

Sloley - PF/23/1717 - Erection of garden room and fence (retrospective) - The Old Workshop, Sloley Road, Sloley, Norwich for Mr and Mrs Harper-Gray

Minor Development

Target Date: 9th October 2023

Extension of time: 20th October 2023

Case Officer: Matthew Attewell

Householder planning application

RELEVANT SITE CONSTRAINTS

Contaminated Land

Landscape Character Area - within Low Plains Farmland Landscape Type

Within the curtilage of a listed building

Countryside LDF

RELEVANT PLANNING HISTORY

PF/23/0929 Retention of garage (retrospective) with external alterations – refused 28th July 2023

PF/22/1909 Conversion of barn to dwelling (retrospective) – approved 27th January 2023

LA/22/1910 Retention of internal and external alterations to facilitate conversion of barn to dwelling - approved 27th January 2023

PF/20/0537: Conversion of barns to five dwellings – approved

LA/20/0538: Internal and external works to facilitate conversion of a complex of barns to 5 dwellings – approved

CD/21/1625: Discharge of Conditions 5 (windows and doors) and 6 (materials) of listed building consent LA/20/0538 – details approved

CD/21/1680: Discharge of Conditions 5 (windows and doors), 6 (materials), 15 (highway plan) and 23 (external lighting) of planning permission PF/20/0537 – details approved

LA/17/0496: Internal and external alterations to facilitate conversion of a complex of barns into 5 dwellings – approved

PF/17/0495: Conversion of barns to 5 dwellings – Approved

CDA/17/0495: Discharge of conditions 15 (offsite highway improvement works), 19 (method statement for protected species), 20 (landscaping), 22 (arboricultural method statement and tree protection) of planning permission PF/17/0495 – Details Approved

THE APPLICATION

This is a retrospective application for the retention of a garden room, constructed within the curtilage of the dwelling, along with the retention of a fence to the north-western elevation of this structure.

The dwelling (The Old Workshop) is part of a group of former agricultural buildings which are listed as being of special architectural or historic interest (grade II)

As the garden room is not attached to other buildings in the group listed building consent is not required.

REASONS FOR REFERRAL TO COMMITTEE

The Agent in this matter is a close relative of an officer of North Norfolk District Council.

PARISH/TOWN COUNCIL

Sloley Parish Council: No comments received.

CONSULTATIONS:

Conservation and Design (NNDC): - Objection. It is considered that:

- The proposal introduces unwanted domesticity into the agrarian setting
- It masks the junction between the principal two-storey thatched barn and its subservient single-storey wing. With it therefore detracting from the primacy of the historic complex on its eastern side, harm to the overall setting and significance of the existing heritage asset is identified
- The fence springing off the back of the garden room introduces unwelcome solidity and discordant domesticity and bears no relation to the post and rail fence previously approved

REPRESENTATIONS:

One received, which considers the building is out keeping within the curtilage of buildings of special architectural and historic interest”

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.

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 (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 2 – Protection and enhancement of landscape and settlement character

EN 4 – Design

EN 8 – Protecting and enhancing the historic environment.

National Planning Policy Framework (September 2023):

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 12 – Achieving well-designed places

Chapter 16 – Conserving and enhancing the historic environment.

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide Supplementary Planning Document (December 2008)

Landscape Character Assessment Supplementary Planning Document (January 2021)

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION

1. Whether the proposed development is acceptable in principle.
2. The effect on the setting of the listed building which is a designated heritage asset.
3. The effect of the proposed development on the wider landscape.

This proposal garden room and fence which have been erected without planning permission. Both would remain unchanged from their as built form. The garden room has a pantile roof and weatherboard cladding. The fence is a contemporary design with slatted fence panels between concrete posts and screens the view of a 1000 litre rainwater storage tank.

1. Principle (Policies SS1, SS 2 and HO 8)

The garden room and fence are within the curtilage of a dwelling which is within the area designated as 'Countryside' for the purposes of Policy SS 1 of the Core Strategy. Policies SS 2 and HO 8 are permissive in principle of extensions to dwellings including the erection of outbuildings within this area. To be acceptable overall however, a proposal must comply with all other relevant development plan policies unless material considerations indicate otherwise.

