

## **Application for Determination**

**Parish:** Stalham

**Reference:** BA/2014/0126/COND      **Target Date:** 23/05/2014

**Location:** Utopia And Arcady, Mill Road, Stalham

**Proposal:** Variation of condition 3 of consent BA/2012/0020/FUL to vary approved plans. Alterations proposed include alterations to footprint and reduction in ridge height

**Applicant:** Mr and Mrs Hugh Leventon

**Reason for referral:** Objections received

**Recommendation:** Approve with conditions

### **1 Background**

- 1.1 In March 2012 the Broads Authority Planning Committee considered a planning application for the demolition and replacement of an existing pair of semi-detached cottages at the application site (BA/2012/0020/FUL). As the site lies within the Stalham Staithe Conservation Area the planning application was accompanied by an application for Conservation Area Consent for demolition (BA/2012/0021/CON). Officer recommendation for both applications was for approval subject to conditions.
- 1.2 These applications were submitted following a period of extensive pre-application discussions between the applicant and the Authority and followed three previous applications at the site, all of which sought consent for demolition and replacement of the existing buildings and all of which were withdrawn following discussions with the Broads Authority (see Planning History section of the report for details).
- 1.3 Following discussion, members of the Planning Committee resolved to defer determination of the applications pending a site visit which was duly conducted in early April 2012. Subsequent to that site visit, at the Planning Committee held on the 27 April 2012, members unanimously resolved to approve the application for Conservation Area Consent but declined to determine the application for planning consent, requesting instead that the applicant engage in further negotiations with the Authority's officers to address concerns expressed by the Committee regarding the proposal.
- 1.4 The areas of concerns identified by members related to the proposed

design approach (and specifically the appropriateness of the proposed arts and crafts approach within the Stalham Staithe Conservation Area) and the scale of the proposed new building (citing, in particular, concerns relating to the footprint, the ridge height, the chimney height and the overall impression of height and scale).

- 1.5 Mindful of the concerns of the committee, the applicant agreed to hold further discussions with officers and submit a further revised scheme in due course.
- 1.6 At this stage the applicants had Conservation Area consent to demolish the building but no planning consent to erect a replacement building.
- 1.7 Following a period of further discussions a revised proposal was submitted and considered by Planning Committee in January 2013. The officer recommendation was for approval subject to conditions. However, members continued to have concerns regarding the proposed replacement dwellings and resolved to refuse the application.
- 1.8 The reasons for refusal were cited as:
  - (i) by virtue of its scale, height, footprint and orientation, the proposal fails to preserve or enhance the character of the Stalham Staithe Conservation Area; and
  - (ii) by virtue of its scale, height, footprint and orientation the proposed new building would not be appropriate to the setting and landscape character of the immediate location; and
  - (iii) by virtue of its scale, height, footprint and orientation the proposed new building would be more visually prominent than the existing dwellings.
- 1.9 Accordingly, the application was refused in January 2013 and a copy of the decision notice is included at Appendix 2.
- 1.10 In June 2013 the applicants submitted an appeal to the Planning Inspectorate and, following a substantial delay in determining the matter, the Inspectorate allowed the appeal in December 2013.
- 1.11 In allowing the appeal the Inspector imposed four conditions on the consent relating to (i) time limit for implementation; (ii) submission of sample materials; (iii) requiring the development to be carried out in accordance with approved plans; and (iv) requiring the development to be carried out in accordance with the approved Flood Risk Assessment. A copy of the Inspector's decision is included at Appendix 3. This application seeks to vary the third of these conditions.

## **2 Description of Site and Proposals**

- 2.1 The application site comprises a large waterside residential plot situated off Mill Lane, in the Conservation Area of Stalham Staithe.
- 2.2 The plot extends to over 2ha and includes a pair of semi-detached cottages

(for which consent has been granted for demolition and replacement with two new semi-detached cottages), a large and dilapidated boatshed and a mooring cut.

