourhood Plan notes that development should protect and enhance biodiversity and conserve natural landscape features.
- No’s 1 and 6 Hamilton Road West have been used to show precedent for materials to be used. It should be considered that approvals for the redevelopment / additions to these properties was granted before the Neighbourhood Plan existed.
- Proposal uses seven different materials which is excessive and visually jarring especially compared to local examples.
- Oversized windows and fenestration is not in keeping.
- Policy Seven of the Neighbourhood Plan notes that “remodelling should respect the existing street scene and not “stand out like a sore thumb””.
- No details of landscaping materials to be used.

Original submission: **THIRTEEN** public **OBJECTIONS** from **TEN** objectors:

- Elevated viewing platforms/balconies would significantly compromise the privacy of surrounding properties' amenity spaces.
- Overbearing for neighbouring properties, loss of privacy, dominating the entire area to the detriment of Hamilton Road West and Sea Lane.
- Loss of privacy would have a detrimental effect on the value of neighbouring property and make it less desirable as well as breaching the human rights act.
- The scale and bulk of the proposed development is not in harmony with the character of the locality. The proposed structure would introduce a negative and overbearing addition, especially considering its proximity to the adjacent conservation area.
- *Policy 8 of the Neighbourhood Plan notes that ‘there is a trend to demolish an existing dwelling and replace it with a much larger one. This can result in neighbouring dwellings

being dwarfed by the new build and existing householders can feel cramped and overlooked' – this is prime example.

- The style of the proposed house and the boundary walls would give the site an urban appearance out of character with this rural village setting.
- The boundary walls and gated entrance are totally out of keeping with the local area and the small cottages that border the site in the conservation area.
- *A new rear pedestrian entrance is included for mobility access, this is still up a very steep bank.
- Lack of detailed and to scale drawings.
- The scale and mass of the proposed development is far in excess of the existing dwelling on the site and while it's noted that the dwelling takes up 33% of the plot, Policy 6 of the neighbourhood Plan states "Development must not appear cramped or inappropriate in its village setting".
- The current dwelling has a natural break between house and garage, but this is lost in the proposed development with a solid two storey appearance across the whole width of the property. This will dominate the street scene, especially with the proposed brick boundary walls in place of the hedging which has already been removed.
- The application forms state there are no trees on the site; this is because the mature frontage cedars, which give the property its name, have already been removed.
- Recently approved policies for residential redevelopment in the Neighbourhood Plan need to be rigidly applied in this instance.
- Inaccurate information on the Design Document (typo's, site location (p9, location map)).
- Materials should complement the local vernacular, and as a gateway to Hamilton Road West, should reflect distinct Norfolk Architecture and the Conservation Area. The proposed development therefore also fails Policy 7 of the Old Hunstanton Neighbourhood Plan as the proposal does not include materials which will respect local character. There is also no mention of use of locally sourced materials, or of sustainable construction techniques as requested by Policy 7.
- Application is an attempt to circumnavigate the planning condition and create a self-sufficient compartmentalized "Air BnB" enterprise. The unregulated arrival of guests would have a detrimental effect on the character of the area and likely bring adverse noise to neighbours.
- Landscaping is not discussed in depth. This should have been submitted as part of the original plan and if approved, must be conditioned with strict maintenance, replacement and enforcement plans.
- The applicant identifies the proposal as a self-build and custom build development in the application, without identifying which is relevant - that this is a self-build but this doesn't appear to be confirmed.
- The applicant may or may not be on the relevant register under the Self-Build and Custom Housebuilding Act 2015. Notwithstanding, the requirement on the Council under the Housing and Planning Act 2016 does not guarantee the grant of planning permission.
- Within the application documents, there does not appear to be an assessment of the proposal against the statutory development plan. The DAS references selected policies in the Old Hunstanton Neighbourhood Plan.
- The Council is under a legal obligation to determine this planning application in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).
- Policy CS02 identifies Old Hunstanton as a Rural Village. Policy CS06 permits development "without detriment to the character of the surrounding area or landscape". The applicant's own document describes the site as a "key site within the village centre" and therefore the design of the proposed dwelling and its relationship in size, scale and intensity of development in its location is of particular importance. CS08, which requires consideration of the historic environment; responding to the context and character of places...by ensuring that the scale, density, layout and access will enhance the quality of

the environment. Policy DM15 of the SADMP. The policy will be read and considered in full by the planning officer as it is of particular relevance. Other relevant policies of the OHNP, including (but not limited to) Policies 3 and 7.

