

BINHAM - PF/20/1954 – Single storey detached dwelling with accommodation within part of roofspace; Land West of 49 Priory Crescent Binham

Minor Development

- Target Date: 01 January 2021

Case Officer: Mrs L Starling

Full Planning Permission

CONSTRAINTS

Countryside LDF

Conservation Area

Landscape Character Area

Areas Susceptible to Groundwater SFRA

Tourism Asset Zone LDF

Unclassified Road

RELEVANT PLANNING HISTORY

PF/19/1839

Land West of 49, Priory Crescent, Binham

Erection of two storey detached dwelling on site of former garage court

Withdrawn by Applicant 08/01/2020

IS2/19/0068

Former utility and parking land to rear of Priory Crescent, Binham

Erection of dwelling and annexe on former utility and parking land

Advice Given (for pre-apps) 02/04/2019

THE APPLICATION

Seeks planning permission for the construction of a one-and-a-half storey, one-bedroom market dwelling on the site of a former garage court (6 garages were demolished on the site in 2018) which served properties on Priory Crescent. The proposed dwelling would be constructed using reclaimed pantiles, brick and flint to the north and south elevations and dark grey stained wide-board planking and louvres to the east and west gables.

The dwelling would comprise a bedroom, kitchen and associated living accommodation at ground floor level, with a bedroom at first floor level. It would also be served by its own garden area to the north and areas provided for onsite parking and turning.

The site, located on the western side of the village, is bounded to the west by a public footpath and fields, with residential properties/gardens situated directly to the north, east and south.

Access to the site would be provided by an existing shared private access road off Priory Crescent, which previously served as the access to the garage court.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Kershaw on the grounds that this application has come up at the Parish Council on several occasions and as a result of the modifications made and the seeming change in the Conservation Officers comments there is support for the scheme. It is considered that this application is finely balanced and therefore should come before Development Committee.

PARISH/TOWN COUNCIL

Binham Parish Council – Supports the application and make the following comments:

1. *Design - New building proposed is smaller in scale than the previous (withdrawn) application and therefore sits more in keeping with the overall size of the plot and location. The proposed building will incorporate the use of local materials of brick, flint and wood and will blend more appropriately into the location and the Conservation village of Binham. It will provide a continuity in look and style with the other recent new properties of the Priory Close estate built further south at the end of the footpath/Walsingham Road.*

Initially, the property will be visible from the footpath and from the rear of the properties adjacent to the site fronting Priory Crescent until such time as the planned planting reaches maturity, BPC feel therefore it's an important feature that the building is compatible and sensitive to its surroundings of open countryside and existing residential properties.

BPC is supportive of the planting plan which intends to provide the future screening from the footpath with the use of hedging and trees and to afford a degree of privacy for the adjacent neighbour's properties of Priory Crescent.

BPC are very mindful of dark skies initiatives and the need to minimise light spill and protect nocturnal wildlife from its effects. We would ask therefore that any proposed external lighting installed to the property is considered with this in mind.

2. *Highways - BPC previously expressed concerns about access to the site as the width of the shared access point to the plot is approx. 3 metres. BPC are given to understand from the previous withdrawn application (PF/19/1839) that Highways will not object, given the historic use as a garage court and the low speed cul de sac location. BPC would kindly ask that the applicant ensures that every consideration is undertaken by their contractors working on site during the build to minimise disruption where possible to the nearby neighbouring properties for access to the rear of their properties.*
3. *Other - Previously BPC has commented that there is a wooden electricity supply pole on the site located where the intended development is proposed and assume that this may need to be relocated.*

REPRESENTATIONS

None received.

CONSULTATIONS

Conservation and Design Officer – raises the following concerns;

The site in question comprises a tertiary piece of backland, currently servicing the existing dwellings off Priory Crescent. Although these are clearly not of particular architectural or historic merit, they do at least have a distinctive form and character which is derived from their regimented and repetitive semi-detached blocks. With the elevations similarly consistent, there is an established template which informs this part of the Binham Conservation Area.

Against this prescribed context, this revised proposal still does not appeal from a Conservation & Design perspective. Whilst the building itself has been considerably simplified, and in fact now appears to be a not unattractive structure, it would still have an extra-curricular feel by virtue of its marginal position within the built envelope. Hence, rather than being sensitive to, in keeping with, its surroundings (as intimated by the Parish Council in their supportive response), Conservation & Design (C&D) remain of the opinion that the development would appear as an incompatible visual postscript which would only gain a measure of acceptance through the maturing of the proposed planting. The unavoidable conclusion therefore remains that some harm would be caused to the appearance and character of the Binham Conservation Area.