- 2.3 This application seeks consent for the variation of condition 3 of the Planning Inspector's decision notice and seeks to substitute the approved drawings with a set of revised drawings.
- 2.4 The proposed alterations have arisen from an internal reordering which seeks to relocate the ground floor wet rooms away from the main entrance halls of the two properties and, instead, situates them next to the ground floor utility room. This proposed internal reordering would result in the following external changes to the approved plans:
- Reduction in overall length of the two cottages by a combined 1.2m (from 27.4m long to 26.2m);
  - Increase in length of gable 'outshoots' by 1.4m, comprising a 70cm increase on the front and rear of each gable 'outshot' (increasing the length from 8.6m to 10m).
  - Reduction in ridge height of two storey element by 0.2m (from 7.6 to 7.4m) and reduction in ridge height of two single storey elements by 0.35m (from 6.2m to 5.85)
  - Removal of two first floor dormer windows from rear (north-west) elevation
  - Alteration of first floor window design from rectangular casement units to a shaped casement unit
  - Alterations to brickwork finish, substituting brick 'tumbling in' detail set in flint cobbled walls for brick panel and vertical brick courses detail.
  - Relocation of chimneys from a broadly central position in the two storey ridge line to positions at either end of the two storey ridge.

The combined effect of the proposed changes is to reduce the overall footprint of the building by 1.8 square metres.

### **3 Site History**

In 2002 consent was granted for replacement quay heading (BA/2002/1652/HISTAP).

In 2004 consent was granted for the erection of replacement boathouse and installation of bank stabilisation and decking (BA/2004/1443/HISTAP).

In 2006 an application for the demolition of cottages and replacement with single two storey dwelling was withdrawn (BA/2006/1207/HISTAP).

In 2006 an application for the erection of a replacement boathouse with holiday unit above was withdrawn (BA/2006/1208/HISTAP).

In 2006 an application for the demolition of the existing cottages and replacement with a single new dwelling was withdrawn

(BA/2006/1202/HISTAP)

In 2007 an application for the demolition of existing cottages and their replacement with a single house with boathouse and holiday flat was withdrawn (BA/2007/0020/FUL)

In 2012 Conservation Area Consent was granted for the demolition of the existing two dwellings (BA/2012/0021/CON)

In 2013 consent was granted on appeal for the erection of a pair of semi-detached cottages (BA/2012/0020/FUL).

### **3 Consultation**

Broads Society - We objected to the original application, a view which was supported by the Broads Authority in their decision to refuse the application. As planning approval was given after appeal to the Planning Inspector, we have no comments on the proposed variation to the planning conditions.

District Member Mrs P Grove-Jones – I support Stalham Town Council's request that the application be determined by the Broads Authority Planning Committee for the reasons stated by the Town Council.

Stalham Town Council – This application should be refused as it would vary the Planning Inspector's decision and it is inappropriate in terms of both size and design. It also requests that this application is considered by Planning Committee and not delegated to the Planning Officer.

Norfolk Historic Environment Services – The proposal does not have any implications for the historic environment and we would not make any recommendations for archaeological work.

### **4 Representations**

4 letters of objection including letters from neighbouring properties Mill House and 2 Utopia Way. The letters raise the following concerns:

- The revised proposal would be more visually prominent from both neighbouring properties and the river;
- The revised proposal moves the new building closer to the neighbouring properties;
- The proposal represents a step back towards the previously refused 'Arts and Crafts' design;
- The application is ill-conceived and if the changes proposed are to be properly considered a new, full application should be submitted.

### **5 Policy**

- 5.1 The following policies have been assessed for consistency with the NPPF and have found to be fully consistent with the direction of the NPPF.

DP4 – Design

DP5 – Historic Environment

- 5.2 The following policy has been assessed for consistency with the NPPF and have found to be broadly consistent with the direction of the NPPF; any divergence from the NPPF is considered within this report

DP28 - Amenity

- 5.3 The following policies have been assessed for consistency with the NPPF and have found to be inconsistent with the direction of the NPPF any areas of conflict with the NPPF is considered within this report:

DP24 - Replacement dwellings

- 5.4 Material Considerations  
NPPF [NPPF](#)