- The DAS notes the properties directly to the southern boundary are listed buildings. The application appears to be silent in respect of its impact upon those buildings or their settings.
- The Council will be aware of its legal responsibilities under s66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).
- The site of the proposed development is located in reasonably close proximity to a number of non-designated heritage assets identified in the OHNP. This is not acknowledged in the application documents and there is no assessment of the proposal's impact upon those non-designated heritage assets.
- Increase in floor space from existing.
- Appears to be fireplace but no chimney on plans.
- Stated to have 4 bedrooms but could be capable of having 5-6.
- Impact on neighbour to the east - the orientation of all properties on Hamilton Road West is SW-NE but the proposal is for NW-SE which results in a longer elevation on boundary with number 4 to east. This would be overbearing with dark grey cladding and overshadow.
- Wing adjacent to eastern boundary would be 8m in height and 17m long.
- Impact on right to light to number 4.
- Policy 6 states that the amenity of neighbouring occupiers should be respected. This has not been considered in the application.
- Wing along the boundary adjacent to no.4 does not meet the BRE 25 or 45 degree guidance, and would result in a loss of light to no.4 as well as the quiet enjoyment of the rear garden of No.4 with the proposed courtyard area directly overlooking the patio area to No .4. Whilst there is obscure glazing shown at first floor level, there will likely be opportunity to open windows / doors.
- Trees to screen should not be relied upon.
- Overshadowing would impact solar panels on number 4.
- Contrary to intentions of Anti-Social Behaviour Act (relates to high hedges) – the flank wall would be worse than a high hedge.
- The proposed recess on side of proposal would look into number 4's sitting room and dining room at ground floor and bedrooms at first floor.
- Potential fire hazard close to boundary with number 4.
- The eastern flank should be reduced to single storey beyond the rear of number 4 and cladding should be light cream.
- Building line other than garage should be in line with number 4.
- How will surface water be dealt with.
- Policy 14 of the Old Hunstanton Neighbourhood Plan notes that development should protect and enhance biodiversity and conserve natural landscape features. This application does not show this.

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

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy 1 - Village Development Boundary

Policy 3 - Heritage Assets

Policy 6 - Infill Development

Policy 7 - Design, Style and Materials

Policy 8 - Height of Replac / New Bldg

Policy 9 - Water and Drainage

Policy 14 - Prot and Enhanc of NE and La

NATIONAL GUIDANCE

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

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

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety and parking
- Flood risk and drainage
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

The application site is within the Development Boundary for Old Hunstanton as defined within the Site Allocations and Development Management Policies Plan 2016. As such the provision of Policy DM2 of the above plan are relevant. DM2 states:

"Development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan".

In addition, the application site is located within the 'Village Development Boundary' as shown on map 2 in accordance with Policy 1 Village Development Boundary of the Neighbourhood Plan.

Therefore, the principle of development on this site is accepted.

Form and Character:

The original proposal consisted of a two storey replacement dwelling with a central flat roof element. A two storey pitched roof wing was included to the west adjacent to Sea Lane connecting to the integrated flat roof garage (existing garage location) as well as a small single storey flat roof extension to the side of the garage. This element also included a balcony to the front elevation of the two storey wing which would be covered by the overhanging roof. To the east, a further two storey pitched roof wing was proposed with a higher element and set down rear element as well as an inset glazed area centrally serving the internal space at both first and ground floor. To the west of the roof, a flat roof box dormer type structure was also included which would have led to a large balcony/terrace area to the flat roof of the central element of the building. Fenestration across the dwelling was shown to be of large proportions with materials including brick, chalk, grey timber cladding, grey zinc, pantiles and render.

