

DILHAM – RV/21/3306 – Variation of condition 2 (approved plans) of planning permission PF/18/1928 to allow for change of material from galvanised steel to oak structure (retrospective), Northbrook Cottage, Chapel Road, Dilham, for Mr & Mrs Cole

- Target Date: 11th February 2022

Case Officer: Colin Reuben

Householder application

RELEVANT SITE CONSTRAINTS

- Landscape Character Area – RV3 (River Valleys)
- LDF – Countryside

RELEVANT PLANNING HISTORY

Ref: PF/05/1570

Description: Erection of first floor extension, two-storey extension, conversion and extensions of outbuilding to two-storey annexe and erection of covered way

Outcome: A - Approved

Ref: PF/18/1928

Description: Regularisation of first floor extension, two-storey extension, conversion & extension of outbuildings to two-storey annexe, & erection of enclosed covered way (Retrospective - amendments to previously approved application PF/05/1570)

Outcome: A - Approved

Ref: CD/21/3348

Description: Discharge of condition 1 (privacy screen) of planning permission PF/18/1928

Outcome: CD - Condition Discharge Reply

Ref: NMA/22/1487

Description: Non-material amendment of planning permission PF/18/1928 (Regularisation of first floor extension, two-storey extension, conversion & extension of outbuildings to two-storey annexe, & erection of enclosed covered way (Retrospective - amendments to previously approved application PF/05/1570)) to allow additional condition, referring to approved plans

Outcome: APP - Approve

THE APPLICATION

The application proposes a variation of a previous planning consent to allow a change in materials used for a previously approved fire escape from galvanised steel to oak. The fire escape formed part of a wider development of the property approved under permission ref: PF/18/1928 (which itself followed an earlier consent granted much earlier under PF/05/1570) for the regularisation of a first-floor extension, two-storey extension, conversion & extension of outbuildings to two-storey annexe, and the erection of an enclosed covered way. The property is a semi-detached cottage located in a rural location off Chapel Road to the west of Dilham village.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Assistant Director – Planning, due to historical/present concerns raised by objector.

PARISH/TOWN COUNCIL

Dilham Parish Council: Neutral, but raised concerns in regards to waste discharge and proposed combustible material on fire escape. Fire escape and decking should be used for this purpose only, and not for general access purposes so that neighbour security/privacy is not impinged. Existing door should not be lockable from the outside and open outwards. Would like these concerns taken into account.

CONSULTATIONS

Building Control (NNDC): (Not formally consulted but were contacted given nature of comments raised in objection) – offered advise as follows (summarised):

- As the property is a self-contained dwelling, there is no requirement to provide an external 'fire escape' as anything up to first floor level (single dwelling or flats) only needs an escape/egress window – should a stair be provided this would not be a contravention, the requirement for external escape stairs to be 'non-combustible' is related to public/commercial buildings only. What may have now been proposed/provided is over and above what can be controlled. The door in question is not a 'fire door' it is a door that accesses an escape route.
- The staircase being timber would not be a contravention of the Building Regulations within 1m of the boundary, as the structure is not a building, it will not allow a fire to build and 'break through' etc.

REPRESENTATIONS

To date, 1 public objection has been received raising the following concerns (summarised):

- Concerned that the fire escape is being turned into a decking/seating area
- Is causing noise nuisance to neighbouring property
- Overlooking still occurs from fire escape, screen does not prevent this
- Proposed materials are combustible, which is not appropriate for a fire escape
- Fire escape should not have been granted previously
- Concerns regarding future use of accommodation

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.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far

as material to the application. Local finance considerations are not considered to be material to this case.

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 2017 (R9) Planning Act 2008 (S183) Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 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 2 - Development in the Countryside

HO 8 - House extensions and replacement dwellings in the Countryside

EN 4 - Design

National Planning Policy Framework (NPPF):

Section 12 - Achieving well-designed places

North Norfolk Design Guide SPD (2008)

MAIN ISSUES FOR CONSIDERATION

- 1. Whether the proposed development is acceptable in principle: *Policies SS 1, SS 2 and HO 8***
- 2. The effect on the character and appearance of the existing dwelling and surrounding area Area: policy EN 4**
- 3. The effect on the living conditions of the occupiers of neighbouring dwellings: *Policy EN 4***
- 4. Other matters (inc. fire safety and use)**

1. Principle of development

The property, a detached two storey house, is situated within the area designated Countryside under policy SS 1. Policy SS 2 lists the types of development that can be acceptable in principle within the Countryside and these include extensions to existing dwellings, which must also comply with the requirements of associated Policy HO 8.