## **6 Assessment**

- 6.1 This application seeks consent for the substitution of plans approved by the Planning Inspectorate with a new drawing which sets out a number of changes to the approved scheme.
- 6.2 In determining the application this assessment will first address concerns expressed by objectors to the application regarding the appropriateness of considering the proposed amendments under an application for variation of condition, then consider the weight which can be given to policies relevant to the application in light of the consideration which must be given to the NPPF when determining applications and, finally, will consider the substantive merits of the application, assessing the proposed changes against relevant planning policy, addressing concerns relating to design, impact on the character of the Conservation Area and impact of the proposal on neighbouring occupier's amenity.
- 6.3 In terms of considering the procedural appropriateness of this application, the application is made under s73 of the Town and Country Planning Act 1990. S73 enables applicants to apply to vary or remove one or more conditions attached to a planning consent and, as such, this process is often used to seek approval for minor material amendments, with applicants seeking to alter the approved plans referenced by the decision notice.
- 6.4 The relevant section of the recently published Planning Practice Guidance (revised March 2014) notes that there is no statutory definition of what constitutes a 'minor material' amendment, but notes that it is likely to include '*any amendment where its scale and/or nature results in a*

*development which is not substantially different from the one which has been approved'* (para 017, ref i.d. 17a-017-20140306).

- 6.5 In this instance the consent granted at appeal permits the erection of a pair of two storey, semi-detached cottages located largely on the footprint of the existing cottages. The cottages comprise 2no three bedroom cottages, brick built with timber fenestration and sitting under a pitched, hipped tile roof.
- 6.6 The proposed revised design – the proposed 'minor material amendments' – would still see the erection of a pair of semi-detached, three-bedroomed, brick built, hipped roof cottages sitting on the same footprint as the scheme approved under the extant consent. The net change in footprint is less than 2 square metres (and is a reduction rather than an increase in footprint) and, in terms of development encroaching onto ground which would not be developed under the extant consent, the only area of change is the proposed 1.4m increase in the length of the two gable 'outshoots'; this amounts to approximately 13 square metres of new ground covered by the proposed revised design, a figure which must be viewed in context of the reduction in footprint elsewhere on the revised scheme (and resulting in the net reduction of 1.8 square metres).
- 6.7 Having regards to the relatively modest nature of the alterations proposed, it is considered that the development sought by this application can be considered 'minor material' in nature and, accordingly, an application under s73 of the TCPA 1990 is considered an appropriate approach.
- 6.8 In coming to this conclusion it is noted that a series of relatively minor changes can, cumulatively, have a significant impact on the appearance of a development. In this instance it is the case that, individually, the proposed alterations would likely be accepted as non-material amendments (an alternative process available to applicants who wish to make small changes to approved plans). However, the cumulative impact of the series of relatively small changes proposed is considered to be sufficient to exceed what can be considered as 'non-material'. This notwithstanding, cognisant of the fact that the nature, use, scale, siting and external envelope of the building approved would be largely unchanged by the alterations proposed in this application, it is considered that an application under s73 is the appropriate approach.
- 6.9 Turning to the issue of what weight to ascribe to certain relevant Broads Authority DM DPD policies, Policy DP28 is identified as being broadly (but not entirely) in accordance with the provisions of the NPPF whilst policy DP25 is identified as being in conflict with the provisions of the NPPF.
- 6.10 Paragraph 215 of the NPPF is clear in stating that weight should be ascribed to policies within adopted development frameworks (such as the Broads' DM DPD) according to their degree of consistency with the framework: the greater the consistency with the approach taken in the NPPF, the greater weight can be ascribed to the adopted policy, and vice

versa.