Changes in landscaping across the site were also proposed including a new boundary wall to Hamilton Road West and the corner of Sea Lane as well as areas of hard and soft landscaping across the site. Levels are detailed on plans to remain as existing however a new ramp and stair are proposed in the general location of the existing stairs as the site raises to the rear. In addition, the indication of a garden room to the rear of the garden space was shown on plans with the existing swimming pool retained. A small new access was shown to the Sea Lane boundary near to the pool.

It is noted that existing trees to the front of the plot have already been removed. However, being located outside of the Conservation Area with no recorded TPO, these could have been removed at any time.

The proposed development as originally presented was considered to be unacceptable. Concerns are raised regarding the scale and height, footprint, plot coverage, design and materials as well as the impact on amenity to the adjoining neighbour (discussed in detail below). Consideration was also given to the wider Conservation Area as well as the adjacent listed cottage(s) to the south of the site on Sea Lane, both are listed at Grade II. In addition, other cottages in the immediate area are considered Non-Designated Heritage Assets and are identified within the Neighbourhood Plan.

The Conservation Officer also raised concerns. They stated that "2 Hamilton Road West is situated in a sensitive location being adjacent to listed buildings and adjacent to the Old Hunstanton Conservation Area. While Hamilton Road West is an area of architectural experimentation, with a number of different styles and eras of houses being present, Sea

Lane is a traditional street scene with cottages of traditional materials forming the majority of the building stock”.

The verge of Sea Lane, that being immediately outside of the application site is within the Conservation Area and it has been identified how important the retention of open space and the sense of openness is to this part of the Conservation Area. The Conservation Officer notes that “much of Old Hunstanton is built up to the road in traditionally proportioned cottages forming quite closed spaces. This part, represents open space where old and new buildings exist together within more space than exists elsewhere. The views along Sea Lane, which is entirely within the Conservation Area are important”.

Concerns centred on the proposed two storey building funnelling the view along Sea Lane, creating prominent built form in this location would result in a loss of some of the sense of openness compared to the existing building. The proposal was considered a large building with some uncomfortable angles that sit discordantly and prominently within the street scene with a more complicated form. However, no concerns were raised with the choice of modern design and the Conservation Officer considered that an amended scheme could potentially be acceptable. Traditional materials, scales and forms would be appropriate considering the views to and from the listed buildings was well as retaining the openness of the corner location. The boundary fence along Sea Lane was suggested to be replaced with a car stone wall or similar.

As such, an amended scheme was submitted. Key changes include the Sea Lane Wing pulled away from boundary by approx. 2.6m from the boundary line. As such, the central flat roof element has been reduced with the existing garage location retained (footprint extend by approx. 1m in depth) with a pitched roof. Bedrooms at first floor to the rear have been redesigned to prevent ‘overlooking’ to neighbours and the balcony area and associated box dormer structure are removed to the central flat roof element. In addition the rear outbuilding has been omitted from plans and car stone has been included as a material as well as lighter cladding.

In addition, following further Conservation Officer comments, street scene drawings have been submitted showing the proposed dwelling in context both in terms of Sea Lane and Hamilton Road West.

As such, the overall scheme is now as follows. The replacement boundary wall to Hamilton Road West and the corner with Sea Lane would be brick with car stone elements either side of the access point which would include a sliding gate. Full boundary treatment details would be required by condition on any approval.

The main dwelling and plot would consist of the parking and turning area to the front of the dwelling accessed from Hamilton Road West. The brick and pantile garage would be in the existing location as detailed above with a pitched roof. A small single storey flat roof extension to the side is proposed which is shown to be clad.

The overall form of the dwelling consists of a central two storey flat roof area in brick with a wing to the east and west. The western two storey wing to Sea Lane is inset from the boundary as detailed and would consist of pantiles, brick and car stone. These materials and set back respond to the street scene of Sea Lane. This would include a single storey projection linking to the garage with the balcony area above. This would be partly covered by the overhanging roof with cladding in the apex and a glazed balustrade. This is obscured to the west for privacy to neighbouring dwellings. To the east, a two storey wing is proposed with the rear element slightly lowered as before. A chimney is now proposed to the roof, just higher than the ridge. To the side elevation, the inset glazed element is removed at first floor with two first floor windows proposed (which would be conditioned to be obscure glazed and

non-opening above 1.7m). At ground floor this would be retained as an inset glazed element. Materials to this wing include lighter grey cladding, render and grey zinc roof. Fenestration across the dwelling would be of large proportions with a regular order to the front and rear elevations.

