

CLEY-NEXT-THE-SEA - PF/24/0101 - Erection of Dwelling (Replacement) at Arcady, Holt Road, Cley-next-the-sea for Mrs G Longworth

Minor Development

Target Date: 11th March 2024

Decision due date: 12th April 2024

Case Officer: Olivia Luckhurst

Full Planning

RELEVANT SITE CONSTRAINTS:

Norfolk Coast National Landscape (formerly known as Norfolk Coast Area of Outstanding Natural Beauty)

Countryside

Conservation Area

Landscape Character Assessment - River Valleys

Undeveloped Coast

Site subject to Enforcement Notice

RELEVANT PLANNING HISTORY

PF/12/1219 Erection of two-storey replacement dwelling and detached studio/annexe – Refused.

APP/Y2620/A/13/2205045 – Planning Appeal - Approved

ENF/18/0164 - Enforcement Notice requiring demolition of unauthorised dwelling Appeal lodged – Enforcement Noticed Served

PF/21/0882 - Erection of dwelling and associated external works and landscaping – Refused.

PF/21/2582 - Proposed dwelling and associated external works and landscaping (design as built plus Option 13). – Withdrawn

RV/21/2583 - Variation of the wording of Condition 2 (Approved Plans) amended site location plan scaled at 1:2500, and drawings 2260-01, 2317-02z1, 2317-03e, 2317-05f and 2317-11b. Approved on Appeal Ref: APP/Y2620/A/13/2205045 relating to Planning Application Ref: PF/12/1219 for Replacement House and Studio (Replace plan 2317-11b with Plan 1660-00-008 as it has been established that the original plan 2317-11b is considered to be inaccurate) – Refused

APP/Y2620/C/19/3236386 – Planning Appeal - Dismissed

PF/24/0101 - Erection of Dwelling (Replacement) – Pending Consideration

THE APPLICATION

The application seeks erection of a dwelling (replacement). The proposal provides alterations and amendments to previous applications and seeks to overcome issues raised within relevant appeal decisions and refusals.

REASONS FOR REFERRAL TO COMMITTEE

At the discretion of the Assistant Director - Planning, to enable democratic engagement with wider interested parties within the decision-making process.

CONSULTATIONS

Cley Parish Council – Objection.

Parish Cllrs have all received and studied plans and documents relating to the application and have had the opportunity to attend a site visit. Cllrs have been encouraged to read the comments posted on the NNDC Planning Portal and speak to residents about their views on the proposed application.

The latest application PF/24/0101 Arcady is an application for a replacement dwelling. This site has a long and complex history of planning applications, planning enforcement cases and most recently a Planning Appeal which was determined by the Planning Inspectorate.

This application has been dealt with differently to those previously submitted on the site, with proactive consultation with residents, through Parish Council meetings, and the Parish Council Community Café. Cllrs welcome this approach which has given residents the opportunity to engage with the applicant's planning consultant, have a better understanding of the planning proposal and has ultimately led to more consultation responses on the NNDC planning portal. The overwhelming difference with this application is the support which has been shown from the community. It has demonstrated a feeling within the parish that the proposed new building is more acceptable, with the proposed changes being deemed by some residents as being much more sympathetic to its surroundings.

Some Cllrs are in agreement that the new proposal is much improved, the change in roofline from flat to pitched is a significant change and demonstrates some consideration of the surrounding landscape. Lowering some areas of the proposed dwelling also helps to reduce mass and is much more appropriate, improving views from Newgate Green and Bridgefoot Lane. Cllrs acknowledge the effort of the applicant and their consultants, in submitting an application which has attempted to address many of the previous complaints received, regarding the existing build.

Cllrs initially had concerns about light pollution from the extent of proposed glazing, however, they are content that this can be easily mitigated with reduced visible light transmission glass in the east, north, west elevations, along with any rooflights.

Cllrs have gone back to the original Inspector's Report which stated the existing building, including its foundations, should be removed in its entirety, and the site returned, to what it was before the build took place. Cllrs have thought carefully about the disturbance this would bring for nearby residents and also given careful consideration to associated sustainability issues in doing this. Re-using materials is thought to be much more sustainable.

Cllrs have to also take into account the objections that have been received, the main concern being that in some areas the proposed dwelling is larger than the existing dwelling. The ridge height in the east block is 2.2 metres higher than the adjacent Holly House, which has led to concern from Cllrs that this part of the proposal does not conform to NNDC policies EN2, 4 and 8. Cllrs fear the east block being taller in height and scale may dominate the build, leading to similar massing issues and as such still impact on the surrounding countryside and in particular views from Newgate Green.

The Inspector references the original bungalow on the site, Cllrs feel if the current proposal was a replacement of that bungalow, then it would not conform to NNDC policy HO8. It is clear that the increase on the height and scale is disproportionate compared to the size and height of the original bungalow. Cllrs are keen any decision reflects fundamental issues raised in the original Inspectors Report, such as height, scale, massing and engineering works to alter land levels. The Inspector made effort to describe the fact that a building on this site should reflect

local distinctiveness, taking particular account of its effect on the historic environment, landscape character and the AONB. The current proposal is closer to what the Inspector has described above, however the height in the east block, brings question marks over the protection and enhancement of the landscape, settlement character, and protection and enhancement of the historic environment.

Cllr Holliday stated whilst she recognised that the ridge height was taller on the east block there was also considerable support from the community, therefore Cllr Holliday stated she did not object. Cllr Allen PROPOSED an objection to the current plans due to the height of the East Block; this was SECONDED by Cllr Deane and on a show of hands the motion was carried by 5 votes of objection, there was one no objection.

