

<b>Parish:</b>	<b>Syderstone</b>	
<b>Proposal:</b>	<b>Proposed detached single storey outbuilding to provide accommodation for disabled son</b>	
<b>Location:</b>	<b>21 The Broadlands The Street Syderstone KINGS LYNN PE31 8ST</b>	
<b>Applicant:</b>	<b>Mr and Mrs D Chapman</b>	
<b>Case No:</b>	<b>24/01316/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs Rebecca Bush</b>	<b>Date for Determination: 13 September 2024 Extension of Time Expiry Date: 11 October 2024</b>

**Reason for Referral to Planning Committee** — Called in by Cllr Morley

**Neighbourhood Plan:** No

### **Case Summary**

The application relates to 21 The Broadlands, The Street, Syderstone seeking full planning permission for a proposed detached single storey outbuilding to provide accommodation for applicants disabled son.

This dwelling is located within the development boundary of Syderstone.

The area accommodates a mixture of properties from brick, stone and render which range from two storey dwellings to chalet style dwellings. No 21 The Broadlands is part of a row of semi-detached dwellings with steps leading up to small front gardens. The dwellings all have pitched roofs and set back from the road. The application dwelling currently follows these main characteristics of the dwellings but with different materials.

The site is located within flood zone 1 and climate (surface water).

### **Key Issues**

Principle of Development  
Design and Impact  
Impact on Neighbour Amenity  
Crime and Disorder  
Other Material Considerations

## **Recommendation**

**APPROVE**

### **THE APPLICATION**

The site lies to the north of The Street in Syderstone which is a rural village, and the dwelling is within the development boundary. The site is situated between a row of semi-detached dwellings at a higher level than the road. The site is opposite what was The Lynn Arms Public House and two storey dwellings.

No 21 The Broadlands is a two-storey dwelling which is constructed in brick with a stone and brick front gable. The dwelling has upvc brown framed windows with a diamond pattern window pane as opposed to white upvc windows used in the immediate area. The property has a dark pantile roof with four rooflights to the rear. The property has an extension to the rear of the property which is also constructed in brick with matching pantiles.

This dwelling used as a family home has a current rear extension, a gazebo, climbing frame, summer house, boiler room and caravan within the rear garden. The rear garden is approximately 210m<sup>2</sup>. The application is part of an ongoing project required by the clients to address the accessibility needs of the applicant's son.

In 2018 an application was submitted under the prior approval process for a single storey rear extension. However, once built there was still an issue of accessibility to the rear garden area and out to the front of the house due to the steps leading up to the garden and down to the street.

Given these issues an application was submitted in 2023 for a proposed single storey extension to the rear for further accommodation to make moving around the site more accessible out to the rear. This application was refused due to the close proximity and overbearing effect it would have on the neighbour to the east.

This proposal is for a proposed two bedroom and one wet room single storey outbuilding within the rear garden area to replace the caravan which is currently there.

### **SUPPORTING CASE**

No supporting case has been received at time for writing.

### **PLANNING HISTORY**

23/01603/F - Proposed Single Storey Extension to Rear to provide accommodation for disabled son. Refused 07.06.2024.

18/00402/PAGPD - Single storey rear extension which extends beyond the rear wall by 5.7 metres with a maximum height of 3 metres and a height of 2.7 metres to the eaves. Not required 12.04.2018.

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## ENFORCEMENT HISTORY

23/00223/UNAUTU - Alleged unauthorised use of a barbers in garage. Case Closed.

23/00613/UNOPDE - Alleged Unauthorised Operational Development of a climbing frame. Case Closed.

## RESPONSE TO CONSULTATION

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

- Overdevelopment of the site due to its size and location. The garden area is relatively small, and the addition of this large structure would result in a significant reduction in the available open space. Disproportionate to the size of the garden which would create a cramped and congested appearance.
- Negatively affecting the visual amenity of neighbouring properties.
- This is not in keeping with the character of the surrounding area, where rear gardens are predominantly open and green.
- The height and proximity of the proposed outbuilding to the boundaries of neighbouring properties would lead to unacceptable overshadowing and a significant loss of natural light to the adjacent gardens and rear-facing rooms. This impact is particularly concerning for the immediate neighbouring properties where the reduction in daylight would detrimentally affect the enjoyment of their homes and gardens.
- Likely to have a negative impact on the residential amenity of neighbouring properties due to its scale and bulk. The outbuilding's presence would result in an oppressive and overbearing sense of enclosure for adjacent properties, detracting from the enjoyment of their gardens. This contravenes local planning policies that aim to protect the living conditions and quality of life for existing residents.
- Concerns regards the repeated submissions of planning applications for this same purpose. The applicant has previously submitted similar applications, which have been refused, and there is a history of enforcement issues related to unauthorised development at this site. This pattern of behaviour may suggest an attempt to circumvent the planning process and raises doubts about the applicant's commitment to comply with planning regulations. The continual resubmission of similar applications puts an undue burden on local resources and undermines confidence in the planning system. The Parish Council would urge the authority to consider this history when making its decision.
- There is a concern that the proposed outbuilding could be used in the future as a standalone business or holiday let. The size and self-contained nature of the building make it suitable for such use, which would not be appropriate for this residential area. The introduction of a commercial enterprise in a residential garden would increase noise, traffic, and general disturbance, adversely affecting the quiet enjoyment of neighbouring properties. Furthermore, the use of the outbuilding as a holiday let would likely lead to a transient population, further disrupting the character and community spirit of the area. The Parish Council would ask that the planning authority seek assurances or impose conditions that prevent any future use of the outbuilding as a commercial property.