Landscaping across the site is shown on the submitted site plan which details that the dwelling occupies approximately 33% of the site and levels are to be unchanged. As noted, there would be some modification to the stairs where levels raise to the rear with the addition of a ramp. The existing pool is to be retained. As stated, levels would be required to be shown on a hard and soft landscaping plan which would be a condition to any approval to ensure an appropriate landscaping scheme is delivered on site.

Submitted Street scene drawings show that the proposed dwelling would be of comparable height to dwellings to the south, east and west noting that levels drop/lower to the north of the site. This is noting that the existing dwelling is approx. 7m in height while the proposed would be a maximum of approx. 8.2m for an increase of approx. 1.2m. The Conservation Officer no longer objects stating that with the consideration of the street scene drawing and the amended plans, while the form of the building may be different to what it around it, the scale and mass would mean that the proposed building would not be overly tall when compared those around it and the use of differing yet complimentary materials, breaks up the form reducing the overall sense of mass. The conservation team therefore do not object to this proposal. As such, despite the prominent location of the plot as outlined due to the levels of the surrounding area and Sea Lane the dwelling would not be overly prominent in the street scene and would have an acceptable relationship with built form in the immediate locality in terms of height and visual impact/prominence.

Other conditions on any approval would include a sample panel showing the laying of the car stone, type of car stone and mortar as well as the brick, bond and mortar to be used, details of all external materials to be used in the development, details of the joinery to be used in the development, any flues installed shall be painted black and retained as such in perpetuity and hard and soft landscaping including levels.

In the consideration of the application it is important to address the requirements of the Hunstanton Neighbourhood Plan.

Policy 7 Design, Style and Materials seeks to ensure residential development is of a design, style and constructed of materials to ensure that it respects local character including the use of traditional materials. Policy 8 Height of Replacement and new Buildings states that the height of new and replacement buildings must be in keeping with the height of adjacent buildings and the character of the surrounding area (and must respect the amenity of neighbouring occupiers). Policy 6 Infill Development seeks to ensure that development must respect local character and the amenity of neighbouring occupiers and must not harm highway safety or appear cramped or inappropriate in its village setting. Relevant to this proposal, Policy 3 Heritage Assets seeks to ensure that proposals for development within the Conservation Area must respect the particular features which contribute to its character and appearance, particularly those of historic or architectural interest. Policy 14 states that development should protect and enhance biodiversity and conserve natural landscape features, including ancient woodland, trees and hedgerows. Development must also conserve and enhance the National Landscape.

As such, the scheme adequately relates to its immediate setting both in terms of the eclectic Hamilton Road West and the traditional Sea Lane as well as the Conservation Area and nearby heritage assets such as the listed cottages to the south and non-designated heritage assets. Based on the above including the Conservation Officers comments, it is considered that the proposed dwelling would acceptably relate to its setting in terms of design, form and

scale. Whilst a dwelling of a more unique form, the wing adjacent to the sensitive Sea Lane respects and relates to the historic character while the dwelling fronting Hamilton Road West reflects this more varied street scene and character. With height demonstrated to be acceptable and in keeping with the locality the dwelling is considered appropriate. Materials show on plan have been considered and samples as outlined in recommended conditions would ensure a suitable visual finish.

In terms of Policy 14, the site is not within the National Landscape. Biodiversity net gain is addressed below and the loss of the trees to the front of the site has already been addressed. As stated, a landscaping plan is required for any approval which could consider soft landscaping across the site.

Overall, the proposal is considered to be in accordance with Policy CS06, CS08 and CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016, Policies 3,6,7, 8 and 14 of the Neighbourhood Plan as well as the provisions of the NPPF 2023.

