

**MUNDESLEY - PF/19/1664 – Erection of two bedroom detached dwelling following demolition of existing triple garages; Land opposite 8 Heath Lane, Mundesley, NR11 8JP for Mr Lees**

**Minor Development**

**- Target Date: 10 December 2019**

Case Officer: Mr C Reuben

Full Planning Permission

**CONSTRAINTS**

SFRA - Flood Zone 2

SFRA - Flood Zone 3A

SFRA - Flood Zone 3B

LDF Tourism Asset Zone

SFRA - Flood Alert Area

SFRA - Flood Warning Area

SFRA - Fluvial 1% AEP + 65% CC

SFRA - Risk of Flooding from Surface Water + CC

Landscape Character Area

LDF - Settlement Boundary

Flood Zone 2

Flood Zone 3

LDF - Residential Area

Unclassified Road

EA Risk of Flooding from Surface Water 1 in 30

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

**RELEVANT PLANNING HISTORY**

PF/19/0745

Demolition of existing triple garage and erection of detached one and a half storey dwelling  
Refused 30/07/2019

PLA/20060414

CONTINUED USE OF GARAGES FOR STORAGE AND DISTRIBUTION  
Approved 13/04/2006

PLA/20021859

CONTINUED USE OF GARAGES FOR STORAGE AND DISTRIBUTION  
Temporary Approval 01/04/2003

PLA/19991338

CONTINUED USE OF GARAGE FOR STORAGE AND DISTRIBUTION  
Temporary Approval 19/01/2001

PLA/19970753

DEMOLISH EXISTING GARAGE & ERECT BLOCK OF THREE GARAGES  
Approved 15/09/1997

PLA/19931416

DEMOLISH & REMOVE GARAGE. ERECT DWELLING WITH INTEGRAL GARAGE

Refused 08/04/1994

## THE APPLICATION

The application proposes the demolition of the existing garage building and the erection of a detached one-and-half storey dwelling. The application was deferred at the last Development Committee meeting for a Committee site visit which was undertaken on 30 January 2020.

The site is occupied by a triple garage building which is in the same ownership as the property on the opposite side of Heath Lane. The garages have historically been used for storage and distribution purposes as evidenced by the planning history of the site. Their current use as stated on the submitted application form is storage. The garages are set back within the site with a driveway sloping downwards from the roadside. Neighbouring plots are occupied by bungalows. This application follows the previous refusal of application ref: PF/19/0745 for a similar development. This is currently the subject of an appeal.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr W Fredericks due to matters relating to housing need, flood risk, design and amenity.

## PARISH COUNCIL

Mundesley Parish Council - No objection.

## REPRESENTATIONS

One objection received raising the following concerns:

- East wall will be right up to boundary fence reducing light into side garden.
- Access to neighbouring garden would not be allowed.
- Scale of dwelling in relation to plot size is out of keeping with the general layout of Heath Lane.

## CONSULTATIONS

Norfolk County Council (Highway) - No objection subject to conditions.

Environment Agency - Holding objection. Sequential and exceptions tests have not been applied. Building will result in an increased footprint and will reduce flood storage capacity, thereby increasing the risk of flooding elsewhere. The applicant has failed to demonstrate that adequate flood storage compensation can be provided on site. Details regarding mitigation are not sufficiently detailed. Current hydraulic modelling is being updated, with draft modelling indicating that the site lies within Flood Zones 1 and 2, however, until this is formally signed off it is subject to change. As such, the Environment Agency assessment has to be made on current published data.

## 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 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

EN 4 - Design

EN 10 – Development and Flood risk

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

## MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Residential amenity
4. Highway impact
5. Flood risk

## APPRAISAL

### 1. Principle (Policy SS 3):

The site is within the Settlement Boundary of Mundesley which is designated as a Coastal Service Village under Policy SS 1. It is also within the designated Residential area where Policy SS 3 allows for appropriate residential development. A dwelling in this location is therefore considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies.

### 2. Design (Policy EN 4):

The immediate surrounding context of Heath Lane is characterised by dwellings within sizable plots with plenty of external amenity space. By contrast, the application site is severely restricted in terms of width and depth and as such, any form of residential development will inevitably be extremely difficult to successfully achieve within the site. The proposed dwelling

would sit against the eastern site boundary with no access down this side of the property, and only a small gap (approx. 1 metre) to the western boundary. In addition, only an extremely small rear garden is shown, measuring far less than the footprint of the dwelling which conflicts with Paragraph 3.3.10 of the North Norfolk Design Guide SPD. This requires the external garden area to be no less than the footprint of the dwelling. Furthermore, two on-site parking spaces are proposed which take up the majority of the site frontage along with bin storage. The overall result is an uncomfortably cramped form of development that is not in conformity with the prevailing form of and character of the surrounding area. The design itself is unusual with an awkwardly designed almost flat-roof section across the centre of the building to afford additional depth to the property. This design element is not considered to be acceptable and would be visually detrimental to the street-scene which is characterised by largely pitched roof dwellings. No changes to the design of the dwelling itself have been made since refusal of the previous application (ref: PF/19/0745). It is therefore considered that the proposed development fails to meet the design requirements of Policy EN 4.

