

WIVETON – PF/20/1228 - Retention of garden building and decking area on amenity land associated with Parva Cottage, The Street, Wiveton at Parva Cottage, Wiveton for Mr and Ms J Easterbrook

- Target Date: 6th October 2020
Extension of time: 1st September 2021
Case Officer: Mrs L Starling
Full Planning Permission

CONSTRAINTS

Countryside
Area of Outstanding Natural Beauty
Areas Susceptible to Groundwater SFRA
Undeveloped Coast
Conservation Area
Flood Warning Area SFRA
Landscape Character Area

RELEVANT PLANNING HISTORY

CL.19/2223 (WLU) – Certificate of Lawfulness for existing use of land for private amenity purposes – Granted 20/03/2020

THE APPLICATION

Seeks full planning permission for the retention of a dark green painted horizontally clad timber garden outbuilding, with a green coloured felt roof, timber doors on its west elevation, full height glazing/doors to the east and south-east elevations and associated decking area to the east (proposed to measure approximately 4 metres by 5.6 metres). The building which measures approximately 6 metres by 5.6 metres, with a height of 3.5 metres, was erected on the site in 2018 as a replacement structure for a two previous buildings; a garage constructed in 1973 and a replacement garden building/shed erected in 2007/2008. The application states that the building is used for the purposes of garden storage, with the rear element and decking used to enjoy views of the garden and surrounding area. The structure is not habitable given its lack of insulation and power.

The application site comprises of a long-narrow rectangular parcel of amenity land which is physically detached from the main property known as Parva Cottage and its garden side/rear gardens. A number of properties along this part of The Street are served by a similar arrangement of amenity land set away from the main property.

The site lies within a, a grouping of mainly traditional residential properties situated to the north, south and west, with meadow land and Riven Glaven to the east.

Access to Parva Cottage and the amenity land on which the building to be retained is sited is accessed via an unmade shared access track off The Street.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Holliday on the grounds that the proposal is considered contrary to Policies EN1, EN2 and EN4 of the North Norfolk Core Strategy, NPPF paragraph 174, the NDC Landscape Character Assessment and its impact upon the Glaven Valley.

PARISH COUNCIL

Blakeney Parish Council – Objection on the following grounds;

This development has been before the Council previously, and a significant number of objections were raised at the time when dealing with the matter of a certificate of lawfulness for the development. We would wish that all the objections raised at the time be brought forward and attached to this application.

The building is almost twice the size of the structure it replaces, and overshadows and blocks the light to the neighbouring properties.

The character of the structure is clearly designed for habitation and not for use as garden storage, and if passed the Council may well be faced with a subsequent planning application for 'change of use' for holiday accommodation. We would wish this scenario to be taken into account and limitations applied when considering this application.

The structure is not in keeping with the site, dominates its surroundings, and is clearly visible from the Cley side of the valley. This impact on the AONB and the Glaven Valley Conservation Area is totally unacceptable.

Wiveton Parish Council wish to object to this development in the strongest possible terms.

REPRESENTATIONS

8 letters of objection have been received on the following grounds, along with other matters;

- Planning application is retrospective; the building was erected in December 2019 without planning permission or even neighbourly consultation.
- The building replaces a small garden shed and is substantially larger - almost double the original dimensions. It completely blocks the view of occupants of Sycamore Cottage.
- Unacceptable design which is completely out of character with the village environment and is solely for the use of holiday makers who rent Parva Cottage as a holiday let.
- The building diminishes the qualities of the AONB and fails to enhance/contribute to the beauty of the perimeter of the ancient medieval meadow (adjacent to the River Glaven).
- If used as a holiday let it could set a dangerous precedent

CONSULTATIONS

NNDC Conservation and Design - Confirm no objections for two main reasons: -

- The submitted proposals would not impact upon the character and appearance of the Wiveton Conservation Area, nor any other heritage assets, and
- The scheme does not give rise to any substantive design issues or concerns.

In the event of an approval issued, no materials or architectural conditions are deemed necessary.

NNDC Landscape Officer – No objections based on the submitted Proposed Planting Mitigation Site Plan (received following the comments made below) and subject to the imposition of the suggested conditions. Comments as follows;

On balance the retention of the *summer house* building is unlikely to have a significant adverse impact on the key qualities of the AONB and would not conflict with Policy EN1. Notwithstanding this, the building is visible within the landscape (especially from Cley) and could adversely impact the landscape character if lighting were introduced, either internally (because of the amount of glazing on the southern and eastern elevations) or externally (which would be contrary to Policy EN2).

The visual impact of the building could be reduced if planting were introduced on the southern boundary (where there is an existing post and wire fence boundary with the adjacent field). Also key is the retention of the existing scrub vegetation to the east of the building. To ensure that suitable mitigation planting is achieved and to ensure the retention of the existing vegetation, a plan should be submitted which shows the existing vegetation to be retained and identifies that new planting is established along the southern boundary. This planting should encompass a predominantly blackthorn hedge planted in a double staggered row, five plants per meter. The hedge plants should be protected by stakes and guards and maintained to reach a height of no less than 2m from ground level. The details on the plan should be secured via a condition of planning.

In addition, to ensure that the tranquillity of the landscape is maintained, it is recommended that the building is only used in association with the existing Parva Cottage building and is not available as additional rental accommodation, this should be secured via a condition of planning.

Finally, a condition should be placed on any permission granted to restrict any mains powered lighting internally or external, without prior approval.