Impact on Neighbour Amenity:

Changes over time are outlined within the above section of this report. The final scheme as presented is considered, taking a measured and balanced view, to be acceptable. To the south, there would be a distance of over approx. 15m to the rear boundary from the rear of the proposed dwelling at the closest point. The existing pool is to be retained and while levels are stated on plan to remain the same, this would also be included within the landscaping plan for clarity. The rear of the western wing would face towards the deeper eastern wing with further separation to the south. To the west, no first floor windows are shown and ground floor window and door would be screened by boundary treatment. The balcony element would include obscure glazing at least 1.7m above floor level and is also secured by a separate condition to the western elevation. While the built form of the replacement dwelling would move further to the west than existing, from the two storey wing there would be approximately over 13m at the closet point to the dwellings across Sea Lane and approx. 11.9m at the closest point from the pitched roof single storey garage. This is considered to prevent unacceptable overlooking, sense of overlooking and overbearing as well as overshadowing impacts.

To the north, it is first important to note that the proposed balcony/terrace area to the flat roof of the central two storey element of the dwelling has been removed. In addition, there is over approximately 19m from the corner of the balcony on the western wing and the boundary of the neighbour to the north across Hamilton Road West. This is considered acceptable and prevents any unacceptable overlooking impacts in addition to overbearing or overshadowing especially noting the road between.

To the east, it is first important to note that the neighbouring dwelling (Number 4) has habitable rooms towards the application site which, based on officer site visit and detailed discussions with the neighbouring property, consist of a living room space to the rear (with a side facing window and rear window) and dining room space to the front (with a front window and side facing window/patio doors) at ground floor and bedroom space at first floor (with a front window and side facing patio doors/windows within an inset balcony space to the front room and a rear window to the rear bedroom). To the rear, there are further windows/doors and an outside seating area and wider garden space. In regard to the side of the neighbouring dwelling, the existing two storey dwelling is adjacent to the neighbouring property as existing with the side gable generally in line with number 4. The proposed development would not extend further towards the boundary (separation of approx. 1.5m) or neighbouring dwelling with a separation of approx. 5.1m between the side of the proposed dwelling and side of the neighbouring dwelling. The orientation would also change with the

side elevation and eaves running alongside the boundary rather than the side gable as existing. The higher element of this wing would extend approx. 3.2m past the rear of the neighbouring dwelling with the lower element an additional approx. 6.4 m.

However, while the eastern wing would extend past the rear of the neighbouring dwelling to the east by approx. 9.6m the lower rear element would reduce the visual bulk being set approx. 0.7m lower. Taking into account that the side of the neighbouring dwelling is already impacted by the side of the existing dwelling, noting that there are habitable rooms to this side elevation, a balanced consideration is required. In terms of the rear of the neighbouring dwelling and outside space, the rear of the wing is not considered to impact the rear of the neighbouring dwelling in an adverse manor due to the separation as well as set down of the lower element. While the wing would extend along a notable part of the boundary the rear of the garden would remain open. This would reduce the sense of overbearing from the proposal on this boundary. In addition, the remainder of the rear of the neighbour garden would remain open adding to the sense of spaciousness retained. In regards overlooking, at ground floor the inset glazed element would be screened by boundary treatment (conditioned on any approval). At first floor, windows would be obscure glazed and non-opening up to 1.7m serving en-suites (secured by condition on any approval).

Overall and on balance, it is considered that neighbour impact as a result of the proposed development would be acceptable. Therefore, the proposal would be in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policies 6 and 8 of the Neighbourhood Plan and the NPPF.

Highway safety and parking:

Based on the four bedrooms proposed the application site is required to deliver 3 spaces. Based on the area to the front of the dwelling and the garage it is considered that would be adequately addressed. In addition, Norfolk County Council Highways raise no objection either in regard to parking or highway safety. Conditions and an informative would be attached to any approval as outlined within the consultation section of this report. The development is therefore considered to be in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF.

Flood risk and drainage:

The application site is located within Flood Zone 1, the area with the lowest risk of flooding. In addition, EA Mapping shows the site is not at risk from surface water flooding.

The application form states that surface water would be addressed via a soakaway and foul sewerage would be addressed via main sewer. Based on the scale of development no further information is considered necessary. It is also noted that, in terms of Policy 9 Water and Drainage – the use of soakaways is supported.