### 3. Residential amenity (Policy EN 4):

The proposed plot arrangement results in a short rear garden area and as such, the retained garden for the adjacent property (number 3) would run directly behind the proposed plot. As a result, the proposed first floor rear facing dormer window would create an unacceptable level of overlooking directly into the private amenity area of this neighbouring property. In addition, as previously referred to above, the proposed dwelling would be hard up against the eastern site boundary. This, in combination with the elongated eastern elevation would create an overbearing visual impact on the neighbouring property to the east. For these reasons, it is considered that the proposed development is contrary to the requirements of Policy EN 4 in this respect.

### 4. Highway impact (Policies CT 5 and CT 6):

No concerns have been raised by the Highway Authority regarding the proposed (existing) site access. The proposed dwelling would contain two bedrooms for which the adopted parking standards require two on-site parking spaces. Two spaces are shown on the submitted plans and as such, the proposed development meets the requirements of Core Strategy Policies CT 5 and CT 6.

### 5. Flood Risk (Policy EN 10):

The development site lies within Strategic Flood Risk Assessment Zones 2 and 3. Dwellings are classed as being a 'more vulnerable' use with regard to flood risk. In such cases the proposal must pass both the sequential test (which aims to steer new development towards areas at lower risk of flooding) and the exception test (demonstrating wider sustainability benefits and the development being safe for its lifetime from flooding) in line with Paragraphs 158 and 160 of the NPPF. No evidence has been provided with regard to these tests and none was provided previously for the refused application (PF/19/0745).

The application is accompanied by a Flood Risk Assessment which suggests that the sequential test is passed as the access drive and footprint of the dwelling lie in Flood Zone 2. However, as per the Flood Risk mapping data held within the Council, the footprint of the dwelling will also lie almost entirely within Flood Zone 3. Notwithstanding this, the sequential test still applies even if the development is in Flood Zone 2. Furthermore, Policy EN 10 of the Core Strategy restrict new development in Flood Zones 2 and 3a to water compatible uses, minor development, changes of use to an equal or lower risk category and to less vulnerable uses.

Finally, the proposed development has the potential to increase the risk of flooding elsewhere as a result of the increased footprint of the building which reduces the water storage capacity of the land. On the basis of potentially reduced flood plain storage, the Environment Agency have issued a holding objection. As such, taking the above matters into account, it is considered that the proposed development is contrary to Policy EN 10.

It is acknowledged that both the applicant and the Environment Agency have stated that the flood risk zone is being updated such that in the near future, the plot may not lie within a high risk flood zone. As the flood zone has not formally changed and therefore could be the subject of further change, the application has to be determined on the basis of the current designation, i.e. being within Flood Zones 2 and 3.

#### 6. Conclusion:

It is concluded that the proposal would lead to a cramped form of development which, along with the awkwardly designed roof, would not be in-keeping with the prevailing form and character of the surrounding area. In addition, the proposed east-facing elevation would have an overbearing impact upon the adjacent property. Finally, it has not been adequately demonstrated that the site would not increase the risk of flooding elsewhere, and the sequential and exceptions test have not been passed. The development is not considered to be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh the policy conflicts. Therefore refusal of the application is recommended.

#### **RECOMMENDATION: Refuse for the following reason:**

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:

EN 4 - Design

EN 10 – Development and Flood risk

North Norfolk Design Guide Supplementary Planning Document (2008).

1. In the opinion of the Local Planning Authority, because of the restricted width and depth of the application site, the positioning of the proposed dwelling and resultant lack of adequate private external amenity space, that the proposal would result in a cramped form of development that would not conform with the prevailing form and character of the surrounding area. In addition, the proposed elongated east-facing elevation and associated positioning of the proposed dwelling would result in an unacceptable overbearing impact on the adjacent property to the east. Furthermore, the proposed flat roof design would appear incongruous within the street-scene. The proposed development is therefore contrary to the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy and paragraph 3.3.10 of the North Norfolk Design Guide Supplementary Planning Document (2008).

2. The applicant has failed to provide both a sequential test and exception test and sufficient information with regard to flood plain storage, to adequately demonstrate that there are no other sites available for the proposed development, that there are wider sustainability benefits to outweigh the flood risk identified, and that the development will not increase flood risk elsewhere. As such, the proposed development is contrary to Policy EN 10 of the adopted North Norfolk Core Strategy.