Conservation and Design Officer (NNDC) – Objection

Comments dated 4th March 2024:

The Conservation & Design (C&D) comments focus on the new design proposals and their impact on the Cley Conservation Area and Grade I Listed St Margaret's Church. The proposed building aims to better utilize the site's slope and features a pseudo agrarian style. While the design has some positive aspects, such as a more additive form, it still raises concerns about its appropriateness in a historically significant area. The Impact on the conservation area and the church is considered 'less than substantial' but still raises issues of visual competition and lack of compatibility. Overall, the proposed building is seen as too large and contrasting within the context, leading to doubts about its compliance with planning regulations.

FURTHER COMMENTS ON REVISED PLANS

With regard to the amended plans received on the 8th of March 2024, Conservation & Design consider that the proposed revisions are beneficial for the following reasons: -

1. Stepping the ridgeline of the tallest block would extend the aggregated form into the building's most impactful element. It would also better reflect the ground levels whilst steering the design away from the agrarian back to the residential.
2. Swapping the zinc for corten would better ground the building on site; i.e. by blending tonally with the ubiquitous terracotta pantiles found locally. It would also add some high level 'warmth' and contrast to the otherwise shades of grey.
3. Relocating the external staircase and losing the privacy screen would reduce the impact of the eastern elevation.
4. Replacing the existing solid gates with slatted equivalents would introduce some permeability and would thus help to combat the existing fortress-like qualities.
5. The additional trees proposed would help to soften the development and reinforce the surrounding rurality.

Taken together, these changes would certainly lessen the overall magnitude of harm. However, with the building still oversized for the site, they would not eliminate it altogether. Therefore, the residual 'less than substantial' harm would still need to be factored into the overall planning balance.

Landscape Officer (NNDC) - Objection

Comments dated 4th March 2024:

The proposed replacement dwelling aims to reuse the structure of the current dwelling and minimize ground and vegetation disturbance. However, the design, including the materials and size of the building, conflicts with the traditional character of the surrounding area. The proposed new building would compete with the Grade I listed church and the homogenous built form on the green. The Landscape section objects to the proposal, stating that it fails to

comply with key landscape policies, particularly in terms of conserving and enhancing the prevailing settlement character. There are concerns about light spill, the materials used, and the lack of planting to assist in assimilating the replacement dwelling into its garden setting. Additionally, there are comments on the Arboricultural Report and recommendations for ecological enhancements. The Landscape section, therefore, lodges an objection based on these grounds.

FURTHER COMMENTS ON REVISED PLANS

With regard to the amended plans received 8th March 2024 The amended drawings comprise the following elements:

- The northern section of the taller eastern block has been lowered by 450mm.
- The roof material has changed to Corten weathered steel.
- The external staircase has been moved from the east to the south elevation.
- The solid timber entrance gates have been altered to a slatted timber design.
- The Landscape Plan has been revised to include more trees, including outside the main entrance.

The cumulative effect of these revisions further reduces the landscape and visual impact of the large building. The long ridge on the eastern section is now split, although this element of the dwelling remains the tallest and bulkiest element. The change in roof material to Corten will introduce some resonance with the pantiled roofs that are a prevalent element of the built form around Newgate Green. Accommodating the external staircase on the south elevation is a more discreet location.

Increased planting is now proposed comprising additional tree planting on the east and south elevations and planting outside the main site entrance. This will assist in filtering views of the large dwelling within its garden plot. Replacement of the timber board entrance gates with a slatted design will give some permeability to the existing solid boundary.

Given the extensive planning history on this site, there should be absolute clarity on finish levels and spot heights at the point of any approval.

Notwithstanding these recent revisions, this remains a large replacement dwelling, that, by virtue of the scale and footprint compared to the original bungalow on the site, will have a material increase in impact on the surrounding area. It is difficult to conclude compliance with Local Plan Policy HO9 and related landscape policies.

Landscape and visual harm remain, albeit reduced, and given the designation of the surrounding landscape, this should be proportionately weighed into the planning balance.

In the event of approval, conditions would be required relating to hard and soft landscape details, replacement of failures for ten years, retention of existing vegetation for ten years, compliance with the AIA and Arb Method Statement, external lighting.

Historic England – No comments received (at time of writing)

Norfolk Coast AONB Partnership – No comments received (at time of writing).

Norfolk Historic Environment Services – No Objection subject to conditions securing archaeological written scheme of investigation.

REPRESENTATIONS

Public consultation of the application took place for a period of 21 days between 01.02.2024 and 22.02.2024. Nineteen letters of **objection** have been received as summarised below:

- Overbearing and unsympathetic design
- Questioning of the principle of development and the proposals description
- Unacceptable scale
- Request for the removal of permitted development rights
- No levels or scale shown on the drawings.
- Unacceptable floor area increase of 173% when compared to the original bungalow
- Queries relating the sites levels.
- Detrimental impact on the conservation area and neighbouring Church
- The use of Corten for a roofing material in this location is considered to be inappropriate.
- The special glazing proposed would not sufficiently block out light or prevent light spill.
- Examples provided within the Design and Access Statement of similar developments are not all located within Conservation Areas and are therefore, not comparable.
- The box feature over the ridge of the lower pitched roof is an unfortunate add on element that will impair the lines of the pitched roof.
- The relocation of the Silver Birch trees near the sites entrance is inappropriate and would look out of place
- Unacceptable views available from Bridge Foot Lane
- Insufficient information provided in relation to the landscaping.
-

A total of thirty letters of **support** have been received as summarised below:

- Supports the proposed design and reuse of existing materials.
- Improvement to the site
- Amendments provide a more sympathetic design.
- Materials such as Corten reflect the local vernacular.

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.

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.