- 6.11 In the case of Policy DP28, the degree of inconsistency with the NPPF is relatively limited and the question as to whether or not full weight can be ascribed to the policy is raised largely due to the fact that the more detailed elements of the policy (which relates to impacts on amenity and references, *inter alia*, visual amenity, overlooking and noise) are not specifically reflected in the NPPF. Accordingly, it is considered that full weight can be ascribed to the policy in this application, which does not raise any commercial or economic impacts which could result in a limited degree of conflict between the precautionary approach to amenity taken in policy DP28 and the more business and economically orientated approach taken in the NPPF.
- 6.12 With regards to Policy DP24, the Authority's Assessment of Broads Local Development Framework Policies against the NPPF (conducted in March 2013) highlights policy DP24 as being in conflict with the NPPF, noting that whilst the policy content is not specifically addressed within the NPPF, the general approach to new residential development taken in the NPPF is less restrictive than that set out in Policy DP24.
- 6.13 The caution with which the test laid out in Policy DP24 (which sets out four criteria which must be satisfied if a proposal for a replacement dwelling can be considered acceptable) must be applied was recognised by the Planning Inspector, who recognised that whilst the scheme considered at appeal could not be considered to be *less visually prominent* as required by Policy DP24, there was no harm with regard to visual impact and the development proposed did not undermine the objectives of Policy DP24.
- 6.14 Consideration of the weight which can be applied to the provision of Policy DP24 is particularly relevant in this instance as a number of the objectors to the proposal are of the opinion that the amended scheme proposed would be more visually prominent than both the existing cottages and the previously approved scheme and, as such, the application should be considered contrary to criterion 'b' of Policy DP24.
- 6.15 Given the degree of conflict with the provisions of the NPPF, and notwithstanding officer's opinion that the revised proposal would not, in fact, be more visually prominent than the scheme approved (discussed further at paras 6.21 and 6.22), it is considered that the weight which can be ascribed to the test set out in Policy DP24, and particularly criterion 'b' of that test, is limited and refusal on the grounds of supposed conflict with this element of the policy would be very difficult to justify in planning terms.
- 6.16 Having considered the procedural appropriateness of the application and established what weight can be afforded to policies relevant to the proposal, consideration must now be given to the degree to which the development proposed accords with the relevant policies and guidance

within the NPPF.

- 6.17 Considering first the design implications of the proposed amendments and the impact on the character of the Stalham Staithe Conservation Area it is noted that, whilst modest in nature, the proposed amendments do reintroduce an element of the Arts and Crafts approach which characterised the first iteration of the design which was ultimately approved at appeal, following several rounds of amendments.
- 6.18 The extension of the two gable 'outshoots', specification of more intricate brickwork details and introduction of shaped window openings at first floor level do lend the building a more overtly Arts and Crafts style than the scheme approved at appeal. In terms of a design approach, whilst it is noted that the existing cottages and (to a lesser extent) the scheme approved at appeal, are largely vernacular in their architectural approach, Arts and Crafts properties are found throughout the Broads area and it is an architectural style not uncommon on large waterside plots such as the application site.
- 6.19 It is further noted that the proposal incorporates materials and details common to the Stalham Staithe Conservation Area and, on this basis, it is considered that the design approach adopted in the revised plan submitted as part of this application for variation of condition would be acceptable.
- 6.20 Turning to the issue of scale, the proposed revised building would be marginally lower, slightly shorter in length and have a smaller footprint than the building approved at appeal. The building would be sited in the same place as the previously approved scheme, with the only new ground covered being the 70cm increase on the front and rear of the gable outshoots (this must be viewed in the context of the reduced length and overall reduction in footprint).
- 6.21 Having regards to these factors it is considered that, on balance, the proposed amended scheme would not be perceived as being materially larger or more visually intrusive than the building previously approved and, given that this scale has previously been determined an appropriate scale for a building of a similar design, is considered to be acceptable in terms of scale, form and orientation.
- 6.22 When considering the acceptability of this application in terms of design and impact on the Conservation Area there is a danger that the rather complicated site history and sheer number of previously submitted schemes and variants of these scheme results in a process where each application is considered with reference to those that have preceded it. This is not the correct approach in planning and the simple question which must be answered is whether the proposed scheme submitted as part of this application satisfies the high standard of design required by Policy DP4 and would preserve and enhance the character of the Conservation Area as required by Policy DP5.



So, whilst recognising that in answering this question it is instructive to look at the previously approved scheme, particularly when considering questions of scale and visual impact, the ultimate decision must be whether this application is or is not acceptable on its own merits.

- 6.23 With regards to the design assessment detailed above, it is considered that the proposed new building, which would be constructed from brick and flint, with timber fenestration and a pan tiled roof and which would sit at 7.4m to the ridge and provide 2no three bedroom cottages on a plot measuring in excess of 2ha, is an appropriate form of development and a building which would preserve and enhance the character of the Stalham Staithe Conservation Area.
- 6.24 The final issue to consider is the impact of the proposed amended scheme on the amenity of neighbouring occupiers. Whilst the issue of amenity is not raised directly by objectors to the proposed amended scheme, concerns are expressed regarding the building being *'more visually prominent from both the river and neighbouring properties'* and one objector is concerned that the *'significant change in terms of the 'depth' of the property...moves it closer to neighbouring properties.. which constitutes a disadvantageous impact on these third parties'*.
- 6.25 The proposed amended building would be located approximately 29m from the nearest neighbouring dwelling and the boundary between the two is screened by a substantial hedge and tree growth.
- 6.26 It is also noted that the revised proposal omits two first floor dormer windows in the north-west facing elevation; this being the elevation which obliquely faces the nearest neighbouring property.
- 6.27 Given the distance between the two properties and the intervening screening planting it is not considered that the proposed development would have any unacceptable impact on the amenity of any neighbouring occupier and, consequently, the development is considered to accord with the requirements of Policy DP28.

