

WALSINGHAM – PF/20/0590 Erection of detached two storey dwelling: St James Cottage, 18 Bridewell Street, Walsingham, NR22 6BJ for Messrs FitzPatrick

Target Date: 15 October 2020

Case Officer: Jayne Owen

Full application

CONSTRAINTS

Landscape Character Area

SFRA - Areas Susceptible to Groundwater Flooding

LDF - Residential Area

Conservation Area

LDF - Settlement Boundary

Listed Building Grade II - Consultation Area

RELEVANT PLANNING HISTORY

DE21/13/0163 ENQ

St James Cottage, 18 Bridewell Street, Walsingham, NR22 6BJ

Erection of dwelling

Advice Given (for pre-apps) 21/02/2013

THE APPLICATION

The proposal is for a one and a half storey two bedroom detached dwelling on part of the rear garden area of 18 Bridewell Street. The site is located in Chapel Yard within the central, older part of the main village of Walsingham and within the conservation area. Chapel Yard provides vehicular access to a number of properties and the Anglican Shrine. The site is enclosed by housing to the north and west, and by buildings within the grounds of the Anglican Shrine to the east. The southern side is bounded by a wall. Chapel Yard also contains the offices and ancillary buildings associated with the Anglican Shrine. The host dwelling, 18 Bridewell Street is a grade II listed building and there are three other grade II listed buildings in close proximity to the site.

The land is currently partly enclosed by flint and brick walls. New boundary fencing is proposed to the northern and western boundaries of the site. The proposed building would have an entirely rendered finish with a clay pantiled roof, coloured aluminium frame windows and hardwood doors. All surface water is proposed to be directed to new soakaways, foul drainage to be routed to the existing mains drain.

The scheme has been revised since it was first submitted. The main changes are as follows:

- The dwelling has been reduced in size by removing the proposed single storey flat roofed element to the rear (north) of the dwelling. The proposal as revised comprises a one and a half storey dwelling with kitchen/dining/living area, hall, wc and car port providing space for one vehicle with two bedrooms with en-suite bathrooms above.
- The proposed turntable to be sited within the rear amenity area has been removed
- The proposed materials have been changed from brick, render and timber cladding to an entirely rendered finish

- The removal of the single storey flat roofed element now allows for the retention of more vegetation (T5 and T8 lilac bushes and T9 Plum), all of which are sited to the rear of the proposed dwelling.

REASONS FOR REFERRAL TO COMMITTEE:

The applicants (Councillors Tom and Vincent Fitzpatrick) are members of the Council

TOWN COUNCIL:

Walsingham Parish Council object for the following reasons:

- Overdevelopment of the site in the historic conservation area of Little Walsingham. The design of flat roof and wooden cladding is inappropriate in the conservation area particularly as the site is surrounded by traditional buildings.
- The access onto Bridewell Street is unsafe. The use of the turntable would be unenforceable and whether drivers are reversing or driving out, the view of on-coming traffic (and pedestrians) is obscured by the adjacent building and the road is narrow.

The Parish Council have been re-consulted on the amended plans and comments are awaited. Any comments received will be reported at the meeting.

REPRESENTATIONS:

Four objections received raising the following summarised concerns. The representations are available to view in full on the Council's website.

Original scheme

- Overdevelopment, noise, light and quality of life
- Loss of trees; impact on wildlife; land has become small stretch of woodland rich in bird life, trees and plants which will be absorbing carbon dioxide. This little breathing space in a built up village should not be lost to yet another sterile and unnecessary building.
- Parking provision/highway safety if vehicles reversing out, where visibility is severely limited
- Potential damage to property from vehicles attempting to reverse colliding with building
- Conditions are requested covering the following, should these conditions not be attached, objection is raised to the proposals
 - (1) No more than one vehicle to be accommodated on the site at any one time, such vehicle to enter and exit the site facing forwards (and not by reversing)
 - (2) During construction process, no scaffolding shall be erected and no vehicles shall be used or parked in such a way as to restrict or impede access (on foot and by vehicle) to the flint building opposite the access gateway of the development, belonging to the owner of 4 Common Place, Walsingham
 - (3) During the construction process, all persons involved in the construction process and visitors to the site shall take all necessary steps to ensure that the flint building, opposite the access gateway of the development and belonging to the owner of 4 Common Place, Walsingham, is not damaged
- Request that if the Council has standard alternative wording to deal with the above, that an opportunity is given to comment on it, it is presumed the Council will attach additional conditions to ensure that all vehicles accessing Chapel Yard in connection with the

construction do so in accordance with the relevant traffic standards. In addition, it might be sensible for the entrance gateway of the proposed development to be widened

- Comments of the Highways Authority are noted however the condition does not include an express requirement to use the turntable
- Overlooking, impact on sunlight and daylight and overshadowing (as detailed under Policy 10 of emerging local plan); use of vehicular access will cause noise, fumes and vibration; little amenity space provided for enjoyment of new residents
- Impacts arising from surface water run-off
- Impact on adjacent heritage assets (Listed Buildings and Conservation Area), their settings and wider conservation area; no public benefit to counter this; objections made by the Parish Council endorsed

Revised scheme

Any additional comments arising from re-consultation following revisions to the proposals will be reported at the meeting.

Norfolk County Council Highways

Originally submitted scheme

No objections subject to a condition that prior to first occupation the proposed on-site car parking and turning area is laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter.

Revised scheme

Nothing further to add to original comments

Conservation and Design Officer

Considers that whilst the revisions to the proposals have reduced the level of harm compared to the proposals as originally submitted, it cannot be concluded that it has been removed altogether. Therefore, unless it is considered that the public benefits accruing from the proposals would outweigh the 'less than substantial' harm identified, refusal is recommended.

Landscape Officer

Whilst the revised design does now offer improvements on the original iteration, considers there remains scope to accommodate landscape mitigation that would be of wider amenity value. It is also considered that the design could be further revised to result in a build that is better assimilated within its plot and more successfully complements the characteristic Chapel Yard.

Norfolk CC Historic Environment Service

No objections subject to a condition

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

SS 4 - Environment

SS 6 - Access and Infrastructure

CT 5 - The transport impact of new development

CT 6 - Parking provision

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 10 - Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

National Planning Policy Framework (NPPF):

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 6 - Building a strong, competitive economy

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design and layout and impact on heritage assets
3. Highways
4. Residential amenity
5. Landscaping
6. Ecology

APPRAISAL

1. Principle (Policies SS 1 and SS 3):

The application site lies within the settlement limit of Walsingham which is designated as a Service Village as set out in Policy SS 1 of the North Norfolk Core Strategy. Policy SS 1 states that a

small amount of new development will be focused on a number of designated Service Villages to support rural sustainability. The development is therefore acceptable in principle having regard to Policies SS 1 and SS 3.

2. Design and layout and impact on heritage assets (Policies EN 4 and EN 8)

Policy EN 4 states that all development should be designed to a high quality, reinforcing local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The application site lies within the Walsingham Conservation Area and is surrounded by four separate listed buildings including the host dwelling, 18 Bridewell Street. The site forms part of the curtilage of No.18 Bridewell Street and the three other listed buildings comprise No's 2-6, 10 and 12 Bridewell Street.

Policy EN 8 requires that development proposals should preserve or enhance the character and appearance of designated assets through high quality, sensitive design. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

Further Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant. S66 sets out a general duty with respect to listed buildings and conservation areas in exercise of planning functions as follows:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

S72 requires that *'with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

In addition, Paragraph 196 of the National Planning Policy Framework states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

In terms of the relevant heritage assets, the application site lies within the Walsingham Conservation Area and is surrounded by four separate listed buildings as noted above. The conservation area is characterised by the close-knit arrangements between its buildings and the often limited amenity space available. In principle therefore, the proposed development would be in keeping with the prevailing form and character of the conservation area. In reality, however, local value has been placed on the natural contribution made by the site both in terms of the species it attracts and the greenery provided within the built envelope. Inevitably, a new dwelling of any type would have an impact upon this, in particular having regard to the fact that virtually all of the existing trees would have to be removed to facilitate the proposed build.

The foreshortening of the curtilage of No.18 would not be a positive change in terms of the setting of this heritage asset. In addition, since original officer advice was given (in 2013) with respect to the principle of developing this site, the concept of heritage harm has become more firmly

embedded within the planning system. Only 7 m of garden is reserved for the listed building, with double this amount being associated for the new build. As such, significant visual and physical competition with the heritage asset would result, which it is considered would translate into 'less than substantial harm' being caused to the heritage asset and would be contrary to paragraph 196 of the National Planning Policy Framework unless significant public benefits could be demonstrated.

With regard to impact on the setting of the other three listed buildings (No's 2-6, 10 and 12 Bridewell Street), whilst the proposed development would affect the views out from these heritage assets, particularly having regard to the proposed removal of trees and their replacement with a significant new three dimensional presence, it is considered that this level of harm would be more modest and would not block any key or 'designed' views of these properties.

In addition, in terms of the detailed design, flat roof forms are not generally supported within the adopted North Norfolk Design Guide, particularly in sensitive locations, and there is very little historic precedent for timber cladding within the centre of Walsingham.

Revised scheme

The dwelling has been reduced in size by removing the rear single storey flat roofed element and a two bedroom property is now proposed. As a consequence, this has allowed greater separation distance between the new build and the listed host dwelling and has allowed some trees to be retained to the rear of the dwelling.

However, the proposal remains unacceptable for a number of reasons as set out below:

- the dwelling would still fill virtually the full width of the site and would thus have a similar 3D presence when viewed from the Bridewell Street direction.
- the development would still clearly result in the foreshortening of the historic curtilage of the listed building.
- an entirely rendered finish creates a building of quite stark appearance within what is predominantly a brick and flint yard.
- This starkness would not be helped by the removal of the two trees at the front of the site which might otherwise have helped to provide some softening of the built form at the front of the site.
- With its prominent bargeboards and rooflights, the roofscape would have a suburban and more modern appearance

Overall, whilst the level of harm has been reduced by the revised scheme, it has not been removed. Any harm to heritage assets for the purposes of the National Planning Policy Framework (NPPF) must be weighed against any other material planning considerations or public benefits accruing from the proposals.

It is considered that the proposal would result in less than substantial harm to the significance of designated heritage assets and that there are no other material planning considerations or public benefits accruing from the proposals which would outweigh this harm. The proposal would therefore be contrary to Paragraph 196 of the National Planning Policy Framework and Policies EN 4 and EN 8 of the North Norfolk Core Strategy.

In relation to the impact of the proposals on the historic environment, the Historic Environment Service (HES) advise that the site lies within the medieval town of Little Walsingham, probably founded in the 12th century by the Augustinian St Mary's Priory. 12 Bridewell Street may have 16th century origins, while the house immediately to the south of the proposed development (1-3 Common Place) is 15th century in date. Consequently, there is potential that buried heritage assets with archaeological interest will be present at the site and that their significance will be adversely affected by the proposed development. Whilst no objections are raised, if planning permission is granted, it is requested that this be subject to a programme of archaeological mitigatory work in accordance with Paragraph 199 of the National Planning Policy Framework. The HES have provided a suitably worded condition to secure this.

3. Highways (Policies CT 5 and CT6)

In terms of the scheme as originally submitted, the highway authority had some reservations regarding the suitability of the site access to provide vehicular access in such close proximity to the pedestrian accesses beyond. However, it has also been confirmed that this is not within the adopted highway and therefore falls outside of their remit.

The highway authority also comments that the access onto Bridewell Street benefits from suitable visibility of oncoming vehicles, but that there is little provision for pedestrians and other vulnerable road users, however it is considered that an objection on this matter alone would be difficult to substantiate for a single dwelling.

In the light of the above, the highway authority confirmed that as the proposal does not affect the current traffic patterns or the free flow of traffic, they do not object subject to a condition relating to on-site car parking and turning area, provision and retention thereafter.

On that basis, the proposed development is considered to comply with the requirements of Policies CT 5 and CT 6 of the North Norfolk Core Strategy.

4. Amenity (Policy EN 4)

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. In addition, Policy EN 4 requires an appropriate level of amenity area to be provided for new dwellings.

In addition, paragraph 3.3.11 of the North Norfolk Design Guide Supplementary Planning Document states that private garden areas should be of adequate size and shape to serve their intended purpose. They therefore need to reflect the likely number of occupants within each dwelling and have an aspect which is substantially free from shading from trees and buildings during the year. It is recommended that the area of a plot given over to private amenity space should normally be no less than the footprint of the dwelling on that site.

A number of concerns have been raised by local residents in relation to the potential for adverse impacts by way of overlooking, overshadowing, loss of daylight and sunlight and noise and disturbance from increased vehicular movements associated with the dwelling.

One dormer window serving a bedroom and two rooflights serving bedroom 2 and the landing are proposed within the rear facing roof slope of the dwelling together with one first floor window also serving the landing. However, there would be a sufficient degree of separation between these

windows and No 18 to ensure that significant overlooking would not arise. In addition, there are a number of trees on the common boundary which are proposed to be retained.

A dormer window serving bedroom 1 and three rooflights serving two en-suite bathrooms and bedroom 2 are proposed within the front facing roof slope of the proposed dwelling which overlook Chapel Yard. It is not considered that significant overlooking would arise from these windows with respect to any nearby properties.

Whilst the proposal will undoubtedly affect the outlook from neighbouring properties, there is no private right to a view and it is not considered that the proposal would result in any significant overshadowing or overbearing impacts or that it would result in a significant loss of daylight or sunlight with respect to any nearby properties which would warrant a refusal on this ground.

Whilst the rear amenity area provided is relatively small and would also include retained trees which would result in some shadowing, on balance it is considered acceptable in terms of the requirements of Policy EN 4.

With regard to the concerns relating to potential for increased levels of noise and disturbance arising from the development, in particular in relation to vehicular traffic movements are noted, it is not considered that in normal circumstances the proposed development would give rise to an increased level of noise and disturbance likely to constitute a statutory nuisance or result in material harm to living conditions.

In conclusion, it is considered that the proposal would not have a significantly detrimental effect on the residential amenity of nearby occupiers which would warrant a reason for refusal which could be substantiated. An acceptable level of residential amenity would be provided for the future occupiers. The proposal is considered to be acceptable in terms of the requirements of Policy EN 4.

5. Landscaping (Policies EN 2, EN 4)

The application is supported by an Arboricultural Impact Assessment (AIA) and the Landscape Officer has been consulted. The Landscape Officer has commented that the scheme as revised now allows for retention of more vegetation; T5 and T8 lilac bushes and T9 Plum, all of which are sited to the rear of the proposed dwelling.

The Landscape Officer noted that T4 (Apple) was shown on one of the drawings but that this not correlate with the revised AIA. This has now been clarified and the T4 is proposed to be removed as set out in the revised AIA. In total, six fruit trees would need to be removed to facilitate the development - four plum trees and two apple trees. The report states two of the plum trees are unclassified due to poor condition and two are classified as having low amenity value, the two apple trees have also been classified as low amenity value. However, the report also acknowledges that overall, there is some visual amenity to adjacent properties and to the ecology of the immediate area of the village (courtyard) from the cumulative impact of the group of trees as a whole.

The revised AIA now includes some mitigation for the loss of the six trees which is an improvement and is appropriate given the mature age of some of the existing trees. Two new fruit trees and a selection of shrubs and climbers are proposed, all of which are located within the rear garden and will not make a wider amenity contribution. It is considered disappointing that revisions suggested by the Landscape Officer have not been incorporated into the revised plans. They were to realign

the building closer to either the west or the east boundary in order that some trees on the southern site boundary (that have wider amenity value by being visible from Bridewell Street when looking up Chapel Yard) would remain. The existing mature group of fruit trees are considered an intrinsic component of the character of the existing site some of which could be retained or replaced with new landscape planting as referred to below.

Whilst more vegetation (one tree and two large shrubs) is now shown as retained which does provide a small amount of ecological gain, there is little wider amenity value or public benefit as the vegetation is not in public view. The revised design will result in a hard edge to the new build on the most visible southern boundary with Chapel Yard. Even if it is not possible to retain existing trees on this boundary, a more modest size dwelling on a slight realignment would allow for new landscape planting (trees and climbers) to be accommodated in the southern part of the site which would soften the southern boundary and the frontage to Chapel Yard.

Whilst the revised design does now offer improvements on the original iteration, it is considered there remains scope to accommodate landscape mitigation that would be of wider amenity value and that further revisions could be made which would result in a build that is better assimilated within its plot and more successfully complements the intrinsic characteristics of Chapel Yard.

It is therefore considered that the application fails to satisfactorily accord with Policy EN 4 in terms of retaining existing important landscaping and natural features and providing appropriate mitigation and compensatory measures for the loss of trees which are considered to make a valuable contribution to the existing character appearance and setting of Chapel Yard.

6. Ecology (Policy EN 9)

The proposal is supported by a Preliminary Ecological Assessment which concludes that there would be no significant impact on protected species and the results show the site as hosting a moderate potential for breeding birds. The fruit trees were deemed to be locally important for pollinators, so the species selection of two new fruit trees as mitigation for the loss of fruit trees is entirely appropriate. Its recommendations are appropriate and include low level external lighting and limiting timing of site clearance to avoid the bird nesting season. The enhancements proposed (bat tiles, bat box, bird nesting boxes and use of pollinator friendly plants in any landscape scheme) are also considered appropriate.

Subject to a condition requiring the development to be carried out in accordance with the recommendations and enhancements set out in the Preliminary Ecological Assessment, the proposal would accord with Policy EN 9 of the North Norfolk Core Strategy.

9. Conclusion

It is considered that the form of the development as proposed by way of its design, appearance layout, siting and materials would result in less than substantial harm to designated heritage assets and that there are no significant public benefits which would outweigh this harm. As such the development would fail to accord with Paragraph 196 of the National Planning Policy Framework and Policy EN 8 of the North Norfolk Core Strategy.

The proposed development by virtue of its design, appearance, layout, siting and materials is not considered to have proper regard to local context or preserve or enhance the character and quality of the area. In particular, the proposal would also result in the loss of trees at the front of the site resulting in a hard edge to the new build on the most visible southern boundary with Chapel Yard

and no proposals are included for appropriate compensatory landscape mitigation which would be of wider amenity value. As such the proposal fails to accord with Policy EN 4 of the North Norfolk Core Strategy.

RECOMMENDATION:

Subject to no issues arising from re-consultation in relation to the amended plans **REFUSE** for the following reasons:

- In the opinion of the Local Planning Authority due to its design, appearance, layout, siting and materials the proposed development would result in less than substantial harm to designated heritage assets and as such would fail to accord with Paragraph 196 of the National Planning Policy Framework and Policy EN 8 of the adopted North Norfolk Core Strategy.
- The proposed development by virtue of its design, appearance, layout, siting and materials is not considered to have proper regard to local context or preserve or enhance the character and quality of the area. In particular, the proposal would also result in the loss of trees at the front of the site resulting in a hard edge to the new build on the most visible southern boundary with Chapel Yard and no proposals are included for appropriate compensatory landscape mitigation which would be of wider amenity value. As such the proposal fails to accord with Policy EN 4 of the North Norfolk Core Strategy.

Final wording of reasons to be delegated to the Head of Planning.