RELEVANT POLICIES:

North Norfolk Core Strategy (2008)

Policy SS 1: Spatial Strategy

Policy SS 2: Development in the Countryside

Policy HO 8: House Extensions and Replacement Dwellings in the Countryside

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

Policy EN 2: Protection and enhancement of landscape and settlement character
Policy EN 3: Undeveloped Coast
Policy EN 4: Design
Policy EN 8: Protecting and enhancing the historic environment.
Policy EN 9: Biodiversity and geology
Policy CT 6: Parking provision.

Material Considerations

Supplementary Planning Documents:

North Norfolk Landscape Character Assessment (January 2021)
North Norfolk Design Guide (December 2008)

Conservation Area Appraisals

Cley Conservation Area Appraisal (July 2019)
Glaven Valley Conservation Area Appraisal (Jan 2024)

National Planning Policy Framework (2023):

Chapter 2: Achieving sustainable development.
Chapter 4: Decision-making
Chapter 6: Building a strong and competitive economy.
Chapter 9: Promoting sustainable transport.
Chapter 11: Making effective use of land
Chapter 12: Achieving well designed and beautiful places.
Chapter 15: Conserving and enhancing the natural environment.
Chapter 16: Conserving and enhancing the historic environment.

OFFICER ASSESSMENT

The Site and Application

The application site is located on the southern edge of the village of Cley-next-the-Sea in an area known as Newgate Green. The site originally comprised of a single storey, detached dwelling with associated amenity space extending to approximately 0.3 hectares.

To the west of the site sits Holly House, a two-storey detached dwelling. To the east and south, the site is surrounded by open fields and to the north, on the opposite side of Holt Road is St Margaret's Church (a Grade I listed building).

The site falls within the Cley Conservation Area and the Norfolk Coast National Landscape and is designated as countryside in the North Norfolk Core Strategy Development Plan Document (2008) (NNCS).

The Cley Conservation Area includes most of the built-up area of the village, together with some areas of adjoining countryside. Development in the centre of the village is characterised by a dense and intricate pattern of development, with narrow streets lined with brick and flint cottages and more substantial houses. In the vicinity of the appeal site, development is more loose-knit and sporadic, and includes both older brick and flint properties together with some newer dwellings. Areas of open land, including the grounds of St Margaret's Church and the village green to the west, create significant breaks in the pattern of built development, affording views across open countryside and giving the area an open and rural character.

The site occupies an elevated position relative to Holt Road and is well screened by maturing trees and hedging to the north and east.

Background - Site History

The application site was originally host to a modest bungalow which was previously described by the Inspector for case APP/Y2620/A/13/2205045 as *“unremarkable architecturally and does not contribute materially to the significance of the Conservation Area”*. The inspector also confirmed that the bungalow was largely hidden from views. A full planning application was submitted in 2012 under reference: PF/12/1219 for the erection of a two-storey replacement dwelling and a detached studio/annexe. The application was refused by Development Committee on the basis that the proposed development would constitute an inappropriate design in terms of its form and materials which would fail to preserve or enhance the character and appearance of the Cley Conservation Area. Following this refusal, an appeal was submitted to the Planning Inspectorate which was allowed in 2014 with the Inspector concluding that the proposal would be sensitive to its local context and would protect the historic environment.

In December 2016 the appellants acquired the land. Development commenced in January 2017 with demolition of the bungalow and excavation works. During the course of the building works the Council investigated whether the development was being carried out in accordance with the approved plans. A Temporary Stop Notice was served and works to reduce the height of the structure by 400mm were undertaken. It was recommended at this stage that a new application should be made to address the inconsistencies between the works on site and the approved plans, and that no more works should take place until that application was determined. However, no application was received, and works continued on site. Further discussions proceeded between the applicant and the Council, site surveys and exchanges between legal teams followed. A detailed document was provided by the Council demonstrating the numerous breaches and an enforcement notice was issued on 05 August 2019 and the applicants submitted an appeal shortly thereafter.

In an attempt to produce an acceptable development and overcome the issues raised, another application was submitted in March 2021 (PF/21/0882) however, the application was later refused in March 2022 on the basis that the development failed to satisfy concerns raised in relation to the excessive and harmful height, scale mass & prominence of the proposed dwelling. Furthermore, the proposal failed to suitably articulate the interconnecting development blocks, in features such as the roofline, fenestration, and materials that the already adverse impact is unacceptably exacerbated. The applicant decided to appeal this decision as well.

During the determination of the planning application, the Council became aware of a then recent High Court Case - *Choiceplace Properties Ltd v Secretary of State for Housing, Communities and Local Government* which indicated that the fall-back position of the original planning permission granted on appeal in 2014 and depended on by Mr & Mrs Spiegel, could no longer be relied on. This was due to the approved plan 2317-11b showing the relationship between the replacement dwelling at Arcady and the neighbouring two storey dwelling Holly House inaccurately. This was put back to the applicants for a response which led to the submission of a second application.

A Section 73a (Variation of Conditions) application was submitted (RV/21/2583) and sought permission for the *“Variation of the wording of Condition 2 (Approved Plans) (amended site location plan scaled at 1:2500, and drawings 2260-01, 2317-02z1, 2317-03e, 2317-05f and 2317-11b. Approved on Appeal Ref: PP/Y2620/A/13/2205045 relating to Planning Application Ref: PF/12/1219 for Replacement House and Studio”* at Arcady; Holt Road, Cley-Next-The-Sea. This application was also refused on the basis that the proposed revisions failed to satisfy concerns raised in relation to the excessive and harmful height, scale mass & prominence of the proposed dwelling.

Appeals were submitted for both parts of the Enforcement Notice and for applications PF/21/0882 and RV/21/2583. All three of the appeals were linked and considered within the Inspectors report and decision (dated 17th May 2023) a copy of which is attached at **Appendix A**.

