

**WALSINGHAM – PF/21/3302 Erection of detached two storey dwelling: St James Cottage, 18 Bridewell Street, Walsingham, NR22 6BJ**

**Target Date: 31 March 2022**

Case Officer: Jayne Owen

Full application

**CONSTRAINTS**

Landscape Character Area

SFRA - Areas Susceptible to Groundwater Flooding

LDF - Residential Area

Conservation Area

LDF - Settlement Boundary

Listed Building Grade II - Consultation Area

**RELEVANT PLANNING HISTORY**

PF/20/0590 Erection of detached two storey dwelling: Refused

DE21/13/0163

Erection of dwelling

Advice Given (for pre-apps) 21/02/2013

**THE APPLICATION**

The proposal is for a one and a half storey two bedroom detached dwelling on part of the rear garden area of 18 Bridewell Street. The site is located in Chapel Yard within the central, older part of the main village of Walsingham and within the conservation area. Chapel Yard provides vehicular access to a number of properties and the Anglican Shrine. The site is enclosed by housing to the north and west and by buildings within the grounds of the Anglican Shrine to the east. The southern side is bounded by a wall. Chapel Yard also contains the offices and ancillary buildings associated with the Anglican Shrine. The host dwelling, 18 Bridewell Street is a grade II listed building and there are three other grade II listed buildings in close proximity to the site.

The land is currently partly enclosed by flint and brick walls. New boundary fencing is proposed to the northern and western boundaries of the site. The proposed building would have an entirely rendered finish with a clay pantiled roof, coloured aluminium window frames and hardwood doors. All surface water is proposed to be directed to new soakaways, foul drainage to be routed to the existing mains drain.

The scheme is a resubmission following the refusal of planning application ref. no. PF/20/0590 by the Development Committee at its meeting on 15 October 2020 for the following reasons:

1. In the opinion of the Local Planning Authority due to its design, appearance, layout, siting and materials the proposed development would result in less than substantial harm to the setting of the heritage asset known as 18 Bridewell Street by virtue of the foreshortening of the garden area and by introducing a dwelling into the rear garden area which by virtue of its design and scale would result in significant visual and physical competition with the heritage asset resulting in a harmful impact on its setting and as such if permitted would

fail to accord with Section 72 of the Planning and Listed Buildings Act 1990, Paragraph 196 of the National Planning Policy Framework and Policy EN 8 of the adopted North Norfolk Core Strategy.

2. In the opinion of the Local Planning Authority due to its design, appearance, layout, siting and materials, the proposed development would result in less than substantial harm to the setting of the heritage asset known as Walsingham Conservation Area and would fail to preserve or enhance its character and appearance. In particular, the proposal fails to have proper regard to local context in terms of its design, scale and siting and would also result in the loss of trees at the front of the site resulting in a hard edge to the new build on the most visible southern boundary with Chapel Yard and no proposals are included for appropriate compensatory landscape mitigation which would be of wider amenity value. As such the proposal fails to accord with Section 66 of the Planning and Listed Buildings Act 1990, paragraph 196 of the National Planning Policy Framework and Policies EN 4 and EN 8 of the North Norfolk Core Strategy.

#### **REASONS FOR REFERRAL TO COMMITTEE:**

The applicants, Councillors Tom and Vincent Fitzpatrick are elected members of North Norfolk District Council

#### **TOWN COUNCIL:**

Walsingham Parish Council objects. They consider the proposal is overdevelopment of the site and that the whole of this open area and trees should be retained

#### **REPRESENTATIONS:**

Two objections have been received raising the following summarised concerns. The representations are available to view in full on the Council's website.

