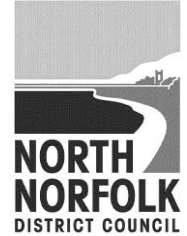


Development Committee



Please contact: Linda Yarham

Please email: linda.yarham@north-norfolk.gov.uk Direct Dial: 01263 516019

TO REGISTER TO SPEAK PLEASE CALL 01263 516150

5 June 2018

A meeting of the **Development Committee** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 14 June 2018 at 9.30am.**

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

Any site inspections will take place on **Thursday 5 July 2018.**

PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED

Members of the public who wish to speak on applications are required to register by **9 am on Tuesday 12 June 2018** by telephoning **Customer Services on 01263 516150.** Please read the information on the procedure for public speaking on our website [here](#) or request a copy of "Have Your Say" from Customer Services.

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs S Arnold, Mrs A Claussen-Reynolds, Mrs A Fitch-Tillett, Mrs A Green, Mrs P Grove-Jones, Mr B Hannah, Mr N Lloyd, Mr N Pearce, Ms M Prior, Mr R Reynolds, Mr S Shaw, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

Substitutes: Mr D Baker, Dr P Bütikofer, Mrs S Bütikofer, Mr N Coppack, Mrs J English, Mr T FitzPatrick, Mr V FitzPatrick, Mr S Hester, Mr M Knowles, Mrs B McGoun, Mrs J Oliver, Miss B Palmer, Mrs G Perry-Warnes, Mr J Punchard, Mr J Rest, Mr P Rice, Mr E Seward, Mr D Smith, Mr N Smith, Mrs L Walker, Ms K Ward, Mr A Yiasimi

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order
to attend this meeting, please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Heads of Paid Service: Nick Baker and Steve Blatch
Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005
Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

AGENDA

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)

3. MINUTES

To approve as a correct record the Minutes of a meeting of the Committee held on 17 May 2018.

4. ITEMS OF URGENT BUSINESS (to be taken under items 8 or 10 below)

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

5. ORDER OF BUSINESS

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

6. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

7. OFFICERS' REPORT

ITEMS FOR DECISION

PLANNING APPLICATIONS

- (1) ALBY WITH THWAITE - PF/18/0287 - Erection of domestic outbuilding (retrospective); Flint Cottage, Alby Hill, Alby, Norwich, NR11 7PJ for Mr B Tremain Page 4

- (2) EAST RUSTON - PF/18/0493 - Part demolition of single storey extension & erection of two storey rear extension and glazed link; Furze Cottage, Long Common, East Ruston, Norwich, NR12 9HH for Mr & Mrs Kirby Page 7

- (3) **WELLS-NEXT-THE-SEA - PF/18/0536 - Siting of shepherds hut for use as holiday accommodation; 31 Waveney Close, Wells-next-the-Sea, NR23 1HU for Mr & Mrs Patrick** Page 10

- (4) **STIFFKEY TPO 2018 No.2 TPO/18/0939 - Woodland to the East of 60 Wells Road** Page 15
(Appendix 1 – page 21)

To consider whether to confirm a Tree Preservation Order (TPO) to protect a woodland.

- (5) **TUNSTEAD – TPO 940 (Tunstead) Oaklea, Market Street, Tunstead, NR12 8AH Ref No. TPO/18/940** Page 16
(Appendix 2 – page 32)

To consider whether to confirm a Tree Preservation Order (TPO) to protect an individual Oak tree at the above site.

- (6) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION** Page 18

- (7) **NEW APPEALS** Page 18

- (8) **INQUIRIES AND HEARINGS - PROGRESS** Page 19

- (9) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 19

- (10) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 20
(Appendix 3 – page 44; Appendix 4 – page 48)

- (11) **COURT CASES – PROGRESS AND RESULTS** Page 20

8. **ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE**

9. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

10. **ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE**

11. **TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA**

**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE - 14 JUNE 2018**

Each report for decision on this Agenda shows the Officer responsible, the recommendation of the Head of Planning and in the case of private business the paragraph(s) of Schedule 12A to the Local Government Act 1972 under which it is considered exempt. None of the reports have financial, legal or policy implications save where indicated.

PUBLIC BUSINESS - ITEM FOR DECISION

PLANNING APPLICATIONS

Note :- Recommendations for approval include a standard time limit condition as Condition No.1, unless otherwise stated.

- (1) **ALBY WITH THWAITE - PF/18/0287** - Erection of domestic outbuilding (retrospective); Flint Cottage, Alby Hill, Alby, Norwich, NR11 7PJ for Mr B Tremain

- Target Date: 09 May 2018

Case Officer: Mrs G Lipinski
Householder application

CONSTRAINTS

Countryside
Flood Zone 2 & 3

RELEVANT PLANNING HISTORY for Flint Cottage, Alby Hill, Alby, Norwich, NR11 7PJ

PF/17/1974 HOU
Flint Cottage, Alby Hill, Alby, Norwich, NR11 7PJ
Erection of outbuilding (Retrospective)
Refused 19/01/2018

THE APPLICATION

Seeks retrospective planning permission for the erection of a domestic outbuilding.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr. N. Smith having regard to the level of local interest, the potential future use of the building and the adverse impact such potential use would have on the amenity of neighbours.

PARISH/TOWN COUNCIL

Alby with Thwaite Parish Council: No objection
The Parish Council made the following statement:

Previous observations made by the Parish Council still apply. However, in this application, the applicant fulfils his agreement to clad the outbuilding and create camouflage to allow it to blend into the surroundings. The Parish Council has been informed that the applicant's intention remains to use it purely as a residential outbuilding for storage and not for commercial use.

The following is a summary of the Parish Council's previous comments:

The building should not have been erected without permission as retrospective planning applications undermine the planning process.

The applicant intends to clad the building so that it would be in keeping with the site. Whilst the Parish does not wish to discourage businesses there are defined protocols to be followed and in this instance these criteria have not been met.

REPRESENTATIONS

Four objections have been received raising the following points:

- The applicant has failed to provide any information as to the proposed use of the building.
- There is concern that the building could be used as a commercial forge (blacksmith / metal sculptor).
- The applicant's website and a Yell advertisement link the applicant's business to Flint Cottage.
- The building's design and finishing materials are at odds with the prevailing character of the area.
- Access to the property is via an unmade track which is constantly being eroded by weather and traffic. If a business was eventually granted the increased traffic would further erode the road and the tranquillity of this rural hamlet.
- The current application is the same as the previous application, which was refused on design grounds.
- There is a lack of detail regarding type, colour and finish of the proposed paint to be used, how long this type of finish is likely to last and whether both side elevations will be painted.
- There is insufficient detail regarding the landscape proposal and landscaping will take years to establish and would not prevent potential glare from the sun.
- The proposal is contrary to North Norfolk Core Strategy Policies SS2 (Development in the Countryside), EN2 (Protection and Enhancement of Landscape and Settlement Character), EN4 (Design), the Supplementary Planning Document: Design Guide and Section 7 of the National Planning Policy Framework (NPPF).

CONSULTATIONS

None

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.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS2: Development in the Countryside

Policy EN 2: Protection and enhancement of landscape and settlement character

Policy EN 4: Design

Policy EN 10: Flood risk

MAIN ISSUES FOR CONSIDERATION

1) Principle of Development

2) Design

3) Impact of Development on Neighbouring Properties

- 4) Impact of Development on Landscape and Settlement Character
- 5) Development in a Flood Zone

APPRAISAL

The current application seeks to address the issues raised in a previous retrospective application (PF/17/1974), which was refused on design grounds under delegated powers.

1. Principle of Development

The application site lies within an area designated by the North Norfolk Core Strategy as Countryside. Development within the countryside is limited to that which requires a rural location, however, the erection of domestic outbuildings is acceptable, subject to compliance with all relevant Core Strategy Policies.

2. Design

The Information as originally submitted within the application relating to the size and siting of the proposed domestic outbuilding was judged to be inaccurate. Amended plans were received by the Local Planning Authority on 10 May 2018 which addresses these issues. The amended plans show the outbuilding as sited approximately 24 metres to the south of the host dwelling (Flint Cottage) and at the closest point approximately 12 metres from the neighbouring property's western boundary fence. The proposed building is measured to be 6.10m in length x 5.39m in width x 3.10m in height. Flint Cottage has a substantial curtilage (approximately 1,656 square metres). The outbuilding is not of a disproportionate size or height to the overall application site nor is it considered disproportionate in terms of size or height to the host dwelling.

The case officer assessment of the previously refused application considered that the building failed to accord with the aims of Core Strategy EN4: Design. At the time the officer commented that, the building's design was somewhat unorthodox for a domestic outbuilding and that the overall appearance was rather utilitarian, which did not sit comfortably visually with its surroundings. In addition, the building was considered to be poorly related to the host dwelling and the structure's finishing materials (unpainted corrugated metal) were unacceptable.

Members are reminded that the design and location issues raised in the previous application have not changed within the current application. However, the applicant has now provided details which suggest the outbuilding could be obscured from view and has provided additional information about the finishing materials. Officers consider that despite the applicant removing a number of trees from the site, the remaining trees, hedging and fencing, when supplemented with the proposed additional planting, would effectively screen the site from view. Additionally, painting the building a recessive colour would prevent any noticeable glare from the building's surface. Whilst it is acknowledged that screening would not change the outbuilding's design, subject to full compliance with the submitted details and compliance with conditions, the building could be obscured from view to the extent that the building's design would be immaterial.

3. Impact of Development on Neighbouring Properties

The proposed building is approximately 33 metres from the nearest neighbouring dwellinghouse. Furthermore, the screening provided by the existing trees, hedging and fencing when supplemented with the proposed additional planting would adequately obscure the building from the view of neighbouring occupiers. It is therefore considered that the building's visual impact on neighbouring occupiers would be negligible. Additionally, given the building's height and its distance from the neighbouring property officers consider that it does not give rise to any issues of overbearing, overlooking or overshadowing.

Additionally, the application form clearly states that the building is to function as a unit for domestic storage. A condition is proposed to ensure that the building's use remains incidental

to the enjoyment of the dwelling house known as Flint Cottage.

4. Impact of Development on Landscape and Settlement Character

Flint Cottage is the end property off a private track. The cottage, along with many of the neighbouring properties has a substantial curtilage. Extensive woodland lies to the north of the site and heavily wooded agricultural land to the east and west. As the crow flies, the subject building is approximately 150 metres from the public highway and there are no public rights of way within the vicinity. It is therefore considered that the proposed building would have no impact on the landscape or settlement character of the area.

5. Development in a Flood Zone

A small area of the wider curtilage of Flint Cottage is within Flood Zones 2 and 3. Core Strategy Policy EN10: Development and Flood Risk states that non-residential curtilage outbuildings are, in most cases, considered to be an acceptable form of development in a flood zone, and as such the proposal is considered to be acceptable.

CONCLUSION

Officers consider that whilst the design and siting of the subject building has not changed since the previous refused application, the additional information submitted within the current application adequately addresses previous concerns.