Appeal A which related the Enforcement Notice was allowed in part, granting permission for the annexe, swimming pool and associated structure. The notice was also varied in paragraphs 6(i) and 6(v) by the substitution of 15 months as the period for compliance and in paragraph 6(vi) by the substitution of 18 months as the period for compliance, therefore the dwelling in question must be demolished by 17th August 2024 along with the removal of the vehicular ramp, parking and turning area adjacent to front door (North elevation). The ground levels must be returned to those levels detailed in the Inspector approved plan (drawing no: 2260-01) of planning approval PF/12/1219 by 17th November 2024.

The appeal submitted against application PF/21/0882 which sought permission for 'Erection of dwelling and associated external works and landscaping' and application and RV/21/2583 which proposed a 'Variation of the wording of Condition 2 (Approved Plans)' were both dismissed.

The current application has been submitted following the outcome of the appeal mentioned above. The application still seeks permission for the erection of a dwelling (Replacement) however, an amended design has been produced showing the dwelling vastly altered from the previous proposals.

MAIN ISSUES FOR CONSIDERATION

- 1. Principle of development**
- 2. Design and Impact on heritage assets**
- 3. Amenity**
- 4. Landscape**
- 5. Highways and Parking**
- 6. Biodiversity**
- 7. Demolition**
- 8. Permitted Development Rights**
- 9. Planning Balance and Conclusion**

1 Principle of Development

Core Strategy (CS) Policy SS 1 sets out that most new development in North Norfolk should take place in the towns and larger villages defined as Principal and Secondary Settlements and a small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, is designated as Countryside.

The site in question is situated within Cley-next-the-Sea which is an area designated as Countryside under Policy SS 2. Policy SS 2 limits development in areas designated as Countryside to that which requires a rural location and complies with its list of uses. Policy SS 2 permits the extension and replacement of dwellings.

Policy EN 4 states that all development will be of a high-quality design and reinforce 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. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable

construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scale and ensure that parking is discreet and accessible amongst other matters.

Policy HO 8 allows proposals to extend or replace existing dwellings within areas designated as Countryside subject to appropriate height and scale. Proposals must also not materially increase the impact of the dwelling on the appearance of the surrounding countryside.

In terms of principle, the planning history of the site adds a layer of complexity when assessing the correct policy basis for the proposal.

The original 2012 application (allowed on appeal in 2014) resulted in the demolition of the existing bungalow on site to make way for the replacement dwelling. However, that dwelling was not constructed in accordance with the approved permission.

Following confirmation that the approved replacement dwelling had not been built in accordance with the approved plans which were also found to be inaccurate, the Council applied the principle in the *Choiceplace Properties Ltd v Secretary of State for Housing, Communities and Local Government (2021)* judgment which had stark similarities to issues relating to Arcady and concluded that the dwelling currently occupying the site in question was not lawful.

In the simplest of terms, one could argue that there is no existing dwelling in place against which the replacement part of Policy HO 8 could be applied as the existing bungalow was demolished to make way for the unauthorised main building currently on the site.

However, Officers consider it would be unreasonable to completely disregard the planning history of the site. The residential use of the site has not been abandoned and there is permission for the associated annexe building and swimming pool.

The site is quite clearly residential in use and has been since the demolition of the original bungalow. The Inspector recognised this within their report and as a result, tied the dwellings associated outbuildings (annexe and swimming pool and associated structure) to the residential use of the land.

Policy HO 8 is open for interpretation and the specific wording confirms that it supports the replacement of **existing** dwellings in the countryside. Officers consider that, given the history of the site and the fact that an existing lawful bungalow once occupied the site that was demolished to make way for the existing structure, the proposal for a new replacement dwelling on the site which has been confirmed to have a residential use with associated buildings tied to it, is considered to broadly comply with the aims of policy HO 8.

The current application has been submitted in an attempt to overcome the refusal reasons of previous applications and the latest appeal decision. The appearance of the dwelling has been considerably revised and reduced along with changes to landscaping and materials proposed. It is appreciated that the applicants have tried to work positively with the Council to try and reach a satisfactory outcome.

Consideration must also be given to the family who currently occupy the site and whilst it is not considered that the residents would become homeless as a result of the demolition of Arcady, there are young children involved who are enrolled in local schools and the ongoing situation does have the potential to disrupt their education if the family was required to relocate.

As required by the enforcement notice, the dwelling must be demolished, and hardstanding removed by 17th August 2024 and the land levels restored to those that existed before the development took place by 17th November 2024. The applicant has indicated that this work would involve various types of machinery entering and exiting the site multiples times a day to dispose of waste potentially disrupting the amenity of neighbouring properties in terms of noise. Moreover, the demolition works would also result in the loss of the landscaping which has matured over the last 5 years providing screening of views in and out of the site. The complete demolition of the site would lead to a waste of existing building materials, whereas the partial demolition and reconfiguration of the dwelling would allow for the re-use of the structure of the current dwelling, retention of landscaping and betterment of the site which would be a more desirable and sustainable outcome. Officers consider that finding a positive solution that reduces the amount of demolition waste is a way forward that should be supported. Ultimately whatever solution is proposed, it needs to suitably address the concerns set out by the Inspector in relation to the current building on site.

In summary, officers consider that the principle of replacing the existing dwelling is acceptable, subject to the proposal according with other relevant Development Plan policies or unless material considerations indicate otherwise.

2 Design and Impact on heritage assets

The current application proposes a replacement dwelling and includes numerous alterations to the existing dwelling positioned on the site.

Currently the site is host to a three-storey dwelling incorporating a series of interconnected blocks clad in timber and with a red brick base. Whilst varying in height, the roofs of the property are flat with a larger element positioned on the rear elevation. Also positioned on the rear and side (west) elevation is a first-floor terrace area stretching the entire width of the property and accessed via steps to the west of the site.

Another prominent feature of the site is the 'vehicular ramp' which runs adjacent (north) of the property leading to parking area and entrance door.

