

Wells-next-the-Sea – PF/21/3227 – Two storey extension to side and first floor extension over detached garage to form holiday let; single storey detached building for use as holiday let. Marsh Tide, Northfield Lane, Wells-next-the-Sea for Mr James Issac

- Target Date: 5 September 2022

Case Officer: Darryl Watson

Minor Development

RELEVANT SITE CONSTRAINTS

- Civil Parish - Wells-Next-the-Sea
- District Ward - Wells with Holkham
- Agricultural Land Classification - Grade 3
- Area of Outstanding Natural Beauty
- Areas Susceptible to Groundwater SFRA - Classification: >= 50% <75%
- Undeveloped Coast
- Landscape Character Area - Type: ROF1 (Rolling Open Farmland)
- Countryside LDF
- GIRAMS Zones of Influence:
 - North Norfolk Coast Special Protection Area
 - North Norfolk Coast RAMSAR
 - North Norfolk Coast Special Area of Conservation
 - The Wash & North Norfolk Coast Special Area of Conservation
 - The Wash RAMSAR
 - The Wash Special Protection Area

RELEVANT PLANNING HISTORY

PF/21/0690: Two storey extension to side and first floor extension over detached garage to form holiday let; single storey detached building for use as holiday let - refused

The reasons for refusal were:

1. *Unit 2 by reason of a combination of its height and scale and proposed external materials in particular the black metal sheet cladding for roof and walls which is industrial in appearance and would make the resultant building appear visually obtrusive and would be to the detriment of the character and appearance of the other residential building in the local area. The proposal is therefore contrary to with Policy EN 4 of the North Norfolk Core Strategy 2008.*
2. *The proposed large expanse of glass windows of unit 1 would create intrusive light pollution to the detriment to this Area of Outstanding Natural Beauty which is contrary to Policy EN 1 of the North Norfolk Core Strategy 2008.*

PF/16/0144: Erection of single-storey and two storey extensions – approved.

PF/15/1320: Demolition of conservatory, erection of single-storey side extension with balcony above, installation of external stairs for access, reconfiguration of roof to rear extension and insertion of roof lights, alterations to fenestration and doors and installation of cladding and flue – approved.

THE APPLICATION

There are two elements to the proposal:

- Unit 1 (as identified on the application plans), comprising a two storey extension to the side of the existing detached garage and a first floor extension over it to form a two bedroom dwelling to be used for holiday accommodation. External walls would be clad in vertical timber boarding with a slate covered pitched roof. The main living area would be located on the first floor served by a dormer and French doors in the east elevation, along with a small window and roof light serving the bedroom. The access off Northfield Lane serving the existing dwelling would be shared.
- Unit 2, a single storey detached one bedroom dwelling for holiday accommodation located on the west side of the plot, which would be served by a separate access and parking area off the unmade and unnamed track. The dwelling would have a footprint of 4.75m x 9.0m and would incorporate the same external materials as proposed for unit 1

The site is located on the north side of Northfield Lane and the existing dwelling is the most easterly dwelling along it, beyond which is open agricultural land and the marshes. Beyond the old railway bridge Northfield Lane continues as an unsurfaced track serving a small number of dwellings, allotments and providing access to the agricultural land. It is also a Public Right of Way (footpath).

The site is L shaped with the existing two storey detached dwelling (Marsh Tide) located at the north end and adjacent to the east boundary. The detached garage is adjacent to the south side of the dwelling. The site wraps around the common boundaries to the east and north side of a dwelling known as Kiln House. The existing access from the site to Northfield Lane is off the south side of the site. The west boundary adjoins an unsurfaced and unnamed track the runs northwards off Northfield Road towards the coast, serving two other dwellings nearby. The north boundary of the site forms the common boundary with the curtilage of a dwelling known as North Lodge.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Peter Fisher as the application is contrary to SS1 and SS2 as well as EC7, and although these policies were not quoted in the previous refusal they remain current and need addressing. Wells Town Council referred to the application being in the Countryside both in the original and in this application as part of their objection. The application is finely balanced and Cllr Fisher considers that it would be best to be decided by the Development Committee.

The Agent in this matter is a close relative of a member of staff in Planning Services.

PARISH/TOWN COUNCIL

Wells Town Council:

Object as it is considered to be unsuitable development outside the town's development boundary.

CONSULTATIONS

County Council Highways: no objection, request a condition relating to on-site car parking provision.

Landscape Officer: object on grounds of conflict with CS policies EN1 and EN4. Unit 2 is considered to be acceptable in terms of scale and location. The scale, height and massing of Unit 1 would result in a building that is overly large and not subservient to the main dwelling. The amount of glazing on the east elevation remains excessive and would incur adverse landscape and visual impact on the AONB. The building would be prominent from the Norfolk Coast Path. In this edge of settlement location any new build should sit quietly and unobtrusively in the open sensitive landscape of the AONB. A smaller building similar to Unit 2 would be more appropriate.

