

Development Committee



Please contact: Linda Yarham

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TO REGISTER TO SPEAK PLEASE CALL 01263 516150

26 February 2020

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN** on **Thursday, 5 March 2020** at **9.30 am**.

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

Please note that members of the public should not speak to Committee Members prior to or during the meeting.

Any site inspections will take place on **26 March 2020**.

PUBLIC SPEAKING – REGISTRATION IS STRICTLY BY TELEPHONE ONLY

Members of the public who wish to speak on applications must register **by 9 am on Tuesday 3 March 2020** by telephoning **Customer Services on 01263 516150**. We do not accept requests by email or on any other number. Please read the information on the procedure for public speaking on our website [here](#) or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr C Cushing, Mr P Fisher, Mrs A Fitch-Tillett, Mrs W Fredericks, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toye and Ms K Ward

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order
to attend this meeting, please let us know in advance**

**If you would like any document in large print, audio, Braille, alternative format or in
a different language please contact us**

Heads of Paid Service: Nick Baker and Steve Blatch
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Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

A G E N D A

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN
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PUBLIC BUSINESS

1. **CHAIRMAN'S INTRODUCTIONS**

2. **TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)**

3. **MINUTES**

To approve as a correct record the Minutes of a meeting of the Committee held on 23 January and 6 February 2020.

4. **ITEMS OF URGENT BUSINESS**

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

5. **ORDER OF BUSINESS**

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

6. **DECLARATIONS OF INTEREST**

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

OFFICERS' REPORTS

ITEMS FOR DECISION

PLANNING APPLICATIONS

7. **COLBY - PF/19/1974 - CONVERSION OF BARN TO 2NO.DWELLINGS (PART RETROSPECTIVE); HEPPINN BARN, NORTH WALSHAM ROAD, BANNINGHAM, NORWICH, NR11 7DU FOR MRS JONES**

(Pages 1 - 6)

8. SHERINGHAM - PF/19/1490 - CHANGE OF USE OF LAND AND EXISTING BUILDING (COMPRISING OF GARAGE/WORKSHOP/STUDIO/STORE/GARAGE) AND EXTENSION TO BUILDING TO CREATE A DWELLING HOUSE; DEMOLITION OF SHED AND CONSTRUCTION OF A GARAGE WITH A WC; BENNY'S YARD, SADLERS LANE, SHERINGHAM, NR26 8HS FOR MR SMITH (Pages 7 - 12)
9. SHERINGHAM - PF/19/1943 SINGLE STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION: FLAGSTAFF HOUSE, 23 THE DRIFTWAY, SHERINGHAM, NR26 8LD FOR MR TEMPLEMAN (Pages 13 - 18)
10. WELLS-NEXT-THE-SEA - PF/19/2004 - PARTIAL DEMOLITION OF EXISTING EXTENSIONS, AND ADDITION OF NEW THREE STOREY EXTENSION TO THE NORTH AND SINGLE STOREY EXTENSION TO THE SOUTH. DEMOLITION AND RE-BUILDING OF EXISTING OUTBUILDINGS; REPLACEMENT WINDOWS AND REFURBISHMENT THROUGHOUT. NEW BOUNDARY TREATMENT TO SOUTH FACING GARDEN; CROFT HOUSE, CROFT YARD, WELLS-NEXT-THE-SEA, NR23 1JS FOR MR & MRS BUCKE (Pages 19 - 26)
11. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION (Pages 27 - 28)
12. APPEALS SECTION (Pages 29 - 46)
- (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results
13. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
14. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

15. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
16. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

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COLBY - PF/19/1974 – Conversion of barn to 2no.dwellings (part retrospective); Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU for Mrs Jones

Minor Development

- Target Date: 23 January 2020

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

SFRA - Areas Susceptible to Groundwater Flooding

Landscape Character Area

EA Risk of Flooding from Surface Water 1 in 1000

LDF Tourism Asset Zone

LDF - Countryside

Enforcement Enquiry

Public Right of Way

B Road

RELEVANT PLANNING HISTORY for Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

PLA/19970430

Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

CONVERSION OF REDUNDANT BARNS TO TWO HOLIDAY COTTAGES

Approved 29/08/1997

PU/15/1129

Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Prior notification of intention to change of use of agricultural buildings to two (C3) dwellinghouses

Refusal of Prior Notification 18/09/2015

PU/16/0570

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Prior notification of intention to change of use of agricultural building to residential dwellinghouse

Approval - Prior Approval Given 28/06/2016

CDA/16/0570

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Discharge of condition 6 (soil analysis) of PU/16/0570

Condition Discharge Reply 15/02/2017

PU/18/0284

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Notification for prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Class C3) and for associated operational development

Approval - Prior Approval Given 23/04/2018

CDA/18/0284

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

Discharge of Condition for Planning Permission PU 18 0284 for Cond.2: Materials, Cond.3: Tiles, Cond.5: Sewage Disposal, Cond.6: Surface Water Drainage

Condition Discharge Reply 13/11/2019

IS2/19/1504

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

Conversion of barn to two dwellings (part retrospective)

Advice Given (for pre-apps) 30/10/2019

THE APPLICATION

The proposal as submitted seeks the conversion of a former agricultural barn to two dwellings. It is noted that consent was granted in 2018 (PU/18/2084) and prior to this in 2016 (PU/16/0570) under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, for the change of use of the same building to two dwellings. Following approval of these prior consents works have taken place which were not authorised under these consents, resulting in the need to now submit a full planning application for the proposed conversion in relation to the building that now remains. It is positioned just off the Aylsham Road alongside a Public Right of Way approximately halfway between the A140 and Felmingham, and to the south-east of the main village centre of Banningham.

The application was deferred at the last Development Committee meeting for a Committee site visit which was undertaken on 27 February 2020.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr J Toye given the needs of the applicant in relation to Core Strategy Aim 1 and the specific needs of the elderly/disabled, the allowance of Policy SS 2 relating to the re-use and adaptation of buildings for appropriate uses, and Policy EN 8 relating to the demolition of buildings which make little contribution to the area.

PARISH COUNCIL

Colby Parish Council - No objection.

REPRESENTATIONS

Two public representations of support have been received raising the following points:

- The project is an ideal use of a dead and ugly space.
- The original shed is an eyesore.
- The proposed development will not impede access to daily walking, it will enhance it.
- The proposed development is a well-designed, modern, energy-saving family home.

CONSULTATIONS

Norfolk County Council (Highway) - No objection subject to condition.

Norfolk County Council (Landscape & Green Infrastructure) - No objection. Highlight the proximity of the site to a Public Right of Way which must remain open and accessible, further noting that any works within the alignment of the PROW will require Highway Authority approval.

Landscape Officer - No response.

Environmental Health - No objection.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

HO 9 - Conversion and Re-use of Rural Buildings as Dwellings

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Neighbouring amenity
4. Highway impact
5. Landscape impact
6. Biodiversity
7. Environmental matters

APPRAISAL

1. Principle (Policies SS 2 and HO 9):

The site in question lies within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. The conversion of existing rural buildings to dwellings is considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies and in particular, the requirements of associated Policy HO 9.

The building as originally standing, consisted of concrete blockwork walls and a corrugated asbestos roof. Two Prior Notification applications have been approved for the building, one in 2016, the other in 2018, both of which proposed a reasonable conversion scheme that, based upon the information submitted, were considered to comply with the requirements of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. Since approval, the foundations of the building were found to be substandard and insufficient to support the approved building. This matter was highlighted to the Planning Authority in 2018 at which time underpinning works to provide the necessary support to the existing building were reluctantly accepted, at the time being deemed as a pragmatic approach to an unfortunate situation. Since then, further building works have taken place which have resulted in the collapse/removal of the majority of the existing building, with new walls have started to be constructed. Given that the original consent required the retention of the existing walls and roof of the building, the works that have taken place are considered to be unauthorised. The submitted Planning Statement acknowledges that the original building was not structurally adequate to meet the requirements of Class Q, though it is important to note that at the time of the two original consents as referred to above, the Council had no grounds to suspect (noting that Planning Officers are not qualified structural engineers/surveyors) that the originally submitted structural survey (which was undertaken by a qualified structural engineer) was deficient, with the survey stating that the building was suitable for residential conversion and that no underpinning would be required. It further explicitly stated that on the basis of the trial hole excavated, the foundation was 'more than adequate' to support the structure. It is further noted that the existing roof structure would not have been capable of supporting a pantile roof as originally approved, however, had the plans proposed an alternative type of roof material, it is likely that this would have been accepted, noting that Class Q goes further and can allow a replacement roof - however, this was not proposed at the time.

As it stands, the proposal subject of this application must now be assessed against the requirements of Core Strategy Policy HO 9. This policy requires that in order to be considered for conversion, buildings must be structurally sound and suitable for conversion to residential use without substantial rebuilding or extension and any alterations must protect or enhance the character of the building and its setting. It is clear that very little of the original structure now remains and as such, it is considered that the proposed development would not meet the requirements of Policy HO 9. The proposed development would not represent a conversion, rather it would represent the building of a new dwelling in the Countryside. The previous two consents granted under Class Q are a material planning consideration, however, these were granted under separate planning legislation and not judged against the adopted Core Strategy.

With the Council's assessment of the proposed development being tantamount to a new dwelling, the proposed development is contrary to Core Strategy Policy SS2, with no evidence

provided to demonstrate that the dwelling would promote sustainable development nor that it meets one of the criteria in Paragraph 79 of the National Planning Policy Framework (NPPF). In addition, no evidence has been submitted to demonstrate that a single dwelling would either enhance or maintain the vitality of the rural community in order to meet the requirements of Paragraph 78 of the NPPF.