- The proposed development clearly does not fit with the historic nature of the cottage townscape on which it would artificially site and which would cause the destruction of an historic orchard.
- The Council would set a very dangerous precedent allowing a development of 'infill' land for which there is neither sufficient room or any enhancement of its immediate surroundings.
- Object to the access for vehicles and the provision of a parking space owing to manoeuvrability reasons and because of the increased risk of damage to my listed building in Chapel Yard that this would create.
- Previous comments made with respect to PF/20/0590, many of the same concerns still apply, despite the change in location of the parking space within the site.
- Manoeuvring space is constricted in that part of Chapel Yard, any vehicle should be able to enter and exit the site facing forwards, in the previous application a turntable was included, no such turntable is included in the present application.
- Vehicle tracking would indicate any vehicle would be forced to reverse all the way back onto Bridewell Street, where visibility is already severely limited. Walsingham Parish

Council also made this point about restricted visibility in their objection to the previous application.

- It must also be assumed that at all times the reserved parking bay (in the ownership of the Shrine of our Lady of Walsingham) situated opposite the access gate to the proposed development may be occupied by authorised vehicles and that this area will not therefore be available for manoeuvring. Photo 19 submitted on 1 June 2020 in the previous application shows vehicles parked in those reserved parking bays, as they are for much of the time.
- Have a particular concern relating to vehicles accessing the proposed development because on various occasions vehicles attempting to reverse in that part of Chapel Yard have collided with my listed building causing damage; there is a real risk of damage to my listed building, borne out by experience in recent years of actual damage sustained when vehicles reverse in the constricted space available in this part of Chapel Yard, the removal of the turntable increases this risk
- The submitted plans omit to show there is a sizeable piece of masonry which projects about 3 ft 8 inches from my listed building
- Previous objections also included the possibility of more than one vehicle accessing and parking at the proposed development, there is no physical barrier preventing more than one vehicle accessing the site, the absence of any physical barrier also means that vehicles may drive over or park on the root protection areas of trees including T5 and T9.
- If the Council is minded to grant planning permission without removal of the parking space and vehicular access, a condition is requested stating that no more than one vehicle shall be accommodated on the site and requiring a suitable physical barrier to be installed and retained to prevent any vehicle driving onto the grass areas and root protection zones.
- Conditions are requested covering the following, should these conditions not be attached, objection is raised to the proposals
- No more than one vehicle to be accommodated on the site at any one time, such vehicle to enter and exit the site facing forwards (and not by reversing)
- During construction process, no scaffolding shall be erected and no vehicles shall be used or parked in such a way as to restrict or impede access (on foot and by vehicle) to the flint building opposite the access gateway of the development, belonging to the owner of 4 Common Place, Walsingham
- During the construction process, all persons involved in the construction process and visitors to the site shall take all necessary steps to ensure that the flint building, opposite the access gateway of the development and belonging to the owner of 4 Common Place, Walsingham, is not damaged
- Request that if the Council has standard alternative wording to deal with the above, that an opportunity is given to comment on it
- The Council will I presume have additional conditions that it will wish to impose, to ensure that all vehicles accessing Chapel Yard in connection with the construction do so in accordance with the relevant traffic standards

## **CONSULTATIONS**

### **Norfolk County Council Highways - No objections**

Subject to a condition that prior to first occupation the proposed on-site car parking and turning area is laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter.

### **Conservation and Design Officer - Objection**

Considers that the level of heritage harm previously identified would be further reduced in this latest scheme. The harm would however, not be eliminated altogether.. Therefore, a balanced decision will need to be reached taking into account the public benefits accruing from the proposals and weighing these against the harm caused to the overall significance of the various designated heritage assets. To be compliant under paragraph 202 of the National Planning Policy Framework the public benefits must outweigh such harm.

**Landscape Officer** - Any comments received will be reported verbally at the meeting.

**Historic Environment Service** - No objections subject to a condition

### **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.

### **STANDING DUTIES**

Due regard has been given to the following duties:

Environment Act 2021

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

### **RELEVANT POLICIES**

#### **North Norfolk Core Strategy (Adopted September 2008):**

SS 1 - Spatial Strategy for North Norfolk

SS 3 – Housing

SS 4 - Environment

CT 5 - The transport impact of new development

CT 6 - Parking provision

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 13 - Pollution and hazard prevention and minimisation

### **National Planning Policy Framework (NPPF):**

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 6 - Building a strong, competitive economy