Other matters requiring consideration prior to the determination of this application:

Biodiversity Net Gain (BNG)

This application was received prior to BNG becoming a requirement for small sites in April 2024. In addition, according to the application form the proposal would seek the self-build exemption although this is not considered further for the above reason.

Neighbourhood Plan

Policy 4 New Housing as Permanent Dwellings

Policy 4 states that new dwellings will only be supported where there is a restriction to ensure its occupancy as a principal residence. However, as this proposal is for a replacement dwelling (ie not a net new dwelling) this policy is not relevant and it is not reasonable to impose a principal residency restriction on this application.

Removal of Permitted Development Rights

Permitted development rights regarding the enlargement, improvement or other alteration to the dwelling house and additions to the roof of a dwellinghouse are removed via condition so that the LPA may retain control of development in the interests of neighbour amenity impacts.

Parish Council Objection

It is considered that objections relating to form and character and the Conservation Area, neighbour amenity and the Old Hunstanton Neighbourhood Plan are addressed within the above report. In terms of the trees removed, this is addressed within the above report. In addition, while the 40% of the total plot area requirement is stated by the Parish Council, this does not form part of actual policy wording, in addition plans show that the proposal would take up 33% of the plot.

Third Party Objections

It is important to note that amendments to plans have addressed various concerns raised by objectors and these changes are outlined within the above report. Form and character, neighbour amenity and the neighbourhood plan are all addressed within the above report. In addition, the removal of trees, landscaping, surface water, drainage and levels are also addressed above.

In terms of 'right to light', this is a civil matter outside of the scope of this planning application. Overshadowing and neighbour amenity impact has been considered above. In terms of 'the BRE 25 or 45 degree guidance', this is not formal planning policy and the impact to the adjoining neighbour – number 4 - has been considered in detail above.

The 'approved roof height' shown on the submitted street scene plan relates to the "Street Scene Elevation - As Proposed - Hamilton Road West looking South" street scene and number 6 Hamilton Road West regarding a previous approval on site not the application site.

In regard to the impact on Biodiversity and Policy 14 of the Old Hunstanton Neighbourhood Plan which notes that development should protect and enhance biodiversity and conserve natural landscape features, this is noted. As stated above, the development is exempt from the 10% biodiversity net gain requirement due to when it was submitted. However, a landscaping plan is conditioned for any approval which would detail the hard and soft landscaping proposals for the site as outlined above.

In terms of example materials in the area, the above report considers the proposed materials in the context of the locality and neighbourhood plan.

Impact on house value is not a material planning consideration. In addition, loss of privacy has been considered in terms of impact on neighbour amenity and consideration is therefore given to The Human Rights Act in this regard.

While the new rear pedestrian entrance would be up a steep bank, there is not a material issue with this in planning terms.

Submitted drawings are to scale, able to be measured online and are considered suitably detailed to allow for the determination of the planning application noting that various further details would also be considered on any approval via conditions. It is also considered that that latest submitted drawings allow appropriate consideration of the proposed development.

The use of the replacement dwelling would remain C3 as existing and any intensification or change of use beyond this would require separate planning permission.

In terms of custom and self-build, this is addressed in terms of biodiversity above and would not impact the wider consideration of the proposal. Custom and self-build does not guarantee the grant of planning permission as it must be suitable development and the proposal has been assessed as outlined within this report. As the development would not be exempt from Biodiversity Net gain solely on the self-build exemption as outlined above it is not considered that a legal agreement is required to secure this. In this instance, a condition would be attached to any approval to secure the dwelling a self/custom build.

“The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.”

The development has been assessed above in terms of the whole development plan including the local and neighbourhood plan in addition to the requirements of the NPPF. The BCKLWN Conservation Officer has assessed the proposal impact in terms of the Conservation Area and heritage assets.

The development must be assessed based on the plans as submitted, in this instance the latest amended plans.

In terms of the development overshadowing solar panels on the neighbouring number 4, the proposal would not be higher than this dwelling and would be separated as outlined above. It is not therefore considered that adverse overshadowing would impact the rear roof slope of the neighbouring dwelling taking into account the orientation.