The Inspector concluded within their report that a modern building would be achievable on the site however, it would need to incorporate *"similar design elements to the existing buildings and design cues from its surroundings"*. It is against this context that Officers consider the Committee should assess the latest proposals.

The site is located within the Cley Conservation Area which was designated back in 1974, this area is one of the district's most significant in heritage terms and covers most of the village centre. For the purposes of this application, however, it is the character area around The Green which is most relevant. To the northwest of the site sits Grade I Listed St Margaret's Church which was noted by the Inspector, *"the Church of St Margaret is a very fine parish church. Built of stone and flint, the standing fabric dates to the 14th and 15th centuries"*. It therefore enjoys a primacy within the settlement which until recently had been unchallenged by other local buildings.

During the determination of this application, following responses received from consultees, the application was amended by the applicant in order to positively address issues that were raised.

The originally proposed plans showed the following changes:

Northern elevation:

- *Removal of entrance door and vehicular ramp*
- *Changes to fenestration*
- *Partial demolish of second floor*
- *Timber louvers over windows and areas of glazing*

Eastern elevation:

- *Erection of a new curved pitched roof over the eastern block*
- *Changes to fenestration*
- *Part removal of second floor*
- *Changes to fenestration*

Southern elevation:

- *Width of terrace area reduced and more away from the western boundary.*
- *Insetion of staircase serving the terrace area*

Western elevation:

- *Vehicular ramp removed and replaced with a retaining wall to provide covered parking spaces.*
- *The first floor entrance door relocated to the ground floor on the western elevation.*
- *Removal of first floor block.*
- *Changes to fenestration and inclusion of timber louvres.*
- *Removal of second floor on western side*
- *Addition of a curved pitched roof at first floor*

Amended plans were provided on 07 March 2024 following comments of objection from the neighbours and statutory consultees. The principal changes to the design of the house are:

- The northern third of the roof to eastern section of the house (Element 4) has been lowered by circa 450mm to include ridge line and eaves height
- The roof covering has been amended to propose a weathered Corten steel standing seam roof
- The external staircase has been removed from the eastern elevation of the proposed house and relocated to a central position on the southern elevation to reduce visual clutter when viewed from the east
- The revised Landscape Plan includes for the provision of both evergreen and deciduous heavy standard trees to be planted in the southern boundary
- Open slatted front entrance gates to give more permeability

Officers consider that the proposed alterations overcome some of the issues originally raised and supported by the Inspector. The demolition of the majority of the second floor and introduction of curved pitched roofs removes the bulkiness of the dwelling and provides a much softer appearance. The removal of the vehicular access and reduction in the rear terrace area further reduces the mass of the property. Overall, the proposed dwelling is considered to be far more appealing when compared to the existing dwelling that occupies the site.

The proposed changes result in a relatable building, visually, with levels of visual interest and architectural quality. However, the inclusion of a new curved pitched roof on the eastern section does result in a slightly higher ridge height compared to the existing, although this roof line has now been broken up with a lower drop towards the north as a result of amended plans.

With original concerns relating to the scale of the dwelling and its impact on the conservation area and St Margarets Church, this design decision to raise the height could be considered as questionable. However, the new curved roof provides a much softer appearance whilst also allowing for the majority of the second-floor area to be removed, thus reducing bulk in other sections of the dwelling. The benefit of this alteration is appreciated most when viewing the

site from Bridgefoot Lane to the south of the site. The existing dwelling provides a blockish massing and sits heavy in the landscape whereas the new building would present a single, well-proportioned gable with a subordinate wing springing off perpendicularly, resulting in a less eye-catching structure and having less of an impact on the wider area.

Original comments provided by the Conservation and Design Officer, Landscape Officer and the Parish Council raised concerns relating to the east elevation. When looking down Holt Road, the existing building is already a prominent feature within the street scene and the increase in ridge height and width was considered to contribute to the prominence of the dwelling.

Although the partial demolition of the property and removal of the vehicular ramp, does push the majority of the development back into site which reduces the structure's visual impact when viewing from the Green, the eastern block was not considered acceptable. The revised plans now show the ridge on the eastern block to be stepped down in part, breaking up the appearance of the dwelling when viewed from Holt Road. By incorporating elements that reflect the ground levels and shifting the design focus from agrarian to residential, Officers consider that the overall project will be more aligned with its intended purpose and audience. The materials have also been amended with the plans now proposing a Corten roof to blend in with the traditional red pantiles surrounding the site and provide a high level of warmth and contrast to the otherwise shades of grey.

Officers consider that views back from the church and down Church Lane have also been improved as a result of the vehicular ramp being removed along with the addition of new planting along the northern boundary, whilst the roof line of the eastern section would still remain visible, the use of a Corten roof and the lowering (in part) of the ridge would make views less intrusive and the dwelling would blend better with its surroundings. A similar thing could be said for the views down Holt Road. The dwelling would still be elevated by virtue of its position however, its appearance would be less dominant within the street scene.

The Conservation Officer originally concluded that there would remain residual harm as a result of the development, albeit at a lower level on the 'less than substantial' spectrum with consideration of Paragraph 208 of the NPPF, however, the most recent comments confirm that the revisions further reduce the overall magnitude of harm.

Officers consider that the redevelopment of the site and dwelling would outweigh the less than substantial harm through public benefits. Firstly, the development would create a need for local trades and contribute to the local economy. It is also considered to be the more sustainable option as opposed to demolishing the site completely. The complete demolition would require a lot of resource consumption and generate a substantial amount of waste whilst also potentially impacting the amenity of the neighbouring properties as a result of the numerous large vehicles entering and existing the site. If permission were to be granted for the proposed development, it would also allow for further landscaping to be provided which would offer optimal screening of the area, restricting views in and out of the site. Lastly, it is also acknowledged that a local family with young children reside at the property and have done for several years. The property is used as a permanent dwelling with the children attending local schools, therefore, the demolition of the property would result in the family needing to find a new place to live and possibly interrupting the children's education.