RECOMMENDATION:

Approve subject to the conditions summarised below, and any others as deemed necessary by the Head of Planning.

1. Development to be completed in accordance with the approved plan.
2. The use of the building shall be limited to incidental to the dwellinghouse.
3. Details of the exterior paint colour
4. Soft landscaping scheme to be planted in next available planting season.
5. Permitted development rights removed.

- (2) **EAST RUSTON - PF/18/0493 - Part demolition of single storey extension & erection of two storey rear extension and glazed link; Furze Cottage, Long Common, East Ruston, Norwich, NR12 9HH for Mr & Mrs Kirby**

- Target Date: 09 May 2018

Case Officer: Mr C Reuben
Householder application

CONSTRAINTS

Unclassified Road
LDF - Countryside
B Road

RELEVANT PLANNING HISTORY

PLA/19761128 HR
FURZE COTTAGE, EAST RUSTON
REFURBISHMENT OF COTTAGE AND EXTENSION TO PROVIDE GARAGES, BREAKFAST ROOM AND UTILITY ROOM
Approved 20/08/1976

PF/10/0403 HOU

Furze Cottage, Long Common, East Ruston, Norwich, NR12 9HH
Erection of garage/trailer shed with storage loft above and change of use of land from agricultural to garden
Approved 24/06/2010

PF/17/2105 HOU
Furze Cottage, Long Common, East Ruston, Norwich, NR12 9HH
Demolition of single storey side extension & erection of two storey side extension
Withdrawn by Applicant 06/02/2018

THE APPLICATION

The application is for the demolition of an existing single-storey garage extension and the erection of a two-storey rear extension and glazed link extension. The new extension would provide garage/workshop space on the ground floor and two bedrooms with bathroom and shower room on the first floor. The glazed link extension would contain a lobby area. The existing property is a detached two-storey cottage with neighbouring property to the west.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr R Price due to site history including previous outbuildings/extended garden land.

PARISH/TOWN COUNCIL

East Ruston Parish Council - no objection

REPRESENTATIONS

The site notice expired on 25 April 2018. To date, no public representations have been received.

CONSULTATIONS

None

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.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 2 - Development in the Countryside

HO 8 - House extensions and replacement dwellings in the Countryside

EN 4 - Design

CT 6 - Parking provision

MAIN ISSUES FOR CONSIDERATION

Principle
Design
Residential amenity
Parking

APPRAISAL

Principle (Policy SS 2)

The site in question lies within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. Within this area, proposals to extend existing dwellings are considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies.

Design (Policies HO 8 and EN 4)

Extensions to existing dwellings are judged against the criteria as set out in Policy HO 8 of the Core Strategy. Policy HO 8 allows for extensions to existing dwellings provided that such extension will not result in a disproportionately large increase in the height or scale of the existing dwelling, nor increase the impact of the dwelling upon the surrounding landscape. Policy EN 4 of the Core Strategy further requires extensions to be suitably designed for their context, noting the character, scale and massing of the surrounding area.

The application proposes a large two-storey extension occupying and extending the footprint of an existing single-storey garage and link extension (at present containing a breakfast room and utility room). The extension would project out from the rear elevation of the property by approx. 14.6m, adding approx. 6m to the overall length of the current garage. At present, the garage and extension in being single-storey are clearly subordinate to the main dwelling and not particularly visible from the public domain. By contrast, the proposed two-storey extension would be highly visible from Stalham Road to the east and would represent a disproportionately large increase in the scale of the existing property. The additional habitable floorspace proposed equates to approximately 60sqm at first floor, which is an increase of approx. 42% (the existing habitable floorspace of the property being approx. 142sqm). Although a degree of subservience is shown by virtue of a lower ridge height on the extension to that of the existing dwelling, and despite the choice of materials being largely acceptable, the overall length and bulk of the proposed extension would serve to dominate the rear of the existing dwelling to the detriment of its existing cottage-like character and would not possess anywhere near the degree of subservience that the current garage adopts.

Given these concerns, it is considered that the proposed extension fails to satisfy the requirements of Policies HO 8 and EN 4.

Amenity (Policy EN 4)

The proposed extension would incorporate first floor windows, however, it is not considered that any of these windows would result in a detrimental level of overlooking towards the neighbouring property to the south-west given the distance to the south-western boundary and the presence of a significant number of trees.

Parking (Policy CT 6)

Although the number of bedrooms would increase from three to five, it is considered that there is ample space within the site to accommodate any additional parking that may be required.

Conclusion

As a result of the concerns in relation to the scale and design as outlined above, it is considered that the proposed extension is contrary to Policies HO 8 and EN 4 of the Development Plan.

RECOMMENDATION: REFUSAL for the following reasons:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO 9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

HO 8 - House extensions and replacement dwellings in the Countryside
EN 4 - Design

The proposed extension, by virtue of its proposed height, length and bulk, would result in a disproportionately large increase in scale of the original dwelling to the detriment of its existing character. The proposal is therefore contrary to Policies HO 8 and EN 4 of the Development Plan.

- (3) **WELLS-NEXT-THE-SEA - PF/18/0536 - Siting of shepherds hut for use as holiday accommodation; 31 Waveney Close, Wells-next-the-Sea, NR23 1HU for Mr & Mrs Patrick**

Minor Development

Target Date: 15 June 2018

Case Officer: Caroline Dodden
Full Planning Permission

CONSTRAINTS

LDF Tourism Asset Zone
LDF - Residential Area
LDF - Settlement Boundary
Tree Works
Area of Outstanding Natural Beauty

RELEVANT PLANNING HISTORY for 31 Waveney Close, Wells-next-the-Sea, NR23 1HU

PF/17/1874 PF

The Harmans, 31 Waveney Close, Wells-next-the-Sea, NR23 1HU
Stationing of two shepherd huts for use as holiday accommodation
Withdrawn by Applicant 22/01/2018

PF/18/0150 PF

The Harmans, 31 Waveney Close, Wells-next-the-Sea, NR23 1HU
Change of use from dwelling (Class C3) to bed and breakfast guest accommodation (Class C1) and siting of two shepherd huts for use as holiday accommodation within rear garden
Withdrawn by Applicant 15/03/2018

THE APPLICATION

The application proposes to locate one shepherds hut to the rear of the existing private garden area of No.31 Waveney Close, Wells-next-the-Sea for use as holiday accommodation. The proposed hut would accommodate a maximum of two people at any one time.

Parking and access for vehicles and visitors would be from the driveway and garden of No. 31

Waveney Close.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Vincent Fitzpatrick with regard to the type of holiday accommodation proposed and resulting increases in noise and other disturbances to the neighbours, which would impact on their rights for peaceful enjoyment of their property.

PARISH/TOWN COUNCIL

Wells Town Council

Objects on the following grounds:

- Inappropriate development for a residential area;
- Loss of amenity for neighbouring property due to the possibility of disturbance and noise;
- It would set a precedent that could be detrimental to a quiet residential area.

REPRESENTATIONS

To date, three letters of objection have been received from two households, raising the following concerns:

- Written comments made by the Officer for previously withdrawn application gives tacit approval before any comments/ objections have been received from the public. The Officer will not change their mind - it is a 'Fait Accompli'.
- It can be concluded that further applications will be applied for to agree the original holiday complex in stages. This is an unacceptable 'Back Door' strategy and is considered deceitful.
- The proposal will result in at least 4 vehicles constantly using Waveney Close, which would dilute this quiet neighbourhood. Currently no access is permitted to the area proposed as it is the privately owned and unadopted part of Waveney Close. There is insufficient turning facilities for cars within the site, which is for a business use. In reality vehicles may park out on the existing section of narrow road, which would cause access problems for neighbours and refuse vehicles.
- The nature of the hut will mean that most of the use will be by outside living, which will result in noise, music and fumes from BBQ's to the detriment of neighbours.
- The shepherds hut is a substantial and obtrusive structure and will be clearly visible from the kerb-line of Waveney Close. The re-siting will also mean that it is placed much closer to other dwellings.
- The demand for holiday accommodation is already met within the town of Wells-next-the-Sea, this proposal will further erode the Community of Wells and would be detrimental to the character of this residential neighbourhood.
- This proposal would set a precedent, allowing for further shepherds huts in the future.

In addition one comment was received raising the following points:

- The proposed shepherds hut would not be positioned in the garden of No.31 Waveney Close, but within part of the garden area of the Applicant's home to the north. This land cannot be accessed from Waveney Close over a private road.
- The application therefore contains misleading information and as such, should be invalid. If permission were to be granted the shepherds hut may be sited to the south of the actual boundary shown by the blue line.
- Should this application be approved the shepherd hut should be placed as far back in the

site as possible in order to minimise disruption to local residents.

CONSULTATIONS

Environmental Health: It is noted that the proposal would connect the development to mains sewer and as such, the Applicant may need to consult Anglian Water with regard to the additional foul sewage discharge.

Landscape Officer: It is considered that there is no objection on landscape and visual impact grounds and no adverse impact on the character and appearance of the nearby Conservation Area. The site is within the settlement boundary and is therefore in a sustainable location. External lighting should be conditioned or permitted development rights removed to limit the impact on the surrounding amenity and ecology.

County Council (Highway): The proposal does not significantly affect the current traffic patterns or the free flow of traffic. Rectory Close is a private section of road. There is no objection to a small level of additional traffic that would utilise the public highway at Waveney Close.

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.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 14: Wells-next-the-Sea

Policy EC 7: The location of new tourism development

Policy EC 9: Holiday and seasonal occupancy conditions

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

Policy EN 4: Design

Policy EN 8: Protecting and enhancing the historic environment

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

MAIN ISSUES FOR CONSIDERATION

- 1) Principle of Development
- 2) Layout and Design
- 3) Impact on Residential Amenity
- 4) Impact on Highways
- 5) Landscape
- 6) Other issues

APPRAISAL

1. Principle of Development

Strategic Policy SS 1 states Wells-next-the-Sea is designated as a Secondary Settlement, where a limited amount of additional development will be accommodated. Policy SS 14 sets

out specific development proposals for the town of Wells-next-the-Sea. None of which relate to holiday accommodation.

Policy EC7 is considered to be of particular relevance to the proposal to provide a shepherds hut for un-serviced holiday accommodation. This policy states that new tourist accommodation and attractions should be located in accordance with a sequential approach. It continues that proposals for new build tourist accommodation and attractions should be located within Principal and Secondary Settlements. As such, the principle of providing tourist accommodation within the Secondary Settlement of Wells is considered to be acceptable. It's acceptability with regard to other development plan policies is set out in the sections below.

For clarity, it has been confirmed by the Agent that the proposed siting of the shepherds hut would be in an area of land within the Applicant's ownership, immediately to the north of the existing rear boundary fence line of No. 31 Waveney Close. If Members are minded to approve the proposal, the planning consent would be subject to conditions to ensure that the accommodation was used for holiday occupation only, that the accommodation would be available for holiday lets for at least 140 days a year (being let for no more than a more month at a time) and that a register of lettings/ occupation would be maintained at all times.

