

**BANNINGHAM - PF/20/1771 – Two storey detached dwelling (4-bed) with detached garage / carport to front; alterations, including widening, of vehicle access; Land adjacent to, Watts Cottage, 2 Mill Road, Banningham, NORWICH, NR11 7DT**

### **Minor Development**

**- Target Date: 23 December 2020**

Case Officer: Mr C Reuben

Full Planning Permission

### CONSTRAINTS

Landscape Character Area

SFRA - Risk of Flooding from Surface Water + CC

SFRA - Areas Susceptible to Groundwater Flooding

LDF Tourism Asset Zone

LDF - Countryside

EA Risk of Flooding from Surface Water 1 in 1000

Unclassified Road

### RELEVANT PLANNING HISTORY

None

### THE APPLICATION

The application proposes the building of a new detached dwelling with car port and further on-site parking on a plot created through the subdivision of an existing garden to the side of a semi-detached property, which is positioned within a small cluster of residential properties along Mill Road which is approx. 1km to the southeast of Banningham village. Mill Road links to the B1145 North Walsham Road to the west. Part of the plot is currently occupied by an old railway carriage which would be removed, and is understood to have previously been used for ancillary overspill accommodation for the existing cottage (though this has some heritage value, it is not a formally designated heritage asset). The applicant also intends to renovate the existing vacant semi-detached cottage, though this does not require planning permission.

### REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr J Toye citing paragraphs 78 and 79 of the NPPF, Parish Council support (comments below) and neighbour concerns.

### PARISH COUNCIL

Colby Parish Council – Support, but acknowledge the conflict between Policy SS 2 and the NPPF. Believe that a property on the site and renovation of an existing property as a potential starter home would be a positive contribution to the village.

### REPRESENTATIONS

Three public representations have been received. All have objected and raised the following concerns:

- Mill Road is of a poor standard, as is the nearby road junction with the B1145 with a number of accidents/near misses.
- Would result in overlooking of neighbouring property.
- Noise of building works would cause disturbance to residents and wildlife.
- Proposed building not in keeping with the architecture/character of the village.

## CONSULTATIONS

Norfolk County Council (Highway) – Objection. The proposal will intensify the traffic use of the severely sub-standard Mill Road a narrow rural road with no formal vehicular passing and turning facilities, no footway provision and dangerous levels of visibility within a 40 Mph speed limit onto the busy and important B1145 (Main Distributor Route) North Walsham Road. Visibility at the junction of Mill Road with the B1145 is restricted in both directions by immediately adjacent vegetation. The requirement, under Design Manual for Roads and Bridges (DMRB) (DoT) guidance is that, for the 40 Mph speed limit in force, 2.4m x 120m visibility splays are provided to both directions. Previous knowledge of this junction and a desktop study of the situation shows that the levels of visibility are woefully short of these Government requirements.

In addition, the development would be located in an isolated location with little in the way of service facilities and with no alternative safe means of access other than the private car (though on this matter alone, not the basis of a highway objection to a single dwelling).

Norfolk County Council (Historic Environment Officer) – No objection. Request a condition requiring a programme of archaeological work (historic building recording) relating to the existing railway carriage.

Landscape Officer – No objection subject to condition (protection of breeding birds).

## 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 2 - Development in the Countryside

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design  
EN 13 - Pollution and hazard prevention and minimisation  
CT 5 - The transport impact of new development  
CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development  
Section 5 – Delivering a sufficient supply of homes  
Section 12 - Achieving well-designed places

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design and amenity
3. Highway impact
4. Landscape impact
5. Environmental considerations

APPRAISAL

1. Principle (Policies SS 1 and SS 2, NPPF Paragraphs 78 and 79)

Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policy SS 1 of the Core Strategy sets out the spatial strategy for the District and directs development to the areas which have been identified as sustainable locations. The application site is not one of those areas, and is located in an area designated as Countryside under Policy SS 2.

Under Policy SS 2 development in the Countryside is limited to that which requires a rural location and falls under one of the categories listed in the policy. The only new build residential development which may be permitted in a countryside location is affordable housing (providing it complies with the rural exception policy), or housing where it can be demonstrated that it is required to meet the needs of full-time workers in agriculture, forestry or other essential workers connected with the land, or if there are material considerations which would be sufficient to justify a departure from Development Plan policies. None of these criteria apply to the proposed development. Recent appeal decisions have confirmed that these policies remain broadly consistent with the NPPF in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions, so as to improve air quality and public health.

There are no services/facilities within close proximity to the development site and a lack of any footpaths or regular public transport links to such services, further noting the lack of any street lighting. As such, inevitable reliance will be placed on the use of a private car to meet basic day-to-day needs. With a lack of basic facilities and transportation options, it is considered that a single dwelling in this location would represent an unsustainable form of development. Paragraph 78 of the National Planning Policy Framework (NPPF) states that proposals for new housing in rural areas should be located in sustainable locations where it will enhance or maintain the vitality of rural communities, an approach which current adopted Core Strategy policies follow. Given the lack of a basic level of accessible local

services/facilities, it is not considered that a single dwelling in the location proposed would contribute in any meaningful way to maintaining or enhancing the vitality of the local rural community and as such, would not comply with the requirements of Paragraph 78 of the NPPF. No suggestion has been made that there is any essential need, nor any significant mitigating circumstances that should be considered, for a dwelling in this location. It would further not fulfil any of the criteria as set out in Paragraph 79 of the NPPF. In addition, the Council's most recent published Statement of Five Year Supply of Housing states that there are 5.16 years of deliverable housing land. As such, the Council continue to give full weight to the adopted housing supply policies of the Core Strategy.

Finally, it is not considered that renovation of the existing cottage has any material planning weight, as the existing cottage could be renovated without the need for an additional large dwelling on the proposed plot. Other than some general dilapidation to be expected of a property that has been vacant, there is no sufficient evidence presented to suggest that renovation of the existing cottage would be unusually prohibitive in regard to cost.

It is therefore concluded that the proposed dwelling would amount to an unsustainable form of development, contrary to Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy, and Paragraphs 78 and 79 of the NPPF.

## 2. Design and amenity (Policy EN 4)

The proposed dwelling would occupy much of the width of the plot, being positioned, in part, only 1.5m from the south-east and north-west site boundaries. Furthermore, the property would be set back within the plot with a large south-east and north-west facing elevation, each consisting of a large brick wall of approx. 11.4m in length. This, combined with the proximity to both boundaries, would result in an overbearing visual impact when viewed from the garden of properties either side and would be representative of overdevelopment. The overall size and bulk is considered to be larger than other dwellings in the immediate vicinity of the site and as such, the proposed dwelling would very noticeable and create undue prominence within the street scene, further accentuated by the modern design approach which would jar against the two existing neighbouring, more traditionally designed dwellings. Although the footprint of other dwellings along Mill Road has been highlighted, those nearby along the same side of Mill Road further to the south-east are largely single-storey dwellings. Further concerns were raised against the originally submitted plans which proposed a balcony to the front of the property which had the potential to overlook a neighbouring property to the south-west. Amended plans received have removed this, now proposing a recessed first floor window.

However overall, given the size and design of the proposed dwelling, its position within the plot and impact upon neighbouring properties, it is considered that the proposed development fails to comply with the requirements of Policy EN 4.

## 3. Highway impact and parking (Policies CT 5 and CT 6)

Aside from general on-site parking provision which would be provided to meet the requirements of Policy CT 6, the plot lies on Mill Road which joins the main B1145 North Walsham Road to the west. The road and the junction with B1145 are described by the Highway Authority as being 'severely sub-standard', particularly with regard to visibility in

both directions at the junction, and with no possibility of improvement. Upon visiting the site, it is clear that, having used the junction in question, visibility is very poor. This being the case, strong concerns are raised with regard to the number of daily vehicular movements generated by a new dwelling and the resultant increased use of the substandard road and junction.

Concerns are also raised by the Highway Authority in regards to the transport sustainability of the location, with a lack of facilities and means of access other than by private car use. However, they do not consider this to be grounds for objection for a single dwelling.

Notwithstanding this, on the basis of the substandard road and visibility at the nearby junction of Mill Road with the B1145, it is considered that the proposed development fails to meet the requirements of Policy CT 5, an approach further supported by Paragraph 109 of the NPPF given the unacceptable impact on highway safety.

#### 4. Landscape impact (Policy EN 2)

Although the site lies within the designated Countryside area, it is positioned between existing properties and therefore seen within the context of a small built-up area. This being the case, and given that the proposed dwelling would be of a similar height to existing properties, it is not considered that the proposed development would have a significantly detrimental wider landscape impact. As such, the proposed development complies with the requirements of Policy EN 2.

#### 5. Environmental considerations (Policy EN 13)

The site does not present any significant environmental concerns, with the proposed methods of drainage being considered suitable. As such, the proposed development complies with the requirements of Policy EN 13.

#### 6. Conclusion

Notwithstanding the design alterations made, for the reasons outlined above, the proposed development is contrary to policies SS 1, SS2, EN4, CT 5 of the adopted North Norfolk Core Strategy and Paragraphs 78 and 79 of the NPPF. 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 conflict. Therefore, refusal of the application is recommended.

### **RECOMMENDATION:**

REFUSAL for the following reasons:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

- SS 1 - Spatial Strategy for North Norfolk
- SS 2 - Development in the Countryside
- EN 4 - Design
- CT 5 - The transport impact of new development

## National Planning Policy Framework (NPPF) (2019) Paragraphs 78 and 79

In the opinion of the Local Planning Authority, the proposed dwelling would be within an area designated as Countryside where there is a general presumption against residential development and in a location with poor access to a full range of basic services and facilities to meet day-to-day needs. The future occupiers would be highly dependent on the use of private car to be able to reach such services and facilities. The proposal would therefore not constitute sustainable development, contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy. In addition, it is not considered that the addition of a single dwelling in this Countryside location would make a significant contribution to supporting any local services and facilities nor those of any nearby rural villages and as such, does not fulfil the requirements of Paragraph 78 of the NPPF. Furthermore, the proposed development does not meet any of the criteria as set out in Paragraph 79 of the NPPF.

In addition, due to the size and design of the property and proximity to the site boundaries, the proposed development would be out-of-keeping with the prevailing form and character of the surrounding settlement to the visual detriment of the wider street-scene, and have an overbearing visual impact upon neighbouring properties. As such, the proposed development fails to comply with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

Finally, Mill Road (U14239) serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width, lack of passing provision, lack of pedestrian facilities and restricted visibility at the nearby road junction with the B1145 North Walsham Road. The proposal, if permitted, would be likely to give rise to conditions that would be detrimental to highway safety and as such, is contrary Policy CT 5 of the adopted North Norfolk Core Strategy.

Final wording of reasons to be delegated to the Assistant Director for Planning.