## **7 Conclusion**

- 7.1 This application seeks consent for the variation of condition 3 of a planning consent which permits the construction of a pair of semi-detached cottages on a residential site in the settlement of Stalham Staithe.
- 7.2 The effect of the variation of condition would be to substitute the approved plans for a new drawing which proposes a number of relatively small alterations to the approved scheme.
- 7.3 It is considered that the scheme illustrated on these revised drawings represents a high standard of design which would preserve and enhance the character of the Stalham Staithe Conservation Area. The

proposed replacement dwellings are of a scale, mass, height, design and external appearance which is appropriate to the setting and the landscape character of the location and, accordingly, the development is considered to satisfy the requirements of Policies DP4 and DP5.

- 7.4 Furthermore, having regards to the distance to the nearest neighbouring dwelling and the intervening screening between these two properties, it is not considered that the development would have any unacceptable impact on the amenity of any neighbouring occupier and, accordingly, the proposal is considered to accord with Policy DP28.

## **8 Recommendation**

- 8.1 Approve, subject to conditions:

- (i) Standard time limit
- (ii) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. These are to include sections through joinery.
- (iii) Development in accordance with approved plan
- (iv) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (March 2012) by Evans Rivers and Coastal Ltd.

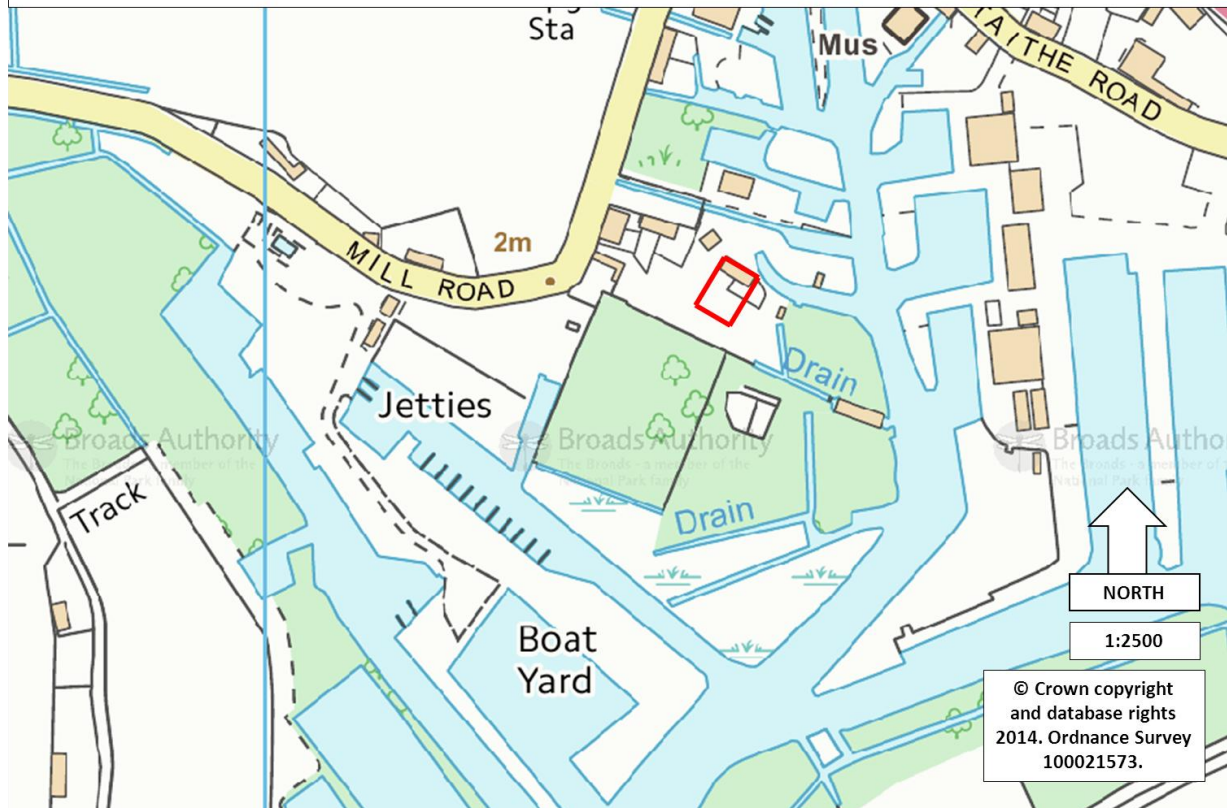
Background Papers: Application Files

Author: Fergus Bootman  
Date: 8 May 2014

Appendices: APPENDIX 1 – Location Plan  
APPENDIX 2 – Broads Authority decision notice 2012/0020/FUL  
APPENDIX 3 – Planning Inspectorate decision notice

BA/2014/0126/COND – Utopia, Mill Road, Stalham

Variation of condition 3 of consent refused BA/2012/0020/FUL to vary approved plans. Alterations proposed include alterations to footprint and reduction in ridge height



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Date	Our ref	Your ref
<b>Application No</b>	: BA/2012/0020/FUL	
<b>Description</b>	: Replacement of existing cottages Utopia & Arcady with 2 new cottages	
<b>Address</b>	: Utopia And Arcady, Mill Road, Stalham, Norwich	
<b>Applicant</b>	: Mr & Mrs Hugh Leventon	

<b>REFUSAL OF PLANNING PERMISSION</b>
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The Broads Authority give notice in pursuance of the Town and County Planning Act 1990 that planning permission **has been refused** for the development above for the following reasons:

**Reason for Refusal**

- 1) The proposal, by virtue of its scale, height, footprint and orientation would not protect, preserve or enhance the fabric and setting of the historic, cultural and architectural assets that give the Broads its distinctive character and would not preserve or enhance the character of the Stalham Staithe Conservation Area. Consequently, the application is considered contrary to Policy DP5 of the Broads adopted DM DPD (2011).