Norfolk Coast Partnership: object as they still have some concern over the impact particularly of the garage and first floor conversion on the nearby Coast Path and AONB especially from the east elevation. The timber cladding is an improvement over the refused scheme, but is still not a vernacular material and could look intrusive. Whilst the glazing has been reduced, there will still be some impact from the glazing on the east of the garage conversion - less glazing here would be preferable. It is noted that a precedent has however, already been set by the adjacent dwelling.

The AONB is afforded protection as a nationally designated site and in line with para 172 development needs to 'conserve and enhance'. It is considered that the proposal would not conserve or enhance and as such NCP do not fully support the application as there will still be an increase of light pollution affecting the special quality of the AONB and there will also be an increase of traffic and movement in quite an exposed area. Therefore it is not compliant with EN1 and EN2.

If the development is approved request conditions relating to external lighting in order to minimise light pollution.

Natural England: no comments submitted

REPRESENTATIONS

4 objecting on the following grounds:

- Would set a precedent for this special area of outstanding natural beauty opening the way for other in fill developments to the detriment of the environment and local community
- Over-development and not in keeping with the area. Negative visual and light pollution impact on the AONB and local area
- Three separate dwellings in an area of outstanding natural beauty is a significant development on a relatively small plot. Any approval would be in contradiction to previous advice and decisions in respect of other sites in the vicinity.
- Concerns regarding additional traffic which are exacerbated by the creation of a new vehicular access on the lane leading north from Northfield Lane. The reference to a Lane off of Northfield Lane is misleading as it is more like a dirt track and gates have been installed already. There are already two properties on this track with entrances and a further one being used by those on holiday, close to the other entrances, on a track with a public right of way is misuse of this area
- Amenity impacts from noise, disturbance and loss of privacy resulting from the proposed development

2 supporting for the following reasons:

- Normal proposal for development within an already developed area. Proposal is in keeping with surrounding properties with no significant increase in height or character.
- Would complement the existing property and provide much needed holiday

accommodation.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

EC 7 - The location of new tourism development

EC 9 - Holiday and seasonal occupancy conditions

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

EN 3 - Undeveloped Coast

National Planning Policy Framework (NPPF):

Section 2 Achieving sustainable development

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 9 – Promoting sustainable transport

Section 12 Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Documents

North Norfolk Design Guide SPD (2008)

North Norfolk Landscape Character Assessment SPD (2021)

MAIN ISSUES FOR CONSIDERATION

- Whether the site is a suitable location for the proposed development with regard to the spatial strategy – i.e. whether the development is acceptable in principle
- The effect of the proposed development on the character and appearance of the area and landscape
- The effect on the living conditions of the occupiers of nearby dwellings
- The effect of the proposed development on the surrounding road network and parking

APPRAISAL

Principle

The designated Settlement Boundary for Wells in this part of the town follows the route of the former railway line. The application site lies to the east outside this boundary and as such is within the area designated as countryside under policy SS 1 which sets out the spatial strategy for the district. Policy SS 2 restricts development within this area but does allow for tourism related development in certain circumstances e.g. through the conversion of existing buildings.

As this proposal is for new build tourist accommodation, it must however, comply with Policy EC 7 which requires such accommodation to be located in accordance with the sequential approach as set out in the policy, starting with Principle Settlements. The policy also states that proposals for new build un-serviced holiday accommodation in the Countryside (as would be the case with this application) will be treated as though they are permanent residential dwellings and will not be permitted. The proposal is therefore considered to be contrary to Policies SS 1, SS 2 and EC 7.

Weighing against this is the fact that this was not a reason for refusal of the previous application PF/21/0690 and this current application seeks to address the reasons why it was refused. It is considered that introducing it at this stage may be considered to be unreasonable and inconsistent. The site is otherwise well related to the existing built up part of the town (which is designated as a Secondary Settlement under policy SS 1) being only 60 metres from the designated Settlement Boundary and within easy walking distance of its centre. It is also within the Coastal Tourism Asset Zone where new build serviced accommodation can be located if there are no sequentially preferable sites and the site is in close proximity and has good links to Principal and Secondary Settlements.

The applicant has not undertaken assessed whether or not there are any sequentially preferable sites, but has submitted an additional supporting statement which states:

“Planning application ref PF/21/0690 was refused in June 2021. There were two reasons for refusal, which both only related to details of the design of the buildings and the visual impact of that design on the immediate area and light pollution to the AONB. Consequently, the matter of the principle of two holiday lets in this location was treated as acceptable at that time. Since then there appears to have been no change in either local or national policy regarding the principle of the use in this location. Therefore, there appears to have been no material change in circumstances since that time that would warrant a different conclusion being reached in respect of the principle of the use in this location. Consequently, decision ref PF/21/0690 set a precedent of policy indication for this site that the principle of two holiday lets in this location is acceptable to the LPA and indicating that planning permission would be granted for a scheme that overcame the design concerns listed on the decision notice for PF/21/0690. On this basis planning application ref PF/21/3227 was submitted. This current application has sought to change only those design aspects that were referred to on refusal notice ref PF/21/0690, leaving all other aspects of the proposal the same given that decision ref PF/21/0690 indicated that those aspects were acceptable and planning permission would be granted for the principle of the development”.

