

**CROMER – PF/24/2307 - Erection of dwelling (part retrospective) at 16 Harbord Road, Cromer, Norfolk, NR27 0BP.**

**Minor Development**

**Target Date: 14<sup>th</sup> January 2025**

**Decision due date: 12<sup>th</sup> April 2024**

**Case Officer: Olivia Luckhurst**

**Full Planning application**

**RELEVANT SITE CONSTRAINTS:**

Within the Cromer Settlement Boundary  
Within the designated Residential area  
Landscape Character Assessment – Coastal Shelf  
Site subject to Enforcement

**RELEVANT PLANNING HISTORY:**

**RV/24/1189** - Erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking, and addition of single-storey side extension to existing dwelling with associated parking without complying with condition 2 (approved plans) of planning ref: PF/18/1919 to amend design of plot 4 only (double garage related to plot to remain as approved) (part retrospective) – Withdrawn

**CD/23/0833** - Discharge of Condition 3 (materials) of planning permission PF/18/1919 (Erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking, and addition of single-storey side extension to existing dwelling with associated parking) – Condition Discharged

**PF/18/1919** - Erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking, and addition of single-storey side extension to existing dwelling with associated parking. – Approved

**THE APPLICATION**

Seeks permission for the erection of a three-storey dwelling with an extension consisting of a garden room for the neighbouring property (No.16 Harbord Road). Works have commenced under the original approval PF/18/1919 however, the current application proposes an amended design.

**REASONS FOR REFERRAL TO COMMITTEE:**

At the request of the Director for Place and Climate Change – to enable democratic engagement with wider interested parties within the decision-making process.

**CONSULTATIONS:**

**Parish/Town Council – No objections**

**Norfolk County Council Highways – No Objection** - Whilst the parking space has been reduced, with consideration that this is off street provision for an existing dwelling, it remains a useable size and would not warrant any highway objection.

## **REPRESENTATIONS:**

Public consultation of the application took place for a period of 21 days between 14.11.2024 and 14.12.2024. **Five** letters of **objection** were received from one individual. The comments raised the following concerns (summarised):

- Inaccurate plans
- Incorrect red line for the location plan
- Land ownership disputes
- Inaccurate or blank questions on the application form
- False statements shown on the drawings relating to the need for the proposed changes
- Works stated as proposed however, these are retrospective
- Design if out of keeping with the neighbouring properties
- Queries regarding the ownership/use of the side extension originally proposed for no.16 Harbord Road.
- Drawings state that the garage is to be demolished however, it hasn't been built yet
- Poor design
- Proposed fences would impact the parking provision and visibility splays
- Inadequate parking spaces provided for both the main dwelling and the neighbouring property (no.16 Harbord Road).

## **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

**LOCAL FINANCE CONSIDERATIONS** Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

## **RELEVANT POLICIES:**

### **North Norfolk Core Strategy (2008)**

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development in the Countryside

Policy SS 3 - Housing

Policy SS 4 - Environment

Policy SS 7 - Cromer

Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character

Policy EN 4 - Design  
Policy EN 6 - Sustainable Construction and Energy Efficiency  
Policy EN 9 - Biodiversity & Geology  
Policy CT 5 - The Transport Impact of New Development  
Policy CT 6 - Parking Provision

### Material Considerations

#### **National Planning Policy Framework(February 2025):**

Chapter 2 - Achieving sustainable development  
Chapter 4 - Decision-making  
Chapter 5 - Delivering a sufficient supply of homes  
Chapter 8 - Promoting healthy and safe communities  
Chapter 12 - Achieving well-designed places  
Chapter 15 – Conserving and enhancing the natural environment

#### **Supplementary Planning Documents and Guidance**

North Norfolk Design Guide (2008)  
North Norfolk Landscape Character Assessment

### **OFFICER ASSESSMENT:**

#### **MAIN ISSUES FOR CONSIDERATION**

- 1. Principle of development**
- 2. Design**
- 3. Amenity**
- 4. Landscape**
- 5. Highways and Parking**
- 6. Biodiversity Net Gain and GIRAMs**
- 7. Other Matters**
- 8. Planning Balance and Conclusion**

#### **The Site and Application**

The application site is located within the settlement boundary of Cromer and fronts the residential street of Harbord Road.

The site originally consisted of amenity land serving the adjoining property until permission was granted under application PF/18/1919 for the erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking, and the addition of a single-storey side extension to the existing dwelling (No.16 Harbord Road) with associated parking.

Construction began on the property in question; however, it was not constructed according to the approved plans. As a result, retrospective permission is necessary to regularise the changes made.

#### **Background – Site History**

Approval was granted under application PF/18/1919 for the erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking.

The plot allocated for the detached dwelling was sold off separately whilst the other plots remained in the same ownership and have not yet commenced construction.

It was brought to the attention of the Council's Enforcement Team that works to the detached dwelling had commenced. However, building works were not in accordance with the approved plans of PF/18/1919. As a result of this and following a site visit, an enforcement case was opened, and the applicant was advised to submit an application to seek permission for the unauthorised works.

