

<b>Parish:</b>	<b>Burnham Overy</b>	
<b>Proposal:</b>	<b>Demolition of existing house and replacement self-build dwelling constructed</b>	
<b>Location:</b>	<b>Navenby Gong Lane Burnham Overy Staithe King's Lynn PE31 8JG</b>	
<b>Applicant:</b>	<b>Mr Dominic Edmonds</b>	
<b>Case No:</b>	<b>24/01793/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Helena Su</b>	<b>Date for Determination: 3 December 2024 Extension of Time Expiry Date: 13 January 2025</b>

**Reason for Referral to Planning Committee** – Referred by the Assistant Director – Environment & Planning

**Neighbourhood Plan:** No

### **Case Summary**

The application is for a replacement self-build one-and-a-half storey dwelling and single-storey detached workshop at Navenby, Gong Lane, Burnham Overy Staithe.

The application site is approximately 0.47ha to the east of Gong Lane and west of Glebe Lane in Burnham Overy Staithe. The site has a pedestrian access via Gong Lane and vehicular access via Glebe Lane. A west portion of the site is within Burnham Overy Staithe's Conservation Area and the dwelling is considered a Non-Designated Heritage Asset for its local architectural importance, belonging to a group of dwellings built by Welcome Thompson, a local developer, in the inter-war period.

### **Key Issues**

Principle of Development

Impact on a Conservation Area, Non-Designated Heritage Asset and National Landscape. Trees.

Impact on Neighbour Amenity

Any other matters requiring consideration prior to determination of the application

### **Recommendation:**

**REFUSE**

## THE APPLICATION

The application is for a replacement self-build one-and-a-half storey dwelling and single-storey detached workshop at Navenby, Gong Lane, Burnham Overy Staithe.

Burnham Over Staithe is classified as a Rural Village in the settlement hierarchy of Policy CS02 of the Core Strategy 2011. The site is located in the development boundary of Burnham Overy Staithe shown on Inset Map G19 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

The application site is approximately 0.47ha to the east of Gong Lane and west of Glebe Lane in Burnham Overy Staithe. The site has a pedestrian access via Gong Lane and vehicular access via Glebe Lane. A west portion of the site is within Burnham Overy Staithe's Conservation Area and the dwelling is considered a Non-Designated Heritage Asset for its local architectural importance, belonging to a group of dwellings built by Welcome Thompson, a local developer, in the inter-war period.

A planning application for this proposal was submitted earlier this year under Planning reference 24/01146/F but was withdrawn by the Applicant/Planning Agent due to an insufficient information in the Heritage Statement to justify the loss of the Non-Designated Heritage Asset and impact on the Conservation Area. This application seeks to address such matters.

## SUPPORTING CASE

The Applicant/Planning Agent has provided the following supporting case:

Planning Application 24/01793/F is for the demolition of an existing home, "Navenby", built in 1937, and its replacement with an architect-designed, sustainable, fully accessible, single-storey dwelling suitable for modern living for current and future generations of our client's family in the Burnham Overy Staithe Conservation Area (BOSCA). The proposal replaces the existing 5 bedroom, 2 bathroom house and sheds with a modest 3 bedroom, 2 bathroom bungalow built to PassivHaus standards.

The sole objection to the application comes from the Conservation Officer (CO), who asserts that Navenby has non-designated heritage asset (NDHA) status, because it is one erected by a local sailor and speculative builder, Mr Welcome Thompson (WT). This conclusion should be rejected by the members of the committee and we ask you to grant planning permission for these reasons:

1. The proposal is for a well-designed modern sustainable house to provide a full-time, long term home for a well-established, local, year-round resident and his family; the existing house is badly built, uninsulated, poorly laid out, inaccessible, structurally unsound and unfit for occupation in the 21 st century;
2. WT's constructions have no architectural quality or significance worthy of preservation in their own right. His work's most distinctive feature was the somewhat eccentric use of unwashed, salty shingle recovered from the beach mixed with Portland cement to cast concrete blocks and lintels that harbour damp; these are now beyond their useful lifespan and starting to crack and crumble. Most of the WT built houses in the village are used as summer holiday cottages, as they are not suitable for year-round occupation;
3. The Planning Inspector's decision in a planning appeal in 2021 relating to "Victoria" - a prominent WT built house in Gong Lane - rejected the CO's assertions that it should be considered NDHA status after failing to provide " any substantive evidence ... [to identify it]

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... as a NDHA, having regard to the guidance outlined within the National Planning Policy Framework and the PPG" . To date, this extremely relevant appeal decision has been ignored by the council's officers: neither debated nor mentioned;

4. Even if Navenby had NDHA status, the NPPF 135 requires that " ... decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development ". Our proposal has precisely those qualities, whereas any a retrofit would not satisfy either;

5. Your officers have not engaged in any real way with the material provided in support of the application, including the professionally produced Heritage Impact Assessment and architect's Retrofit Strategy . It appears that the Conservation Officer has not visited the site to make objective internal or external assessments;

6. The Conservation Officer's assertion that demolition of Navenby would erode significance of the group of WT houses is specious: Navenby is not publicly visible within the BOSCA and cannot be seen in context with any other member of the group, which are scattered over a wide area of the village, interspersed with others;

7. As Navenby is not visible from the street, it makes no contribution to the character and significance of the BOSCA and, although it sits just within the BOSCA, it is not identified as an "important unlisted building". An objective observer could find nothing about it to justify preservation; it lacks any unique features, has been substantially and unsympathetically altered over the years, and is now in very poor condition, largely due to WT's poor quality construction methods and materials;

8. We have comprehensively demonstrated that, even if our client wanted to upgrade the existing building, to do so is not a sensible, practical or economic exercise (see the Retrofit Strategy ). Even full retrofit renovation would leave the building well below current building regulation standards, make the small rooms smaller and still (wheelchair) inaccessible. Significant public benefit is derived from upgrading a family dwelling of permanent residency, thereby securing optimum viable use within the BOSCA;

9. There are more than 40 individual representations on record in support of the application and zero objections. Burnham Overy villagers are not shy about objecting to new building development that they consider would adversely affect the local area; in this case, they warmly support it;

10. We urge the council to rely on our professional judgement and that of the author of the Heritage Impact Assessment, together with the precedent set by a previous planning appeal , but also: to make a decision reflecting the overwhelming support for the proposal by the applicant's neighbours in the village, who would be most closely affected by the scheme, and to save the council the expense of contesting an appeal very likely to succeed based on our evidence and recent precedent.

## **PLANNING HISTORY**

24/01146/F: Application Withdrawn: 13/08/24 - Demolition of existing house and replacement dwelling constructed.

21/00064/TREECA: Tree Application - No objection: 26/04/21 - Works to various trees, see attached details of planned works within a conservation area

20/00058/TREECA: Tree Application - No objection: 13/03/20 - TREES IN A CONSERVATION AREA: Variety of trees to be trimmed/reduced

2/02/0050/O: Application Withdrawn: 06/01/03 - Site for construction of bungalow

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## RESPONSE TO CONSULTATION

**Parish Council: NO OBSERVATIONS** either in favour or against the proposal.

**Conservation Officer: OBJECTION** comments as follows:

The property is within the Burnham Overy Staithe Conservation Area and sits within an important street for the character and history of the area. Gong Lane was the site of 8 houses built between 1927 and 1932 by Welcome Thompson, a local fisherman turned property developer and landlord. Welcomes houses were built using a unique concrete block at a time when concrete block construction was not considered standard. Welcomes blocks were created using bits of things he found on the beach such as bottles, pebbles and shells which made them very hard and very sharp!