On balance, given the specific circumstances in this case whilst the proposal is contrary to the relevant policies referred to above, it is considered it would not be harmful to their aims or result in any significant harm in this respect. It is however, considered appropriate to include the standard holiday occupancy conditions set out in policy EC 9.

Effect on character, appearance and landscape

With regards to proposed unit 1, the reason for refusal previously related to the expanse of glazing primarily on the east facing elevation which was considered would have resulted in intrusive light pollution to the detriment of the AONB as this elevation faces open land and the marshes. As first submitted, it was considered that the revisions in this current application were still not sufficient to address these concerns as reflected in the Landscape Officer's comments referred to above. The application has subsequently been amended such that now on the east elevation at first floor there would be a single small roof light, a small high level window, a three casement window with typical cill height and a pair of fully glazed French doors.

This has reduced the extent of glazing in the key east elevation, including the roof, to an acceptable degree and as a consequence has reduced the potential for light spill/pollution. With this and taking into account the extent of glazing on the east elevation of the existing dwelling along with the site's edge of settlement rather than isolated location, it is considered the proposal would not result in material harm to the special qualities of the AONB. Although the Landscape Officer raises concerns in this respect, the general scale and form of the

proposed extension and resulting building is as proposed previously which was considered to be acceptable.

The reason for refusal of Unit 2 related to its effect on the character and appearance of the area due to a combination of its height, scale and proposed external materials in particular. With black metal sheet cladding for roof and walls, it was felt this would give the building an industrial appearance resulting in it appearing visually obtrusive. The length of the building has been reduced by approximately 1.5m, its width by approximately 1.0m and the ridge height by 0.5m such that its height and scale are now considered to be acceptable and appropriate in terms of the size of the plot on which it would be sited. Its front elevation would also sit slightly further back from the site boundary. Concerns about the external materials have been addressed with vertical timber cladding proposed for the walls and slate on the roof. This would give the building a softer appearance and complement the cladding used on the existing dwelling. Cumulatively it is considered that these changes have reduced the visual impact of the building on the area.

It is considered that the proposals as amended have satisfactorily addressed the previous reasons for refusal which related to this issue and are in compliance with Policies EN 1 and EN 4

Living conditions

The previous proposal was considered acceptable in this respect. None of the amendments proposed as part of the current application would result in a materially different impact on the amenities of neighbouring residential occupiers in terms of loss of light, outlook and privacy or noise/disturbance as there would be no increase in the height or scale of the development, the siting of the buildings would not change and, windows are in generally the same positions as previously. The proposed development is therefore considered to comply with policy EN 4 in this respect.

Highways and parking

The access and parking arrangements/provision are broadly similar to those proposed as part of the previous application which were considered to be acceptable and as such not a reason for refusal. Similarly, the Highway Authority have no objections to this current application subject to a condition to secure and retain the proposed on-site parking provision.

The proposal is considered to be acceptable in terms of policies CT 5 and CT 6.

Other considerations

Effect on habitats sites

Since the previous application was determined, the Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) has been formally agreed and adopted by the Norfolk Planning Authorities and Natural England. It ensures that developers and the Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development either alone or in combination. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being

degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All new net residential and tourism development are required to mitigate the effects of the development.

The appeal site is located in the Zone of Influence for recreational impacts from residential development for a number of sites as listed in the constraints section above. A financial contribution of £185.93 per dwelling (or equivalent based on bed spaces for tourism accommodation) is identified in the GIRAMS that would provide appropriate mitigation for the indirect effects identified on designated habitat sites in Norfolk.

The proposed development would be provide new overnight accommodation and as such is a qualifying development for this purpose. A financial contribution amounting to £185.93 would be required for the proposed development which been submitted by the appellant. With the mitigation that this would contribute to, it is considered that the proposed development is not likely to have a significant effect upon the features of the European Sites habitats sites through increased recreational pressure, when considered individually or in combination. The proposed development therefore complies with Policy EN 9 of the adopted North Norfolk Core Strategy and the NPPF insofar as it seeks to protect the integrity of habitats sites.

Conclusion and planning balance

It is considered this application as amended has satisfactorily addressed the reasons for refusal of the previous application for the reasons explained above. Whilst the proposal is contrary to policies SS 1, SS 2 and EC 7 the previous application was not refused on matters relating to them. Furthermore, given the site's location very close to the settlement boundary and the specific circumstances in this case, it is considered that there would be no significant harm to the aims of these policies. The proposals have been redesigned to address previous material considerations relating to harm. It is considered that additional tourism accommodation in an otherwise sustainable location will add positive benefit to the local economy. As such the proposals are considered an acceptable departure to plan polices SS 1, SS 2 and EC 7.

RECOMMENDATION:

APPROVAL subject to conditions to cover the matters listed below and any other considered necessary by the Assistant Director - Planning

- Time limit for implementation
- Approved plans
- External materials
- Occupancy restriction
- Removal of permitted development rights for dormer windows or other openings in the roof of either building and no additional window or other openings at first floor and above in east facing elevation of Unit 1
- Parking
- External lighting
- GIRAMS – notification of commencement

Final wording of conditions to be delegated to the Assistant Director - Planning

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.