- 2) The proposal, by virtue of its scale, height, footprint and orientation is not appropriate to the setting and landscape character of the immediate location of the application site specifically, nor the Stalham Staithe Conservation Area generally, and is therefore contrary to criterion 'a' of Policy DP24 of the Broads adopted DM DPD (2011).
- 3) The proposal, by virtue of its scale, height, footprint and orientation would be more visually prominent when viewed from the curtilage of neighbouring properties than the existing and therefore is contrary to criterion 'b' of Policy DP24 of the Broads adopted DM DPD

**Explanation of how the Authority has Worked Positively and Proactively with the Applicant/Agent**

**Refusal**

The Broads Authority as Local Planning Authority has appraised the scheme against the Development Plan, the National Planning Policy Framework and other material considerations and identified amendments which could be made in order to render the proposal acceptable. Negotiations have taken place with the aim of making changes to enable the proposal to comply with the relevant policies of the Development, though such changes were not considered by members to be sufficient for the proposal to be acceptable, having regards to the relevant Development Plan Policies.

Signed:

A handwritten signature in black ink, appearing to be 'CS' followed by a flourish.

4 January 2013

Head of Development Management

Date: 4 January 2013

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## Appeal Decision

Site visit made on 2 December 2013

**by J L Cheesley BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 December 2013**

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**Appeal Ref: APP/E9505/A/13/2199017**

**Utopia, Mill Road, Stalham, Norwich, NR12 9BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Hugh Leventon against the decision of the Broads Authority.
  - The application Ref BA/2012/0020/FUL, dated 19 January 2012, was refused by notice dated 4 January 2013.
  - The development proposed is replacement of existing cottages Utopia and Arcady with two new cottages.
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### Decision

1. The appeal is allowed and planning permission is granted for replacement of existing cottages Utopia and Arcady with two new cottages at Utopia, Mill Road, Stalham, Norwich, NR12 9BT in accordance with the terms of the application, Ref BA/2012/0020/FUL and the plans submitted with it subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. These are to include sections through joinery. Development shall be carried out in accordance with the approved details.
  - 3) The development hereby permitted shall be carried out in accordance with the approved plans on Drawing Numbers: jn 257 03 Rev D and No. 257 dated October 2012.
  - 4) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (March 2012) by Evans Rivers and Coastal Ltd.