The principle of development has already been established under planning application ref: PF/18/1928, approved at Development Committee in 2019, allowing for the regularisation of a first-floor extension, two-storey extension, conversion & extension of outbuildings to two-storey annexe, and the erection of an enclosed covered way. This included the retention of the fire escape to be constructed of galvanised steel, Following this, consent was granted under NMA/22/1487 to add a condition to the previous 2018 consent to list the set of approved plans. The current application seeks to vary Condition 2 of the 2018 consent to change the materials on the fire escape from galvanised steel to oak. To be acceptable overall however,

the proposed development must comply with all other relevant development plan policies unless material considerations indicate otherwise.

2. Effect on the character and appearance of the existing dwelling and the surrounding area

Policy EN 4 states that all development will be designed to a high quality, and 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. Development proposals such as extensions and alterations to existing dwellings are expected to have regard to the North Norfolk Design Guide, which as a Supplementary Planning Document is a material consideration.

The North Norfolk Design Guide gives clear guidance regarding the appropriate design of extensions and alterations. The scale of an extension should ensure that the architectural character of the original building is not harmed and remains dominant. Extensions should use forms, detailing and materials which are compatible with the original building.

The platform/fire escape in question is not particularly visible within the wider street scene and, given the characteristics of the location, there are no concerns design-wise to the proposed alternative material, noting that wood cladding already exists in part on the existing property and as such, wood as a material would not look out of place. As such, in respect of design only, the proposed change in materials is considered to be acceptable and compliant with Policy EN 4 of the adopted North Norfolk Core Strategy.

3. The effect on the living conditions of the occupiers of neighbouring dwellings

Policy EN 4 of the Core Strategy and the North Norfolk Design Guide requires that proposed development must not significantly impact upon the residential amenities of the occupiers of nearby dwellings in respect of light, privacy and disturbance.

It is considered that there would be no material adverse effects on the occupiers of the closest dwellings as the proposed revision is simply for a change in materials only, not for re-consideration of the existing development, the principle of which has already been accepted. It is noted that a privacy screen as required under Condition 1 of previous planning consent PF/18/1928 (the details for which were approved under application CD/21/3348) has now been installed which it is considered largely mitigates against any significantly detrimental levels of overlooking. In respect of amenity, the proposed development complies with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

4. Other matters

Fire safety

As stated, above, the application simply considers the change in materials of the platform/fire escape only. The objection received has raised significant concerns with regards to the combustible nature of the proposed wooden materials, noting that the originally approved plans labelled this section of the development as a 'fire escape'. However, advice has been sought from the Council's Building Control team as provided above in the consultations section.

Use of fire escape

Although labelled as a 'fire escape' on the previously approved plans, the use of the fire escape in question was not restricted via condition under the two previous approvals issued

in 2005 and 2018, with the 2018 consent conditioning details of a privacy screen along the south side of the platform. The previous officer committee report from 2018 considered the matter of amenity and found this to be acceptable subject to condition (noting that the privacy screen is now in place as referred to above). Any noise issues arising from use if the fire escape would need to be raised separately through the Council' Environmental Protection team who can investigate as to whether a statutory nuisance is being caused.

Future use of accommodation

The matter of potential use of the accommodation is noted, however, the Council are not aware of any current active use of the approved accommodation for letting purposes. This being the case, it is not expedient to apportion material planning weight to this matter. Should such a use occur in future, it is a matter that could be investigated by the Council's Enforcement team.

Conclusion:

The proposed revision to the fire escape materials is considered to be acceptable in appearance and complies with the relevant Development Plan policies. The recommendation is therefore one of conditional approval.

RECOMMENDATION:

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

- In accordance with approved plans
- Materials as submitted

Final wording of conditions to be delegated to the Assistant Director – Planning.