2. Design (Policy EN 4):

Given that the design of the proposed dwellings is intended to replicate the dwellings granted under the previous two applications, the appearance of which was accepted, there are no concerns regarding the design of the proposed dwellings under this current application. It is considered that sufficient external amenity space would be available for the dwelling to meet the requirements of Paragraph 3.3.10 of the North Norfolk Design Guide. Any site boundary treatments would need to be appropriate in terms of visual impact. Closeboarded fencing should be avoided, with a softer boundary treatment preferred. Subject to appropriate conditions, the proposed development complies with the requirements of Policy EN 4.

3. Neighbouring amenity (Policy EN 4):

By virtue of the single-storey nature of the proposed development, and its separated position away from the nearest neighbouring property (Pond Farm), with a Public Right of Way in-between and a tree-lined southern boundary, it is not considered that the proposed development would result in any detrimental impact on neighbouring residential amenity. As such, in this respect, the proposed development complies with the requirements of Policy EN 4.

4. Highway impact (Policies CT 5 and CT 6):

No objections have previously been raised by the Highway Authority regarding the site access and as such, there are no concerns regarding compliance with Policy CT 5. Sufficient on-site parking and turning facilities can be provided to meet the requirements of Policy CT 6.

5. Landscape impact (Policy EN 2):

The proposed design of the dwellings raises no significant concerns regarding the wider visual impact of the development upon the surrounding landscape under Policy EN 2. Arguably, the appearance of the two dwellings would be an improvement upon the relatively poor visual appearance of the previously existing building and the current remains. Any proposed lighting (if necessary) should be kept to a minimum and appropriately designed (for example, discreet and downward facing).

6. Biodiversity (Policy EN 9):

Given that the majority of the barn has been removed, it is considered unlikely that the proposed development would have an impact upon protected species. As such, the proposed development is compliant with Policy EN 9, subject to the control of external lighting.

7. Environmental matters (Policy EN 13):

Matters of contamination have been previously addressed under the two prior consents, further noting that the previously existing asbestos roof has now been removed. No objections

have been raised by the Council's Environmental Protection Officer in relation to the methods of foul sewage disposal (septic tank) and surface water disposal. As such the proposed development complies with the requirements of Policy EN 13.

8. Other matters:

The site lies immediately adjacent to a Public Right of Way. As stated by Norfolk County Council's Green Infrastructure Officer, this should remain open throughout the duration of any works and thereafter. Any works within the PROW would require the consent of the Highway Authority.

9. Conclusion:

To conclude, it is clear that the existing building is not structurally sound and cannot be converted without substantial rebuilding of the majority of the structure. The proposed development would result in the erection of a new dwelling, rather than a conversion of an existing building and as such, is Contrary to Core Strategy Policies SS 2 and HO 9. Therefore refusal of the application is recommended.

RECOMMENDATION: Refuse for the following reason:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO 9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS 2 - Development in the Countryside

HO 9 - Conversion and Re-use of Rural Buildings as Dwellings

In the opinion of the Local Planning Authority, the proposal, due to the state of the former building and the extent of the building work required, would not amount to a conversion. The proposal is for a new dwelling in the countryside, where development is limited to that which requires a rural location, as set out in Core Strategy SS 2, or conversion in accordance with the criteria set in Policy HO 9, or the criteria set out in Paragraph 79 of the National Planning Policy Framework (February 2019). The building is not considered to be in a convertible state due to only remains of a building in situ. No evidence has been provided that the provision of such a dwelling would promote sustainable development nor that it meets one of the criteria in Paragraph 79 of the National Planning Policy Framework. In addition, no evidence has been submitted to demonstrate that a single dwelling would either enhance or maintain the vitality of the rural community, contrary to Paragraph 78 of the National Planning Policy Framework.

SHERINGHAM – PF/19/1490 – Change of use of land and existing building (comprising of garage/workshop/studio/store/garage) and extension to building to create a dwelling house; demolition of shed and construction of a garage with a WC; Benny's Yard, Sadlers Lane, Sheringham, NR26 8HS for Mr Smith

Minor Development

Target Date: 30th November 2019

Case Officer: Mr J Cosgrove

Full Planning Permission

RELEVANT SITE CONSTRAINTS

Landscape Character Area

LDF – Tourism Asset Zone

Development within 60m of Class A road

Contaminated Land

LDF – Settlement Boundary

LDF – Residential Area

RELEVANT PLANNING HISTORY

PF/92/1185 – Alterations to Garage/Workshop – Approved: 06.10.1992

THE APPLICATION

The application is for the change of use of land and existing buildings, from Storage and Distribution (Class B8) to Residential (Class C3) use, along with the demolition of an existing shed and the extension of the existing workshop building to create a two-bedroom dwellinghouse; and the construction of a detached garage.

REASONS FOR REFERRAL TO COMMITTEE

Cllr C. Heinink has requested a committee decision because of the opposition and the points raised by consultees.

PARISH/TOWN COUNCIL

Sheringham Town Council objects on the grounds that the proposed development would be contrary to Policies EN4 and CT5 and would infringe on the neighbouring dwelling's right to light.

REPRESENTATIONS

3 representations have been received - 2 objecting and 1 in support, summarised as follows:

Objections

- Over development
- Inadequate turning space within the site
- Access to/from Saddlers Lane would set a dangerous precedent
- Inappropriate size scale and density
- Proximity to roof terrace and bedroom window (*impact on view*)
- Boundary walls being attached (*Party Wall Act matter, not planning*)
- Loss of light and the impact on heating
- Anticipating a minimum of 4 vehicles (*this is not the case there is just a double garage and room for two cars outside*)
- Height of garage and car port effecting green views (*have been lowered in amended plans*)
- Opening of gates onto private property (*Removed from amended plans*)
- Dark Skies Impact/Light Pollution from roof lights
- Drainage systems inadequate

- Encourage crime by having a route through from Cromer Road to Saddlers Lane

Support

- Good design
- Highways Authority support
- Complies with Policy

CONSULTATIONS

Norfolk County Council (Highways): have a longstanding concerns with regard to the increased use of the narrow unmade track, as a residential unit is considered to generate 6 daily movements. To be acceptable they would need to be convinced that the proposal would not lead to increased vehicular use of the site compared to the existing use. The layout of the gates and parking effectively making one of the spaces redundant as originally proposed have been addressed through amended plans.

Environmental Health: No objection subject to asbestos informative.

Landscape Officer: the building has a lot of possible points for bats and in the absence of cobwebs on the holes there is the potential for a roost. A potential Roost Assessment is required prior to the determination of the application.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life. Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

North Norfolk Core Strategy (Adopted September 2008):

SS1: Spatial Strategy for North Norfolk

SS3: Housing

SS12: Sheringham

HO1: Dwelling Mix and Type

EN2: Protection and Enhancement of Landscape and Settlement Character

EN4: Design

EN6: Sustainable Construction and Energy Efficiency

EN9: Biodiversity & Geology

EN13: Pollution and Hazard Prevention and Minimisation
CT5: Transport Impact of New Development
CT6: Parking Provision

North Norfolk Design Guide, Supplementary Planning Document (SPD) adopted 2008

MAIN ISSUES FOR CONSIDERATION

- Principle
- Design
- Amenity
- Biodiversity
- Highways, Access & Parking
- Environmental Considerations

APPRAISAL

Site Location and Description

The application site is a back land plot of approximately 181 square meters located to the rear of no. 18 Cromer Road, and was historically part of its curtilage. The site has an existing vehicular access onto Sadler's Lane and is served by a narrow pedestrian access onto Cromer Road. The site is somewhat overgrown and contains a two storey workshop and two single storey outbuildings. The current lawful use of the site is considered to fall within Class B8 - Storage and Distribution and there are no conditions restricting the use of the site within this class or restricting the number of vehicular movements to and from the site.

Principle of Development

Policy SS1 of the Core Strategy identifies Sheringham as a Secondary Settlement suitable for developments on a range of scales, while policy SS12 recognises that between 200 and 250 new homes which would not involve encroachment on the countryside should be built on previously unidentified sites in the existing built up area between 2001 and 2021. The site is within the settlement boundary and a designated residential area where policy SS 3 allows for appropriate residential development.

Paragraph 117 of the NPPF states that planning policies and decisions should promote the effective use of land in meeting the needs for homes and other uses and make as much use as possible of previously-developed or brownfield land. Paragraph 118 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and should promote and support the development of under-utilised land and buildings.

Having regard to the above, the proposed development is considered acceptable in principle subject to compliance with the other relevant Development Plan policies.

Layout and Design

Policy EN 4 of the Core Strategy and Section 12 of the revised NPPF requires that all development is designed to a high quality, has regard to the local context, and preserves or enhances the character or quality of the area in which the development would be located.

Sadler's Lane is characterised by a mix of architectural styles and dwelling types, with rear garaging and parking areas serving the dwellings fronting onto Cromer Road interspersed with a number of residential plots on the lane itself.

The application proposes the conversion and extension of an existing workshop served by an existing access on to the lane and the erection of a detached garage. The proposed dwelling would be two storeys and be constructed from a mix of solid facing brickwork, rendered brickwork and timber cladding, with a pan tile roof to match the existing. It is considered that the dwelling would integrate well with its surroundings and the proposed garage would be constructed from complimentary materials. The cumulative built footprint of the development would cover an area of approximately 71.4 square metres which would represent a coverage of just over 40% of the site. The remaining area would serve as a parking area and as private amenity space to serve the dwelling.