### Preliminary Matter

2. Conservation Area Consent was granted on 4 January 2013 for the demolition of the existing cottages on the appeal site. I note local opposition to the
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demolition. However, it is not within my jurisdiction to review the principle of the demolition of the existing cottages.

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### **Main Issue**

3. I consider the main issue to be the effect of the proposal on the character and appearance of the Broads and the Stalham Staithe Conservation Area.

### **Reasons**

4. The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in the Broads. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area. Similar protection is expressed in Policy DP5 in the Broads Authority Development Management Policies 2011-2021 Development Plan Document (DPD) (adopted 2011).
  5. DPD Policy DP24 lists criteria with regard to replacement dwellings. Criterion (a) seeks to ensure that the replacement dwelling is appropriate to its setting and landscape character. Criterion (b) allows relocation from the existing footprint if less visually prominent and/or at a lower risk of flooding.
  6. In this particular instance, I consider that DPD Policies DP5 and DP24 are broadly in accordance with the National Planning Policy Framework as far as they meet the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area and seeking to conserve heritage assets in a manner appropriate to their significance.
  7. The appeal site lies within the Stalham Staithe Conservation Area, a heritage asset with a number of traditional buildings. The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
  8. The proposed building would have a ridge height some 1.2 metres higher than the existing building. I note this is primarily to allow for higher ceiling heights and flood safety. It would be situated on a footprint some 50% larger than the footprint of the existing cottages. It would comprise a simple design using a mix of recycled and new materials.
  9. The appeal site includes a large area of woodland. Whether or not the woodland area is considered to be within the residential curtilage, the proposed dwellings would be situated in substantial gardens in the remaining part of the site. As such, I consider that, due to the size, height, footprint and orientation of the proposal, it would be appropriate to this spacious setting.
  10. The change in orientation would allow oblique views from neighbouring properties. Although it would be a larger building than the existing, due to the distance to these properties, and existing vegetation, I do not consider that the proposal would be materially visually more prominent to neighbours. In addition, existing vegetation screening would limit views from the water.
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11. I have found that the proposed building would not appear materially

significantly more prominent from neighbouring properties or public view. I realise that this is not the same as being *less visually prominent* as required in Policy DP24. Nevertheless, as I have not found harm with regard to visual impact, I do not consider that to allow the appeal would undermine the objectives of this policy.

12. For the reasons stated above, I consider that the scale, height, footprint and orientation of the proposed dwellings would be appropriate to the setting and landscape character of the immediate location. This would preserve the character and appearance of the Conservation Area and be in keeping with the character and appearance of this part of the Broads. Thus, the proposal would accord with the objectives of DPD Policies DP5 and DP24.
13. In reaching my decision, I have had regard to all other matters raised, including those from local residents, upon which I have not specifically commented. None of the matters raised outweighs my reasons for approval.

*Conditions*

14. Apart from a standard time condition, the Broads Authority has suggested six conditions. Otherwise than as set out in this decision and conditions, it is necessary that a condition be imposed to ensure that the proposal shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.
15. As the site is in an area of high risk of flooding, I consider it reasonable and necessary to impose a condition requiring development in accordance with the flood Risk Assessment.
16. In the interest of visual amenity, I consider it reasonable and necessary to impose a condition regarding details of external materials and sections through joinery.
17. It is not necessary to impose conditions regarding historic building recording or details of protected species enhancements, as this appeal is only with regard to the proposed new dwellings and not demolition of the existing dwellings.
18. The Broads is known as 'designated land' and accordingly permitted development rights here are more restricted than elsewhere in non-designated areas. Circular 11/95 *The Use of Conditions in Planning Permissions* states that save in exceptional circumstances, conditions should not be imposed which restrict permitted development rights. I see no overriding reasons in the representations before me to clearly indicate that there should be an exception to this approach. Therefore, I do not consider it reasonable or necessary to impose further restrictions with regard to permitted development than already imposed in this 'designated area'.

*J L Cheesley*

INSPECTOR

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