In terms of assessing the level of harm, the following factors are considered relevant: -

- 1. As previously stated, the immediate context for this development is by no means the most important or significant part of the designation.*
- 2. In recent years, this site has had a rather disregarded quality which has prevented it making a positive contribution to the designation.*
- 3. Whilst not strictly comparable, the development to the south has pulled the built envelope out towards the public footpath and has thus created something of a local precedent.*
- 4. Although by no means a subservient outbuilding, the design of the dwelling is a good deal 'quieter' than it was before. Indeed with its sub-5m ridgeline and largely unanimated flank elevations, the residential use would not be overtly expressed. Even when viewing its two main gables, the larch cladding and louvres would downplay the internal domestication.*

Taken together, it is duly considered that the level of harm for NPPF purposes would be towards the lower end of the 'less than substantial' spectrum. As such, it would need to be weighed against the public benefits accruing from the proposals prior to determination (as required by para 196 of that document).

Summarising, it has to be said that this is a development which still does not sit comfortably from a C&D perspective. Equally, however, it is acknowledged that the heritage grounds for refusal are nowhere near as strong as they were previously.

Landscape Officer – objection on the following grounds;

Despite the revisions contained within this latest application, the Landscape section remain of the opinion that this proposal is not compliant with Local Plan Policy EN2: Protection and Enhancement of Landscape and Settlement Character, requiring that development proposals should protect conserve and enhance the distinctive settlement character.

The site is a small piece of land on the western edge of the settlement, situated amongst rear gardens of a small estate of semi-detached dwellings. A dwelling as proposed in this location is not compatible with the uniform settlement grain of this part of Binham Conservation Area. Dwellings in Priory Crescent typically have sizable rear gardens. The semi-detached dwellings are all in alignment within their respective spacious plots, giving a rhythm and consistency to the built form. There is no development tight up against the footpath (Binham FP4) which runs immediately adjacent to the west boundary.

Previous iterations raised concerns with regard to the siting of the development and the impact of internal light spill on the dark night skies that are a stated feature of the defined Landscape Type, Tributary Farmland as defined in the North Norfolk Landscape Character Assessment, 2018 (NNLCA). Whilst this latest design has, to some degree addressed the lighting issue through a reduction in glazed area and the use of louvres, the intensification of use of the site that would result from a dwelling, vehicle parking and domestic curtilage would result in a pinched development that, despite the landscape mitigation proposed, is not readily assimilated into the prevailing built grain. An increase in infill development within

settlements in the Tributary Farmland Landscape Type is cited within the NNLCA as a potential detractor that could undermine the traditional settlement patterns of the villages.

The Landscape section do not consider that this proposal would be compliant with Local Plan Policy EN2: Protection and Enhancement of Landscape and Settlement Character or Local Plan Policy EN4: Design which requires that development proposals should be suitably designed for the context and that the scale and massing of buildings relates sympathetically to the surrounding area.

Whilst a hedge is indicated along the west boundary on the Scheme Proposals Plan, it is not included on the Soft Landscape Proposals Plan. In the event of approval, the soft landscape proposed along the west boundary should be reinforced with a mixed native hedge along the full length of the west site boundary, planted in a double staggered row at a density of 5 plants per meter, along with more hedge trees such as field maple, wild service tree, native plum and apple. Once matured, this hedge should be maintained at a minimum height of 1.5m and details can be secured by condition.

NCC Highways – No objection subject to a condition in respect of the proposed on-site car parking and turning provision.

Comment that whilst proposal is for a new dwelling served by an existing unmade access track of approximately 3m in width where the normal requirement for a shared access is to provide a 4.5m wide access driveway, given the historic use as a garage court and low speed cul-de-sac location, NCC Highways would find it difficult to substantiate an objection on this point alone.

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):

Policy SS1: Spatial Strategy for North Norfolk

Policy SS2: Development in the Countryside

Policy SS 4: Environment

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

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.

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

Supplementary Planning Documents

North Norfolk Landscape Character Assessment 2021 (NNLCA)

North Norfolk Landscape Character Assessment, 2018 (NNLCA)

- It should be noted that the Landscape Officer's response is based on the 2018 version as the comments were made prior to the adoption of the 2021 version.