It is considered that the proposed development would represent a visual improvement over the existing buildings on the site and would not appear as an overly dominant or overbearing addition to the plot and would integrate well with its surroundings. Having regard to the above, subject to conditions restricting the development's permitted development rights for additions and alterations, and controlling the external materials to be used it is considered that the proposed development would comply with Policy EN4 of the Core strategy and Section 12 of the NPPF

Amenity

Policy EN 4 of the Core Strategy states that "proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity".

The proposed development is modest in size and scale and would not appear as overbearing or dominant when viewed from neighbouring properties, nor would it result in overlooking detrimental to the amenity of the occupants of any neighbouring properties.

Furthermore, sun path calculations were provided by the applicant which show that the proposed development would not result in an unacceptable loss of light or overshadowing of any neighbouring properties.

It is noted that objections were raised regarding the impact of the proposed development on the adjacent 'roof terrace'. This is however, not an authorised use of this roof space and does not benefit from railings or other features consistent with a roof terrace and is considered to only consist of a doorway accessing a flat roof. A reduction in the view from such an arrangement is not a material planning consideration which can be accorded any significant weight in the determination of the application.

Following discussions with the applicant and, in response to the objections received from the occupants of 2 neighbouring dwellings, the proposed development was amended to reduce the size of the garage, remove its lean-to element and ensure that its construction does not incorporate the rear boundary wall of no.18, although the structure remains immediately adjacent to the boundary. The proposed dwelling would provide an acceptable level of internal space and would benefit from an area of about 109 square metres of private amenity space, which would comply with the amenity criteria in the Design Guide SPD. Having regard to the above, it is not considered that the proposed development would have a sufficiently adverse impact on the amenity of any neighbouring properties to justify the refusal of planning permission. Officers consider the proposals could provide a good standard of amenity for the future occupiers proposed development is considered to comply with the provisions of Policy: EN4.

Biodiversity

Policy EN seeks to protect the District's biodiversity. The building has a number of potential access points for bats and in the absence of cob webs on the holes, there is potential for a roost. As a result, a preliminary roost assessment (PRA) is required.

A PRA is currently being arranged by the applicant. If further surveys are required these will need to be undertaken before the application can be determined, as currently the impact on protected species is not known. As a result, the recommendation below is subject to the completion of a Preliminary Roost Assessment and any subsequent surveys and recommendations that may be required, have been taken into account. If surveys are required the earliest these can be undertaken is in May.

Highways, Access & Parking

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The width of Sadler's Lane (which runs between A1062 Holway Road and Abbey Road) is inadequate to enable two-way traffic, and any intensification of vehicular traffic on Sadler's Lane is undesirable. However, there are currently no restrictions on the number of vehicle journeys to and from the site in connection with the existing use. The Highway Authority raised concerns regarding the potential increase in vehicle movements over the existing situation, and stated that they would expect residential use of the site to generate 6 movements daily. However, while the current use of the site may be of a low intensity and generating relatively few movements, the potential exists for operations within the B8 use class which could occupy the site, which would generate significantly more than six daily journeys and needs to be given some weight. As such it is considered that the proposed development would not result in harm to a degree that would justify refusal in this respect.

The site benefits from an established access onto Sadler's Lane which would be utilised to serve the proposed development. Following discussions with the applicant, the proposed gates were removed from the plans in order to ensure that the access is kept clear and serviceable, and, in the interest of highways safety, it is considered reasonable to impose a condition removing permitted development rights for the erection of gates. The proposed dwelling would have 2 off-street parking spaces including the garage, which complies with the council's adopted parking standards for a two-bedroom dwelling; and cycle parking would be provided within the garage.

Having regard to the above the proposed development is considered to comply with the provisions of Policies: CT5 and CT6.

Environmental Considerations

The Environmental Protection Team have not raised objections to the proposed development in relation to either noise or light pollution, and due to the scale of the proposed development and its location within a built up area, subject to a condition requiring submission and approval of details of any external lighting prior to the occupation of the proposed dwelling, and the fact that the existing workshop on the site incorporates roof lights, no objections are raised with regard to the proposed development's impact on dark skies.

Having regard to the above, the proposed development is considered to comply with the provisions of Policy: EN13.

RECOMMENDATION:

Subject to the completion of a Preliminary Roost Assessment together with any additional surveys incorporating their recommendations into the proposal, it is recommended that the application be APPROVED subject to conditions relating to the matters listed below and any other considered necessary by the Head of Planning:

- Time limit for implementation
- Constructed in accordance with the approved plans

- Removal of permitted development rights for extensions and alterations to the dwelling, outbuildings and means of enclosure
- External materials to be approved
- External lighting to be agreed
- Garage restricted to incidental use
- Provision of on-site parking and turning
- Provision of highway visibility splays

Final wording of conditions to be delegated to the Head of Planning

SHERINGHAM – PF/19/1943 Single storey rear extension following demolition of existing single storey rear extension: Flagstaff House, 23 The Driftway, Sheringham, NR26 8LD for Mr Templeman

Target Date: 07 January 2020

Case Officer: Jayne Owen

Householder application

CONSTRAINTS

LDF - Residential Area

Conservation Area

LDF - Settlement Boundary

Landscape Character Area

RELEVANT PLANNING HISTORY

None

THE APPLICATION

The application proposes the demolition of an existing single storey rear extension to the rear of an existing two storey detached dwelling and its replacement with a new single storey rear extension. It is also proposed to form two new windows to serve en-suite bathrooms at first floor level within the northern facing elevation of the dwelling and an existing window serving bedroom 1 would be enlarged. The existing windows on the ground and first floors are understood to have been added in adaptations carried out in the 1970s. A new window is also proposed at first floor level within the front elevation of the property which would serve a bedroom/study.

The property is within the Sheringham Conservation Area and is a brick and flint building mostly painted, with a modern rebuilt gable to the east side. The property was previously linked to the coastguard and has been adapted over the years including a flat roofed rear extension which was added in the 1970s. The property has a triangular garden with views of the coastline to the north and there are residential dwellings to the west and south.

The existing extension measures approximately 11 m in length by 4.4 m in width and is 3.2 m in height. The proposed extension would be 11 m in length, 7 m in width and 2.8 m in height.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor L Withington owing to matters relating to design, scale and materials, impact on the conservation area, compliance with dark skies initiative given proximity to AONB boundary, orientation of the site in combination with extent of glazing and visibility from the coastline.

TOWN COUNCIL:

Object on the following grounds:

National Planning Policy Framework

Section 16 of the NPPF deals with Conserving and Enhancing the Historic Environment. Para 200 states that local planning authorities should look for new development within Conservation Area to enhance their significance. The proposed development sits within Sheringham Conservation Area and will form an extension to one of the most historic and visible buildings in the town. The Town Council consider that the proposed design, scale, and materials for the extension do not enhance the Conservation Area.

North Norfolk Core Strategy

Policy EN 4 states design which fails to have regard to local context and which does not preserve or enhance the character of an area will not be acceptable. It also states that development proposals should have regard to the North Norfolk Design Guide. The Town Council consider that the proposal the proposal does not address any of these stipulations. The overwhelming area of glass in the replacement extension together with the proposed new windows are considered not to be in keeping with the brick and flint building and does not comply with NNDC's dark skies initiative, more so as it is in a Conservation Area and is on the coastline.

Policy EN 8 states that Conservation Areas should be preserved or where possible enhanced. The design, scale and materials do not enhance Sheringham Conservation Area

REPRESENTATIONS:

Two objections from the occupiers of the adjacent property raising the following concerns:

- Impact on sea views should the roof height be increased above the level of the existing extension
- Impact on value of property in the long term
- Impact on coastline development in a conservation area
- Visual impact of covered eating area element of the proposal (NB this has now been removed from the proposals)

Conservation and Design Officer – No objections to the principle of demolishing the existing rear wing and replacing it with a new lightweight contemporary structure. In terms of detail, extending the new wing out to incorporate a covered patio area would create a new wing which would be disproportionately long for the main house. Following the removal of the enclosure of the patio area, the proposal leaves the new build element the same length as the existing and the Conservation and Design Officer supports the proposal as amended.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

SS 12 - Sheringham

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

National Planning Policy Framework (NPPF):

Section 12 - Achieving well-designed places (paragraphs 124, 127, 128, 130)

Section 16 - Conserving and enhancing the historic environment (paragraphs 189, 190, 192, 193, 194, 196, 199)

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design and impact on heritage asset
3. Residential amenity

APPRAISAL

1. Principle (Policies SS 1 and SS 12):

The application site lies within the designated residential area of Sheringham where, under Policies SS 1, SS 3 and SS 12, extensions to dwellings are acceptable in principle subject to compliance with all other relevant Core Strategy policies.

2. Design and impact on heritage assets (Policies EN.4 and EN 8)

Policy EN 4 states that all development should be designed to a high quality, reinforcing local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The site is in a conservation area and Policy EN 8 requires development proposals, including alterations and extensions, to preserve or enhance the character and appearance of designated assets. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

The dwelling is a brick and flint property mostly painted, with a more modern rebuilt gable to the east side. The property has been adapted over the years with a single storey flat roofed rear extension added in the 1970s by the previous owners. The property has a triangular garden creating a wide aspect to the beach and sea beyond. The proposal aims to update the property with a modern layout and utilising the location to its full extent. This includes reconfiguring the existing internal layout, removing the existing flat roofed extension and replacing it with a new lightweight contemporary structure. The proposed roof would be a lead grey single ply membrane or GRP (Glass reinforced plastic/fibreglass) and the external walls would comprise glazing with grey aluminium glazing bars.

The new extension would accommodate a family kitchen/dining/living space and would be lower than the existing parapet wall which lies on the western boundary which will be retained at its existing height. A large overhang and diminishing verge detail would give the appearance of a slender roof profile to not detract from the existing original rectangular building.