Overall, the proposal presents a mix of positive aspects, such as improvements in landscaping and reduction of light spillage. Despite some concerns raised in representations about whether the dwelling would fit with the surrounding area and questions about whether the replacement dwelling still amounts to a disproportionately large increase in the height and scale of the original dwelling, Officers consider the proposal will satisfactorily address most, if not all of the issues raised by the Planning Inspector. Whilst some harm to heritage assets will still result

from the proposal together with some harm to landscape character, on balance, and subject to the imposition of conditions, the moderate public benefits would outweigh the identified heritage and landscape harm.

Accordingly, it is considered that the proposed development complies with the requirements of Policies HO 8, EN 4 and EN 8 of the adopted North Norfolk Core Strategy and Paragraph 208 of the NPPF.

3 Amenity

The application site is well screened by mature trees and hedging on all boundaries preventing unacceptable levels of overlooking. The submission proposes extensive changes from the originally approved scheme with the main bulk of the property pulled away from the western boundary as a result of the demolition of the ground floor ensuite and dressing area. The existing terrace area would also be reduced and contained to the rear of the site with planters and a timber pergola to further reduce overlooking to the east and west.

Some changes to the western elevation's fenestration are also proposed and would incorporate windows serving habitable rooms, however, given the separation distance between the site and the neighbouring property Holly House to the west along with the natural screening, it is considered that the windows would not create a loss of privacy.

Other forms of mitigation have also been provided with the amended design such as the use of smart glass and louveres to reduce light spillage and obscure glazing to bathrooms and toilets.

Whilst the majority of the dwellings second floor elements would be removed or reduced, the ridge height of the eastern part of the property would be increased slightly to allow for the new pitched roof with arched ridge. The 0.4m increase in height is not considered to result in a detrimental level of overshadowing to the neighbouring property, given the orientation of the site. The ridge would also be stepped down by 0.4m towards the northern section of the block, further reducing the potential for overshadowing.

Overall, the proposed development provides sufficient internal space standards and amenity for the occupiers and complies with the amenity requirements of policy EN 4 of the adopted North Norfolk Core Strategy. The neighbours living conditions would not significantly change and would benefit from landscape improvements.

4 Landscape

As confirmed by the Landscape Officer, Newgate Green is located within the Cley Conservation Area and an area of Undeveloped Coast. The settlement has a strong character incorporating a consistent palette of brick and flint and red pantiles, particularly the dwellings that frame the green.

The original plans for the proposed dwelling incorporated a zinc roof which was considered to be out of keeping for the area and could have been seen to compete with St Margarets Church located to the north of the site. The amendments show a Corten roof used for the whole of the dwelling in tribute to the red pantiles that can be seen throughout the village. This provides a modern take on the aesthetics of the area whilst still respecting the important views.

The reduction in mass of the dwelling on the west elevation and the introduction of pitched roofs does reduce the overall bulk and angularity of the existing property and this is now

improved further via the revised drawings showing the northern third of the roof to eastern section of the house lowered by circa 450mm. Whilst the east elevation would remain fairly prominent within the street scene, especially on Holt Road, the amendments are considered to provide a much softer appearance. The relocation of the external staircase from the east elevation to the south is also appreciated and reduces the east elevation from appearing cluttered.

Further landscaping details have also been provided as a result of the amendments and confirm that the hedgerow to the east will be grown to 16ft, the 3no. Silver Birch trees will be relocated to the north west of the site, existing heath/scrub to be supplemented with 1500mm high Holy and the planting of 3no. new heavy standard hedgerow trees to the south. The additional landscaping is welcomed and assist in filtering views of the dwelling within its plot.

In relation to policy EN 3, a justification is usually required for new residential development located within areas of Undeveloped Coast however, given the history of the site and previous applications for a replacement dwelling, further justification is not considered to be required.

Overall, the appearance and design of this dwelling in such a sensitive area has received mixed views from consultees and members of the public, however, the important assessment that the Local Planning Authority must make is whether or not the development would conserve or enhance the prevailing settlement character that is integral to the historic development of Cley Conservation Area and the special qualities of the Norfolk Coast National Landscape.

The proposal provides a large dwelling on an elevated site and is therefore easily visible within the landscape. However, simple design features have been incorporated to ensure that the proposal would not have a significantly harmful effect. Timber louvres have been incorporated to reduce light pollution and reduce overlooking. While the original dwelling has seen a reduction in bulk and a more visually pleasing design with curved pitch roofs, there are still some concerns raised by consultees that need to be addressed through further details being secured by condition. Efforts to minimize the visibility of the dwelling in connection with St. Margaret's Church and within the Conservation Area are evident, with steps taken to enhance its integration into the surroundings, therefore, the landscape and visual harm of the proposed development have been reduced and this will be weighed into the planning balance.

Accordingly, it is considered that the proposed development complies with the requirements of Policies EN 1, EN 2 and EN 3 of the adopted North Norfolk Core Strategy.

5 Highways and Parking

The existing access to the site would be utilised and the existing solid hardwood gates would be altered to incorporate slatted timber. Following the removal of the existing vehicular ramp, vehicles will arrive at the front door which will be on the lower ground floor level with a level access from the driveway to the entrance hall. A new parking bay will be provided under the area currently occupied by the brick planters and the staircase that provides access to the current front door. This parking area will be covered with a canopy over both the parking spaces and the front door.

The site is capable of providing ample parking for both the proposed dwelling and the associated annexe which was granted permission by way of the recent appeal decision in accordance with policy CT 6of the adopted North Norfolk Core Strategy.