North Norfolk Design Guide (SPD), 2008

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design, landscape and heritage impacts
3. Residential amenity
4. Highway safety

APPASAL:

1.Principle (Policies SS1 and SS2)

The application site is located within Binham which Policy SS1 of the North Norfolk Core Strategy designates as 'Countryside' in the settlement hierarchy where new residential development is restricted by Policy SS2. Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Policy SS1 of the adopted North Norfolk Core Strategy (NNCS) 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 within one of those.

Policy SS 2 lists the types of development that can be acceptable in principle within this area, but new market dwellings as proposed in this case are restricted in order to prevent dispersed dwellings that will lead to a dependency on travel by car to reach basic services, and ensure more sustainable patterns of 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. The Council also has a supply of deliverable land for housing equivalent to 5.16 years and as such the tilted balance under paragraph 11d of the NPPF is not triggered.

Whilst the site is not physically isolated being set within a development of other dwellings, it is remote from essential services, with the village itself lacking many basic services such as a shop, post office or primary or secondary school. Whilst Binham is located approximately

4 miles from Blakeney and 4 miles from Wells-next-the-Sea (with Wells designated as a Secondary Settlement under policy SS 1 due the level of amenities and services located within it), to access these facilities in Wells by foot would involve walking some considerable distance on generally un-lit rural and busy roads, with limited footways. As such it is considered that walking would not be an attractive option to reach these basic facilities. Similarly travelling by bike is unlikely to be an option other than for experienced, confident cyclists.

Although a bus service would be accessible from the site to surrounding settlements such as Wells, Holt and Blakeney, this provision is relatively limited and as such, unlikely to offer a realistic alternative to car use for accessing essential services and facilities by any future occupants of the proposed dwellings.

Furthermore, as the site is not physically isolated paragraph 78 of the NPPF is relevant. This states that policies should identify opportunities for villages to grow and thrive, especially where this will support local services and that where there are groups of smaller settlements, development in one village may support services in a village nearby. In this case, there are no facilities within the vicinity of the site, and those within Wells and further afield in Fakenham are realistically only accessible from the site by car.

The Planning Practice Guidance (PPG) notes that a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness. As referred to in a recent appeal decision (dated 17/09/2020) relating to a site in Erpingham where, unlike the current case, there were a number of facilities within walking distance of the site "policies SS 1 and SS 2 are firmly supported in this respect by the correlation between the locations for growth and the availability of an appropriate level of supporting services and infrastructure. This part of the PPG does not contradict the broader Framework principles for achieving sustainable development". It is considered that this proposal would result in significant harm with the introduction of a dwelling where there would be a relatively high reliance on private car use to access a full range of essential services, contrary to these principles. The proposal is therefore contrary to policies SS 1 and SS 2.

It is questionable as to whether the site would meet the definition of previously developed land in Annex 2 of the NPPF. Whilst it is accepted that there were buildings on the site (garaging which previously served dwellings in the vicinity), even if the site was considered to fall under the definition of 'previously developed land', it is considered this would not outweigh the harm identified above.

It is noted that the applicant's supporting documents make reference to other developments for new housing permitted in the village, along with the Council's emerging Local Plan (2016 – 2036) identifying Binham as a small growth village. Notwithstanding this, the emerging Local Plan can currently only be given minimal weight in light of it being at draft stage, with the other examples highlighted, differing in their context.

2. Design, landscape and heritage impacts (Policies SS4, EN2, EN4, EN8 and EN9)

The site also lies within the Binham Conservation Area. Whilst Officers concur with the Conservation Officer's view referred to above, that the revised scheme is an improvement in design, scale and form terms from the withdrawn application (Ref: PF/19/1839), resulting in a reduced level of harm for NPPF purposes towards the lower end of the 'less than substantial' spectrum, this level of harm still needs to be weighed against the public benefits accruing from the proposals prior to determination as required by para 196 of the NPPF. In terms of public benefits, given that the proposal is for a single market dwelling, it is

considered that the limited public benefits would result to outweigh the level of harm identified to the heritage asset and the surrounding landscape.

Furthermore, as noted in the Landscape Officer's response, the application site comprises of a relatively small parcel of land on the western edge of the settlement, situated amongst rear gardens of a small estate of single and two-storey semi-detached dwellings. The positioning of the application site, set to the rear of existing properties is such, that it is considered that a dwelling in this location would constitute an unacceptable form of 'backland' development, which would fail to reflect the established uniform pattern of development, characteristic in this part of village. The dwellings in Priory Crescent are predominantly semi-detached dwellings which are set in alignment forward on relatively spacious plots, giving a rhythm and consistency to the built form. There is no development tight up against the footpath (Binham FP4) which runs immediately adjacent to the west boundary in the immediate vicinity.

The Landscape Officer has also raised concerns regarding the effect of internal light spill from the proposed dwelling on the dark night skies that are a stated feature of the defined Landscape Type, Tributary Farmland as defined in the North Norfolk Landscape Character Assessment, 2018 (NNLCA). This revised design has, to some degree addressed the lighting issue through a reduction in glazed area/use of louvres. However, the intensification of the use of the site for a dwelling with its associated parking and domestic curtilage, would result in a pinched development that, despite the landscape mitigation proposed, would not readily assimilate into the prevailing built grain. An increase in infill development within settlements in the Tributary Farmland Landscape Type is cited within the NNLCA as a potential detractor that could undermine the traditional settlement patterns of the villages and as such it is not considered consider that this proposal would be compliant with Core Strategy Policies EN2 and EN4 in this regard.

As such, it is considered that the scheme would fail to comply with the requirements of Policies SS4, EN2, EN4 and EN8 of the Core Strategy and Sections 12, 15 and 16 of the NPPF.

3. Residential amenity (Policy EN4)

Policy EN 4 supports development proposals where they would not have a significantly detrimental effect on the residential amenity of nearby occupiers and requires that new dwellings should provide acceptable residential amenity.

Notwithstanding the sites 'backland' position, with existing properties set directly to the north, east and south, given the former use of the site for garaging/parking, and the scale, orientation and design of the proposed dwelling, it is not considered that the scheme would raise any significant concerns in respect of the residential amenities of the occupants the existing and proposed properties in respect of disturbance, privacy or light. Furthermore, it is considered that the scheme would provide any future occupants of the dwelling with adequate levels of amenity.

On this basis, the scheme is considered to comply with the requirements of Policy EN4, of the Core Strategy and the North Norfolk Design Guide (SPD).

4. Highway safety (Policies CT5 and CT6)

Access to the site would be via an existing shared unmade access off Priory Crescent which previously served the garage court. Whilst it is noted that NCC Highways have raised some concerns over the use of this access due to its restricted width and more intensive use previously, no formal highway objection has been raised. As such, it is considered that the

scheme would comply with the requirements of Policies CT5 and CT6 of the Core Strategy, subject to the imposition of a condition for onsite parking/turning provision.

Conclusion

In conclusion, it is considered that for the reasons set out above, that the proposal would fail to comply with relevant Development Plan policies and the guidance set out in the National Planning Policy Framework (NPPF).

In conclusion, whilst it is recognised that there would be limited public gain resulting from the redevelopment of the former garage court area, it is not considered that this would sufficiently outweigh the harm resulting from the construction of a market dwelling in an unsustainable location, where the principle of new residential development remains contrary to the requirements of Policies SS1 and SS2, and the resulting harm to the designated Conservation Area and the character of the surrounding development and landscape.

CONCLUSION AND RECOMMENDATION:

Refusal on the following grounds;

In the opinion of the Local Planning Authority:

- The scheme would result in construction of a market dwelling located on land designated as 'Countryside' where there is a general presumption against residential development and in a location with no services and poor access to a full range of basic services. The future occupiers would therefore be dependent on the car to be able to reach such services and the proposal would therefore not be sustainable development. In the opinion of the Local Planning Authority there is also no justification to permit the erection an additional dwelling in the Countryside contrary to Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy and paragraph 78 of the National Planning Policy Framework (February 2019).

A dwelling in this location would constitute an unacceptable form of 'backland' development, which would fail to reflect the established uniform pattern of development, characteristic in this part of village, comprising of predominantly semi-detached dwellings set in alignment within relatively spacious plots, and set away from the boundary with adjacent footpath (Binham FP4) to the west, contrary to the requirements of Policies, EN 2 and EN 4 of the North Norfolk Core Strategy, Section 15 of the NPPF and the principles set out in the North Norfolk Landscape Character Assessment, 2018 (NNLCA) and the North Norfolk Design Guide (SPD).

- The proposed development would also result in 'less than substantial' harm to the designated heritage asset (in this case being the Binham Conservation Area), which would not be outweighed by any demonstrable public benefits accruing from the proposal as required by para 196 of the NPPF. The scheme is therefore considered contrary to the requirements of Policy EN8 of the North Norfolk Core Strategy and Section 16 of the NPPF.

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