It is proposed to create two new window openings at first floor level within the northern elevation of the original dwelling which would serve en-suite bathrooms. A window serving bedroom 1 would be increased in size, and comprise a single pane. A new window would also be created at first floor level within the front elevation of the property which would serve a bedroom.

The existing rear extension, although in the main constructed from brick and flint, does not compliment the building. The proposal aims to provide a contrast with the existing building and allow it to be seen through the glazing, with the historic fabric retained. The extension would be set within the existing flint walls of the garden and house with the new facade made out of glass with timber/steel structure behind. The slender roof over the living space will be barely visible other than from above and does not conflict with the existing height of either the existing property or the neighbouring property (No. 21) which towers above.

The Conservation and Design Officer has no objections to the principle of demolishing the existing rear wing and replacing it with a new, lightweight contemporary structure. Concerns were however raised in relation to the original proposal to extend the wing out to incorporate a covered patio area as it was considered this would create a new wing which would be disproportionately long for the main house. In response to these above concerns, the enclosure over the patio has been removed from the scheme, with amended plans leaving the new build the same length as the existing rear extension. The Conservation and Design Officer has no objections to the proposal as amended.

Concerns have been raised by the Parish Council and the Ward Member in relation to North Norfolk's dark skies initiative and potential visual impact in relation to the coastline. The site is within the residential area of Sheringham surrounded by existing buildings and is not within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) or an intrinsically dark landscape. The boundary of the AONB lies approximately 335 m to the west of the site. As such it is considered that this concern cannot be given any significant weight.

Further, the addition as it is single storey and whilst it would be 2.6 m greater in width it would be of a similar height, scale and depth to the extension it would replace. When viewed from the coastline it is considered that it would be not be significantly more visible than the existing rear extension and it would be seen against the backdrop of neighbouring large two storey dwellings, including the host dwelling, all of which have numerous existing openings giving rise to light spillage. In this context, it is not considered that there would be a material detrimental impact on the special qualities of the AONB or that a refusal based on light pollution or visual impact in relation to the coastline could be robustly substantiated.

The scheme as amended is considered to accord with paragraph 196 of the NPPF and Policies EN 4 and EN 8 of the North Norfolk Core Strategy.

3. Residential Amenity: (Policy EN 4)

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The nearest dwelling is 21 The Driftway which lies to the south-west of the site. Owing to the single storey nature and siting of the proposed extension

there are no overriding concerns regarding impact on the residential amenity of any neighbouring occupiers by way of any significant overlooking, overshadowing, loss of privacy or outlook. The development therefore accords with Policy EN 4 of the North Norfolk Core Strategy.

4. Other Matters

Concerns have been raised regarding potential impact on property values, but this is not a material planning consideration relevant to the determination of the application and a refusal on this ground could not therefore be substantiated.

5. Conclusion

It is concluded that the proposed extension and alterations are of an acceptable design and appearance which would not be significantly detrimental to the character and appearance of the host dwelling, the wider conservation area or the AONB. There are no overriding concerns regarding impact on the residential amenity of any neighbouring occupiers.

The development is considered to accord with the requirements of the development plan and approval of the application is therefore recommended.

RECOMMENDATION:

APPROVE subject to conditions relating to the following matters and any others considered necessary by the Head of Planning.

- Time limit for implementation
- Approved plans
- Materials as specified in application

Final wording of conditions to be delegated to the Head of Planning.

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WELLS-NEXT-THE-SEA - PF/19/2004 - Partial demolition of existing extensions, and addition of new three storey extension to the north and single storey extension to the south. Demolition and re-building of existing outbuildings; replacement windows and refurbishment throughout. New boundary treatment to south facing garden; Croft House, Croft Yard, Wells-next-the-Sea, NR23 1JS for Mr & Mrs Bucke

- Target Date: 10th March 2020

Case Officer: Liz Starling

Householder application

CONSTRAINTS

Landscape Character Area

SFRA - Areas Susceptible to Groundwater Flooding

EA Risk of Flooding from Surface Water 1 in 1000

LDF - Residential Area

LDF - Settlement Boundary

Conservation Area

Unclassified Road

Area of Outstanding Natural Beauty

RELEVANT PLANNING HISTORY

IS1/19/0690 - Croft House, Croft Yard, Wells-next-the-Sea, NR23 1JS - Proposed three-storey 'tower' extension to North, single storey kitchen extension to South, re-modelling of existing house and reconfiguring of outbuilding to form car-port - Advice Given (for pre-apps) 09/10/2019

THE APPLICATION

The application seeks full planning permission for extension and alteration works to a property known as Croft House situated on Croft Yard in Wells. The scheme includes the following works;

- Partial demolition of existing extensions and their replacement with a new three storey 'tower' extension to the north (with a curved balcony at second floor).
- Single storey kitchen extension to the south.
- Demolition and re-building of existing attached outbuildings to form a carport and the installation of replacement windows and refurbishment/reconfiguration works to the original property.
- A new boundary treatment around part of south facing garden.

Croft House is a residential property sited within Wells Conservation Area and is a brick and flint property mostly painted with a modern rebuilt gable to the east side. The property was previously linked to the coastguard and has been adapted over the years including the existing flat roofed rear extension which was added in the 1970's. The property has a triangular garden with views of the coastline to the north and there are residential dwellings to the west and south of the application site.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor P Fisher owing to concerns in respect of compliance with Policies EN2 and EN4, in particular concerns relating to overlooking, density, scale and massing and detrimental effect on the residential amenity of nearby occupiers.

TOWN COUNCIL:

Objection on the grounds that the proposal is considered out of character with the existing building, it is over development and there are serious concerns about the adequacies of car parking and the possible obstruction of Croft Yard.

REPRESENTATIONS:

One public objection has been received on behalf of Manor Cottage, No.2 Croft Yard raising the following concerns:

Whilst raising no objection in principle to the restoration or improvements to the parking arrangements. However, objections raised to the details relating to this proposal as follows;

- Scale of the extensions proposed, increasing accommodation by approximately 40% and resulting in the overdevelopment of the site.
- Impact on existing parking arrangements, which are already cramped and difficult to access. Increase in occupancy of the property would further exasperate issues of parking, access and safety at the site and in the immediate vicinity. request that NCC highways are consulted on the proposals.
- Detrimental impact on nearby properties on Croft Yard, particularly No.2, resulting from increased overlooking and loss of privacy and loss of light.
- Concerns raised that information such as house numbering and imagery are misleading and do not represent the potential impacts of the proposals on amenity and the access road and parking.

Further correspondence has been received from the above objecting raising concerns in respect of NCC Highways response not adequately addressing the highway issues, clarification over highway works proposed and raising further concerns in respect of the impact of the tower element upon residential amenity.

Conservation and Design Officer – No objections subject to the imposition of conditions.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 4 - Environment

SS 14 - Wells-next-the-Sea

EN 1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 12 - Achieving well-designed places (paragraphs 124, 127, 128, 130)

Section 15 – Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment (paragraphs 189, 190, 192, 193, 194, 196, 199)

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design and impact on heritage asset
3. Residential amenity
4. Landscape, biodiversity and impact upon the AONB
5. Highways

APPRAISAL

1. Principle (Policies SS 1 and SS 14):

The application site lies within the defined residential policy area of Wells where under Policies SS 1 and SS 14, extensions to dwellings are acceptable in principle subject to compliance with all relevant Core Strategy policies.

2. Design and impact on heritage asset (Policies EN 4 and EN 8)

Policy EN 4 states that to be considered acceptable, all development must be designed to a high quality, reinforcing local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The site also lies in a Wells Conservation Area where Policy EN 8 requires development proposals, to preserve or enhance the character and appearance of designated assets and their settings through high quality, sensitive design. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

Concerns have been raised by the Town Council and the public to the proposals on the basis that they constitute overdevelopment of the site and would out of character with the existing building.

Notwithstanding these concerns, the Council's Conservation Officer, whilst acknowledging that the proposals comprise a "*relatively interventionist scheme*" which has understandably drawn concerns locally, recognises that Croft House has been heavily altered and extended over time and is now something of a compromised hybrid.

Assessing the scheme, the Conservation Officer recognised that the proposals would undoubtedly have a significant impact upon appearance of character, with the south side of the property subject to a substantial single-storey extension which would overlay the full width of the elevation, whilst to the north, a 3-storey tower extension added in the alcove between the building's core and the north-facing wing. Whilst the Design and Heritage Statement states that the scheme has been designed to improve circulation up through the building, this results in a powerful structure visually which would come to dominate this side of the property and does not sit particularly comfortably against the aims and objective of the Design Guide; i.e. which normally requires extensions to be subordinate.

However, it is recognised that within the design guide requirements, there is an inherent assumption that the host building has a character and appearance worthy of preserving. In the case of Croft House, this is considered to be questionable as whilst the property has some remaining quality and features of historic interest, the degree of change already sustained means that it cannot be considered sacrosanct from further adaption. Indeed, with the right scheme, there is an opportunity to revisit the ad hoc changes to deliver an improved and planned scheme that seeks to rationalise and enhance.

In this regard, it is considered that the proposed tower extension, as a piece of design, is appealing and striking in equal measure and could provide an attractive counterpoint to The Roundhouse behind. Particularly having secured improvements to its form and design (in order to promote a greater degree of subservience), it can be argued that this element of the scheme would 'lift' the northern elevation by providing additional visual interest.

The proposed single-storey kitchen extension, with its edged roof and outward projection, whilst less appealing in design terms, would however with the design amendments secured, 'plug' more sympathetically into the existing building and replace the existing unfortunate flat roof porch. Combined with the replacement/removal of the existing inappropriate fenestration on this side of the property as proposed, it is not considered that this element of the scheme would result in real harm being caused to the character and appearance of the host property.

Taken together, Conservation and Design remain unconvinced that the concerns expressed would in practice translate into sustainable grounds for objection. Having carefully weighed up the positive and the negative, it is concluded that the impact of the proposals upon the overall significance of the Wells Conservation Area would be neutral, with a finely balanced recommendation of approval offered.

In respect of the concerns raised that the proposals constitute overdevelopment, Croft House lies within a built up close-knit residential area of Wells, where the property and site are considered sufficient in size to accommodate the level of development proposed. As such, it is not considered that the proposals constitute 'overdevelopment' within this local context.

It is considered that scheme as proposed would be acceptable in terms of its design, scale, siting and form, and subject to conditions in respect of materials/detailing, would not cause significant harm to the Wells Conservation Area in accordance with Policies EN4 and EN8 of the Core Strategy and Sections 12 and 16 (paragraph 196) of the NPPF.

3. Residential Amenity: (Policy EN 4)

Croft House lies within a built up residential area with residential dwellings of varying designed and scales surrounding the site. Policy EN 4 of the Core Strategy states that to be deemed acceptable, schemes need to demonstrate that they would adequately protect the residential amenities of the occupants of existing neighbouring properties, as well as the amenities of future occupants. Concerns have been raised that the scheme as proposed (in particularly the 'tower' extension and the increase in the scale of property due to the extensions proposed) would negatively impact on the amenities of the occupants of nearby properties in respect of overlooking, loss of light, overbearing and noise and disturbance.

Notwithstanding these concerns, the nature of the scheme proposed and the orientation and distances of separation between Croft House and neighbouring properties, is such that it is not considered that the scheme would significantly impact upon the residential amenities of any neighbouring properties in respect of privacy, light, overshadowing or disturbance.

Given that particular concern has been raised to the potential impact of the tower extension upon the privacy of the rear garden area of Manor Cottage (No.2 Croft Yard), the agent has provided additional information to demonstrate the level of potential overlooking resulting from the proposed tower extension element and states that the scheme reduces the number of windows which already look towards No. 2 and that the garden area of this property is already directly overlooked by windows on the property to the south (No.3). Whilst it is acknowledged that the second floor balcony element of the tower extension would result in a level and perception of overlooking to the garden of No.2, given the current window positioning and relationships between the host and neighbouring property, the presence of Croft Yard which passes between the properties (helping to mitigate against any overbearing impacts and the fact that the garden of No.2 is already overlooked by the property to south, it is difficult to justify that the level of overlooking would be at such a 'significant' level to justify the refusal of the application on the grounds of residential amenity(Policy EN4).

Furthermore, it is also considered that the scheme would not result in the overdevelopment of the site, and that adequate amenity and parking areas would be retained to serve the future occupants of the property in compliance with Policy EN4 of the Core Strategy.

4. Landscape, ecology and impact upon the AONB: (Policies SS4, EN1, EN2 and EN9)

The scheme has been assessed by the Council's Landscape Officer who having negotiated alterations to the garden boundary treatment at the pre-application stage, and on the basis that the existing trees are retained, raises no objections on the grounds of trees, landscape or ecology.

However, in order to minimise light pollution in this sensitive landscape of the Norfolk Coast AONB and Wells Conservation Area, a condition to control external lighting has been requested which would be attached to any permission.

Furthermore, the nature of the development proposed, along with the context of the surrounding area, would not cause harm to the special qualities of the North Coast Area of Outstanding Natural Beauty.

On this basis, it is considered that the scheme would comply with Policies SS4, EN 1, EN2 and EN9 of the Core Strategy and Section 15 of the NPPF.

5. Highways: (Policy CT 5 and CT 6)

Concerns have been raised that the proposals would increase the occupancy levels of the property which would negatively impact on the existing parking arrangements which are already cramped and would exacerbate existing access and highway safety issues associated with Croft Yard. Given the concerns raised, NCC highways were consulted.

The site is slightly removed from the adopted road network, accessed over an unmade private route with a Public Right of Way 'on foot' only (Wells N-T-S FP9), with, unusually, the constructed footpath to the north being predominantly privately maintained.

Notwithstanding this, NCC Highways note that whilst the property is to be enlarged, it remains a single dwelling, so, in relation to highway considerations, there would not be any substantive increase in vehicle movements associated with the development.

A rearrangement of the internal walls provides an increase in off street parking provision, which would be beneficial, given the restricted nature of the frontage area and it is noted that a temporary access and compound are to be formed to the south of the property, reducing any impact over the unmade Croft Yard, subject to the necessary agreements.

Whilst there may be some local disruption during building work, given the restricted access to the site, this would be temporary and cease upon completion. There has been consideration of this, with mitigation measures proposed in the scheme to ease potential impacts, which would be secured by an appropriately worded condition.

On the basis of no highway objection being raised, it is considered that the scheme would safeguard highway safety in accordance with Policies CT5 and CT6.

6. Conclusion

It is concluded that the proposed extensions and alterations are acceptable in terms of their design, scale, siting and appearance and would not cause significant detriment to the character and appearance of the host dwelling, the designated heritage asset (in this case the Wells Conservation Area) or the special qualities of the AONB. The scheme is also not considered to result in significant detriment to the residential amenity of neighbouring occupiers, would safeguard highway safety and raise no landscape or ecology concerns.

The development is considered to accord with the requirements of the development plan and approval of the application is therefore recommended.

RECOMMENDATION: APPROVE subject to conditions relating to the following matters and any others considered necessary by the Head of Planning.

- Time limit for implementation
- Approved plans
- Materials details
- External lighting
- Highway conditions

Final wording of conditions to be delegated to the Head of Planning.

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APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

There are no recommended site inspections at the time of publication of this agenda.

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APPEALS SECTION

(a) NEW APPEALS

ALDBOROUGH - PF/19/1130 - Raising height of garage roof to create storage space; 44 Margaret Lilly Way, Aldborough, Norwich, NR11 7PA for Mr Pegg
WRITTEN REPRESENTATIONS

AYLMERTON - PF/19/0676 - Demolition of existing dwelling and erection replacement two storey dwelling; Breck Lodge, Holt Road, Aylmerton, Norwich, NR11 8QD for Mr Young
WRITTEN REPRESENTATIONS

BLAKENEY - PF/19/1037 - Single storey building for use as holiday let; Villeroche, Langham Road, Blakeney, Holt, NR25 7PW for Mr Scargill
WRITTEN REPRESENTATIONS

GIMINGHAM - PF/19/0870 - Two storey detached dwelling; Land adj to 1 Harvey Estate, Gimingham, Norwich, NR11 8HA for Mr Mayes
WRITTEN REPRESENTATIONS

NEATISHEAD - PF/19/1778 - Single storey extension to south-east side of barn currently being converted to dwelling; Barn 1, Allens Farm, School Road, Neatishead for Mr Banks-Dunnell
WRITTEN REPRESENTATIONS

NEATISHEAD - LA/19/1779 - Works to facilitate single storey extension to south-east side of barn currently being converted to dwelling; Barn 1, Allens Farm, School Road, Neatishead for Mr Banks-Dunnell
WRITTEN REPRESENTATIONS

NEATISHEAD - LA/19/1781 - Works to facilitate single storey extension to south-west side of barn currently being converted to dwelling; Barn 1, Allens Farm, School Road, Neatishead for Mr Banks-Dunnell
WRITTEN REPRESENTATIONS

(b) INQUIRIES AND HEARINGS - PROGRESS

DILHAM - ENF/18/0046 - Change of use from B1 to Sui Generis (Car repairs); Granary Works, Honing Road, Dilham, NORTH WALSHAM, NR28 9PR
INFORMAL HEARING 04 February 2020

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

ASHMANHAUGH - PF/19/0205 - Erection of single storey detached dwelling and detached double garage; Land South of Carousel, Stone Lane, Ashmanhaugh for Mr Pye

AYLMERTON - PF/19/0676 - Demolition of existing dwelling and erection replacement two storey dwelling; Breck Lodge, Holt Road, Aylmerton, Norwich, NR11 8QD for Mr Young

AYLMERTON - PF/19/1215 - Discontinuation of use of land for a recycling yard and the erection of a detached dwelling and garage; Hillside, Church Road, Aylmerton, Norwich, NR11 8PZ for Mr Wells

BLAKENEY - PF/19/1037 - Single storey building for use as holiday let; Villeroche, Langham Road, Blakeney, Holt, NR25 7PW for Mr Scargill

BRISTON - PF/19/0135 - Erection of one and a half storey dwelling with detached garage; Site Adjacent to The New Bungalow, Thurning Road, Briston, NR24 2JW for Mr Semmens

HAPPISBURGH - PF/19/0461 - Revised position of mesh security fencing and gates (as approved in planning permission PF/18/1416) (Retrospective); Crop Systems Ltd, Whimpwell Green, Happisburgh for Crop System Ltd

MUNDESLEY - PF/19/0745 - Demolition of existing triple garage and erection of detached one and a half storey dwelling; 8 Heath Lane, Mundesley, Norwich, NR11 8JP for Mr Lees

NEATISHEAD - PF/19/1778 - Single storey extension to south-east side of barn currently being converted to dwelling; Barn 1, Allens Farm, School Road, Neatishead for Mr Banks-Dunnell

ITTERINGHAM - ENF/17/0006 - Annex which has permission for holiday let is being used for full residential purposes.; The Muster, Land adjoining Robin Farm, The Street, Itteringham, Norwich, NR11 7AX

NORTH WALSHAM - ENF/18/0339 - Material change of use of the land for stationing of containers and jet washing of coaches, and a breach of condition as coaches are stored and manoeuvred outside the area details in the planning permission 12/0013; Bluebird Container Storage, Laundry Loke, North Walsham, NR28 0BD

(d) APPEAL DECISIONS - RESULTS AND SUMMARIES

BINHAM - PF/18/1524 - Proposed conversion of an agricultural barn to a dwelling; Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ for Mr & Mrs Bruce

APPEAL DECISION:- APPEAL ALLOWED

BODHAM - PF/14/0925 - Erection of wind turbine with a hub height of 40m and blade tip height of 66m with associated substation buildings, access tracks and crane hardstanding; Land at Pond Farm, New Road, Bodham, Holt, NR25 6PP for Genatec Limited

APPEAL DECISION:- APPEAL ALLOWED

HEMPSTEAD - PF/14/1669 - Installation of a single wind turbine with a maximum height to tip of 78m, a new access track, a hardstanding, a small substation building, a temporary meteorological mast and associated infrastructure; Selbrigg Farm, Kelling Road, Hempstead, Holt, NR25 6NF for Selbrigg Generation

APPEAL DECISION:- APPEAL ALLOWED

LEATHERINGSETT WITH GLANDFORD - PF/18/1980 - Erection of single-storey detached dwelling, garage, associated engineering works and change of use of agricultural land to form residential curtilage; Land off Thornage Road, Letheringsett for Mr Cozens-Hardy

APPEAL DECISION:- APPEAL DISMISSED (summary attached at **Appendix 1**).

OVERSTRAND - PF/18/1330 - Erection of two-storey dwelling; Land at Arden House, 5 Arden Close, Overstrand, Cromer, NR27 0PH for Mr & Mrs M Storer
APPEAL DECISION:- APPEAL DISMISSED

STIBBARD - PF/18/2340 - Conversion and extension of barn to create one unit of holiday accommodation; The Wain, Bells Lane, Stibbard, Fakenham, NR21 0EW for Ms Clarke

APPEAL DECISION:- APPEAL DISMISSED

(e) **COURT CASES - PROGRESS AND RESULTS**

No change from previous report.

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Application Number: PF/18/1980	Appeal Reference: APP/Y2620/W/19/3236740
Location: Land off Thornage Road, Letheringsett, Norfolk	
Proposal: Erection of a new Paragraph 79 (NPPF) single storey 4 bedroom eco-house with garage and associated landscaping works.	
Officer Recommendation: Refuse	Member decision (if applicable): Refuse
Appeal Decision: DISMISSED	Costs: N/a
<p>Summary: The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • Whether the site is 'isolated' and hence whether the exception in Paragraph 79e of the National Planning Policy Framework (NPPF) may be applied; • The effect of the proposal on the character and appearance of the Glaven Valley and Letheringsett Conservation Areas, and the landscape character of the locality within the North Norfolk Area of Outstanding Natural Beauty • The effect of the proposal on highway safety and the free flow of traffic • The weight to be attached in the planning balance to other considerations in favour of the proposal. <p>Isolation: The Inspector noted the neither Letheringsett nor Little Thornage appear in the settlements listed in Core Strategy Policy SS1 and so, in policy terms, the site is within the Countryside. The Inspector noted the exceptions permitted for development under paragraph 79 of the NPF, in particular exception e).</p> <p>Referring to the Braintree Judgement and the definition of isolation which arose from that judgement, the Inspector considered whether the proposed dwelling was isolated, noting that "there is development on each of the 4 roads surrounding the area, and that Riverside Road [...] has] a suburban character and appearance in places.". He concluded strongly that the site could not be considered to be 'isolated' in the terms of paragraph 79e) as defined by the Braintree Judgement and that the exception criteria did not apply in this case.</p> <p>The Inspector also noted fully the requirement under Section 38(6) of the PCP Act 2004 to determine applications in accordance with the Development Plan and concluded that the application was contrary to adopted policies SS1 and SS2 of the Core Strategy.</p> <p>Character and Appearance: The Inspector noted the policy context and requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing Conservation Areas.</p> <p>He noted the existing built form and location (valley floor) of existing dwellings. He considered the existing built form pattern was significant in the character and appearance of both Conservation Areas. He considered that the proposed dwelling would "introduce a building and domestic uses [...] to an open field that is a significant feature of the conservation areas and highly characteristic of the landscape character area". He noted the visibility of the proposed building from Public Rights of Way and concluded that "the appeal proposal would introduce an uncharacteristic form and use of materials that would be different in scale ..." to the wider built form and character of the area. In considering Paragraph 131 of the NPPF (that proposals should 'fit in with the form and overall layout of their surroundings') he found that the appeal proposal failed to meet that aim.</p> <p>He did note the proposed design measure which had been employed to reduce the visual impact of the built form on the surrounding area, but considered that although such</p>	

measure could be secured by condition, enforcement of any such condition could be problematic.

In addition, the Inspector noted the proposed landscaping proposed with the dwelling and whilst he could see benefit in in terms of habitat provision an ecological gain, he felt the planting would appear too managed in the wider more rural character area.

He concluded that the proposals resulted in harm to the character and appearance of the two conservation areas and arm to the landscape character of the area, failing to satisfy the requirements of adopted policies EN2 and EN8 of the Core strategy and paragraphs 131 and 193 of the NPPF.

Highway Safety:

The inspector noted the primary concern, being the intensification of the access at Thornage Road to the A148. He also noted the content of paragraph 109 of the NPPF which states that 'development should only be prevented or refused where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The Inspector noted the complications of the access, describing it as 'ambiguous in its intended use' but concluded that the increase in use of the junction from one dwelling would not be large, and whilst the present situation is sub-standard, he considered that a scheme could be sought that took a holistic approach to the present junction which could propose improvements to the junction and road network such that there may be no residual increased risk.

Other material considerations and planning balance:

Management of Water Resources: The Inspector conclude that whilst there is evidence of pollution form agrichemicals on site, and despite the small scale of the proposed solution (accepting that this could be applied to much bigger schemes in the future) he did not consider this to require a residential use (paragraph 33 and 34 of decision).

Hibernacula Façade: Again, the Inspector did not consider the house to be necessary to achieve the habitat enhancements proposed by the application (paragraph 35).

Landscape Proposals: The Inspector acknowledged that the landscape proposals mitigated the impact of the house, both visually and in regard to carbon-offsetting, but again did not consider this justification for the dwelling (paragraph 37).

Architectural Design: Whilst the dwelling was acknowledged by the inspector to be well designed, he had found harm to the landscape character and the conservation areas. He did not consider that the built form would respond positively to its surroundings, valley-side context and conservation area context (paragraph 39).

Norfolk Coast Partnership: Enforcement of the measures to mitigate light pollution was found to be 'difficult' by the Inspector and he concluded that 'there would be no concern for it not being a residential building in particular'. He did acknowledge the LPA had found no harm to the AONB and noted that this had not formed part of the reasons for refusal.

Climate Change: the Inspector considered that to really address climate change, larger scale housing projects should be the focus, and whilst he did concede there would be some cross over between the use of technology in this scheme and other dwelling proposals, he did not consider this to apply readily to the water management elements of the scheme. He gave limited weight to the aspects of personal persuasion expressed by

the applicant (for example use of an electric bike) as the permission was not proposed to be made personal to the applicant.

Perhaps most important was his conclusion in paragraph 45 where he stated that *“the development of a single house on a large plot in an unsustainable location, reliant on private transport to access services and shops, is not a significant exemplar for sustainable living and the zero-carbon credentials and off-setting of construction emissions by tree planting is mitigating an effect that has been found to cause other harm which cannot be mitigated”*.

Planning balance:

For	Against
Highways harm can be overcome by a suitably designed scheme and off-site improvement works	Less than substantial harm to 2 Conservation Areas as designated heritage assets – great weight attached – the public benefits do not outweigh the harm
	Harm to the landscape character of the valley
	Failure to accord with local and national policies on location of new market dwellings to achieve sustainable patterns of development.
Architectural design of the housebut	Predicated on solving problems which do not require residential development, or to mitigate the results of introducing the development.
	Unclear how the technology, particularly the eater-based functions, would be applied to smaller scale plots that will need to be engaged by larger house builders to engage any meaningful action on climate change

The development should be determined in accordance with the Development Plan. There are no material considerations which indicate a decision other than in accordance with the Development Plan should be made.

Additional Information:

For completeness, and given the complexity of the decision the full appeal decision can be found as an appendix to the agenda alongside a site location plan of the proposed application site. Members are urged to read the Inspectors assessment on isolation given the increasing number of Paragraph 79 (NPPF) dwellings being submitted to the LPA and to aid their understanding of how to apply the exceptions in paragraph 79 of the NPPF, and in particular, the section on weight to other considerations in the planning balance.

If requested by Members, officers would be willing to do a question and answer session on the application and the decision and the relevance of the Braintree Judgements.

Relevant Core Strategy Policies:

SS1
SS2
EN2
EN4

EN8 CT5
Relevant NPPF Sections/Paragraphs: Paragraph 79e) Paragraph 131 Paragraph 193
Learning Points/Actions: N/a

Sources:

Sarah Ashurst – Development Management Manager

Appeal Decision

Hearing Held on 21 January 2020

Site visit made on 21 January 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 3 February 2020

Appeal Ref: APP/Y2620/W/19/3236740

Land off Thornage Road, Letheringsett, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Raven Cozens-Hardy against the decision of North Norfolk District Council.
 - The application Ref PF/18/1980, dated 2 October 2018, was refused by the Council by notice dated 10 June 2019.
 - The development proposed is a new Paragraph 79 (NPPF) single storey 4 bedroom eco-house with garage and associated landscaping works.
-

Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - Whether the site is 'isolated' and hence whether the exception in Paragraph 79e of the National Planning Policy Framework may be applied.
 - The effect of the proposal on the character and appearance of the Glaven Valley and Letheringsett Conservation Areas, and the landscape character of the locality within the North Norfolk Area of Outstanding Natural Beauty.
 - The effect of the proposal on highway safety and the free flow of traffic.
 - The weight to be attached in the planning balance to other considerations in favour of the proposal.

Reasons

Assessment of Isolation

3. Neither Letheringsett nor Little Thornage appear in the list of settlements in Core Strategy Policy SS1 and so the site is, in policy terms, within the countryside. The proposal is for development that is not listed in Policy SS2, which states that proposals which do not accord with the listed exceptions will not be permitted.
4. Paragraph 79 of the Framework requires policies and decisions to avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply, and the appeal proposal is promoted to meet

paragraph 79e); *'the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'* It is noted that the list in Policy SS2 does not include the criterion e) exception, although it does include elements of criteria a), b) and c).

5. The meaning of the word 'isolated' in paragraph 79 was the subject of the 'Braintree' judgments¹ which determined that the word should be given its ordinary objective meaning of *'far away from other places, buildings or people; remote'*. The Appeal Court Judge stated that whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of a particular case.
6. The appellant has supplied examples of appeals where this matter was determined, and these include cases where the site was apparently close to other buildings, as well as where there was open space between the site and the nearest development. Some at least pre-date the Braintree judgments, such as where a Council were reported as being satisfied that the countryside location in policy terms was sufficient for it to be considered 'isolated' in the paragraph 79 sense. The circumstances of the Braintree case, again shown as a plan in the appellant's submissions, differed from many of the cited examples, and from the appeal situation, but the judgment was clear in the use of the phrase *'far away from other places, buildings or people'* which is more than just 'away'.
7. The appeal site is a large field and whilst the red-line boundary on amendment D encompasses the whole site, the stated intention is that domestic activity would be more restricted closer to the building, in addition to which, permitted development rights are suggested to be removed, which would restrict built form across the site. The house is designed to take advantage of water flow and hence is sited close to the centre of the field, with the landscaping proposals seeking to introduce natural features to the wider site area.
8. Seen from the location of the proposed house there is limited built form visible in each direction and there are views of open countryside across the valley. In fact, there is development on each of the 4 roads surrounding the area, and that to Riverside Road is a near-continuous ribbon of dwellings on both sides of the road having a suburban character and appearance in places, moderated only by the rural nature of the road itself. The Norfolk Coast Partnership refer in their representation over the Area of Outstanding Natural Beauty to the site being adjacent to other buildings in the village.
9. The site is part of a visual gap along Thornage Road, separating a cluster of buildings at Little Thornage from that at Letheringsett, and the effect on that gap will be considered in the next main issue. Nevertheless, the proximity of other buildings and activity from people lead to the conclusion that the site cannot be considered 'isolated' in the terms of paragraph 79e) as determined by the Braintree judgments, as the degree to which it is 'away' from places, building and people is limited, let alone 'far away'.

¹ Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 (Admin) of 15 November 2017, and subsequently in the Court of Appeal judgment of 28 March 2018

10. The result of that conclusion is that the exception in paragraph 79e) should not be applied, and that the proposal, being in a location not listed in Policy SS1 and for development not listed in Policy SS2, would be contrary to local and national policies of restraint.
11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Whilst chapter 12 of the Framework on achieving well-designed places and paragraphs 124 and 131 in particular are predicated on the development being in an otherwise acceptable location, it is reasonable to consider the design and technical credentials of the proposals under the provision for material considerations.

Character and Appearance

12. The site is, somewhat unusually, within 2 different designated areas which overlap; the Glaven Valley Conservation Area and the Letheringsett Conservation Area. Core Strategy Policy EN 8 reiterates the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
13. In addition, the site is within the North Norfolk Area of Outstanding Natural Beauty although the Reason for Refusal does not include harm to that designated area and it is Common Ground that the proposal accords with Policy EN 1 on that subject.
14. Policy EN 2 requires development proposals to be informed by and be sympathetic to the distinctive character areas defined in the Landscape Character Assessment, and the site is within area LV3 of that adopted Supplementary Planning Document, showing how valley-side settlement locations nearer the coast change to valley floor ones upstream at Letheringsett. The site is within area RV5 of a draft document which lists characteristics which are unique to the River Glaven and its tributaries.
15. Whilst not a particularly steep sided valley, the built form of Letheringsett is concentrated on the valley floor and the linear ribbon of development along Riverside Road continues that pattern. There is a dwelling to the west of the appeal site and hence higher on the valley side, but that is an exception and it, together with its curtilage, interrupts the run of open fields that remain on either side of it and is mirrored to the east side of the valley. That pattern of development is of significance in the character and appearance of both conservation areas, the Letheringsett designated area being the smaller and containing only that feature, while the Glaven Valley area extends from the sea to inland of the appeal site encompassing the LV3 landscape character area.
16. The appeal proposal would introduce a building and domestic uses, however restricted in area of the site as claimed, to an open field that is a significant feature of the conservation areas and highly characteristic of the landscape character area. The building would be visible from the high ground to the east

on a public right of way, and over a long section of that path as it descends to the valley floor. That view does take in the buildings already on the valley floor, but that is part of the character and appearance of the area, while the appeal proposal would introduce an uncharacteristic form and use of materials that would be at a different scale, being long across the valley side, and that latter failing would not be overcome by the articulation into smaller blocks.

17. It is acknowledged that Framework paragraph 79e), from its origins in Planning Policy Guidance Note 7 and the aim of adding to the country house tradition, may well be predicated on a degree of visibility and being different from the local vernacular. However, the first main issue has determined that the level of isolation is insufficient to trigger that exception, and the requirement in paragraph 131 is that proposals should '*fit in with the overall form and layout of their surroundings*' and the appeal proposal fails to meet that aim.
18. The development of the field would break the run of open areas on this side of the valley, and similar to the effect of the house to the west previously mentioned, this would cause harm to the character and appearance of the conservation areas through disrupting the predominance of valley floor development. The design seeks to limit the effect of large areas of glass referred to by the Norfolk Coast Partnership, by reducing the extent and numbers of openings, and with screens to ensure internal lighting is not intrusive in the wider landscape. Such provision could be required by condition, but enforcing their use could be problematic.
19. The landscape proposals seek a natural appearance, with an orchard similar to that to the south and swales or scrapes alongside the river matching those on the adjoining County Nature Reserve. The ecological and habitat value will be weighed in the balance later in this Decision, but although the aim would be to appear as natural features, the reality would more likely be a managed landscape associated with residential use with a visible and discordant style of dwelling in the centre. The site access would require only limited cutting back of roadside vegetation to form the required visibility splays, but the driveway and bellmouth would disrupt the rural character of the lane.
20. To conclude, the proposal would cause harm to the character and appearance of the conservation areas, and harm to the landscape character of the river valley, failing to satisfy the requirements of Policies EN 2 and EN 8, paragraphs 131 and 193 of the Framework and the statutory tests in the 1990 Act. It would not fit in with the overall form and layout of its surroundings or be sensitive to the defining characteristics of the local area as designated heritage assets.
21. The level of harm to the conservation areas would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies, and this states that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. That will be considered in the planning balance later in this Decision.

Highways

22. The concern relates specifically to an intensification of the use of the junction between Thornage Road and the A148 Holt Road which is alleged to have restricted visibility out to both to the east and west. Core Strategy Policy CT 5

on the transport impact of new development requires safe and convenient access using private transport, and a safe access to the highway network. The supporting text also refers to access to the highway, which is Thornage Road, rather than any further parts, and Framework paragraph 108b) seeks a safe access to the site. Paragraph 109 does however state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

23. It is agreed that a safe access can be formed onto Thornage Road, and the appellant offers the formation of 2 widened areas as passing bays that are only in place as informal overruns at present. The use of the road to near the junction with the A148 is acceptable. It is matter of fact that the visibility distances for a 30mph road are lacking, and that the intended use of the site would generate more daily trips than the present agricultural use.
24. The junction itself is somewhat ambiguous in its intended use, there are 2 arms separated by a grassed triangle on which there are utilities and road furniture, and both show only the full-width road marking for a 'give-way' exit although either could also be used by vehicles entering. The eastern arm appeared particularly hazardous as vehicles coming in could meet those approaching to exit, the inter-visibility being poor and the carriageway narrow. The western arm is better in that respect for both a left and a right exit turn and in terms of conflict with incoming vehicles, the point of having to stop would likely be clear of the eastbound lane and highly visible to westbound traffic, although the free-flow could be interrupted.
25. It was noted that some, presumably regular, users turn left then right around a triangle on the far side to gain the eastbound lane. This involves 3 separate conflicting moves in quick succession that risk being mis-understood by drivers on the main road and serves to indicate that there is an existing problem. However, the increase in use is not large, and whilst the present situation is sub-standard, there is no formal record of accidents, although the local residents cite incidents and the Highway Authority state their aim of avoiding accidents in the future.
26. Alternative routes were discussed; that from Little Thornage to the A148 further west is a more hazardous one with the national speed limit in force on that part of the main road, while the route past the crossroads to the south would be a long and narrow detour for many local journeys. Lastly is the route through the ford across to Riverside Road, where the evidence is that a high waterline and poor un-metalled base militate against normal use, and that water level rises when the mill downstream is preparing to grind corn.
27. It is reasonable to assume that occupiers of the site, their visitors and deliveries would make use of the nearest junction onto the A148. In addition to the passing bays, the appellant offers signage improvements which would go some way to mitigating the risk. Were all else acceptable, a scheme could be sought that took an holistic approach to the present junction signage and road markings, to make clearer the 2-way nature of the triangle arms, or substituting 'stop' markings for the 'give-way' ones. Having mind to the numbers and the familiarity of the shortcomings on the part of occupiers of the dwelling, improvements could result in no residual increased risk.