The first of Welcome Thompsons buildings was built in 1927 for Andrew Butler. This is the southernmost building along Gong Lane. Navenby was the 4th property to be constructed by Thompson using his distinctive combination of blockwork, red tile and red brick details. It was constructed for a Mr Maples, a retired solicitor from Lincolnshire who then commissioned, as a business opportunity, 3 further cottages from Thompson further down Gong Lane. Thompson was also commissioned by the Holkham Estate to rebuild, in his distinctive block, an area of estate wall which had collapsed and, the entrance to the windmill at Burnham Overy Staithe. The garage at the Mill, certainly still displays the distinctive block and brick design that Thompson was so known for.

As the 4th house and commission for Thompson, Navenby is one of the earliest and one of the most impressive of the commissions. It displays the characteristics of the style employed by Thompson with red brick dentilled eaves, the distinctive concrete block design and brick step details on the gable ends.

The Heritage Statement states that the building is not of enough interest to be considered a non-designated heritage asset and that there is no harm to the character and significance of the conservation area from the proposed scheme.

The site lies within the Burnham Overy Staithe Conservation Area and is one of a group of buildings that is considered to be built by the fisherman turned speculative builder, Welcome Thompson. The agent is correct that the source that tells us the houses were built by Welcome Thompson is a newspaper article written by someone who did not know the man himself. It is therefore a secondary source when considering the information in an academic sense. However, the author of the article does give thanks to three people bearing the last name Thompson, which it can be assumed are relatives and so the source is not wholly untrustworthy. The detail given and the mentioning of houses by name indicate a degree of knowledge by the author of the facts of the case as well as the architectural and material similarities between the properties all point towards one designer, whether we call him Welcome Thompson or not.

Architecturally, Navenby displays similar characteristics to the other properties identified as Welcome Thompson houses. The use of concrete block with red brick detailing, the dentilled eaves are the same as those on The Three Sisters (apparently built by the owner of Navenby as a speculative business venture) and the prominent chimney. The block and brick detail is a modern version of the grey flint and red brick houses seen around the group of houses and when the houses are combined with the block walls with red brick bands that surround them, they certainly form a unique group of buildings that create a distinct character area within the wider Burnham Overy Staithe conservation area.

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The Borough Council of Kings Lynn and West Norfolk do not have a Local List which records the buildings and structures considered to be of local interest. The conservation area appraisal which was reviewed in 1992, does contain a map showing the Important Unlisted Buildings but, due to the passage of time, this list does not reflect the current importance of the undesignated heritage assets to the character of the area. More information is coming to light all the time of buildings and groups of buildings that are of interest both for their individual importance and for their group value.

One building that is recorded as an Important Unlisted Building is Glebe Wood, the first of the developments as recorded by the newspaper article. This dwelling displays the same concrete block, prominent chimney and red brick corner detailing and banding as the other buildings, but it is not clear why the other buildings were not recorded as important at the time. Unfortunately no records survive for this time so the reasons will remain unknown.

The grouping of buildings that display similar, unique architectural qualities, whether they can be seen from the public realm or not, are of interest to the character and development of the Burnham Overy Staithe Conservation Area. The development of this one part of the village in this unique way with these unique materials that would have been rather new in their day, is of interest to the conservation area and as a group they add character and history and are part of the story of the conservation area.

The other buildings mentioned have been altered over time with rear and side extensions but, the main focus of the development remains the Welcome Thompson dwelling along with the materials and architectural detailing. The complete loss of these buildings have thank fully remained rare but given how few were built, the loss of any of them impacts upon the character of the group. Particularly of any from the first few built by a local character, whether they can be seen or not.

The applicant has stated in the design and access statement that to upgrade the property to modern living standards is possible, albeit expensive. No evidence has been provided to say that a middle ground suitable for a non-designated heritage asset is not possible to be achieved within a reasonable budget for example, internally insulate and replacement appropriate Crittall windows which would make a big difference to the U Value of the property without the need to knock the building down. Extensions to this property, of an appropriate form and scale could also be appropriate while retaining the appearance and form of this important building.