The Anti-Social Behaviour Act would not be relevant as outlined within the public objection (relating to high hedges). The separation distance is considered above and there no indication that this would create any particular or significant potential fire hazard.

CONCLUSION:

Overall, it is considered that the proposed design, scale and materials are appropriate given the setting in this area of the village of Old Hunstanton taking into account the Conservation Area and nearby heritage assets. Conditions are recommended for any approval that would require material samples as well as sample panels, details of the joinery and hard and soft landscaping and boundary treatments to ensure a suitable visual finish.

It is considered that there would be an acceptable impact on neighbour amenity based on the existing situation and proposed development, taking a balanced view. Norfolk County

Council Highways raise no objection based on Highway Safety and parking and the development is considered acceptable in regard to flood risk and drainage.

Overall, the development is therefore considered to be in accordance with Policy CS06, CS08, CS11 and CS12 of the Core Strategy 2011, DM15 and DM17 of the Site Allocations and Development Management Policies Plan 2016, Policies 3,6,7,8,9 and 14 of the Neighbourhood Plan as well as the provisions of the NPPF 2023 and is therefore duly 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:

*FLOOR PLANS, ELEVATIONS AND SITE PLAN PROPOSED, Drawing Number: 699-P100 REV: D
*VISUALS AND SITE PLAN PROPOSED, Drawing Number: 699-P101 REV: E
- 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 proposed access/on-site car parking/turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF.
- 4 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 dwelling and boundary wall (including showing the laying of the car stone, type of car stone and mortar as well as the brick, bond and mortar to be used) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel(s) 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.
- 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS12 of the Core Strategy 2011 and Policy 7 of the Old Hunstanton Neighbourhood Plan.
- 5 Condition: Notwithstanding approved plans, no development shall take place on any external surface of the development hereby permitted until samples of the materials to be used have been submitted to and approved in writing by the Local Planning

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Authority. The development shall be carried out in accordance with the approved details.

- 5 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS12 of the Core Strategy 2011 and Policy 7 of the Old Hunstanton Neighbourhood Plan.
- 6 Condition: Notwithstanding approved plans, no development over or above foundations shall take place on site until 1:20 drawings of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. The plans shall include joinery details, cross sections and the opening arrangements as well as window style, reveal, cill and header treatment. The development shall be implemented in accordance with the approved details.
- 6 Reason: To ensure a satisfactory external appearance in accordance with the principles of the NPPF, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS12 of the Core Strategy 2011 and Policy 7 of the Old Hunstanton Neighbourhood Plan.
- 7 Condition: Any flue installed on the dwelling shall be painted black and retained as such in perpetuity.
- 7 Reason: To minimise adverse impacts to the external appearance of the dwelling, in accordance with the NPPF 2023 and Policies CS12 and DM15 of the Local Plan.
- 8 Condition: Prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected.

The boundary treatment shall be completed before the occupation hereby permitted is commenced or before the building is occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 8 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with Policy CS08 and DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.
- 9 Condition: Prior to the first occupation of the development hereby permitted, full details of both hard and soft landscape works shall 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, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

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.

- 9 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016, Policy and the NPPF.
- 10 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house and additions to the roof of a dwellinghouse shall not be allowed without the granting of specific planning permission.
- 10 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF.
- 11 Condition: Before the first occupation of the building hereby permitted the windows at first floor to the eastern elevation shall be fitted with obscured glazing and any part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 11 Reason: To protect the residential amenities of the occupiers of nearby property in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policies 6 and 8 of the Neighbourhood Plan and the NPPF.
- 12 Condition: Prior to the first use of the balcony hereby permitted, the 1.7m obscure glazed screening to the western side of the balcony area as shown on dwg no 699-P100 REV D shall be installed prior to the commencement of the use of the balcony and shall thereafter be permanently retained in that condition.
- 12 Reason: To protect the residential amenities of the occupiers of nearby property in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policies 6 and 8 of the Neighbourhood Plan and the NPPF.
- 13 Condition: Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or reenacting those orders with or without modification), the development shall not be constructed other than as a self-build or custom build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.
- 13 Reason: For the avoidance of doubt and in the interests of proper planning in accordance with the NPPF.