2. Layout and Design

The proposal would see the rear part of the existing garden to No.31 Waveney Close reconfigured so that the area behind and to the west of the existing detached garage to No.31 Waveney Close would form part of the amenity space and pedestrian access to the proposed shepherds hut plot behind. There is an existing close boarded fence located in the northeast corner of the existing plot at No.31 Waveney Close. This would be removed along with part of the existing conifer hedge to form the access route through from the proposed parking area.

The area of land where it is proposed to site the shepherds hut falls just outside the Wells Conservation Area, which is located immediately to the north. The site does fall within the Norfolk Coast AONB, where policy EN 1 states that development will be permitted where it is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area; does not detract from the AONB's special qualities and seeks to facilitate delivery of AONB management plan objectives.

It is considered that the dimensions (6.1 metres long by 2.29 metres wide by 3.0 metres high from ground level) and proposed position of the shepherds hut approximately 16 metres behind the rear of the existing garage of No.31 Waveney Close, along with the lower ground level of the site and boundary treatments, providing a secluded and well screened position, would not have a significant detrimental impact on the visual amenities of either the Conservation Area or the AONB. Therefore, it is considered that the proposal would comply with policies EN1 and EN 4 of the Core Strategy.

3. Impact on Residential Amenity

It is noted that full planning permission has recently been granted, reference PF/18/0299, for the erection of a detached dwelling within the vacant plot immediately to the west of No.31 Waveney Close. The layout plan shows that the approved dwelling would follow the general building line of the existing property at No.29 Waveney Close and the rear of its plot would finish along the approximate line of the back of the detached garage at No. 31 Waveney Close.

The closest existing dwellings to the site are No. 31 Waveney Close and those known as The Old Rectory and the Ark, which are both accessed from Church Street to the north and have their rear gardens running alongside the east and west side of the plot respectively.

It is considered that, given the maximum occupancy of two people for the proposed shepherds

hut and the secluded nature of the site, the proposal would not have a significant impact on the residential amenities of neighbouring properties by way of potential noise disturbance that would be over and above the levels usually expected from domestic enjoyment of a rear garden. In addition, the proposed shepherds hut would not be in such close proximity to neighbouring dwellings that any overlooking or loss of privacy would arise. As such, the proposal is considered to accord with policy EN 4 of the Core Strategy.

4. Impact on Highways

The Highway Officer raised no objections based on the limited increase in additional traffic that the proposal would create. There is considered to be sufficient existing space to accommodate 4 vehicles on the combined asphalt and gravel areas of the driveway to the front and side of the existing property at No. 31 Waveney Close. The proposal is, therefore, considered to comply with policies CT 5 and CT 6 of the Core Strategy.

Objector's comments regarding Rights of Way over the private section of Waveney Close are a civil matter that do not prevent the granting of planning permission.

5. Landscape

Given the secluded location of the proposed shepherds hut, there is no objection on landscape or visual impact grounds. It is proposed to condition the use of external lighting in order to control and limit the impact of light pollution on the surrounding amenity and ecology. The mature trees along the eastern boundary have wider amenity value and are of ecological value forming part of a network of mature trees in the vicinity providing an important linking habitat.

6. Other issues

Objectors have commented that the application appears to have been pre-determined for approval and that a precedent would be set for such holiday accommodation. In response to the first point, whilst the potential acceptability of one shepherd hut was discussed during the negotiations of the previous application (ref: PF/18/0150), this has in no way affected the assessment of the formal application, where all comments have been taken in to account to formulate the recommendation. In any event, the final decision will be made by this Development Committee.

Secondly, the application has been fully assessed on its own merits against the relevant policies within the North Norfolk Core Strategy.

Conclusion

The application is considered to be acceptable in terms of location, design and scale, where the maximum of two occupants at any one time would not give rise to a significant increase in noise disturbance within this residential area. In addition, adequate off-street parking can be provided and as such, the proposal is considered to be in accordance with the Development Plan Policies

RECOMMENDATION: Approve, subject to the following conditions and any others as deemed necessary by the Head of Planning:

1. Implementation within three years
2. To be carried out in accordance with the approved plans
3. Details of materials for external walls and roof
4. Submission of a landscaping scheme
5. Restricted use for holiday accommodation purposes only
6. Holiday accommodation to be available for commercial letting at least 140 days a year
7. Submission of external lighting details for approval prior to installation

PUBLIC BUSINESS – ITEM FOR DECISION

(4) **STIFFKEY TPO 2018 No.2 TPO/18/0939 - Woodland to the East of 60 Wells Road**

To consider whether to confirm a Tree Preservation Order (TPO) to protect a woodland.

Background

The small woodland is to the north of the Coast Road in Stiffkey and is a prominent feature in this part of the Area of Outstanding Natural Beauty (AONB). The area between the coast and road is void of significant groups of trees and therefore the woodland provides much needed cover for wildlife. The AONB does not afford any protection for the woodland. The woodland is under two ownerships and one of the owners currently actively manages the trees.

A pre-application enquiry was received to make a formal entrance into the woodland with driveway to the existing garage at 60 Wells Road Stiffkey. The Officer was concerned that this could open up the woodland for development and considered it expedient to serve an Order to protect the trees and manage amenity.

Representations

Support for the Order:-

The joint owner of the woodland discussed the serving of the Order with the Officer and considered that it would not be onerous and not affect his on-going management of the woodland.

Objections to the Order:-

One letter of objection to the Order has been received from the agent of the other owner at 60 Wells Road. (**Appendix 1**)

The objections can be read in the letter and the agent gives great detail and knowledge regarding the TPO and woodland. The Officer discussed the details with the agent. The main objections are:

1. The woodland will be managed and improved for amenity and the Order will make another unnecessary layer of bureaucracy.
2. The amenity and landscape value of the woodland currently is questionable in relation to the requirements of a TPO.

Appraisal

In response to the objections the following comments are made:

The TPO does not prevent appropriate management and in many cases supports it. The co-owner of the woodland has no issues with the TPO as all applications for woodland works can be made through the Forestry Commission who will consult with the Council on the owner's behalf. The Council welcomes the objectors commitment to manage the woodland however if the woodland changes ownership in the future then proper management cannot be guaranteed and the woodland could be under threat.

The amenity of the woodland is as a feature on the landscape and not as individual trees. The Officer accepts that some of the trees are in poor condition and welcomes appropriate management. The woodland can be seen from several public view points and the Officer considers that the serving of the TPO meets all the guidelines.

Human Rights Implications

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and 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, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

Main Issues for Consideration

1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.

Officers are satisfied that the proper procedures were followed when serving the Order.

2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.

Officers consider that the woodland makes a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

Recommendation:-

That the Order be confirmed.

**Source: Simon Case (Landscape Officer)
Ext. 6142**

PUBLIC BUSINESS – ITEM FOR DECISION

- (5) **TUNSTEAD – TPO 940 (Tunstead) Oaklea, Market Street, Tunstead, NR12 8AH Ref No. TPO/18/940**

<i>To consider whether to confirm a Tree Preservation Order (TPO) to protect an individual Oak tree at the above site.</i>
--

Background

The Oak tree is in the front garden of Oaklea, Market Street, Tunstead.

The Council received a constraints check from the owner of the property regarding any protections on the tree. The answer was given that the tree was not protected. The Landscape Officer is contacted regarding such queries that involve mature trees. As the tree was considered as having amenity value it was considered expedient to serve a TPO.

Representations

Objections to the Order:-

One letter of objection to the Order has been received. (**Appendix 2**)

The main objections are:

1. The Tree does not have amenity value.
2. The Planning section did not consider the tree with regards to the property and the situation would be different now.
3. The biodiversity lost could be replaced.
4. The tree is a threat to the properties.

Appraisal

In response to the objection the following comments are made:

The Council will serve a TPO when a tree is under threat. A tree being under threat is one of main criteria when assessing the need for a TPO. If a tree is not considered under threat then a TPO is not needed.

The tree is highly visible from the road and contributes to the landscape of the street scene. No further letters of objection have been received. The comments made by neighbours in the objection letter are linked to safety not amenity.

The foundations of the houses would have had to be taken into account regarding the proximity of the tree under building control regulations and should have allowed for future growth. No evidence of structural damage was submitted with the objection. Current planning conditions would have approved construction subject to an Arboricultural Method Statement.

Mature Oak trees provide valuable habitat and a source of food for a significant number of species. To provide mitigation for the loss of one mature Oak tree is the equivalent to planting 100 new oak trees. This would not be possible on the property.

Appropriate management of the tree would reduce the impact of shading on adjacent properties and reduce the risk of structural failure. No tree health report has been submitted and without a report the Council will not consider removal.

The TPO does not prevent appropriate management and this would not prevent suitable reduction of the tree.

Human Rights Implications

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and 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, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

Main Issues for Consideration

1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.

Officers are satisfied that the proper procedures were followed when serving the Order.

2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.

Officers consider that the tree makes a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

Recommendation:-

That the Order be confirmed.

Source: Simon Case (Landscape Officer)

Ext. 6142

(6) APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

A site inspection by the Committee is recommended by Officers prior to the consideration of a full report at a future meeting in respect of the following applications. The applications will not be debated at this meeting.

Please note that additional site inspections may be recommended by Officers at the meeting or agreed during consideration of report items on this agenda.

PF/17/1939 – Units at Old Coal Yard, Maryland, Wells-next-the-Sea for the Demolition of existing grain store building and erection of 9 dwellings comprising two blocks of 3 – 4 storeys and 2-3 storeys and detached two storey unit, associated garaging, parking and access.

REASON FOR REFERRAL TO COMMITTEE:

At the request of the Head of Planning given the site history and so that Members can see the site context in order to expedite the determination of the application.

RECOMMENDATION:-

The Committee is recommended to undertake the above site visits.