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

### **OFFICER ASSESSMENT**

#### **MAIN ISSUES FOR CONSIDERATION**

1. **Principle**
2. **Design and layout and impact on heritage assets (Conservation Area and Listed Buildings)**
3. **Highways**
4. **Residential amenity**
5. **Landscaping**
6. **Ecology**

1. **Principle** (Policies SS 1 and SS 3):

The application site lies within the settlement limit of Walsingham which is designated as a Service Village as set out in Policy SS 1 of the North Norfolk Core Strategy. Policy SS 1 states that a small amount of new development will be focused on a number of designated Service Villages to support rural sustainability. The development is therefore acceptable in principle having regard to Policies SS 1 and SS 3.

2. **Design and layout and impact on heritage assets (Conservation Area and Listed Buildings)** (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 application site lies within the Walsingham Conservation Area and is surrounded by four separate listed buildings including the host dwelling, 18 Bridewell Street. The site forms part of the curtilage of No.18 Bridewell Street and the three other listed buildings comprise No's 2-6, 10 and 12 Bridewell Street.

Policy EN 8 requires that development proposals should preserve or enhance the character and appearance of designated assets through high quality, sensitive design. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

Chapters 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant. S66 sets out a general requirement with respect to listed buildings and conservation areas in exercise of planning functions as follows:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*

Section 72 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In addition, Paragraph 202 of the National Planning Policy Framework states:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

The Conservation Area is characterised by the close-knit arrangements between its buildings and the often limited amenity space available. In principle therefore, the proposed development would be in keeping with the prevailing form and character of the designated conservation area. In reality, however, local value has been placed on the natural contribution made by the site both in terms of the species it attracts and the greenery provided within the built envelope.

Previously there have been a range of substantive conservation and design concerns raised, in relation to the size of the dwelling relative to its plot, the impact it would have on the setting of the adjacent listed buildings and the Walsingham Conservation Area. This cumulative harm, previously outweighed any public benefits leading to the refusal of planning permission.

In terms of the current application and having consulted with the Conservation and Design officer, the dwelling now proposed is more acceptable from a conservation and design perspective. This results from a combination of changing its orientation, a reduction in size and downplaying the first floor accommodation which has helped in reducing the overall impact of the building. The proposed dwelling no longer fills the full width of the site and would sit far more subserviently within the site and be more comfortably accommodated amongst the existing buildings within the yard.

With regard to the detailed design, the general proportions of the building are considered acceptable. Similarly the overall aesthetic approach also raises no 'in principle' concerns, the approach being a contemporary interpretation of a vernacular cottage. Further, the gable and chimneystack could provide an attractive focal point when entering the yard, whilst it is not clear what the narrow rectangle on the stack would be in practice it could provide visual interest, also potentially adding interest would be the hit and miss brick coursing which appears to be shown on the two main elevations.

In terms of the wider site and locality, from a conservation and design perspective it is considered any development would be more sympathetic if it included no-site car parking, because to enable this a large new opening would need to be punched through the historic fabric, with the plans indicating the whole of the front wall being rebuilt. Given the age and historic enclosure provided by this structure, this would result in harm.

The foreshortening of the listed building curtilage due to the proposed dwelling being in its grounds, would also result in harm as instead of views down to the end wall, the outlook would be a new fence and a building beyond.

With regard to the other boundary treatments, the current proposal makes provision for replacing the existing fencing on the western side with a mixture of willow and estate fencing and hedging, which is considered as an improvement on the existing rather suburban looking enclosure.

In terms of the other listed buildings surrounding the site (Nos 2-6 and 10 & 12 Bridewell Street), the issues would be more nuanced. The views out from these heritage assets would be altered through the removal of some of the existing tree cover and its replacement with a new three dimensional presence. Whilst this would affect the experience of occupying these buildings, the level of harm would be more modest with regards to what makes these buildings significant. With the new build not blocking any key or 'designed' views of these properties, it is considered that the level of harm would be towards the lower end of the 'less than substantial' spectrum.

In summary, it is considered that the level of heritage harm previously identified would be further reduced in this latest scheme.

In terms of the public benefits to be weighed against the identified harm, these would be limited to the provision of one new dwelling which would make a very limited contribution to the overall housing supply and some limited economic benefits through its construction and supporting local services within the village. On balance, it is considered that this does not represent sufficient benefit to outweigh the harm to the overall significance of the designated heritage assets

In relation to the impact of the proposals on buried assets, the Norfolk County Council Historic Environment Service (HES) advise that the site lies within the medieval town of Little Walsingham, probably founded in the 12<sup>th</sup> century by the Augustinian St Mary's Priory. 12 Bridewell Street may have 16<sup>th</sup> century origins, while the house immediately to the south of the proposed development (1-3 Common Place) is 15<sup>th</sup> century in date. Consequently there is potential that buried heritage assets with archaeological interest will be present at the site and that their significance will be adversely affected by the proposed development. Whilst no objections are raised, if planning permission is granted, it is requested that this be subject to a programme of archaeological mitigatory work in accordance with Paragraph 199 of the National Planning Policy Framework. The HES have provided a suitably worded condition to secure this.

### **3. Highways (CT 5 and CT6)**

In terms of the scheme as originally submitted, the Highway Authority had some reservations regarding the suitability of the site access to provide vehicular access in such close proximity to the pedestrian accesses beyond. However, it has also been confirmed that this is not within the adopted highway and therefore falls outside of their remit.

The Highway Authority also comment that the access onto Bridewell Street benefits from suitable visibility of oncoming vehicles, but that there is little provision for pedestrians and other vulnerable road users, however consider that an objection on this matter alone would be difficult to substantiate for a single dwelling.

In the light of the above, the Highway Authority have confirmed that as the proposal does not affect the current traffic patterns or the free flow of traffic, they do not object subject to a condition relating to on-site car parking and turning area, provision and retention thereafter.

On that basis, the proposed development is considered to comply with the requirements of Policies CT 5 and CT 6 of the North Norfolk Core Strategy.

#### **4. Amenity**

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. In addition, Policy EN 4 requires an appropriate level of amenity area to be provided for new dwellings.

In addition, paragraph 3.3.11 of the North Norfolk Design Guide Supplementary Planning Document states that private garden areas should be of adequate size and shape to serve their intended purpose. They therefore need to reflect the likely number of occupants within each dwelling and have an aspect which is substantially free from shading from trees and buildings during the year. It is recommended that the area of a plot given over to private amenity space should normally be no less than the footprint of the dwelling on that site.

Whilst the proposal will undoubtedly affect the outlook from neighbouring properties, there is no private right to a view and it is not considered that the proposal would result in any significant overshadowing or overbearing impacts or that it would result in a significant loss of daylight or sunlight with respect to any nearby properties which would warrant a refusal on this ground.

Whilst the proposed amenity area provided is relatively small and would also include retained trees which would result in some shadowing, on balance it is considered that the proposal would not have a significantly detrimental effect on the residential amenity of nearby occupiers and that an acceptable level of residential amenity would be provided for the future occupiers. The proposal is considered to be acceptable in terms of the requirements of Policy EN 4.

#### **5. Landscaping Policies (EN 2, EN 4, EN 9)**

The application is supported by an Arboricultural Impact Assessment (AIA) and the Landscape Officer has been consulted.

This amended proposal has a slightly smaller amount of development within this very tight vegetated site which is considered an improvement. However, the restricted space remains compromised by on-site vehicle parking provision. The plan implies that all of the southern boundary wall within Chapel Yard is to be demolished and re-built in a 'rustic style'.

The varied treatment of the western boundary with railings, hedging and fencing is also an improvement and is a more appropriate solution given the historic context. However, there is no detail of how the northern boundary will be delineated. The development essentially subdivides

the garden of a listed building and needs to be a material commensurate with its function as marking the revised curtilage of the listed cottage - either a brick and flint wall or instant mature hedging such as yew or beech would be suitable.

The Arboricultural Impact Assessment (AIA) submitted with the application is based on a previous building and layout and is therefore not directly applicable, particularly in relation to the Tree Protection Plan. An updated AIA and Method Statement is required to accurately show the trees to be retained, protection measures in relation to the current building footprint and mitigation planting within the revised layout.

The Plan shows retention of an apple tree (T3) in the south-west corner of the plot. Whilst this does retain some visible reference to the orchard garden character of the site from Chapel Yard, the tree is very close to the vehicle parking area which may cause conflict. The tree is forked from the base and has a low spreading canopy so even with some pruning as proposed, makes for an uneasy alignment which may ultimately compromise the tree.

A small amount of indicative planting is proposed in the south-east corner of the site which is appropriate (though not sufficient to mitigate for the total loss of vegetation) and will reference the verdant character of the existing site. Details of plant species for all new mitigation planting to compensate for the 5 trees to be removed is required to demonstrate there is sufficient capacity within the site.

In summary, the latest layout does slightly condense the footprint within the constrained site, but the provision of vehicle parking necessitates demolition of the historic south brick and flint boundary wall and may compromise retention of the apple tree (T3). Furthermore it has not been demonstrated that there is capacity within the site to provide proportionate mitigation planting to replace the 5 trees that will have to be removed and to ensure no net loss of biodiversity.

## **6. Ecology (EN 9)**

The proposal is supported by a Preliminary Ecological Assessment which concludes that there would be no significant impact on protected species and the results show the site as having a moderate potential for breeding birds. The fruit trees were deemed to be locally important for pollinators, so the species selection of two new fruit trees as mitigation for the loss of fruit trees is appropriate. Its recommendations are appropriate and include low level external lighting and limiting timing of site clearance to avoid the bird nesting season. The enhancements proposed (bat tiles, bat box, bird nesting boxes and use of pollinator friendly plants in any landscape scheme) are also considered appropriate.

Subject to a condition requiring the development to be carried out in accordance with the recommendations and enhancements set out in the Preliminary Ecological Assessment, the proposal would accord with Policy EN 9 of the North Norfolk Core Strategy.

## **7. Conclusion**

It is considered that the form of the proposed development by reason of the demolition and rebuilding of the front boundary wall resulting in the loss of historic character, its layout, siting and materials would result in less than substantial harm to heritage assets. Other than the provision of one new dwelling which would make a very limited contribution to the overall housing supply

and some limited economic benefits through its construction and supporting local services within the village, there are no significant public benefits which would outweigh the identified heritage harm.

As such the development would fail to accord with Paragraph 202 of the National Planning Policy Framework and Policy EN 8 of the North Norfolk Core Strategy.

The proposed development by virtue of its design, appearance, layout, siting and materials is not considered to have due regard to local context or preserve or enhance the character and quality of the area. In particular, the proposal would also result in the loss of trees at the front of the site resulting in a hard edge to the new build on the most visible southern boundary with Chapel Yard and no proposals are included for appropriate compensatory landscape mitigation which would be of wider amenity value. As such the proposal fails to accord with Policy EN 4 of the North Norfolk Core Strategy.

## **RECOMMENDATION:**

### **REFUSE for the following reasons:**

In the opinion of the Local Planning Authority due to its siting and layout and loss of historic character resulting from the proposal to demolish and rebuild the front boundary wall, the proposed development would result in less than substantial harm to designated heritage assets and as such would fail to accord with Paragraph 202 of the National Planning Policy Framework and Policy EN 8 of the adopted North Norfolk Core Strategy.

The proposed development by virtue of its siting and layout is not considered to have due regard to local context or preserve or enhance the character and quality of the area. In particular, the proposal would also result in the loss of five trees and it has not been satisfactorily demonstrated that there is capacity within the site to provide proportionate mitigation planting to ensure no net loss of biodiversity. As such the proposal fails to accord with Policies EN 4 and EN 9 of the North Norfolk Core Strategy.

Other than the provision of one new dwelling which would make a very limited contribution to the overall housing supply and some limited economic benefits through its construction and supporting local services within the village, there are no significant public benefits which would outweigh the identified heritage harm.

Final wording of reasons to be delegated to the Assistant Director - Planning.