The original application (PF/17/0495) for the conversion of the group of barns was considered against Core Strategy policy HO 9, amongst others. Criteria within this policy require that barns should be capable of conversion without substantial new build elements and such elements should protect or enhance the character of the building and its setting. As a result, a garage was removed from that application to preserve the agrarian setting of the group and thereby ensure its compliance with policy HO 9.

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

The dwelling was granted retrospective planning permission under PF/22/1909 on 27th January 2023. A condition was attached to this permission removing the permitted development rights for the erection of buildings, structures or other means of enclosures within the curtilage of the dwelling. The purpose of this was 'to ensure a satisfactory relationship with neighbouring buildings and to safeguard the architectural character and setting of the building(s) in accordance with the Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy'.

Policy EN 8 aims to protect and enhance the historic environment. It requires that *development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets* and states that *"development that would have an adverse impact on their special historic or architectural interest will not be permitted."*

Paragraph 5.4.1 of the North Norfolk Design Guide states that *new buildings or structures that would block important views of listed buildings, or would have a harmful affect upon their setting, are unlikely to be acceptable."*

The dwelling is identified within the listing as an addition with no special interest, but is included for its group value. The garden room blocks the view of the brick dressing and flintwork of the barn known as "The Hayloft", which is identified as a feature within its listing. Furthermore, as identified in the Conservation & Design officer's comments, the outbuilding butts up hard against the listed building and has an extra-curricular presence on site which masks the junction between the principal two-storey thatched barn and its subservient single-storey wing. It is considered that the ensuing effect results in the development detracting from the primacy of the historic complex on its eastern side and harm to the overall setting and significance of the designated heritage asset.

The slatted fence compounds this identified harm. It has a contemporary appearance, which is not considered to be in keeping with both the character and appearance of the listed building or the wider area. The fence bears no resemblance to the traditional post and rail fence, which was approved previously, being a more appropriate boundary treatment found within this type of setting.

For the reasons stated, it is considered that the development is harmful to the setting of the designated heritage asset. Whilst this harm is less than substantial, in the absence of any public benefits that outweigh it the proposal is contrary to Core Strategy Policies EN 4 and EN 8, Paragraph 202 of the NPPF and the statutory duties as set out within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Effect on the Landscape (Policy EN 2)

Policy EN 2 of the Core Strategy aims to ensure that development is informed by and sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and; that the location, scale, design, and materials of development will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

With regards to the North Norfolk Landscape Character Assessment, the site is within Low Plains Farmland Landscape Type, which is characterised by a flat or gently undulating terrain. A key valued feature and quality include a *“strong rural character with a sense of remoteness and tranquillity”*.

Policy EN4 states that *“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”*. *Proposals within this policy are expected to “retain existing important landscaping and natural features and include landscape enhancement schemes that are compatible with the Landscape Character Assessment”*, as well as *“have regards to the North Norfolk Design Guide”*.

The Forces of Change / Detractors within the Low Plains Farmland Landscape Type refers to the conversion of agricultural buildings creating a resultant effect of ‘suburban’ features being introduced within the landscape.

The garden room introduces a new structure within the landscape and extends the built form beyond the original barn group, resulting in intrusion on the open countryside and a suburbanisation of the barn group, rather than allowing its appreciation as a group in the wider agrarian landscape. It is considered this results in material harm to the prevailing landscape character, contrary to the aims of Core Strategy Policies EN 2 and EN 4.

Other considerations

The agent has submitted a statement on behalf of the applicants in respect of the third party comments that had been published on the Council’s web site by the end of 12th September 2023. The statement refers largely to private legal matters rather than material planning considerations and, a comment they consider to be defamatory. It is however, considered that the statement does not require any officer assessment within this report.

Conclusion

The development is unacceptable for the reasons stated. With no material benefits to outweigh the identified harm, it is considered that planning permission should be refused due to the impact of the proposal on the setting of the heritage asset and surrounding landscape.

RECOMMENDATION – REFUSE

For reasons relating to the harmful effect on the setting of the designated heritage asset and, the effect on the character and appearance of the landscape, contrary to Policies EN 2, EN 4 and EN 8 of the North Norfolk Core Strategy, with no public benefits which would outweigh the harm, in accordance with paragraphs 130 and 202 of the NPPF.

Final wording of reasons for refusal to be delegated to the Assistant Director for Planning