In June 2024 a Variation of Condition (S73) application was submitted seeking permission for the amendments. However, given that the dwelling originally formed part of a larger development, it was considered best for a full application to be submitted and therefore, the S73 application was withdrawn.

## **1. Principle of Development**

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

Cromer is designated as a Principal Settlement with a defined Settlement Boundary. The site in question is located within this settlement boundary and within the designated residential area (Policy SS 3) where the principle of new housing development is considered to be acceptable.

## **2. Design**

The site benefits from a previous planning permission granted under application ref PF/18/1919 allowing for the erection of a three storey, semi-detached dwelling on the same plot, and part of a larger development for four dwellings. The property in question is connected to the neighbouring dwelling (No.16 Harbord Road) by a two-storey extension providing a garden room at ground floor and a studio at first floor for No.16 Harbord Road. The permission also incorporated a double garage positioned to the east of the site.

The current application still proposes a three-storey dwelling with the two-storey extension however, some design elements have been amended.

On the front elevation the changes consist of the omission of apex windows, changes to the study dormer window design as a result of the revised floor levels, amended fascia boards and the insertion of a Juliette balcony at second floor serving bedroom 1.

The main change on the rear elevations is to the fenestration. One set of bi-folding doors has been replaced with French doors and the windows at first floor have been repositioned and amended in size along with the removal of the Juliette balcony. The number of roof lights have been reduced from 4 to 3. The garden room serving the neighbouring property has also been built slightly larger than approved with a new internal floor area of 8.55 sqm with the original measuring 6.19sqm.

On the north-east side elevation, there have been some minor changes to the design of the chimney with the triangular window positioned on the opposite side.

Changes are also proposed to the parking layout with the removal of the originally approved double garage and provision for 2no. parking spaces.

During the course of the application, the property's boundary fence to the front (north) has been replaced on a like-for-like basis. A fence is shown in the same position on the proposed plans along with a new fence located to the east consisting of a 1.8m high close boarded fence providing screening from the neighbouring plots.

Harbord Road features a diverse range of residential types, utilising various materials such as red and painted brick, as well as render. Although the proposed dwelling shows some deviations from the initial approval, the elimination of the double garage allows for adequate separation from the adjacent development, enabling the dwelling to stand out on its own. Furthermore, a comparable two-storey detached home is located to the north of the three plots approved under PF/18/1919, which bears resemblance to the proposed dwelling, effectively framing the development with the other properties situated in-between. The modifications are considered relatively minor within this context and continue to reflect several design elements that were authorised in the original permission.

Overall, whilst the proposed works were carried out without permission and differed from the approved plans, the changes are not considered to be significantly harmful to the appearance of the street scene, certainly not to the extent that would warrant refusal of the application given the site context. The proposed dwelling incorporates appropriate materials that would appear in keeping with the area and the design of the property resembles in part that of a dwelling located to the east of the other 3 plots. Therefore, the proposal is considered to comply with Policy EN 4 of the Core Strategy.

### **3. Amenity**

Policy EN 4 (Design) of the Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity.

Changes have been made to some of the dwelling's fenestration, but no new windows are being introduced. The number of roof lights at the rear has been decreased from four to three, and the glazing on the ground floor has also been minimised. While the previously approved double garage has been eliminated from the proposal, the northeast elevation features no windows on either the ground or first floor.

Residential properties are located to the south of the site, separated by a footpath. The site maintains a separation distance of 10.2 meters from the rear elevation of the dwelling in question to the front elevation of the adjacent property. While this relationship is closer than ideal, it is typical for properties along Harbord Road to have dwellings positioned behind them and a tight knit arrangement is to be expected, and has previously been accepted.

The north elevation will inevitably overlook the side garden of the adjacent property at 15 Harbord Road, however, due to the proximity and nature of the area, this situation is deemed challenging to mitigate. Ultimately, it is assessed that, on balance, considering the design and character of the surrounding developments, the proposed dwelling's relationship with existing properties is considered to be acceptable.

The proposed dwelling maintains an adequate separation distance from the neighbouring development to the east. Although there have been concerns regarding land ownership and boundary issues, these matters are civil in nature and do not pertain to planning considerations.

The overall height of the dwelling remains unchanged at 10.2 meters, consistent with the approval under PF/18/1919, ensuring that there will be no overshadowing effects.

The plot offers ample amenity space, including a patio and a grassed area at the rear. The garden area will be enclosed by 1.8m high closed boarded fencing providing acceptable screening.

In summary, the proposed development is not expected to have a significantly adverse impact on residential amenity and complies with the requirements of Policy EN 4 of the Core Strategy.

#### **4. Landscape**

The site falls within the area of Coastal Shelf as identified within the North Norfolk Landscape Character Assessment. Coastal Shelf is categorised as a coastal strip of land, around 12 miles in length yet only 1 mile deep, which incorporates some of the district's principal settlements, sandwiched between the Cromer Ridge and the sea.