The loss of Navenby would represent the loss of the fourth of the buildings in this series which we know from the article was built for a named person obviously to his specification. In a similar way to Glebe Wood, it is set into a larger site, indicating its status as opposed to the smaller cottages built by the owners of these buildings for relatives or as speculative ventures. Although both houses have seen alteration, there is no evidence provided that Navenby is not capable of restoration and an extension more fit for modern living, added to it.

By virtue of the link with the other houses likely to of been built by Welcome Thompson the site has historic value. By virtue of the architectural link between all of the houses the site has architectural value and it has group value along with the other houses. The local authority can through the planning process identify any site it considers as a non-designated heritage asset. The PPG only states it can be helpful to display these assets in a local list which does not indicate that it has to. We are starting to work with the Local Historic Environment Record to display the sites that are identified as non-designated heritage assets however, the placement of records on this system takes time and it is therefore not

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an accurate representation of the known importance of a site at any given time. The Council is aware of the need to review the conservation area appraisals and will do so in due course.

The demolition of the building would result in a total loss of a building that the conservation team consider a non-designated heritage asset. The total loss would result in the loss of one of the buildings that form part of a group of importance. Paragraph 216 of the NPPF 2024 should therefore be considered in the decision making process and a balanced judgement made against other evidence presented in terms of the public benefit.

The group of buildings make a positive contribution to the character and significance of the conservation area. The loss of one of these buildings would erode that significance of the group and diminish the importance of the group as a whole. Paragraph 220 of the NPPF 2024 therefore states that a level of harm should be determined and given the representation above, the council considers that this harm is likely to be less than substantial harm, moderate/high in scale. The balanced judgement should therefore be carried out in line with paragraph 215 of the NPPF 2024.

**Arboricultural Officer: NO OBJECTIONS** subject to condition.

**Senior Ecologist: NO OBJECTIONS** subject to condition related to Protected Species Licence, Mitigation Measure within the Protected Species Survey Report and Self-Build/Custom Dwelling BNG Exemption.

**REPRESENTATIONS 43 SUPPORT** comments, summarised below:

- Navenby is dilapidated and hidden from the public view and would have no impact on the conservation area.
- Navenby is one of a group of dwellings erected cheaply and quickly in the 1930s by a local fisherman.
- the assertion "there is no public benefit that outweighs any harm resulting from the demolition of one of a group of buildings" also fails to address the compelling evidence presented in the proposal's Design Access Statement, Heritage Impact Assessment and Retrofit Strategy documents.
- Inclusive design and energy efficient dwelling. Aesthetic and environmental improvements.
- Navenby is in a crumbling state, with issues such as poor insulation, bad foundations, and inaccessibility. These significant structural problems likely make retrofitting extremely challenging, and the environmental cost of attempting to upgrade the building could be higher than starting fresh.
- the house is not visible from the road and does not have significant architectural value, the argument for preserving the building purely for heritage purposes becomes less compelling, especially if its current state limits its potential for energy efficiency.
- Positive comments about the applicant's character as well-respected, active and positive community figure in Burnham Overy Staithe.
- Council should be encouraging the building of low environmental housing for local residents.
- Comments from family members, now residing in London, about keeping the site/dwelling in the family for future generations and occupancy and visiting during holidays.
- There are other examples of Thompson's work in the village in prominent places.
- The beach shingle concrete might seem like a quirky local detail worth preserving, but they are ugly, not fit for purpose, and are now past their lifespan and starting to crack up.
- Any harm is outweighed by having a high-quality, sustainable house suitable for permanent occupation by an active member of the village community.