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.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 4 – Environment

EN 1 – Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN 2 - Protection and enhancement of landscape and settlement character

EN 3 – Undeveloped Coast

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 13 – Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (July 2021):

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

Wiveton Conservation Area Appraisal and Management Plan Adopted July 2019

North Norfolk Landscape Character Assessment (SPD) January 2021

North Norfolk Design Guide (SPD) Adopted 2008

MAIN ISSUES FOR CONSIDERATION

1. Principle and site history
2. Design, landscape and heritage impacts including the AONB/Undeveloped Coast
3. Residential amenity
4. Highway safety

APPAISAL:

1. Principle (Policy SS 2)

This application following a previous application granted on 20th March 2020 for a Lawful Development Certificate (LDC) under ref: CL/19/2223. The use of the application site is for private amenity purposes associated with Parva Cottage, in Wiveton as established through the granting of the LDC.

This application seeks approval to retain a garden building which was erected on the site as a replacement structure for a previous building.

The application site is detached from the main residential amenity directly associated with Parva Cottage itself. The previously granted Lawful Development Certificate clarifies that the land does not fall within the typical C3 Use Class, and does not form part of the curtilage of the dwelling house, nor benefits from Permitted Development rights. The land is, however, permitted for private amenity purposes only. As such, the principle of a replacement building in this location is considered acceptable under policy SS 2 of the Core Strategy.

2. Design, landscape and heritage impacts (Policies EN 1, EN 2, EN 3, EN 4, EN 8 and EN 9 and NPPF Sections 12, 15 and 16)

The application site (including the dwelling) are not listed, although it lies within both the designated Wiveton Conservation Area and North Norfolk Area of Outstanding Natural Beauty. (AONB)

The Glaven Valley Conservation Area, and this part of the Undeveloped Coast and Area of Outstanding Natural Beauty are typified by rolling arable land dissected by hedgerows and small woodland copses. There are areas of rough heathland at Wiveton Downs.

The building currently stands on site (to replace a previous, albeit smaller building), and is very much of a typical design for its intended purpose as a garden building. Projecting eaves, the use of timber cladding and appropriate glazing, all help to achieve this view, which is also complemented by the low pitch roof. Given the location of the site within a

wider landscape, its scale and the dark green colour to external walls all assist in its integration within the Conservation Area and wider landscape, as well as helping to protect the special qualities of the North Norfolk AONB.

It should be noted that no objections have been raised to the proposals by the Landscape Team in respect of impacts upon the wider landscape, special qualities of the AONB or Undeveloped Coast for the reasons stated. Therefore, subject to the imposition of requested conditions, including one to ensure that the development is carried out and retained in accordance with the submitted 'Proposed Mitigation Planting Site Plan', the scheme is considered to accord with Policies EN 1, EN 2 and EN 3 of the Core Strategy.

The Conservation and Design team have also raised no objections to this application, stating that the proposal would not impact upon the character and appearance of the Wiveton Conservation Area, nor any other heritage assets, with no materials or architectural conditions deemed necessary.

It is therefore considered that the development complies with the requirements of Policies SS4, EN 1, EN 2, EN 3, EN 4, EN 8 and EN 9 of the Core Strategy and Sections 12, 15 and 16 of the NPPF.

3. Residential amenity (Policies EN 4 and EN 13)

Policy EN 4 supports development proposals where they would not have a significantly detrimental effect on the residential amenity of nearby occupiers.

The boundary with Sycamore Cottage (the nearest property) is approximately 12m from where the shed is located. It has been taken into account that the outbuilding of a greater scale than the building which it replaced. Notwithstanding this, the building's form and design with a low projecting eaves, helps to lessen its the impact on the rear cottages and their outlook from their rear gardens. Any loss of light or overbearing caused by the increase in the outbuilding could not be regarded as 'significant' and as such would not justify a reason for refusal of the application on amenity grounds.

It should be noted that no external lighting is proposed for this building, to ensure minimal impact on the wider landscape in terms of light pollution and retaining dark skies. A condition would be attached to restrict external lighting.

The applicants have stated for the purposes of planning, that the building is not a habitable structure, offering no insulation or dedicated residential use. It is considered prudent considering the history of the site and the nature of the development to condition that no overnight accommodation of any kind is permitted within the outbuilding.

As such, it is considered that subject to the proposed conditions, that the proposed development complies with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy in respect of protecting residential amenity.

4. Highway safety (Policies CT5 and CT6)

Given the siting and nature of the proposal, the scheme would not raise any concerns in respect of parking, traffic generation or access. As such, it is considered that the scheme would safeguard highway safety in accordance with Polices CT 5 and CT 6.

Conclusion

In conclusion, given that the principle of development is considered acceptable due to the

previous Certificate of Lawfulness being granted, it is considered that the scheme is acceptable in design, landscape, heritage, highways and amenity terms. Subject to the imposition of appropriate conditions, it would comply with the relevant Development Plan policies and the guidance set out in the National Planning Policy Framework (NPPF).

RECOMMENDATION:

Approve, subject to conditions to cover the matters listed below, and any others considered necessary by the Assistant Director - Planning:

Conditions to include:

- Development to accord with submitted details and specifications (given part retrospective)
- Works to be carried out and retained in accordance with submitted landscaping scheme
- Restriction on installation of external lighting
- Conditions to restrict use to incidental to Parva Cottage to ensure not occupied independently and not used for overnight accommodation

Final wording of conditions to be delegated to the Assistant Director - Planning