APPEALS SECTION

(7) NEW APPEALS

BLAKENEY - PF/17/1880 - Demolition of existing dwelling and erection of replacement two storey detached dwelling; Shingle House, 5 Westgate Street, Blakeney, HOLT, NR25 7NQ for Mr & Mrs Long
WRITTEN REPRESENTATIONS

WELLS-NEXT-THE-SEA - PF/17/1621 - Demolition of part of the existing dwelling to be replaced by a single storey rear extension and erection of a detached two storey dwelling with associated parking; Goosebec, Warham Road, Wells-next-the-Sea, NR23 1JD for Mr & Mrs Everson-Crane
WRITTEN REPRESENTATIONS

(8) INQUIRIES AND HEARINGS - PROGRESS

DILHAM - PF/17/1162 - Erection of agricultural workers dwelling; Land opposite , Lodge House, Honing Road, Dilham, NR28 9PN for Bindwell Ltd
INFORMAL HEARING 28 June 2018

NORTH WALSHAM - PO/17/0549 - Erection of up to 200 dwellings, open space, supporting infrastructure and other associated works (outline application) - revised submission; Land between Aylsham Road and Greens Road, North Walsham for MLN (Land and Properties) Ltd & Simon Rossi & Katherine Beardshaw & Nigel Rossi
PUBLIC INQUIRY 21 August 2018

TUNSTEAD - ENF/15/0067 - Unauthorised commercial uses of former agricultural buildings; Beeches Farm, Crowgate Street, Tunstead, Norwich, NR12 8RF
PUBLIC INQUIRY

(9) WRITTEN REPRESENTATIONS APPEALS - IN HAND

CORPUSTY AND SAXTHORPE - PF/17/0470 - Demolition of dwelling, garage & outbuilding & erection of 2 semi-detached bungalows; Sunnyside, Post Office Lane, Saxthorpe, Norwich, NR11 7BL for Sparksfield Ltd

MORSTON - PO/17/0645 - Proposed single storey building for holiday let accommodation; Land at Morston, The Street, Morston, Holt, NR25 7AA for Mr Paterson

TUNSTEAD - PF/17/0428 - Change of use from Agricultural to General Industrial (Class B2) (retrospective); Unit 13, Beeches Farm, Crowgate Street, Tunstead, NORWICH, NR12 8RF for Mr Platten

WITTON - PO/17/1362 - Erection of 3 detached dwellings (outline with all matters reserved); Land at Mace Cottage, North Walsham Road, Ridlington, Norfolk, NR28 9NR for Mr & Mrs Fiveash

FAKENHAM - ENF/17/0216 - Building works not in accordance of the approved plans- ref PF/16/0858; 6 Whitelands, Fakenham, NR21 8EN

GREAT SNORING - ENF/16/0144 - Structure erected in garden of Dildash House; Dildash House, The Street, Great Snoring, Fakenham, NR21 0AH

KETTLESTONE - ENF/17/0037 - Temporary building being used for residential purposes; Land adj 7 The Street, Kettlestone, NR21 0JB

MELTON CONSTABLE - ENF/16/0087 - Removal of Clock Mechanism - Listed Building; Clock Tower, Melton Constable Hall, Dereham Road, Melton Constable, NR24 2NQ

MELTON CONSTABLE - ENF/16/0088 - Removal of Cupola - Listed Building; Fire Engine House, Melton Constable Hall, Melton Park, Dereham Road, Melton Constable, NR24 2NQ

NORTH WALSHAM - ENF/14/0130 - Fences erected enclosing land which had previously been grass verge maintained by the Council; 8 Debenne Road, North Walsham, NR28 0LZ

(10) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

Summaries of the following appeals are attached at **Appendix 3**.

HAPPISBURGH - PF/17/1858 - Part demolition of outbuilding & erection of two-storey building for a residential annexe; Prospect House, Church Street, Happisburgh, Norwich, NR12 0PN for Mr & Mrs Dixon
APPEAL DECISION:- **APPEAL DISMISSED**

ROUGHTON - PF/17/2083 - Conversion and single storey extension to detached garage to form residential annexe; The Cottage, Metton Road, Roughton, Norwich, NR11 8QT for Mr & Mrs Bowen
APPEAL DECISION:- **APPEAL DISMISSED**

NORTH WALSHAM - PF/17/0002 - Variation of Condition 2 of planning permission reference: PF/16/0313 to allow for alterations to first and ground floor fenestration, second floor south elevation fenestration and insertion of rooflights; Aitken House, 28 Yarmouth Road, North Walsham, NR28 9AT for Mr & Mrs Joory
APPEAL DECISION:- **APPEAL ALLOWED**

WELLS-NEXT-THE-SEA - PF/17/1198 - Sub - division of single dwelling to form 2no. dwellings; 2 Butts Corner, The Buttlands, Wells-next-the-Sea, NR23 1EZ for Foxberry Developments
APPEAL DECISION:- **APPEAL DISMISSED**

WELLS-NEXT-THE-SEA - LA/17/1199 - Internal and external alterations to facilitate the refurbishment and sub - division of a single dwelling into two dwellings; 2 Butts Corner, The Buttlands, Wells-next-the-Sea, NR23 1EZ for Foxberry Developments
APPEAL DECISION:- **APPEAL DISMISSED**

(11) **COURT CASES - PROGRESS AND RESULTS**

No change from previous report.



Tel: 01362 821 082
Mob: 07774 694 771

Mr Simon Case
North Norfolk District Council
Council Offices
Holt Road
Cromer
Norfolk
NR27 9EN

19th January, 2018

Dear Simon,

NNDC TPO (STIFFKEY) 2018 No 2. Ref TPO/18/0939.

I have been approached by Mr Siemon Scammell-Katz of Highfield, 60 Wells Road, Stiffkey, NR23 1AJ with a view to:

- A. Produce a management plan for his 0.35 hectare strip of moribund pioneer woodland and
- B. To make a formal objection to the issuing of TPO/18/0939.

The woodland has established by natural colonisation over the past 30 years, following cessation of active use and conversion to a dumping ground for old cars, the hulks of which still remain. There is a dense, dank carpet of Alexandria beneath sporadic sycamore *Acer pseudoplatanus* (to 7m x 30dbh) of exceedingly poor form, bifurcating cherry (*Prunus avium plena*) suckers that are weeping with bacterial canker, a handful of spreading ash (*Fraxinus excelsior*) that exhibit advanced symptoms of Ash Dieback Disease (*Chalara fraxinea* or *Hymenosyphus fraxineus*) and along the road edge, a small population of Elm (*Ulmus minor*) coppice of varying diameter. There is evidence of Dutch Elm Disease within the population.

There is an existing access point off the road on the southern end.

Taking the 0.35 hectares as a whole, I estimate total tree cover to be approximately 60%. Due to the presence of disease and disease prone tree species, the prognosis for the future of this woodland, if left to its own devices, is very bleak indeed, as the few trees that will prevail (20%) are sycamore of very poor form which, even given the wildest imagination, could not be described as “venerable”.

As stated previously, I was primarily contacted by my client in order to provide guidance and prescriptions for the management of the wood in order to create a woodland that will not only enhance the local amenity but will also enrich biodiversity and provide some firewood for home consumption long into the future.

Bridge Farm, Reymerston, Norwich, Norfolk, NR9 4QD

andrew.falcon1@btopenworld.com

The wood is bordered on the East by a FWPS mixture (p1990?) belonging to a neighbour. This woodland demonstrates that many species, including Oak, Beech and Pine, can thrive on the given soil. I also noted, in passing, that the woodland is in dire need of thinning, if its future benefits are not to be lost. This woodland has also been included in the TPO/18/0939 despite the fact that it appears to be in the Stiffkey Conservation Area. In my experience, the likelihood of the necessary work being carried out is greatly diminished by the requirement of a lengthy bureaucratic process, particularly if it is an unprofitable operation. However, this woodland is not our concern.



Returning to your letter of 12th January, 2018. The reasons you give for making the order are as follows:

1: “The woodland is a significant feature on the landscape.” Taken its own, it is debateable whether the woodland pertaining to Highfield forms a “significant” feature on the landscape, indeed the Northern 50% is almost devoid of trees.

2: “The area north of the main roadbridging the coastal and inland environments.” No one has ever suggested reducing the level of tree cover so there will be no adverse effect on the biodiversity or conservation value. Indeed a light level of thinning of the sycamore and cherry would increase light levels which will promote understory which would favour arriving migrants such as warblers.

I have read all the guidelines as to “Who makes Tree Preservation Orders and Why” under the Town and Country Planning Act (please see below) and I am unclear, in this instance, why a TPO has been served on this woodland. It is only at risk from continued neglect and subsequent decline.

What does ‘amenity’ mean in practice?

‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Paragraph: 007 Reference ID: 36-007-20140306

Revision date: 06 03 2014

What might a local authority take into account when assessing amenity value?

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Bridge Farm, Reymerston, Norwich, Norfolk, NR9 4QD

andrew.falcon1@btopenworld.com

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- *size and form;*
- *future potential as an amenity;*
- *rarity, cultural or historic value;*
- *contribution to, and relationship with, the landscape; and*
- *contribution to the character or appearance of a conservation area.*

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Paragraph: 008 Reference ID: 36-008-20140306

Revision date: 06 03 2014

What can help local authorities identify trees that may need protection?

An authority's tree strategy may identify localities or populations of trees as priorities for the making or reviewing of Orders. Authorities may also refer to existing registers, recording trees of particular merit, to assist in their selection of trees suitable for inclusion in an Order.

Paragraph: 009 Reference ID: 36-009-20140306

Revision date: 06 03 2014

What does 'expedient' mean in practice?

Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.

It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

Paragraph: 010 Reference ID: 36-010-20140306

Revision date: 06 03 2014

Knowing you and your knowledge of trees, I believe it is possible that you may not have had the opportunity to have a close inspection of the trees in question and therefore wonder if it might not be a good idea to meet on site. I will be able to meet you there and we could discuss both the relevance of
Bridge Farm, Reymerston, Norwich, Norfolk, NR9 4QD

the Order in light of the above and also the future management proposals. The owners have only one thing in mind and that is the future wellbeing of this small copse.

Please let me know when we could meet.