6 Biodiversity

Policy EN 9 sets out that development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated sites or protected species will not be permitted unless prevention, mitigation and compensation measures are provided.

The application has been submitted with a Preliminary Ecological Appraisal which confirmed that the building has negligible suitability for roosting bats and the site posed a low risk to bird species. Ecological Method Statements are recommended, along with biodiversity enhancement measures which would be secured via condition.

The proposed development involves the replacement of an existing dwelling and is not adding net additional dwellings. The proposal is not therefore considered to be qualifying development under the GIRAMS strategy or in regards to Nutrient Neutrality.

As such, it is considered that the proposed development complies with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy.

7 Demolition

The Enforcement Notice which was partially dismissed at appeal states that the dwelling in question, an associated vehicular ramp and the parking and turning area must be demolished by 17th August 2024. The land levels are required to be returned to those detailed in the Inspectors approved plan (drawing no: 2260-01) of planning approval PF/12/1219) by 17th November 2024.

If approved, the new development would mean that the demolition noted on the Enforcement Notice above is no longer required. However, following discussions with the Local Planning Authority's Solicitor it has been confirmed that the Enforcement Notice will stay in place in line with Section 180 of the Town and Country Planning Act 1990 (as amended) which confirms that:

Where, after the service of—

(a) a copy of an enforcement notice; or

(b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

After careful consideration, Officers are of the opinion that entering into a S106 legal agreement is unnecessary as the removal of the unauthorised existing development (the elements that are not to be retained) can be secured via conditions that require the applicant to carry out such works in a timely manner which would be monitored closely by the Council's Enforcement Team. By not withdrawing the Enforcement Notice, it also allows the Council to take action if the works are not carried out in accordance with the timescales proposed.

A set of drawings have been provided showing the relevant areas for demolition hatched in green. The conditions will refer to these drawings and the specific areas/structures that require removal and will provide a deadline of 17th August 2024 for the works to be carried out. A similar condition would also be added in relation to the restoring of site levels.

The Local Planning Authority is confident in the proposed conditions to ensure the timely and effective execution of the demolition process.

8. Permitted Development Rights

Concerns were expressed by members of the public throughout the consultation process regarding permitted development rights in relation to the dwelling. It was requested that permitted development rights be removed.

Officers recognise that the proposed dwelling to replace that on the site would still be a large property and that there is already a detached annexe, swimming pool and associated structures in the plot.

On balance, recognising the heritage and landscape sensitivities associated with this site, removal of permitted development rights for the property would be considered proportionate and reasonable, notwithstanding the limitations that would apply. This will be secured via condition.

9. Planning Balance and Conclusion

Officers fully recognise that the application site and its history make this scheme a sensitive one locally. Overall, considering all matters raised, including the conflict with some of the Development Plan policies, Officers consider there are material considerations that weigh in favour of the proposal and which would justify the grant of planning permission..

Some elements of the proposed development are acknowledged as causing some harm to the Conservation Area and surrounding heritage assets, although this is considered to be less than substantial and other elements such as the use of a Corten roof and reduction in ridge height are considered to represent improvements. Further landscaping details have been provided showing additional planting and the relocation of already established trees. These measures will provide sufficient screening of the site and soften the appearance of the dwelling.

Overall, public benefits created by the dwelling and improvements to the site as outlined above are deemed to outweigh the identified harm and the proposal complies with policies HO 8, EN 1, EN 2, EN 3, EN 4 and EN 8 of the adopted North Norfolk Core Strategy, subject to conditions

RECOMMENDATION

APPROVAL subject to the imposition of the following conditions:

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason for condition:

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):

Location Plan, received 17.01.2024
 A1-001 - Topographical Survey, received 17.01.2024
 Appendix 2 - 2260-01 - Original Site Survey, received 17.01.2024
 JHA/23/22-4 - Existing Elevations, received 17.01.2024
 JHA/23/22-15 Rev A - Existing Section A-A, received 19.02.2024
 JHA/23/22-4 Rev A - Existing Elevations, received 19.02.2024
 Landscaping Plan Rev A, received 08.03.2024
 JHA/23/22-8 Rev A – Perspective Views 1, received 08.03.2024
 JHA/23/22-14 Rev B – Proposed Roof Plan, received 08.03.2024
 JHA/23/22-16 Rev B – Existing and Proposed Sections BB, received 08.03.2024
 JHA/23/22-2 – Proposed Site Plan, received 08.03.2024
 JHA/23/22-5 Rev C – Proposed Plans, received 08.03.2024
 JHA/23/22-6 Rev C – Proposed Elevations, received 08.03.2024
 JHA/23/22-9 Rev A – Perspective Views, received 08.03.2024
 JHA/23/22/7A Rev B – Proposed Section AA, received 08.03.2024
 Design and Access Statement & Planning Statement dated January 2024, received 08.03.2024
 Heritage Statement, dated January 2024, received 08.03.2024
 Visual Impact Assessment dated January 2024, received 08.03.2024
 Preliminary Ecological Appraisal (ref: R091223) prepared by J & M Consultants dated December 2023, received 17.01.2024
 Arboricultural Impact Assessment prepared by AT Coombes Ltd dated 03.01.2024, received 17.01.2024
 JHA/23/22-D1 REV A - Existing Elevations Showing Areas for Demolition dated 25.03.2024
 JHA/23/23-D2 REV A - Existing Plans Showing Areas for Demolition dated 25.03.2024

Reason for condition:
 For the avoidance of doubt.

3. The materials to be used on the external surfaces of the development hereby permitted shall be in accordance with the details submitted in the Design and Access Statement and Planning Statement received 08.03.2024 and as indicated on the approved plans.

Reason for condition:
 To ensure the satisfactory appearance of the development, in accordance with policy EN 4 of the adopted North Norfolk Core Strategy.