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- The site layout plan that accompanies the planning application is incorrect as it fails to depict the access walkway (right of way) to the rear of the properties at The Broadlands. This forms part of the Title Deeds to each of the properties and is a shared access which all property owners share a combined responsibility for.
- The actual gated access to this property is adjacent to the block of garages that back onto 21 The Broadlands. The shared access has however been both fenced and locked by the applicants and the walkway no longer able to be used. The Parish Council have requested that the planning application be 'called in' by Borough Councillor Chris Morley so that it can be considered by the planning committee. We would ask that very careful consideration is given to the planning application and that a site meeting is conducted by the Planning Committee ahead of the proposed meeting.

## REPRESENTATIONS

**EIGHT** public comments were received from six contributors all **OBJECTING** to the proposed development. The comments can be summarised as:

- The site layout plan submitted is incorrect as it does not show the access walkway that has subsequently been fenced and gated by the occupants of No 21. It is shown on the proposed lay out plan but on the building layout suggests this walkway is the access to the property which is incorrect. The actual gated access to this property is adjacent to the block of garages that back onto No21 site.
- There is no plan to depict where the services will run to this outbuilding i.e. provision of water, power & a drainage plan for rain & foul water.
- Extended garden and proposal encroaching on the access path at the rear used also by the neighbours.
- Starter a barber shop / hairdressers within the garage.
- Road already damaged, very narrow for construction traffic. Homeowners would have to pay for any repairs.
- No parking of caravans allowed under title deeds.
- What will the main construction of the outbuilding be, Block and clad? Timber and clad? Concrete base with footings? All of these could cause massive disruption to the neighbourhood during construction due to contractor and delivery vehicles and equipment. Where will building materials be stored during construction?
- Overdevelopment of this site which will have an impact on the neighbourhood. Many other structures to the rear of the property.
- Could be turned into holiday let.
- Already is an extension for the disabled son to the ground floor with wet room.
- Going from a four bed dwelling to possibility a 8 bed dwelling with all the building works including the loft and downstairs area and the outbuildings. Is this to be an HMO?
- Ramp was to be used under 18/00402/PAGPD.

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- Causing disturbance and maintenance to the road.
- The length, depth and distance of the proposal would be an issue.
- Large extension that was built incorrectly causing an Enforcement notice to be placed that took months to rectify. It is my opinion that this has not been fully rectified as the cladding used does not appear to be fire retardant material and as it is within 1m of my boundary, I believe should be following the Grenfall disaster. I have raised this issue before and still await a response from KL planning dept. As well as this large extension there is on site a boiler house, BBQ gazebo, a large outbuilding, a caravan & a large tall climbing frame that actually touches my boundary fence that was re-erected back at this location as a temporary measure for repair about a year ago.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

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

**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 consideration in the determination of this application are:**

Principle of Development  
 Design and Impact  
 Impact on Neighbour Amenity  
 Crime and Disorder  
 Other Material Considerations

### **Principle of Development:**

The site lies within the development boundary of Syderstone, and the development is for a proposed accessible single storey outbuilding to provide ancillary accommodation for the occupants of the dwelling.

Outbuildings within the curtilage of dwellings are acceptable in principle, providing their impact is acceptable.

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This development would have to accord with relevant national and local planning policy and guidance. Development Plan Policies to be considered are CS01, CS02, CS06, CS08, DM15 and DM17.

### **Design and Impact:**

Policy CS06 of the Core Strategy states the development must maintain local character and a high-quality environment and must promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity. Additionally, Policy CS08 of the Core Strategy and DM15 of the SADMPP aims to achieve high standards, sustainable design and to respond sensitively and sympathetically to the local setting.

The application for the proposed single storey outbuilding would replace a caravan which has been placed on site and is being used, it is understood as living accommodation by the carer. The outbuilding would be 8m long by 5m wide and to a height of 3.4m with a flat roof. The proposal would be constructed in natural cedar/timber horizontal cladding, with anthracite grey upvc windows and door frames.

The purpose of the outbuilding is for it to be used for ancillary accommodation, likely for the son and a carer. The height of the outbuilding would help accommodate a hoist. The outbuilding is to the rear of the dwelling within the garden (higher level) so on a more appropriate level to the garage/access.