Yours sincerely,

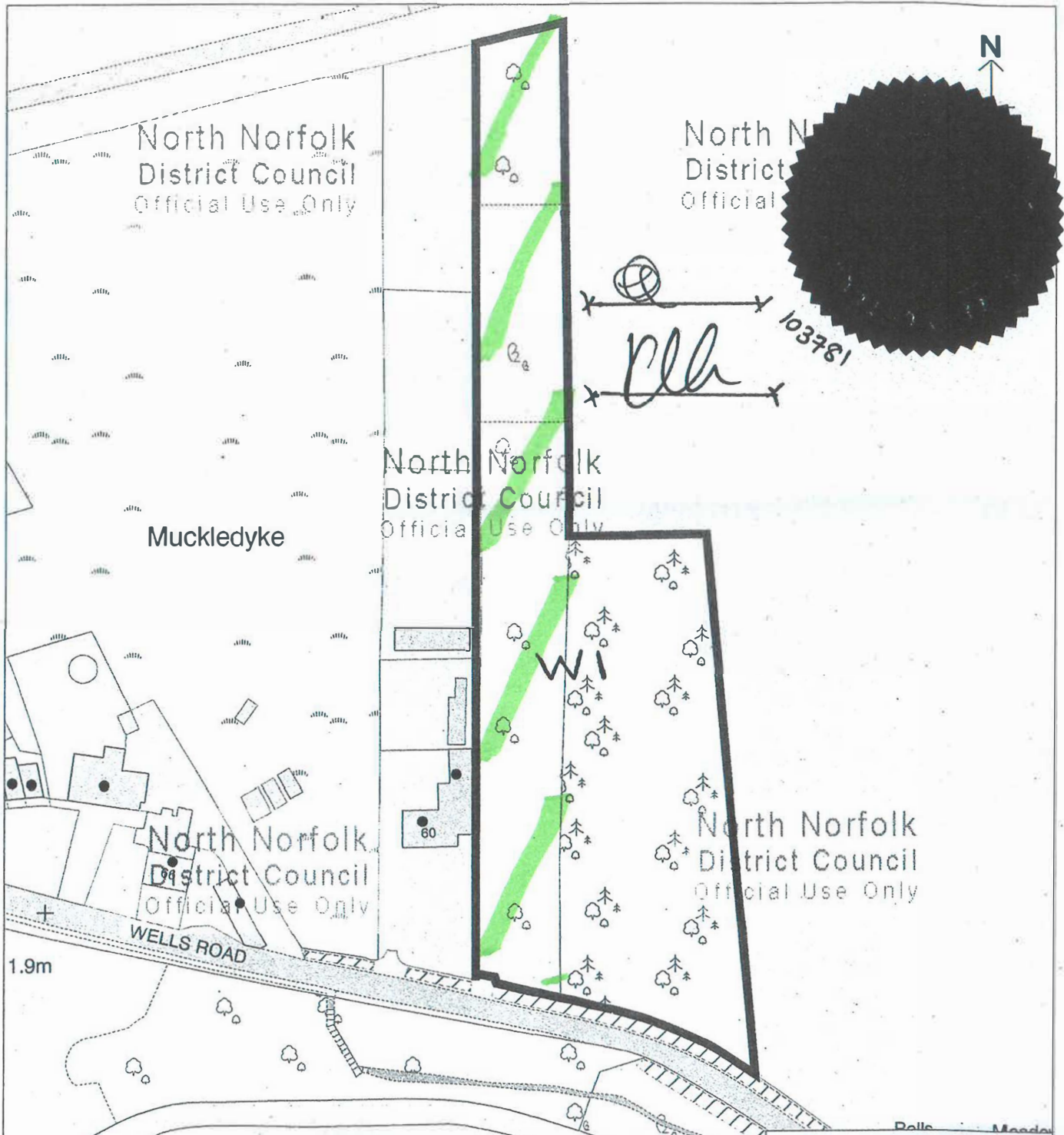
A handwritten signature in black ink, appearing to read 'Andrew Falcon', written in a cursive style.

Andrew Falcon

Cc S. Scammell-Katz

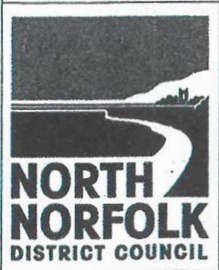
Bridge Farm, Reymerston, Norwich, Norfolk, NR9 4QD

andrew.falcon1@btopenworld.com



KEY	
NONE	○ Individual Tree
NONE	⋄ Groups of Trees
W1	⊙ Woodland
NONE	⋯ Area

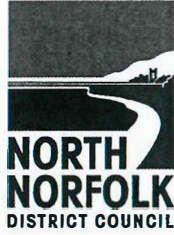
OS MasterMap®



Map referred to in the North Norfolk District Council
STIFFKEY
 2018 No.2
 TPO/18/0939
 Land to the East of 60 Wells Road

North Norfolk District Council
 Council Offices, Holt Road, Cromer, Norfolk, NR27 9EN
 Tel: 01263 513811 Fax: 01263 515042

Scale = 1:1250	RJ
11/01/2018	
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Aerial Photos ©Getmapping plc	



TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(TREES) REGULATIONS 2012

NORTH NORFOLK DISTRICT COUNCIL
(Stiffkey)
TREE PRESERVATION ORDER
Land to the East of 60 Wells Road, Stiffkey, Wells-next-the-Sea, NR23 1AJ

Dated 11 January 2018

SCHEDULE

Regulation 3(1)

Form of Tree Preservation Order

**NORTH NORFOLK DISTRICT COUNCIL
NNDC TPO (STIFFKEY) 2018 No.2
Land at Land to the East of 60 Wells Road, Stiffkey, Wells-next-the-Sea, NR23 1AJ
Reference Number TPO/18/0939**

The North Norfolk District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as NNDC TPO (STIFFKEY) 2018 No.2.

Interpretation

- 2.—(1) In this Order “the authority” means the North Norfolk District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction
of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

**NORTH NORFOLK DISTRICT COUNCIL
NNDC TPO (STIFFKEY) 2018 No.2
Land at Land to the East of 60 Wells Road, Stiffkey, Wells-next-the-Sea, NR23 1AA
Reference Number TPO/18/0939**

Dated 11/01/2018

The Common Seal of North Norfolk District Council was affixed to this Order in the presence of—

X  X
X  X



CONFIRMATION OF ORDER

This Order was confirmed by North Norfolk District Council without modification on

OR

This Order was confirmed by the North Norfolk District Council, subject to the modifications indicated by *[state how indicated]*, on

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by North Norfolk District Council on

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the North Norfolk District Council on _____ by a variation order under reference number *[insert reference number to the variation order]* a copy of which is attached

.....

Authorised by the Council to sign in that behalf

REVOCAION OF ORDER

This Order was revoked by the North Norfolk District Council on

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Article 3

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

Groups of trees

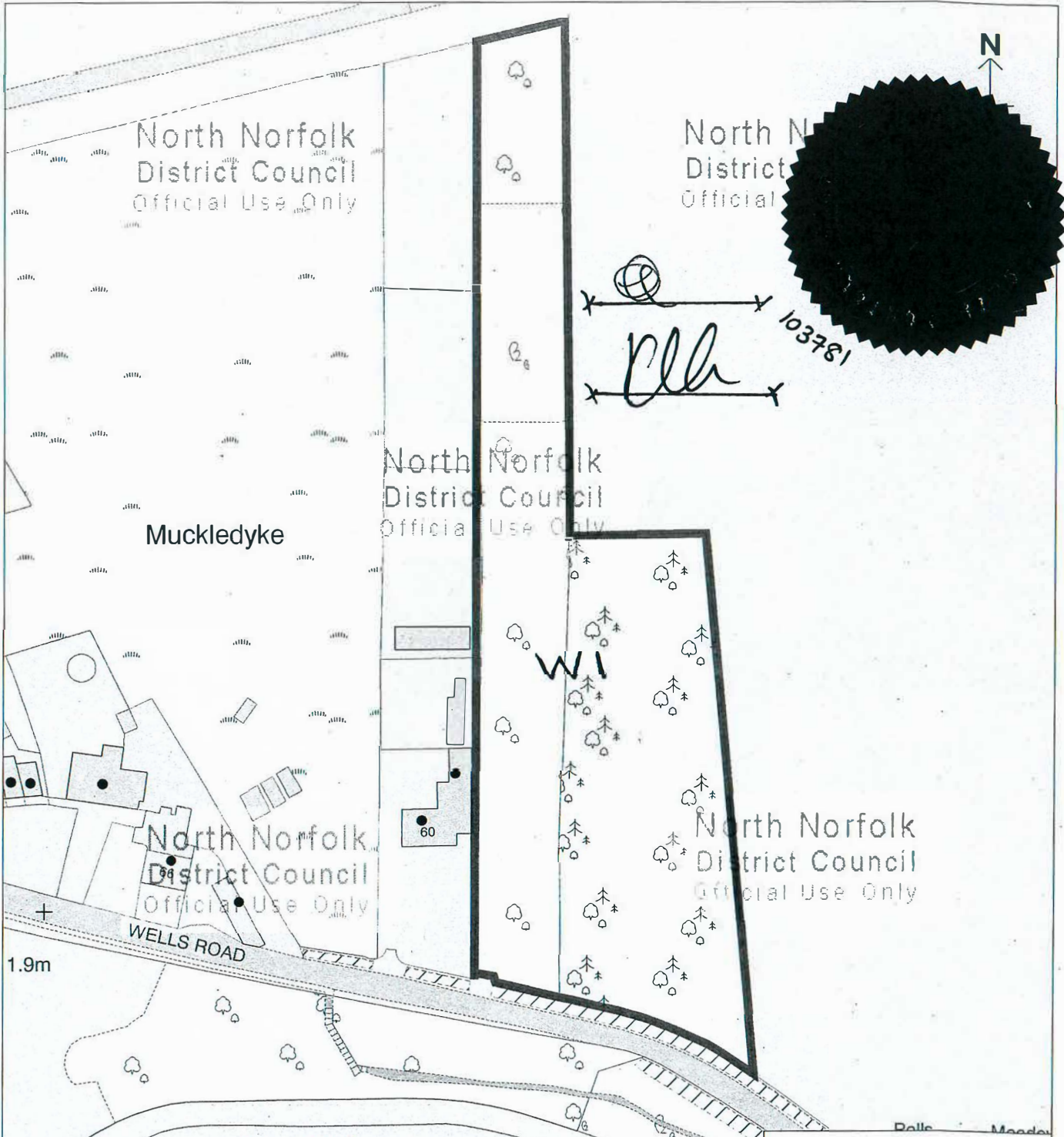
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

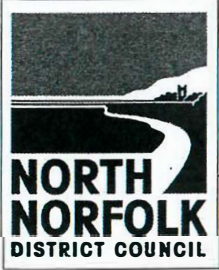
Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Woodland Order	Land to the East of 60 Wells Road, Stiffkey



OS MasterMap ©



Map referred to in the North Norfolk District Council
STIFFKEY
 2018 No.2
 TPO/18/0939
 Land to the East of 60 Wells Road

North Norfolk District Council
 Council Offices, Holt Road, Cromer, Norfolk, NR27 9EN
 Tel: 01263 513811 Fax: 01263 515042

KEY	
NONE	○ Individual Tree
NONE	⋄ Groups of Trees
W1	⊙ Woodland
NONE	⋯ Area

Scale = 1:1250	RJ
11/01/2018	
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Aerial Photos ©Getmapping plc	

Dated 11 January 2018

NORTH NORFOLK DISTRICT COUNCIL

(Stiffkey)

TREE PRESERVATION ORDER

Land to the East of 60 Wells Road,
Stiffkey, Wells-next-the-Sea, NR23 1AJ

TOWN AND COUNTRY PLANNING
(TREES)

REGULATIONS 2012

TOWN AND COUNTRY PLANNING ACT
1990

Gary Jefferson
Oaklea
Market Street
Tunstead
Norwich
NR12 8AH
e: gjefferson75@gmail.com

4th February 2018

Simon Case
Landscape Officer
Conservation , Design and Landscape Section
North Norfolk District Council
Holt Road
Cromer
Norfolk
NR27 9EN

Dear Simon

I am writing to you to object the tree preservation order (Reference Number TPO/18/0940) that has been placed on a large Oak tree in my front garden. This follows from me contacting NNDC at 09:23 22nd January 2018 to see if I needed to obtain permission to remove the tree, which has now become a nuisance; the lady who I talked with stated that there was no preservation order, nor are we in a conservation area, so I “could do what ever I liked with it”. Following this conversation, which I am pleased to say that I recorded on my mobile telephone, I can only presume that she reported my intent to your department, which then led to the preservation order being raised.