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- Navenby was built as a holiday home - but not occupied as one and is now crumbling.
- The Conservation Officer claims that weight should be given to the "group value" of the house as one of eight built in the area by WT in his distinctive style. Numerically she is correct of course but that is nothing to the point if the example to be lost cannot be seen or appreciated by the public and is so well hidden it makes no contribution to the character and appearance of the conservation area.
- the applicant has been required to go to extensive lengths to demonstrate the practicality of trying to modify Navenby so as to make it suitable as a living space by current standards.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS12** - Environmental Assets

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **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  
 Impact on a Conservation Area, Non-Designated Heritage Asset and National Landscape.  
 Trees.  
 Impact on Neighbour Amenity  
 Any other matters requiring consideration prior to determination of the application

### **Principle of Development:**

The application site is located in Burnham Overy Staithe, which is classified as a Rural Village in the settlement hierarchy of Policy CS02 of the Core Strategy 2011. The application site is in the development boundary of Burnham Overy Staithe shown on Inset Map G19 of the SADMPP (2016). Development is generally permitted within the development boundaries

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in accordance with Policy DM2 of the SADMPP (2016). However, this is subject to other local planning policies.

Additionally, the application is for a self-build dwelling. The NPPF explains in footnote 28, that the Self Build and Custom Housebuilding Act 2015, (as amended recently by the LURA), places a legal duty "to give enough suitable development permissions to meet the identified demand". The requirement that permissions need to be suitable means that the need to grant planning permission to meet demand for SB&C housing plots does not eliminate the need to consider the suitability of the site in other respects. A planning balance is required.

### **Impact on a Conservation Area, Non-Designated Heritage Asset (NDHA) and National Landscape:**

Navenby comprises a modest two-storey dwelling, with evidence of extensions to the rear, situated within a substantial plot, demarcated to the west by an established solid wall, with a black timber pedestrian gate, and single storey garage. The site includes a woodland to the east and is heavily landscaped along the north and south boundaries.

The existing dwelling is distinctive as part of a group of dwellings built by Welcome Thompson and is a NDHA for its local architectural importance. Thompson's dwellings share similar features and characteristics: concrete block with red brick detailing, the dentilled eaves, and the prominent chimney. These features are evident to other dwellings in Burnham Overy Staithe along Gong Lane, such as Glebe Cottage, Gong Cottage, Studio Cottage, Victoria Cottage, Lazy Winds, Cressy and East Cottage. All of these dwellings fall within Burnham Overy Staithe's Conservation Area and the shared distinctive features of the group of dwellings form a unique group that create a distinct character area within the wider conservation area.

The proposed dwelling would be a one and a half-storey dwelling, approximately 6.4m - 6.7m tall (depending on surrounding ground levels), 24.3m deep, and 12.3m wide, sited on the footprint of the existing dwellinghouse. The outbuilding would be constructed to the north of the proposed dwelling along the north boundary wall. The outbuilding is made up of two parts: a single storey lean-to against the north boundary wall (footprint of 3.4m x 14.2m) and a dual pitched workshop and honey room (7m x 8m). The lean-to part of the outbuilding would be 2.9m tall and the dual pitched part 4m tall.

Materials have not been specified on the proposed plans but appear to be stained vertical timber cladding board to the dwelling and outbuilding, zinc shingles to the dwelling roof and corrugated metal roof to the outbuilding, a mix of timber and aluminium window frames, and timber insulated doors. Materials can be conditioned to ensure they are appropriate for the locality and setting of the Conservation Area and National Landscape.

Given the scale and height of the proposed development, set within a substantial plot, impact to the Norfolk Coast National Landscape is minimal, as per Policy CS12 of the Core Strategy 2011.

Whilst the contemporary design of the proposed dwelling is not considered wholly in keeping with the form and character of the Conservation Area, views to the site from Gong Lane and Glebe Lane are restricted by an established wall to the west and wooded area to the east. There are some views of Navenby, together with Studio Cottage, Gong Cottage and Glebe Cottage when looking south-east up Gong Lane. However, given that this is a spacious well treed site, combined with neutral materials and modest design, the dwelling would appear recessive within the landscape. No objection has been raised to its appearance.