The Parish Council states that the proposed development would result in an overdevelopment of the site and would adversely affect the visual amenities of the locality. The dwellinghouse and the existing rear extension measures around 80m<sup>2</sup>. The gazebo measures 14m<sup>2</sup>, the summer house is 18m<sup>2</sup> and the new building would measure 38m<sup>2</sup>. The overall curtilage of the site measures approx. 400m<sup>2</sup> and therefore the outbuildings would not create a situation where there was development over 50% of the overall curtilage of the property.

The LPA considers there would be little harm to the character of the area due to the main dwelling screening the proposal from the street scene, complying with CS06. Materials are considered acceptable with a good design and would therefore be appropriate, responding sensitively and sympathetically to the area (DM15).

The application would therefore accord with Policies CS06 and CS08 of the Core Strategy and Policy DM15 of the SADMPP.

### **Impact on Neighbour Amenity**

Under para 135f of the NPPF 2023 development must have a high standard of amenity for existing and future users.

DM15 of the SADMPP states, "Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupants of the proposed development."

The outbuilding would be 1.1m from the neighbour to the west and 1.3m from the neighbour to the east. From the boundary, there are no neighbours to the north and south. The outbuilding would be located to the rear of the garden a good distance from the main dwellings along The Street. However, the outbuilding would be situated on higher ground as there are steep steps to the garden. There was the potential for some overlooking from the

front elevation to the rear of the main dwellings given the higher level, however with a distance of approx. 27m between the outbuilding and the rear of the neighbouring dwellings, and the existing outbuildings in between, there would be minimal impact.

The outbuilding is set in from the north, east and west boundaries by over 1m. The outbuilding is 3.4m high with a flat roof. Most of the limited overshadowing would be to the access pathway and fields behind. The gardens to Nos 21, 22 and 23 are very long and narrow so there would be no overshadowing or loss of light to any of these dwellings. Slight overshadowing may occur to the rear garden of No 22 at the later part of the day, however, this would be to the bottom of the garden.

Given the above, the application would comply with Policy DM15 of the SADMPP and Para 135f of the NPPF 2023.

Crime and Disorder: There are no specific crime and disorder issues arising from the proposed development.

### **Other Material Considerations:**

*Parking:* There are concerns from the neighbours regarding the parking of the cars. This is not a new dwelling however and given there are already three - four or more bedrooms 3 car parking spaces are required. These two additional bedrooms would not require any further parking and therefore the application would accord with Policy DM17 of the SADMPP.

*Issues regards the road:* There are concerns from the neighbours regarding the adjacent access road. They have stated it is already damaged, would be very narrow for construction traffic and that homeowners would have to pay for any repairs. However, this would be a highways matter/civil matter and would not be a planning material consideration.

*Enforcement Issues:* With regards to Planning Enforcement it appears there are concerns from the Parish Council and the neighbours regarding various issues that have occurred on site over time, including the access route to the rear of the site, garage changing to a barbers' shop, a climbing frame and the caravan. The Enforcement Team are aware of all these issues which are not associated with this proposal and have or are being dealt with separately.

Existing application 18/00402/PAGPD – This prior approval application was permitted in 2018, however, it was not built fully in accordance with the approved plans. After discussions with the Enforcement Team it has been confirmed that the issues have now been rectified to the satisfaction of the LPA.

*Potential use of a holiday let:* As stated above there are concerns this application would be turned into a holiday let. A condition would be added to the report to only be used by the occupier.

*House of Multiple Occupancy (HMO):* The proposed development is for extensions to an existing dwellinghouse. The application is not for an HMO. If the dwelling were to be converted to an HMO it would either have to fall within permitted development provisions or would require a formal application.

*Services and fire issues:* - These would be agreed by Building Regulations.

### *Equality Duty:*

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

### **CONCLUSION**

This is a small-scale ancillary outbuilding to be used in conjunction with the main dwelling. The outbuilding is not self-contained however does have a wet room which we assume will need to be connected to waste and water supply. It is therefore considered to represent ancillary accommodation, and so would fall outside of permitted development rights.

The location of the outbuilding would not affect the locality and would not adversely affect the neighbouring properties. It is not an unusual form of development within the curtilage of a dwelling and would be acceptable in its own rights.

The outbuilding would be to a higher level than the main dwelling but at the rear, and therefore there would be minimal impact to the street scene. The outbuilding is also constructed in appropriate materials and would not detract from residential amenity. Given the above, the application is considered to accord with Policies CS06 and CS08 of the Core Strategy and Policy DM15 of the SADMPP and Para 135f of the NPPF 2023. The proposal is therefore recommended for approval subject to the imposition of appropriate conditions to suitably control the use.

### **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.

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- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location Plan.
  - Proposed Plans - 1439/05.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning in accordance with the NPPF.
- 3 Condition: The additional residential accommodation hereby approved shall only be used as ancillary accommodation to the main dwelling and shall at no time be used as an independent unit of residential accommodation, nor used as a holiday let.
- 3 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.