I would like to set the scene of the context for my intent to remove the tree in question; we have lived at the property for 4 years now, and part of the reason for buying the house, was the attraction of the Oak tree. I am a keen naturalist and have installed a large Bug House, keep a Bee Hive, have installed a Ground Source Heat Pump, installed Solar Panels and have started to plant 12 fruit trees in our front garden to create a small orchard.

During my time at this property, I have defended the Oak tree against my neighbour, who has often complained that it has become a nuisance, as it blocks light from her property, her Solar Panels and she constantly has to collect debris from it.

The reason for my change of heart is for the safety of my family; the tree appears to be one of a series that were planted at a similar time, as there are similar sized trees in the fields behind us. One of these trees, that had not previously shown any sign of decay, blew down early January 2018 (please see IMG_01). On closer inspection of our Oak tree, it is displaying some signs of decay (please see IMG_08, IMG_09, IMG_12 and IMG_13), so I am now concerned that it might fall; my 5 year old daughter’s bedroom is immediately under our Oak Tree and if the tree were to fall in the direction of our house, she would be in direct line of it; clearly this is not something that I wish to risk.

The tree is approximately 25 meters tall and is within 9 meters (IMG_04 and IMG_05) of my house and within 4 meters of my neighbour's house, so the potential for damage to property and human life is considerable. My view would have been that planning permission to build mine or my neighbour's house, should not have been given so close to such a tree in the first place but I can only presume that in the mid-1980's, planning and environmental concerns were not as aligned as they are today. Given that we are where we are, I feel that I am left with no alternative than to remove the tree.

Your order was raised based on the following:

1, The Oak is a large tree in the front garden and contributes to the street scene.

- I have contacted my neighbours who live within view the tree from their property and all of them have stated that they would be happy for me to remove the tree on the grounds of safety and would happily write a letter of support, if so required.

2, Mature Oak trees support many species

- This is undoubtedly true and something that is close to my heart, I hope that the bug house, wild flower planting and the planting of 12 new fruit trees will significantly remedy this; in addition I would happily leave parts of the felled tree to rot down, to further provide a habitat for the many species that may currently be supported by the Oak. I would also be happy to take expert guidance around this too.

I hope that the points I have made above and the images below, will be given serious consideration and support my case for removal of the preservation order on this tree, to allow me to remove it, for the safety of my family.

I am more than happy to meet with you in person to discuss how we might best proceed and seek to follow your guidance.

Yours Sincerely

Gary Jefferson

IMG_04 (Showing tree proximity to my house)



IMG_05 (Showing tree proximity to my house)



IMG_07 (Showing tree proximity to mine and my neighbour's house)



IMG_01 (Field behind our property)



IMG_08 (Main Trunk)



IMG_09 (Branches showing signs of decay)

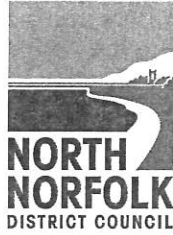


IMG_12 (Main trunk showing signs of decay)



IMG_13 (Large limb, showing signs of decay)





TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(TREES) REGULATIONS 2012

NORTH NORFOLK DISTRICT COUNCIL
(Tunstead)
TREE PRESERVATION ORDER
Oaklea, Market Street, Tunstead, Norwich, NR12 8AH

Dated 29 January 2018

SCHEDULE

Regulation 3(1)

Form of Tree Preservation Order

**NORTH NORFOLK DISTRICT COUNCIL
NNDP TPO (TUNSTEAD) 2018 No.3
Land at Oaklea, Market Street, Tunstead, Norwich, NR12 8AH
Reference Number TPO/18/0940**

The North Norfolk District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as NNDP TPO (TUNSTEAD) 2018 No.3.

Interpretation

- 2.—(1) In this Order “the authority” means the North Norfolk District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition


4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

**NORTH NORFOLK DISTRICT COUNCIL
NNDC TPO (TUNSTEAD) 2018 No.3
Land at Oaklea, Market Street, Tunstead, Norwich, NR12 8AH
Reference Number TPO/18/0940**

Dated 29/01/2018

The Common Seal of North Norfolk District Council was affixed to this Order in the presence of—

X X
X X



CONFIRMATION OF ORDER

This Order was confirmed by North Norfolk District Council without modification on

OR

This Order was confirmed by the North Norfolk District Council, subject to the modifications indicated by *[state how indicated]*, on

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by North Norfolk District Council on

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the North Norfolk District Council on by a variation order under reference number *[insert reference number to the variation order]* a copy of which is attached

.....

Authorised by the Council to sign in that behalf

REVOCAION OF ORDER

This Order was revoked by the North Norfolk District Council on

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Article 3

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Front garden of Oaklea, Market Street, Tunstead

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

Groups of trees

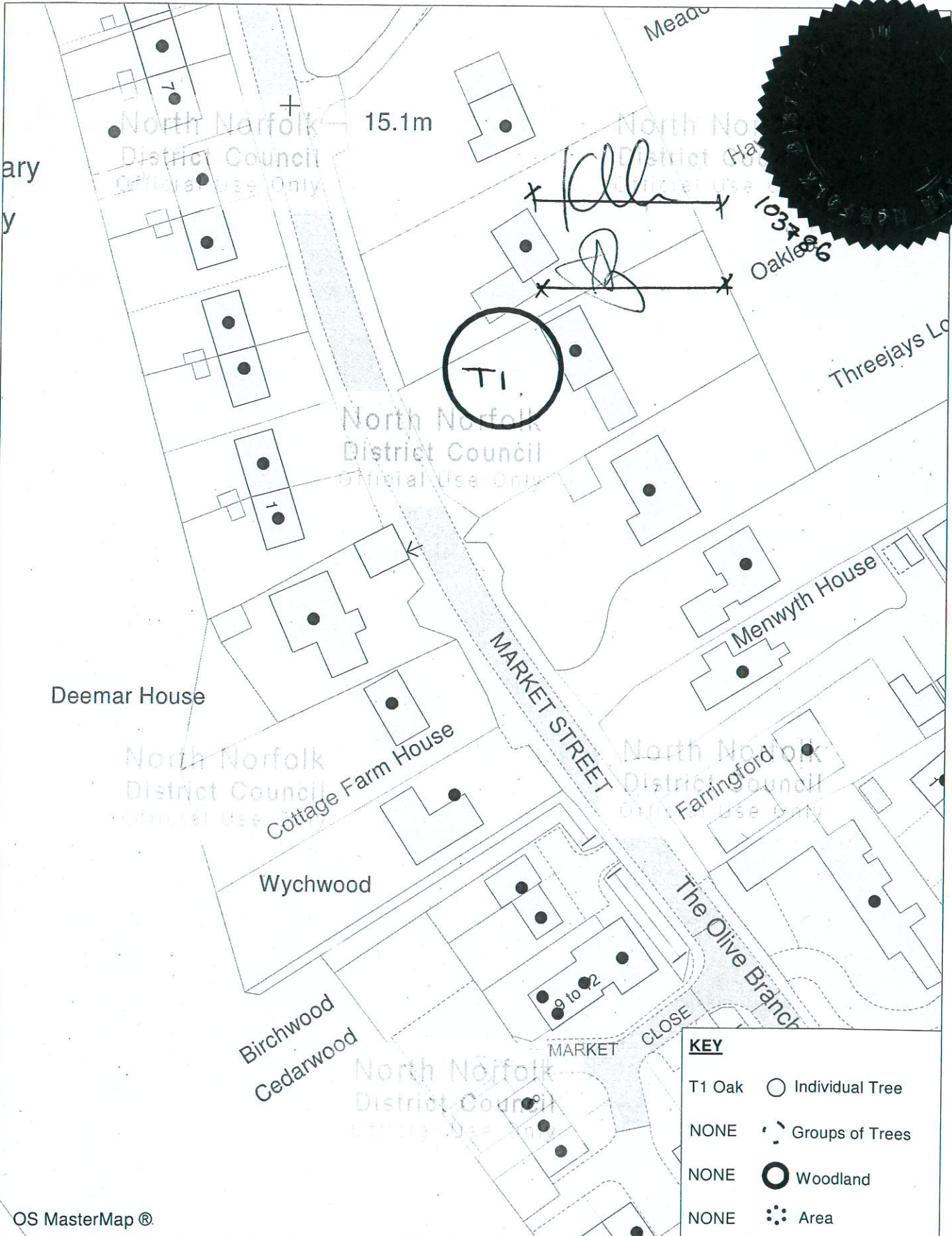
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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Woodlands

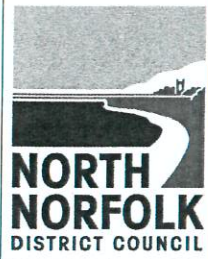
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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OS MasterMap®

KEY	
T1 Oak	○ Individual Tree
NONE	⋯ Groups of Trees
NONE	● Woodland
NONE	⋯ Area

	<p>Map referred to in the North Norfolk District Council</p> <p>TUNSTEAD</p> <p>2018 No.3</p> <p>TPO/18/0940</p> <p>Oaklea, Market Street</p>	<p>Scale = 1:900</p> <p>RJ</p>
	<p>North Norfolk District Council</p> <p>Council Offices, Holt Road, Cromer, Norfolk, NR27 9EN</p> <p>Tel: 01263 513811 Fax: 01263 515042</p>	<p>29/01/2018</p>
	<p>© Crown Copyright and database right 2018</p> <p>Ordnance Survey 100018623</p> <p>Aerial Photos ©Getmapping plc</p>	

Dated 29 January 2018

NORTH NORFOLK DISTRICT COUNCIL

(Tunstead)

TREE PRESERVATION ORDER

Oaklea, Market Street, Tunstead,
Norwich, NR12 8AH

TOWN AND COUNTRY PLANNING
(TREES)