The property is considered to appear in keeping with the surrounding dwellings and contributes to the varied character of the built up area. Appropriate materials are proposed, and the dwelling mirrors the scale of the neighbouring properties, therefore, the development will have no detrimental landscape impact and is considered to comply with Policies EN 2 and EN 4 of the Core Strategy.

#### **5. Highways and Parking**

The site is accessed via Harbord Road with a new access proposed. The original approval (PF/18/1919) gave permission for the new access in the same location as currently proposed. The double garage originally approved under application PF/18/1919 has been removed from the proposal and replaced with 2no. parking spaces (as required by Policy CT 6 for a two or three bedroomed dwelling). The Highway Authority requested that dimensions of the reduced parking spaces be provided in order for them to fully assess the proposed parking layout. It was confirmed that the parking bay would measure 4,923mm x 2,400mm which was considered acceptable and although the parking space has been reduced as a result of the amended scheme, the parking would be off street and useable. A parking space for the neighbouring property (no.16) would also be provided and served by a new access off Harbord Road.

Concerns were also raised following the erection of a replacement fence to the front of the property measuring 1.8m in height. The fence was considered to restrict visibility for cars entering and existing the site. Another new fence was also erected to the rear of the site and to the east of the dwelling. The positioning of the fence would reduce space for vehicles to park. Following discussions with the applicant, the fence to the rear of the property was removed and the fence to the front was reduced in height (to 1m) and width (to 4.2m) therefore, improving visibility and allowing sufficient space for parking for two vehicles. Accordingly, with sufficient parking spaces being provided, the proposed development complies with the requirements of policy CT 6.

#### **6. Biodiversity Net Gain and GIRAMs**

Biodiversity Net Gain

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.

Certain types of developments are not subject to Biodiversity Net Gains requirements. Exemptions include Section 73A applications, which means that since the proposal is for retrospective planning permission, it falls under this exemption.

### GIRAMS

The site is within the Zone of Influence of a number of designated sites for the purposes of the Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) which has been formally agreed and adopted by the Norfolk Planning Authorities and Natural England. It ensures that developers and the Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Strategy enables growth in the district by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development either alone or in combination. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All new net residential and tourism development are required to mitigate the effects of the development.

A financial contribution of £221.17 per dwelling is identified in the GIRAMS that would provide appropriate mitigation for the indirect effects identified on designated habitat sites in Norfolk. The proposed development would create one dwelling and as such is a qualifying development for this purpose. However, application PF/18/1919 offers a fall-back as this current application seeks an alternative design for the dwelling approved as part of that permission and accordingly, GIRAMS would not be applicable in this instance. The proposed development is therefore acceptable in terms of Policy EN 9 of the adopted North Norfolk Core Strategy and the NPPF insofar as it seeks to protect the integrity of habitats sites.

## **7. Other Matters**

### Proposed Drawings and Application Form

Concerns were expressed through a number of objections from a member of the public regarding inaccuracies in the submitted plans. The objection noted that a garage was indicated and marked for demolition, yet it has not been constructed. The applicant clarified that the garage depicted refers to one that previously existed on the site but was demolished as part of the retrospective works.

Additionally, there were comments concerning certain statements in the plans, suggesting that some amendments were necessary due to the condition of the site at the time of purchase. The applicant was informed that these remarks were deemed irrelevant and requested their removal; however, this request was denied, and the comments remained unchanged.

Furthermore, some questions on the application form were either answered incorrectly or left unanswered, prompting a request for amendments. An updated version of the form was subsequently provided and added to the case file.

#### Land Ownership

The owner of the adjacent plots to the east has claimed ownership of a portion of the application site, asserting that the location plan and application form are inaccurate. He also states that he has not granted the applicant permission to construct on this land. Supporting documentation, including correspondence between the previous owners and the buyers from 1995, as well as site plans, has been submitted to substantiate this claim.

In contrast, the applicant asserts full ownership of the site and has provided a copy of the HM Land Registry title plan. Furthermore, the applicant has completed Certificate A of the application form, which verifies that they are the sole owner of the land in question.

Although both parties have presented evidence regarding land ownership, it is important to note that this issue is not a material planning consideration and does not influence the decision-making process. The applicant has duly filled out the necessary certificate on the application form, and no further evidence is required to confirm this. Should there be any discrepancies, the matter would fall under civil jurisdiction and the Local Planning Authority would not be involved.

### **8. Planning Conclusion and Balance**

The proposed dwelling is deemed to be of an acceptable scale, design, and form, utilising suitable materials. Although the development was constructed retrospectively, the modifications made are relatively minor compared to the originally approved plans.

It is assessed that the proposal will not adversely impact residential amenity or the character and appearance of the street scene. The property will offer adequate parking along with appropriate landscaping.

Accordingly, the proposed development complies with the requirements of the relevant Development Plan policies as outlined above subject to conditions.

#### **RECOMMENDATION:**

##### **APPROVE subject to conditions relating to the following matters:**

- Accordance with approved plans
- Materials as submitted
- Obscure glazing – first floor bathroom windows
- Removal of Permitted Development Rights – access obstructions
- Removal of Permitted Development Rights for alterations / extensions / outbuildings / structures / enclosures
- Provision of parking area

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