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The main issue relates to the demolition of Navenby and its effect on the group of NDHA. The western part of the application site, including the dwelling, lies within Burnham Overy Staithe's Conservation Area. Officers consider Navenby as one of a group of buildings along Gong Lane, built or designed by Welcome Thompson, a local fisherman turned into a builder/developer in the inter-war period, and therefore a NDHA for its local architectural importance. The demolition of Navenby would result in harm to the character of the Conservation Area, as a result of the total loss of one of these distinctive dwellings in the centre of this grouping.

The Applicant and third-party comments refer to a recent Appeal decision (APP/V2635/W/20/3250741, planning reference 19/01953/F) for a nearby property (Victoria Cottage), one of Welcome Thompson's dwellings whereby the Inspector dismissed the Council's claim that the dwelling was a NDHA due to the lack of evidence submitted at the time. Since the determination of the application, new evidence, in the form of a newspaper article, lists the dwellings in this group, including Navenby, as a Thompson dwelling. Whilst the applicant's Heritage Statement disputes the evidence, the Planning Practice Guidance states "local planning authorities may also identify NDHAs as part of the decision-making process on planning applications" (Paragraph: 040 Reference ID: 18a-040-20190723).

The Applicant and third parties also comment that the NDHA issues were not raised on previous planning applications that the Council had determined within this group, such as, extensions and alterations to at Victoria Cottage, Lazy Winds, and Cressy - the 'three sisters' identified within the news article. The approvals of these planning applications were for sympathetic extensions and alterations which retained the existing notable character of the dwellings - such as the concrete block with red brick detailing, the dentilled eaves, and the prominent chimney.

Although Navenby and the other dwellings are not mentioned in Burnham Overy Staithe's Conservation Area Character Statement, under 'IMPORTANT UNLISTED BUILDINGS', the statement states that "Most of the remaining buildings in the Conservation Area are unlisted cottages, outbuildings and Victorian industrial buildings along the quay. Collectively they make a major contribution to the form and character of the area" due to their prominent position, use of traditional materials, substantially unspoilt character, "and because they often relate to other historic buildings close by". The loss of a dwelling within the centre of this important group of Thompson dwellings would therefore negatively impact this area of the conservation area as identified by the Character Statement.

The Applicant has not sufficiently demonstrated why the dwelling could not be retrofitted with sensitive extensions and alterations, similar to other dwellings in this group. In the submitted Retrofit Strategy provided by the Applicant, it concluded that "it is possible to significantly improve the performance of the existing building". However, this would not match the performance of a new building, would come at a significant financial cost with the building being inhabitable whilst works are being carried out, and would not result in a functional dwelling in respect to internal arrangements and space. Nevertheless, Officers do not consider this justification for the demolition of the NDHA, which would affect this locally important group of dwellings, has been substantiated and therefore its total loss, would affect the overall character of Burnham Overy Staithe's Conservation Area.

Paragraph 215 of the NPPF 2024 requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposal is considered to have limited public benefit, being for the replacement of one dwelling and therefore would not contribute to the Council's housing numbers. Limited public benefit may be gained by the introduction of an energy efficient dwelling built to modern standards. However, the harm identified, i.e. the loss of one of the important group of dwellings by Thompson, would result in a moderate to high level of "less than substantial harm", identified by paragraph 215 of the NPPF and would not be outweighed by the limited public benefit.

Paragraph 216 of the NPPF 2024 require that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The group of buildings make a positive contribution to the character and significance of the conservation area. The loss of one of these buildings would erode that significance of the group and diminish the importance of the group as a whole. The proposed development would result in a moderate to high level of "less than substantial harm", and therefore fail to preserve or enhance the character of Burnham Overy Staithe's Conservation Area, with the total loss of a NDHA.

As such, the application is contrary to Policies CS08 and CS12 of the Core Strategy 2011, Policy DM15 of the SADMPP 2016, and the NPPF 2024.