REGULATIONS 2012

TOWN AND COUNTRY PLANNING ACT
1990

Application Number: PF/17/1198 & LA/17/1199	Appeal Reference: APP/Y2620/W/17/3188895 & APP/Y2620/Y/17/3188902
Location: 2 Butts Corner, The Buttlands, Wells-next-the-Sea, NR23 1EZ	
Proposal: Refurbishment of existing building and division into two separate 2-bedroom maisonettes	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: N/a
<p>Summary:</p> <p>The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> • Whether the proposed works and development would preserve the grad II listed building or any feature of special architectural or historic interest that it possesses (full planning permission and listed building applications) and • The living conditions of future occupants in respect of provision of outdoor amenity space (full planning permission only). <p>Listed Building works and development: The Inspector noted that the building, whilst listed, had been greatly altered, but also noted that internally there are features of interest which remain unchanged. She therefore considered that the buildings significance derived from its architectural and historic interest. She noted the internal works proposed to convert the building into the 2 separate dwellings and whilst she considered many of these to have limited impact, she noted that inclusion of a new staircase which would cut across an existing decorative alcove and which would form a prominent and bulky intrusion into what was historically a main formal living space. She considered that these works would cause harm to the legibility of the original fabric thus harming the architectural and historic interest. In addition, the impact of the staircase at first floor level resulting in the removal of an historic cupboard, would also be lost.</p> <p>Further, the conversion requires the partial removal of a chimney to create larger internal spaces and the removal of the front door to create a shared porch, both of which she considered to be significant interventions removing historic fabric and further diminishing the historic character of the dwelling.</p> <p>She therefore considered that the works and development were contrary to the aims of policy EN8 of the Core Strategy and she gave great weight to the conservation of the heritage asset in accordance with the NPPF.</p> <p>Living conditions: The Inspector noted the size of the proposed garden areas for the 2 dwellings, specifically plot 1 which would have only a 2 square metre area provided to the front of the property. She considered the space provided for amenity to be 'woefully inadequate' resulting in harm to the living conditions of future occupants. She did not consider this to be overcome by the town centre location.</p> <p>Planning and heritage balance: The Inspector found harm to the living conditions of the future occupants and harm to the designated heritage asset. In respect of the latter she considered the harm to be less than substantial. As such, she was required by para 134 of the NPPF to identify public benefits of the scheme. She noted the limited social and economic benefits to the proposal in respect of two small units being provided in the town centre, but she did not consider this to outweigh the harm to the heritage asset to which she attached great weight. Neither did she consider that the conversion proposed represented the optimum viable use for the listed building.</p> <p>She dismissed both appeals.</p>	

Relevant Core Strategy Policies: EN8 – Protecting and enhancing the historic environment EN4 - Design
Relevant NPPF Sections/Paragraphs: Section 12: Paragraph 134 - Conserving and enhancing the historic environment
Learning Points/Actions: N/a

Application Number: PF/17/1858	Appeal Reference: APP/Y2620/D/3196873
Location: Prospect House, Church Street, Happingburgh, NR12 0PN	
Proposal: Part demolition of outbuilding and erection of two-storey building for residential annexe.	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: DISMISSED
<p>Summary: The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • The effect of the proposed development on the setting of the host dwelling • The effect of the proposal on the living conditions of occupiers of neighbouring dwellings, with particular reference to visual impact and privacy, and • The effect of the proposal on highway safety. <p>Setting of the host dwelling: The Inspector noted the character of the surrounding area and the character of the appeal site but found that due to the scale, bulk, additional height and siting of the proposed two storey annexe it would create a cramped environment within the grounds of the existing house, taking into consideration its proposed position near to adjacent dwellings also. In addition, the Inspector found such a cramped form of development to be out of keeping with the character of the wider Conservation Area as a designated heritage asset with no public benefit to outweigh the resulting harm to the heritage asset.</p> <p>Living conditions: The Inspector noted the proximity of existing boundary treatments to neighbouring properties and existing overlooking and found that the proposals would not materially increase or exacerbate the existing situation to a material degree.</p> <p>Highway Safety: The Inspector considered that the building could be capable of being used independently from the host dwelling. In particular the provision of a kitchen and shower room would facilitate this. However, the fact that the services were to be shared (utilities) the Inspector found it unlikely that the building would be used in such a manner and felt that a condition could be attached to ensure separation did not occur. As a result, the condition proposed by the highway authority was felt to be justified.</p> <p>Conclusions: The inspector, whilst not finding issue with the resulting living conditions for neighbouring dwellings, or highway safety, did find issue with the resulting cramped form of development and dismissed the appeal.</p> <p>Costs Decision: The Inspector dismissed the costs appeal on the basis that the LPA had acted reasonably and provided clear explanation and reasons for its refusal of the application.</p>	
Relevant Core Strategy Policies: EN4 – Design	

CT5 – Transport impact of new development
Relevant NPPF Sections/Paragraphs: Section 12: Paragraph 134 - Conserving and enhancing the historic environment
Learning Points/Actions: N/a

Application Number: PF/17/2083	Appeal Reference: APP/Y2620/D/18/3196224
Location: The Cottage, Metton Road, Roughton, NR11 8QT	
Proposal: Extension to existing single storey detached garage and conversion to annexe	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: N/a
<p>Summary: The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> Whether the proposal would constitute the creation of an independent dwelling and if so, whether the proposal would constitute sustainable development in this countryside location. <p>The Inspector noted that the annexe was for dependent relatives. However, the Inspector considered that the proposal would be more than an annexe as it would be capable of being used independently with no functional or practical linkage to the main dwelling. Noting that a small kitchenette was proposed (not even a full kitchen), the Inspector considered that it would be possible to expand such facilities and therefore it was considered as a small independent dwelling. This, coupled with the separate access, resulted in a degree of physical separation enabling the proposed ‘annexe’ to be primary living accommodation with no relationship to the host dwelling.</p> <p>The inspector then considered the three stands of sustainable development: social, economic and environmental.</p> <p>Social - Whilst acknowledging the proposal was accommodation for elderly relatives, the inspector did not consider this to be a special circumstance as it could be replicated many times elsewhere. In addition, the proposal would contribute little towards maintain the rural community.</p> <p>Economic – a very small benefit would accrue from the converting of the building.</p> <p>Environmental – the use as a completely independent dwelling would be detrimental to the character of the surrounding countryside due to the intensification of the domestic use.</p> <p>The proposal was not considered to be sustainable development by the Inspector.</p>	
Relevant Core Strategy Policies: SS1 – Spatial Strategy for North Norfolk SS2 – Development in the Countryside	
Relevant NPPF Sections/Paragraphs: N/a	
Learning Points/Actions: We receive a large number of applications every year for annexes. Since 1 Jan 2018 we have received 29 such applications. In light of the above appeal decision a review will be undertaken with officers to consider if we should tighten up our approach to such applications.	

Application Number: PF/17/0002	Planning Appeal Reference: APP/Y2620/W/17/3173689
Enforcement Notice: ENF/16/0265	Enforcement Appeal Reference: APP/Y2620/C/17/3175096 and 3175097
Location: Aitken House, 28 Yarmouth Road, North Walsham, NR28 9AT	
Planning Proposal: Conversion of a residential care home to form 7 private apartments with associated car parking and communal garden without complying with a condition attached to planning permission ref: PF/16/0313, dated 1 September 2016	
Enforcement: The appeals are proceeding on the grounds set out in section 174(2) (a) (that planning permission should be granted), (f) (that the steps required by the notice are excessive and lesser steps would overcome the objections), and (g) (the period of compliance with the notice is too short) of the Town and Country Planning Act 1990 as amended. The applications for planning permission deemed to have been made under section 177(5) of the Act as amended also fall to be determined	
Officer Recommendation: Approve	Member decision (if applicable): Refuse
Planning Appeal Decision: UPHELD Enforcement Appeal Decision: SUCCEED IN PART – THE NOTICE AMENDED AND UPHELD	Costs: N/a
Summary: Given the complexity of the appeal decisions, officers have attached the full decision for Member's consideration. Please see Appendix 4 .	
Relevant Core Strategy Policies: EN4 – Design EN8 – Protecting and enhancing the historic environment	
Relevant NPPF Sections/Paragraphs: N/a	
Learning Points/Actions: Greater accuracy when drafting enforcement notices.	

Sources:

Sarah Ashurst – Development Management Manager



Appeal Decisions

Site visit made on 5 March 2018

by Mr K L Williams BA, MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 April 2018

Appeal A: APP/Y2620/W/17/3173689

Aitken House, 28 Yarmouth Road, North Walsham, NR28 9AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr K Joory and Mrs T Joory against the decision of North Norfolk District Council.
- The application, ref: PF/17/0002, dated 23 December 2016, was refused by notice dated 17 February 2017.
- The application sought planning permission for the conversion of a residential care home to form 7 private apartments with associated car parking and communal garden without complying with a condition attached to planning permission ref: PF/16/0313, dated 1 September 2016.
- The condition in dispute is no.2 which states that: This permission is granted in accordance with the amended plans (drawing numbers 6498-PO1-Rev A and 6498-PO3-Rev A) received by the Local Planning Authority on 29 June 2016 and amended plans (6498-PO2-Rev C, 6498-PO5-Rev F and 6498-PO6-Rev C) received by the Local Planning Authority on 5 July 2016. The development shall then be undertaken in strict accordance with the submitted and approved plans, drawings and specifications.
- The reasons given for the condition is: To ensure the satisfactory layout and appearance of the development in accordance with Policy EN4 of the adopted North Norfolk Core Strategy.

Summary of Decision: The appeal succeeds. Planning permission is granted in the terms set out in the Formal Decision.

Appeals B and C: APP/Y2620/C/17/3175096 and 3175097

Aitken House, 28 Yarmouth Road, North Walsham, NR28 9AT

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr K Joory (Appeal B) and Mrs T Joory (Appeal C) against an enforcement notice issued by North Norfolk District Council.
- The enforcement notice, ref: ENF/16/0265, was issued on 7 April 2017.
- The breaches of planning control as alleged in the notice are:
 - i) Replacement of timber windows with uPVC windows of a non-traditional (*sic*);
 - ii) Addition of 3x rooflights in the south elevation, and 3x rooflights in the east elevation as a result of the creation of an additional bedroom to Flat 5;
 - iii) Amendment to the roof lights in the north elevation to serve a new en-suite bathroom to bedroom 2 of Flat 7;
 - iv) Dormer extensions to roof space on the north and south elevation not in accordance with the permission granted under application reference PF/16/0313.
- The requirements of the notice are to:
 - i) Remove the uPVC windows and reinstate with timber sash windows of a Georgian style and with stone cills;

- ii) Remove 3x rooflights in the south elevation, and 3x rooflights in the east elevation and return roof to its original profile and using materials which match the existing original roof;
 - iii) The rooflights in the north elevation roof slope should be inserted/installed in accordance with the approved plans as per planning approval PF/16/0313;
 - iv) The dormer extension is to be removed and the roof profile returned to its original profile and using materials which match the existing original roof.
- The period for compliance with the requirements with step (i) is 2 months, with regard to steps (ii) and (iii) it is 1 month and with regard to step (iv) it is 5 months.
 - The appeals are proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. The applications for planning permission deemed to have been made under section 177(5) of the Act as amended also fall to be determined.

Summary of Decision: The appeals succeed in part. The enforcement notice is corrected and upheld as set out in the Formal Decision.

Preliminary Matters

1. Drawing 6498_ALT_01 Rev K depicts the proposals in Appeal A. Following the site visit, the appellants submitted a further drawing, 6498_ALT_01 Rev M and explained that they sought approval for what was now built. However, the as-built development is materially different from that shown in drawing 6498_ALT_01 Rev K on which the Council based the decision which led to this Appeal A, for example with regard to rooflights and dormer extensions. I have therefore based my determination of Appeal A on the scheme on which the Council determined the application.

The Enforcement Notice

2. The notice's allegation and requirements refer in error to 3 rooflights in the south elevation and 3 rooflights in the east elevation. They have not been installed. The notice will be corrected to remove reference to them. The word "design" has been omitted in error from the end of (i) in the enforcement notice allegation. There is a further minor typographical error in the reference to the "dormer extension" rather than "dormer extensions" in the requirement at paragraph 5(iv). The main parties have had the opportunity to comment on these errors. I am satisfied that no injustice to them will result from the corrections to the notice set out in the Formal Decision. The correction of the notice in this manner does not render it invalid.

Background

3. Aitken House is an extensive, two-storey former care home on the west side of Yarmouth Road. It is in the North Walsham Conservation Area which is a designated heritage asset. In September 2016 planning permission PF/16/0313 was granted for conversion of the building to 7 apartments with associated car parking and communal garden. Condition no.2 of that permission states that: *"This permission is granted in accordance with the amended plans (drawing numbers 6498-PO1-Rev A and 6498-PO3-Rev A) received by the Local Planning Authority on 29 June 2016 and amended plans (drawing numbers 6498-PO2-Rev C, 6498-PO5-Rev F and 6498-PO6-Rev C) received by the Local Planning Authority on 5 July 2016. The development shall then be undertaken in strict accordance with the submitted and approved plans, drawings and specifications."* The development as built did not comply with the approved

plans in a number of respects. This led to planning application PF/17/0002. It proposed a number of variations but was refused by the Council. The enforcement notice was subsequently issued.

Appeal A, Ground (a) of Appeals B and C and the Deemed Planning Applications

4. The variations to the approved scheme which are at issue are:
 - i) The retention of windows as installed, with timber windows in the original part of the building changed to uPVC Victorian style sash windows;
 - ii) The addition of 3 rooflights in the east elevation;
 - iii) The addition of 3 rooflights in the north elevation;
 - iv) A door changed to a window in the west elevation; and
 - v) Replacement of two sets of second floor windows, patio doors and Juliet balconies with four, equally spaced sash windows.
5. The appellant's statement also refers to the "addition and deletion of rooflights in minor roof slopes". That term is imprecise. It is not apparent what this means from the submitted drawings. Nor has the appellant clarified this matter. It is therefore not addressed further in this decision.

Main Issues

6. In Appeals B and C there are deemed planning applications for the alterations alleged in the notice. The main issues for Appeal A and in respect of the deemed planning applications in Appeals B and C are:
 - i) Whether the character and appearance of the North Walsham Conservation Area would be preserved or enhanced; and,
 - ii) The effect on the living conditions of the occupiers of nearby properties with regard to overlooking.

The Effect on the Conservation Area

7. The North Walsham Conservation Area covers much of the town centre, including its historic core. It contains a wide variety of buildings types. This part of Yarmouth Road is predominantly residential in character. There is a mix of properties in terms of age, materials and design, including some Victorian or Edwardian detached houses. Trees and other vegetation add to the area's character. No.28 is set well back from Yarmouth Road, to the rear of no.28A. It is thought to be Victorian or Edwardian and is not a listed building. There are limited, oblique views of the frontage of the building from the Yarmouth Road, along the access road into the site.
8. The changing of a door to a window on the west elevation has little effect on the character and appearance of the building. The proposed rooflights in the east and south elevations would be small and towards the top of the roof slopes. They would not be dominant features in the roof slopes and would not be harmful to the building's appearance. The scheme granted planning permission included extensive fenestration above ground floor level on the rear

- elevation. The four sash windows now proposed would not appear out of place with regard to their proportions and spacing within that elevation.
9. The proposed uPVC sash windows in Appeal A are on the original part of the building. Before its alteration, this was characterised by timber sash windows with sub-divided fenestration. The notice addresses 11 uPVC windows in the front elevation, 9 in the rear elevation and a further 5 in the west elevation. uPVC is a modern material which is not characteristic of a building of this age. The installed windows are of a sash design. The glazing is not sub-divided in the manner of the original windows but the components are of a reasonably slim design. There are some details, such as ventilation strips, which are not typical of timber sash windows. A substantial eastern section of the building, which may be a later addition, also has uPVC windows at ground and first floor levels, with dormer extensions on its rear roof slopes. These uPVC windows are not attacked by the enforcement notice and would remain. There are also some other examples of uPVC windows in buildings nearby, although local residents observe that some of the examples given by the appellant in fact have timber windows. Taking these matters into account, together with the building's limited prominence from public viewpoints, the effect of the uPVC sash windows would not be sufficient to result in material harm to the character or the appearance of the Conservation Area, which would be preserved.
 10. The 2 rooflights to which the enforcement notice refers have been installed on north elevation. They are a little larger than those in the approved scheme and are positioned differently. Nevertheless, they are not dominant features and appear as minor additions which do not result in material harm to the building's character or appearance.
 11. The dormer extensions which are the subject of the enforcement notice have been installed in central positions on the northern and southern elevations. They are large, ungainly additions, with flat roofs and a box like appearance. The building has quite a complicated roof structure, characterised by tiled roof slopes of different configurations. The building's roof makes a prominent and positive contribution to its character and appearance. The dormer extensions appear out of place in that context. I take into account the building's limited prominence from public viewpoints. Nevertheless, the dormer extensions fail to preserve the character or appearance of the Conservation Area. The effect is one of less than substantial harm to the designated heritage asset. The roof extensions facilitate somewhat more accommodation in the building. Nevertheless, there are no public benefits which outweigh the harm they have caused. The dormer extensions conflict with policies EN4 and EN8 of the Council's Core Strategy Incorporating Development Control Policies, 2008. Those policies require a high standard of design and the protection of designated heritage assets. They also conflict with the great weight given to the conservation of designated heritage assets which is set out in the National Planning Policy Framework.

The Effect on Living Conditions

12. The six additional rooflights which are proposed in Appeal A would be small and placed towards the top of the roof slopes. Subject to a condition requiring a minimum sill level of 1.7metres above floor level, they would not result in material harm through overlooking. There are numerous windows above ground floor level in the rear elevation and the proposed sash windows would

replace extensive fenestration in the plan approved in planning permission PF/17/0002. They would not result in additional overlooking to a material extent.

13. One of the two rooflights which have been installed in the north elevation serves a bathroom and has a high cill level. The other has a somewhat lower cill level. It serves a bedroom. Oblique views towards the rear garden of a neighbouring dwelling are possible from this window. However, a degree of overlooking from first floor windows is not unusual in urban residential areas and the effect is not sufficient to be materially harmful. I conclude in respect of Appeal A and in respect of Appeals B and C that there would not be material harm to living conditions through overlooking.

Conditions in Appeal A

14. To protect the character of the area, residential amenity and highway safety conditions are required concerning compliance with plans, materials, landscaping, minimum cill height, provision for waste and recycling, provision of a passing place, parking provision and vehicle turning. To protect the environment a condition is also required concerning surface water drainage.

Other matters

15. A number of local residents are understandably concerned that the appellants have carried out the development without full regard to the approved details. Intentional unauthorised development is a material consideration in these decisions. However, while I appreciate the frustration felt by local residents, I have addressed any harm caused by the development in the context of the main issues and I give this matter little weight. It does not outweigh my conclusions on the main issues.

Overall Conclusions

16. Having regard to the above and to all other matters raised I conclude that Appeal A should succeed and planning permission should be granted incorporating the proposed variations. Appeals B and C should succeed in respect of the sash windows and the rooflights in the northern elevation. Planning permission should be granted on the deemed applications for those alterations. Appeals B and C should not succeed in respect of the dormer extensions. The notice should be corrected and upheld. By virtue of section 180 of the Act the requirements of the upheld notice will cease to have effect so far as they are inconsistent with the permissions to be granted. In the light of these conclusions consideration of grounds (f) and (g) in Appeals B and C is not required.

Formal Decisions

Appeal A: APP/Y2620/W/17/3173689

17. The appeal is allowed and planning permission is granted for the conversion of a residential care home to form 7 private apartments with associated car parking and communal garden at Aitken House, 28 Yarmouth Road, North Walsham, NR28 9AT in accordance with the application ref: PF/17/0002, dated 23 December 2016 without compliance with condition no.2 previously imposed

on planning permission PF/16/0313, dated 1 September 2016 and subject to the following conditions:

- 1) The development shall be carried out in strict accordance with the following plans: 6498-PO1-Rev A, 6498-PO3-Rev A , 6498-PO2-Rev C, 6498-PO5-Rev F and 6498-PO6-Rev C other than in respect of the installation of uPVC windows on the north, south and west elevations, the installation of rooflights on the south and east elevations, the installation of a window on the west elevation and the installation of 4 sash windows in the south elevation. In respect of those matters the development shall be carried out in strict accordance with drawing 6498_ALT_01 Rev K.
- 2) The cill height of any rooflights to be installed shall be at least 1.7 metres above floor level.
- 3) Any new tree or shrub which formed part of the approved landscaping scheme under condition no.6 attached to planning permission PF/16/0313 which within a period of 10 years from the date of planting dies, is removed or becomes seriously damaged or diseased, shall be replaced during the next planting season with another of a similar size and species unless prior written approval is given by the Local Planning Authority.
- 4) Prior to the first occupation of any flat within the development permitted the proposed passing place, on-site car and cycling parking and turning area as approved under planning permission PF/16/0313 shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter for those specific uses.
- 5) Unless otherwise agreed in writing by the Local Planning Authority the proposed refuse and recycling storage as approved under planning permission PF/16/0313 shall be provided prior to the occupation of any flat and thereafter retained for those specific purposes in full accordance with the approved details.
- 6) No surface water disposal from the development hereby permitted shall discharge to any foul sewer or surface water main drain.
- 7) Materials to be used to infill blocked up windows on the West Elevation on drawing 6498_ALT_01 Rev K shall match those of the existing building.

Appeals B and C: APP/Y2620/C/17/3175096 and 3175097

18. It is directed that the notice be corrected as follows:

- i) By the addition of the word "design" at the end of paragraph 3(i).
- ii) By the deletion of the allegation in paragraph 3(ii), of the requirement in paragraph 5(ii) and of the reference to (ii) in paragraph 6.
- iii) By the replacement of the words "dormer extension is" in paragraph 5(iv) with the words "dormer extensions are".

19. The appeals are allowed in respect of the replacement of timber windows with uPVC windows on the north, south and west elevations and the installation of two rooflights in the north elevation. Planning permission is granted on the applications deemed to have been made under section 177(5) of the Act for the

installation of uPVC windows on the north, south and west elevations and the installation of two rooflights on the northern elevation, as already in place at Aitken House, 28 Yarmouth Road, North Walsham, NR28 9AT.

20. The appeals are dismissed in respect of the dormer extensions to the roof space on the north and south elevations and planning permission is refused for those dormer extensions on the applications deemed to have been made under section 177(5) of the Act. The enforcement notice is upheld subject to above corrections.

K Williams

INSPECTOR