28. It is concluded that the risks could be sufficiently managed to ensure that the residual cumulative impacts are not severe, and hence the proposal would accord with the requirements of Policy CT 5 and the Framework.

Other Materials Considerations and Planning Balance

29. Although the site has been found not to be isolated and paragraph 79e) is not the appropriate test, paragraph 131 of the Framework contains elements of those criteria. Whether judged under the requirement to be '*truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas*' from 79e), or to be '*outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area*' from 131, there is a need to test the credentials of the design as promoted.

Management of Water Resources

30. The evidence is that there is pollution from agricultural chemicals on the land and passing through the land from surface run-off and seepage further up the slope on the far side of Thornage Road. It is proposed to intercept and control these flows through an innovative filtration and aeration system, resulting in clean water proceeding to the river system to the benefit of the river's ecology. There is reference to residual nutrients being of use in growing indoor plants.
31. The flow of water is also to be used to control the comfort conditions of the house, a risk in well-insulated buildings being a build-up of heat through casual gains; people, lights and other electrical equipment, with a common solution being energy-expensive chilling or wasteful extract ventilation. The water would provide thermal buffering to even out the peaks and troughs.
32. Much was made at the Hearing of the limited flow of surface water seen in the vicinity, its apparent cleanness and the acknowledged fact that only a relatively small area of agricultural land and hence contaminants would be treated. The comfort controls would still operate on a closed loop of water, through a solar-powered pump, but the relatively small scale is really immaterial if seen as a test-bed for innovative technology, and if, once validated the scheme could be used more widely. The appellant states that the figures used for available water are conservative in any event.
33. However, although there is a claimed symbiosis between the filtration system and the house, the comfort control would not be needed without the residential use, and the wider application on any meaningful scale to address the many other hectares of contaminated agricultural land in the countryside cannot be a justification for a house in every case.
34. To conclude on this matter, the water management scheme is innovative and could lead to raising standards, but it is far from clear that a dwelling is an essential part of the scheme or its applicability to other than houses having access to large areas of land.

Hibernacular Façade

35. This design features has been developed with an ecologist and uses a void behind the timber wall cladding incorporating a 'hit-and-miss' arrangement of slats with varying gaps for different creatures. There is scope for using this innovative feature on other buildings in rural and urban areas, as a form of

mitigation where the building's presence is otherwise essential. That is not the case here and whilst the ecological value of the land is stated to be low due to years of farming activities, there are various habitats in the vicinity and enhancement could be carried out without a dwelling, albeit that may be unlikely.

Educational Opportunities

36. Apart from any concerns expressed over the likely increase in traffic that this initiative may bring about, there is merit in disseminating knowledge as that ensures the raising of standards more generally. A countryside location may well be required to test the filtration system, but as with before, the need for the house is less clear. The proposed 'open day' to increase the carbon literacy of the wider population is laudable but would also bring concerns over accessibility.

Landscape Proposals

37. These are described as diverse and rich, and it appears that apart from the hedgerow, there might be limited diversity on the land, although evidence of birds and mammals passing over was referred to. There appears to be an element of mitigation of the effects of the house, both visually and with regard to carbon offsetting, although as with the Hibernacular wall, real doubt persists as to whether the enhancements would occur otherwise.

Architectural Design

38. The credentials of the architect and team are impressive, and they have accomplished some successful paragraph 55/79 houses previously. The Council has criticised the building for being '*simple, plain and boxy*', which is for the most part a reasonable description, but the form very much follows the function of water flow, and the architect's references to such as Mies van der Rohe and his simple forms are understood.
39. The dwelling is well designed as an entity but has been found to cause harm to the landscape character and appearance of the area, the location in 2 conservation areas being of particular significance. No matter the quality of the design alone, the building does not respond successfully to its valley-side and conservation area context.

Norfolk Coast Partnership

40. As representatives of the interests of the Area of Outstanding Natural Beauty, it is significant that the group give their backing, their stated primary role being to help preserve and enhance the natural beauty, special qualities and character of the area. They are clearly concerned at what is described as an influx of very striking modern buildings elsewhere; large dwellings on tiny plots with balconies, highly landscaped gardens and '*large swathes of glass*'.
41. This comparison with recent development is referred to further in their submissions, and the benefits cited by them have mostly been looked at in the foregoing paragraphs. Mitigation of light pollution is praised particularly and clearly derives from the concerns expressed over recent developments. The proposed measures are necessary to promote 'dark skies', but as mentioned previously, enforcement of the use of the mitigation measures could be difficult

and there would be no concern were it not for the proposal being for a building, and a residential building in particular.

42. It is nevertheless acknowledged that no harm to the Area of Outstanding Natural Beauty is alleged by the District Council and the Management Plan Policies PB3, PB4 and PB5 are not referred to in the Reasons for Refusal.

Climate-Change

43. The United Kingdom Parliament declared a climate-change emergency in May 2019 and the North Norfolk District Council had done likewise. The proposal is agreed to be for the first zero-carbon house in Council's area. However, real action to address climate-change would need to apply to the mass housing market; the dwellings on small plots referred to by the Norfolk Coast Partnership. There may be some cross-over in the use of technology between this scheme and that greater market, but that does not appear to readily apply to the water management proposals.
44. The appellant refers to aspects of his lifestyle including the use of an electric bicycle, and he clearly feels strongly to limit his carbon footprint. Limited weight can be attached to these statements as any permission would not be personal to the appellant and the scheme is for an open-market dwelling.
45. The development of a single house on a large plot in an unsustainable location, reliant on private transport to access services and shops, is not a significant exemplar for sustainable living and the zero carbon credentials and offsetting of construction emissions by tree-planting is mitigating an effect that has been found to cause other harm which cannot be mitigated.

Planning Balance

46. Whilst highway concerns may be capable of being overcome or satisfactorily mitigated, the proposal has been found to cause 'less than substantial' harm to the character and appearance of 2 conservation areas as designated heritage assets, and great weight should be given to the asset's conservation. Harm has been identified to the landscape character of this part of the valley, and there is a failure to accord with local and national policies on the location of dwellings to achieve sustainable patterns of development.
47. The architectural design of the proposed house has merit, but much appears predicated on solving problems that do not require residential development, or to mitigate the results of introducing the development. There may be elements that would inform other efforts to address climate-change, but it is unclear the extent to which the technology, particularly the water-based functions, would readily transfer to the smaller plots that will need to be engaged in any meaningful action.
48. With regard to the effect on the designated heritage assets, the conclusion is that the harm is not outweighed by the public benefits of the proposal. Other material considerations have not been found to be so compelling as to indicate a decision other than in accordance with the Development Plan. Having tested the credentials of the scheme, that conclusion would not have been different had the material considerations of paragraph 79e) been engaged.

Conclusions

49. The site is outside settlement boundaries, contrary to local and national policies of restraint. Harm would be caused to matters of acknowledged importance including the character and appearance of 2 conservation areas. There are no material considerations to indicate a decision other than in accordance with the Development Plan Policies SS1 and SS2. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

S Ashurst	Development Manager North Norfolk District Council
D Watson	Interim Development Manager North Norfolk District Council
C Young	Conservation and Design Officer North Norfolk District Council
C Batchelar	Landscape Officer North Norfolk District Council
J Hanner	Engineer (Highways and Development Management) Norfolk County Council

FOR THE APPELLANT:

J Ellis	Planning Consultant Rural Solutions
W Meynell	Architect Studio Bark
K de Savary	Hydrologist Amber Planning
R Cozens-Hardy	Appellant
C Holland	Appellant's sister

INTERESTED PERSONS:

L Stevens, G Sands, I Shepherd, P Wallace, J Holland, C Monteith, J Sorrell, R & L Brettle, and others

DOCUMENTS

Document	1	Signed Statement of Common Ground
Document	2	Statement of support from Cllr G Perry-Warnes, Ward Councillor North Norfolk District Council
Document	3	Submissions from Norfolk County Council Highways regarding application PF/16/1645
Document	4	Map of determined applications in the vicinity
Document	5	Bundle of documents regarding River Glaven Conservation Group, County Wildlife Site and photographs



PLANNING

Key	
	Site boundary



Rev	Date	Description	Drwn	Chkd
A	28/09/18	Planning	SB	WM
B	23/10/18	Validation	SB	WM
C	29/10/18	Validation	SB	WM
D	02/01/18	Validation	SB	WM

Rev	Date	Description	Drwn	Chkd

- Do not scale from this drawing. Use figured dimensions only.
- All dimensions to be checked on site before construction proceeds and prior to the fabrication of any component.
- Any discrepancies shall be brought to the attention of Studio Bark for resolution before construction commences.
- Structural and services information shown is indicative only. Refer to consultants' drawings for details and setting out.
- All work and materials to be in accordance with current applicable statutory legislation and to comply with all relevant codes of practice and British and European standards.

A197 - Water House

Location Plan						
Drawn	Checked	Date	Scale	Job Ref	Drawing Number	Rev
SB	WM	NOV 18	1:1250 @ A3	A197	0100	D