#### **Trees:**

The Applicant has submitted an Arboricultural Impact Assessment which details that only four trees should be removed - a Hawthorn tree because of its very poor condition and the other three are small unimportant trees close to the existing house. The removal of these trees will have no impact on the character or contribution to the amenity value of the area or to the immediate character of the Conservation Area due to the dense vegetation surrounding the property and screening it from Gong Lane to the west and Glebe Lane to the east.

The application proposes to retain almost all of the existing vegetation, with a few additions. Any other removals of trees in the future would be subject to Conservation Area notification. The Arboricultural information does not include details for tree protection of trees, which can be secured by way of pre-commencement condition, which the Applicant has agreed to.

The proposal would comply with Policies CS08 and CS12 of the Core Strategy 2011 and provisions of the NPPF 2024 for impact on trees.

#### **Impact on Neighbour Amenity:**

The application site is adjoined by Eastcote, Compass Cottage and Samphire to the north, and Studio Cottage, Gong Cottage, East Cottage, and Glebe House to the south. Neighbours to the east and west are separated from the site by Gong Lane and Glebe Lane and would be amply distanced from the proposed replacement dwelling and workshop outbuilding.

As a one and a half-storey dwelling approximately 9.2m from the south boundary and 14.4m from the north boundary, the proposed dwellinghouse would not have a shadowing or overbearing impact to neighbours to the north and south. Moreover, ground floor windows on the east, south and west elevation of the proposed dwelling would be sufficiently screened by the existing boundary treatments. Ground floor windows on the north elevation would be well screened by the proposed outbuilding.

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At first floor level, there is a window serving a void on the west elevation, a window serving the balcony on the east elevation, and a dormer window serving the yoga room on the north elevation. The window on the west elevation would have no overlooking impact. The window on east elevation would be sufficiently distanced from amenity space of surrounding neighbours being approximately 20m from the neighbours to the north and south. Lastly, the dormer window would be sufficiently distanced from neighbours to the north being 16.9m from the north boundary.

The outbuilding would be built hard on the north boundary, replacing a collapsed greenhouse on the site. Given it is single storey, it is unlikely to have an overbearing impact. There would be a slight impact in respect to loss of light and daylight, but this would be restricted to a few hours in the day and limited due to the height of the building.

Windows of the outbuilding would face into the site (on the south, east and west elevations) and sufficiently screened by the existing boundary treatments and would face into the site.

Lastly, views from the decking to neighbour amenity would be unlikely given the established boundary treatments.

In terms of impact on neighbours, the proposal would meet Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

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

##### *Ecology:*

The application is for a self-build a custom house and therefore exempt from providing biodiversity net gain.

The Preliminary Roost Inspection of the existing dwelling confirmed the presence of a bat roost. The Survey concluded that there were no other significant findings. In light of this, the Senior Ecologist has recommended conditions related to Protected Species Licence, Mitigation Measure within the Protected Species Survey Report and Self-Build/Custom Dwelling BNG Exemption.

The NPPG advises that the LPA must be confident that Natural England will issue a licence before granting planning permission.

Natural England will only grant a licence if satisfied that the three statutory tests prescribed under the directive and regulations have all been met. The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status.

The obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

Taking each of the three tests in turn: -

1. Imperative Reasons of Overriding Public Interest (IROPI) - NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. In this case, whilst the principle of a replacement dwelling accords with the provisions of the NPPF and the Local Development Plan, the LPA does not consider the proposed development itself to be acceptable in policy terms by the loss of a non-designated heritage asset within Burnham Overy Staithe's Conservation Area, which has no overriding public benefit. Furthermore, the development does not provide the benefit of an additional dwelling which would contribute towards the LPA's housing supply and as such would question how the proposal can be in the public interest.

That said, there may be a case for the fact that the replacement dwelling could provide for a more sustainable development when compared to the existing dwelling due to its age.

2. As a replacement of an existing building, the proposal cannot reasonably be re-located elsewhere.

3. It appears unlikely that the development of the site, subject to the appropriate mitigation and compensation measures, will affect the conservation status of the protected species. The effect of a proposal would be less significant to the specie's national population.

Taking the above into account, the LPA cannot see any reason why NE would not likely grant a derogation license under the Regulations in relation to this development.

In regard to Ecology, the proposal would comply with Policy CS12 of the Core Strategy 2011 and provisions of the NPPF.

#### *Highway Safety:*

Although the Local Highway Authority have not commented, the proposal seeks to utilise an existing access via Glebe Lane, which would not increase traffic and result in any highway safety implications. In terms of highway safety, the application would comply with Policy CS08, CS11 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

#### *Flood Risk and Drainage:*

The application site is located in Flood Zone 1, which has a low probability of flooding. The application site is approximately 0.47ha, and therefore a flood risk assessment is not required. Moreover, a residential dwellinghouse has a 'more vulnerable' classification and the development of this site does not make the site more vulnerable. The proposed development would comply with standing advice from the Environment Agency.

As a replacement dwelling, the proposal would be sufficiently served by existing drainage infrastructure. Moreover, rainwater runoff from the site is proposed to be collected in rainwater harvesting storage.

In terms of flood risk and drainage, the proposal would comply with Policy CS08 of the Core Strategy 2011.

## **Specific comments and issues:**

Comments were also made about the Applicant's character, which is not a material planning consideration.

## **CONCLUSION:**

This application is for the development of one self-build replacement dwelling at Navenby, along Gong Lane, within the development boundary of Burnham Overy Staithe and Conservation Area.

A balanced judgement is required to balance the demolition of a non-designated heritage asset in Burnham Overy Staithe's Conservation Area, against any public benefit of the scheme and the provision of a self-build dwellinghouse.

The dwelling of Navenby is considered a NDHA for its local architectural importance, being one in a group of dwellings along Gong Lane constructed by Welcome Thompson, a local developer in the inter-war period. The total loss of the NDHA would result in a moderate to high level of less than substantial harm, on the character of the Conservation Area as a result of the demolition of this dwelling in the centre of the group. The proposal attracts limited public benefit as a self-build replacement dwelling which would not contribute to the Council's housing numbers. Weight has to be given to the potential nature of a self-building dwelling; however, this is limited when measured against the harm to the character of the conservation area and total loss of a non-designated heritage asset. Lastly, the public benefit of an energy efficient dwelling would also be limited.

The Applicant has shown through a submitted Retrograde Strategy that upgrading the dwelling would be possible, albeit expensive and not to the specification of the applicant. This is not considered sufficient justification for the harm to the conservation area by the loss of a NDHA and the impact on the overall group of dwellings.

It is thereby recommended that Members refuse the application as the scheme fails to accord with the provisions of the NPPF 2024, and the adopted Local Plan Policy CS12 of the Core Strategy (2011) and DM15 of the Site Allocation and Development Management Policies Plan (2016).

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 Burnham Overy Staithe's Conservation Area Character Statement states that "Most of the remaining buildings in the conservation area are unlisted cottages...collectively they make a major contribution to their form and character of the area...because of their prominent position, use of traditional materials, their substantially unspoilt character, and because they often relate to other historic buildings close by."

The application site is located in Burnham Overy Staithe's Conservation Area and considered a non-designated heritage asset for its local architectural importance, belonging to a group of dwellings built by Welcome Thompson, a local developer, in the inter-war period. The group of buildings make a positive contribution to the character and significance of the conservation area. The loss of one of these buildings would erode the significance of the group and diminish the importance of the group as

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a whole. The proposed development, for one replacement self-build would have limited public benefit in the Council's housing numbers and providing a modern energy-efficient dwelling. The harm to the Conservation Area and loss of the non-designated heritage asset is not outweighed by the limited public benefit of the proposal.

The application therefore fails to meet Policy CS12 of the Core Strategy 2011, Policy DM15 of the Site Allocation and Development Management Policies Plan 2016, and the provisions of the NPPF.