4. Prior to the first occupation of the development hereby permitted, all new glazing shall be installed in accordance with the details set out in the approved plans with smart glass featuring a Visible Light Transmission (LVT) of no more than 0.65 VLT. The glazing shall thereafter be retained in accordance with these details.

Reason for condition:
 To ensure that the development minimises light pollution, in accordance with policies EN 1, EN 2, EN 8 and EN 13 of the adopted North Norfolk Core Strategy and paragraphs 187 and 191 of the NPPF.

5. The development hereby approved shall be carried out in full accordance with the recommendations as set out in Section 5 and Appendix 2 of the Preliminary Ecological Appraisal (ref: R091223) prepared by J & M Consultants dated December 2023. The mitigation and enhancement measures shall include the provision of:

a) Works to be undertaken in accordance with the Ecological Method Statement for Bats (Paragraph 5.2.1);

- b) Works to be undertaken in accordance with the Ecological Method Statement for Birds (Paragraph 5.3.1);
- c) The provision of at least 2no. bat boxes to be placed on mature trees to the south along the hedgerow (on the south/south-east/south-west facing aspects of the trees) at least 3m above ground level; and
- d) The provision of at least 2no. bird nest boxes (with a 28mm hole) on boundary trees on the north/north-east/west facing aspects of the trees at least 3m above ground level.

The enhancement measures shall be installed, prior to the first occupation of the development, in accordance with the approved details and thereafter retained in a suitable condition to serve the intended purpose.

Reason for condition:

In accordance with the requirements of policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 180 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

- 6. The development hereby approved shall be carried out in full accordance with the Arboricultural Method Statement, Tree Protection Plan and Timetable for Implementation of Tree Protection Works, contained within the Arboricultural Impact Assessment prepared by AT Coombes Ltd dated 03.01.2024, including installation of all tree protection measures prior to commencement of works on site.

Reason for condition:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with policies EN 1, EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

- 7. Prior to the first occupation of the development a scheme for hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall include plans at no less than 1:200 showing the following details:

Proposed Soft Landscape Details

- 1. Existing trees, shrubs and hedgerows on the site, indicating those to be removed
- 2. Accurate plotting of those to be retained (including species and canopy spread), including measures for protection during the course of the development to BS5837:2012
- 3. Details of all new planting including: species, location, number and size of new trees, hedges and shrubs in compliance with BS 8545:2014.
- 4. Measures for protection of new planting

Proposed Hard Landscape Details

- 1. Surface materials for vehicle and pedestrian areas
- 2. Boundary treatments, including fencing, walling and gates

Implementation and Retention

- 1. An implementation programme laying out a timescale for the completion of all landscape works
- 2. A landscape management plan, stating management responsibilities and a schedule of retention and monitoring operations for all landscaped areas, including replacement of all plant failures in the season following the failure, for a minimum of ten years following implementation.

Reason for condition:

To protect and enhance the visual amenities of the area, in accordance with the requirements of policies EN 1, EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

8. Prior to commencement of the development hereby permitted a Method Statement for translocation, storage and replanting of the 6no. Silver Birch trees as shown on Landscaping Plan Rev A (received 08.03.2024) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be carried out in full accordance with the approved details.

Reason for condition:

To protect and enhance the visual amenities of the area, in accordance with the requirements of policies EN 1, EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

9. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason for condition:

To protect and enhance the visual amenities of the area, in accordance with the requirements of policies EN 1, EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

10. Prior to the installation of any external lighting (including any security or other intermittent lighting), full details shall be submitted to and approved in writing by the Local planning Authority. These details shall include precise specifications (which should include cowl/shielding, downward facing low energy fittings, directed downwards and switched on only when needed), positions within the site, height and levels of illumination.

The lighting shall then be installed and thereafter retained in accordance with the approved details.

Reason for condition:

To ensure that the development minimises light pollution and the potential impact on biodiversity, in accordance with policies EN 1, EN 2, EN 8, EN 9 and EN 13 of the adopted North Norfolk Core Strategy and sections 12, 15 and 16 of the NPPF.

11. By no later than 17 August 2024 the parts of the building located on the site and shown hatched green on plans JHA/23/22-D1 and JHA/23/23-D2 shall be demolished.

Reason for condition:

To ensure that harmful existing unauthorised development is removed in a timely manner, in accordance with policy EN 4 of the adopted North Norfolk Core Strategy.

12. By no later than 17 August 2024 the vehicular ramp and parking area located adjacent to the front door of the northern elevation of the building located on the site and shown marked "parking area (not used) and ramp" on plan 1660-00-002 shall be removed from the site.

Reason for condition:

To ensure that harmful existing unauthorised development is removed in a timely manner in accordance with policy EN 4 of the adopted North Norfolk Core Strategy.

13. By no later than 17 November 2024 the land levels on the site shall be in accordance with the levels shown marked on Landscape Plan Rev A.

Reason for condition:

To ensure that harmful existing unauthorised development is removed in a timely manner in accordance with policy EN 4 of the adopted North Norfolk Core Strategy.

- 14.** No enlargement, improvement or other alterations of the dwelling/s [Class A]; no additions or alterations to the roof/s [Class B & C]; no provision of porches [Class D]; nor the provision within the curtilage of the dwellings of any building or enclosure, swimming or other pool [Class E]; or chimneys, flues or soil and vent pipes [Class G] or any other works as defined by Classes A, B C, D, E and G of Part1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), shall be erected or brought onto the land.

Reason for condition:

To control future development in order to protect the character, appearance and setting of designated heritage assets and the surrounding landscape, and given the extensive development that has already been permitted on site, in accordance with policies EN 1, EN 2, EN 4 and EN 8 of the adopted North Norfolk Core Strategy and sections 12, 15 and 16 of the NPPF.

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning.