

**Reference:**

BA/2018/0025/COND and BA/2018/0026/COND

**Location**

The Old Maltings, 14 Anchor Street, Coltishall

BA/2018/0025/COND



**Application for Determination**  
Report by Planning Officer

<b>Target Date</b>	30 May 2018
<b>Parish:</b>	Coltishall Parish Council
<b>Reference:</b>	BA/2018/0025/COND & BA/2018/0026/COND
<b>Location:</b>	The Old Maltings, 14 Anchor Street, Coltishall
<b>Proposal:</b>	Variation of Conditions 3 and 4 of planning permission BA/2005/5107/HISTAP and BA/2005/3803/HISTAP to vary the design and use of the approved garage
<b>Applicant:</b>	Mr D Smith
<b>Recommendation:</b>	Approve subject to Conditions
<b>Reason for referral to Committee:</b>	Representations Received

## **1 Description of Site and Proposals**

- 1.1 The site of this application is situated at the eastern end of Coltishall on the western side of Anchor Street. The site extends from Anchor Street down to the River Bure.
- 1.2 The original Old Maltings cottages are located immediately adjacent to Anchor Street. These buildings are separated by an arch through which you drive to access the application site. One of these cottages is included within the curtilage of this application site. A 3.1m high red brick wall runs east/west from the back of this L-shaped property and forms the southern boundary of the application site. Within the site there is a large two storey dwelling positioned adjacent to, and running parallel with, the northern site boundary. This dwelling is constructed of red brick with a red pantile roof including a number of dormer windows. Piling and a flooring slab has been laid adjacent to the wall on the southern site boundary.

- 1.3 To the south of the site is a residential property referred to as 18 Anchor Street which comprises a triple garage and lean to outbuilding immediately adjacent to the application site and a Grade II listed two-storey house positioned at the southern end of the site fronting Anchor Street. One of the Old Maltings cottages is adjacent to the north-eastern corner of the site. To the north of the site there is a large residential property known as 'Landfall' 8 Anchor Street, which comprises a single storey dwelling positioned parallel to Anchor Street, in the front half of the site. Both 18 Anchor Street and 8 Anchor Street properties extend from Anchor Street down to the River Bure.
- 1.4 The Old Maltings cottages are Grade II\* listed. As the southern boundary wall of the application site is attached to the southernmost listed cottage it is therefore listed by attachment. The application site is situated in the Coltishall Conservation Area.
- 1.5 The western boundary of the site is located in Flood Risk Zones 2 and 3 although the site of the proposed building is situated in Flood Risk Zone 1.
- 1.6 In June 2005 Broadland District Council granted planning permission and listed building consent for the construction of a coach house/garage building on this site, where some original buildings had been demolished, and using the existing wall on the southern boundary of the site to form the rear wall of this building. This building would measure 18.5m by 8m with a ridge height of 5.5m. It was to be constructed using pantiles, bricks, timber and fenestration to match the existing house as closely as possible. These permissions were granted subject to the development being in accordance with the approved plans and subject to planning conditions including Condition 3 which prevented the creation of dormer windows or other openings in the roofspace and Condition 4 which requires the garage to be used only for purposes incidental to the occupation and enjoyment of The Old Maltings as a single private dwelling house. The piling and floor slab of this building have been constructed on the site but no further construction work has been carried out.
- 1.7 This current application is seeking to amend the approved plans for the coach house garage building and to vary Conditions 3 and 4 of the extant planning permission to create an upper floor within the garage building to provide an ensuite bedroom, WC and cinema room to be used as part of the overall residential use of the site. The building footprint would remain the same as approved, although the upper floor would extend a further 1.1m to the north over the ground floor and be supported by posts at either end. The ridge height would remain at 5.5m. The walls of the building would be continued up an additional 1m and the design of the roof would be altered to create a shallower pitched roof with a partial hip detail to the eastern elevation. An external staircase and small balcony would be added to the western end of the building to provide access to the upper floor and four dormer windows would be added to the northern roof plane. Whereas the previous single storey building utilised the southern boundary wall to form the rear wall of the building the scheme being proposed includes the construction of a series of structurally independent piers adjacent to the boundary wall at ground level to support the rear wall of the upper floor. A weather tight joint would be

achieved, where the two walls abut at high level, using lead flashing. The building would be constructed using the same palette of materials as originally approved.

## **2 Site History**

- 2.1 BA/1991/4852/HISTAP - Two storey detached building including garages, gymnasium and relaxation area – Refused.

BA/1999/4211/HISTAP - Erection of single storey garage block in grounds – Approved subject to conditions.

BA/1999/4398/HISTAP - Erection of single storey garage block in grounds (listed building) - Approved subject to conditions.

BA/1999/4930/HISTAP - Demolition of car port and other derelict buildings (conservation area) - Approved subject to conditions.

BA/2001/4038/HISTAP - Erect a satellite dish (listed building) - Approved subject to conditions.

BA/2005/3803/HISTAP - Erection of single storey garage block - Approved subject to conditions.

BA/2005/5107/HISTAP - Erection of single storey garage block (listed building) - Approved subject to conditions.

## **3 Consultations**

- 3.1 Consultations received

### Coltishall Parish Council

Our objection is based on the following grounds:

- 1) This site is well outside the settlement limit for Coltishall as defined in the 2016 Broadland District Council DPD. The character of Coltishall as a Broads village requires carefully planned development on a controlled basis if it is not to be lost. It is not unusual to receive such applications and if they were to be approved other than very exceptionally it would create significant issues for neighbouring residents. The Parish Council can find no material justification or merit in the application to treat it on such an exceptional basis.
- 2) The fact that the site is in the conservation area is also a consideration. Conservation is about character and spatial amenity as well as individual buildings. The Parish Council does not wish to see further unplanned increase in residential use of land within the conservation area and especially on a site which already has a number of closely positioned structures.

- 3) Regarding the removal of conditions 3: dormer windows, windows of any description facing Anchor House would mean overlooking and loss of privacy especially considering the height of the proposed structure and are strongly opposed.
- 4) It is clear from the drawings and plans that this structure is so large scale it would unnaturally dominate the immediate area and result in significant loss of daylight in the garden of Anchor House.
- 5) The proposal to incorporate a listed wall into this structure is also troubling, such structures should be afforded special protection commensurate with their status and it is unacceptable that it should be used in such a way.
- 6) It would appear from the drawings that the roof of the proposed structure would overhang the boundary of Anchor House which in our view is completely unacceptable.
- 7) The application form states incorrectly that the proposed structure cannot be seen from the road, this is not the case I stood in the garden of Anchor House under the south wall and could plainly see the road.
- 8) I am advised that by Mr and Mrs King of Anchor House that they received no communication from the Broads Authority advising them of these plans yet other neighbours did which is disconcerting given what a negative impact this proposed structure will have on their property.

We would also ask the Broads Authority to note that Coltishall's infrastructure and character is already under significantly increased pressure associated with housing development in and around the village so any further development especially outside recognised settlement limits is highly undesirable and this is before the implications of the revised Greater Norwich Local Plan have been considered.

For all of these reasons, we ask the Broads Authority to reject this application.

#### Historic England

On the basis of the information available to date, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

#### Broads Society

The proposed dormer windows face in the direction of number 8, which isn't mentioned in the application and, of course, condition 3 was imposed for his benefit and that of the property to the south, number 18, which is mentioned.

#### Condition Three

1. The property is within the Coltishall Conservation Area and is visible from the River Ant. The Conservation Area extends quite some distance away from the property on the opposite bank, besides to either side. The Heritage Statement says, “the proposal is considered to make a positive visual contribution”. I suggest a Site Visit is in order, because the new design is less of a “visual contribution” than the existing permission.
2. The design does not merely insert dormer windows into the previously approved structure. The height of the eaves on the north and south elevations has been raised to provide headroom in the roof space. The pitch of the roof has been flattened. The listed Maltings have a steep pitched roof.
3. There is an open extension to the west, provided with an external staircase leading to a viewing balcony with a wide window facing the same direction. Although the overhang will mitigate, to a certain extent, the overlooking of adjoining properties, it will not eliminate overlooking entirely. This is really a new design, not just an application to remove conditions.

#### Condition Four

I don't see any mention of this condition in the application documents. I wonder if this is a clerical error at the Broads Authority? As this is a domestic property, I don't see any reason why the condition is requested for removal unless, perhaps, if it is intended for separate occupation, which would be feasible with the proposed internal layout, but not desirable in my view, as this is a domestic property. This needs clarification.

#### Application Review Schedule

The schedule lists number 16 among the list of persons consulted, but not number 18, who have a legitimate expectation of being consulted. Number 16 is part of the applicant's own property, so perhaps this is also a clerical error. If not, the situation needs to be remedied, otherwise the Committee is opening the door to an appeal.

#### 3.2 Representations Received

Representations have been received from the neighbours on either of the application site. Both parties are objecting to the proposed development for the following reasons:

- The scale and bulk of the building would have an adverse impact on the Conservation Area.
- Adverse impact on the structural integrity of the southern boundary wall.
- Overlooking from the balcony and the dormer windows and resultant loss of privacy.
- Concern that any variation or removal of condition 4 would open up the possibility of the garages being used for commercial, industrial or business uses.

- Appropriate materials to be used on the external walls and in the balcony screens.
- Adverse effect of over dominance on adjoining garden.

#### **4 Policies**

- 4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

[NPPF](#)

Core Strategy [Core Strategy Adopted September 2007 pdf](#)

CS1 Landscape Protection and Enhancement

CS4 Creation of New Resources

CS5 Historic and Cultural Environments

Development Management Policies DPD

[Development-Management-DPD2011](#)

DP4 Design

- 4.2. The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Development Management Policies DPD

DP5 Historic Environment

DP28 Amenity

- 4.3 Neighbourhood Plan

There is currently no Neighbourhood Plan for Coltishall.

#### **5 Assessment**

- 5.1 In terms of the assessment of this planning application and associated listed building consent application the main issues to be considered in the determination of these applications include: the principle of the development; design and materials and the impact on the listed buildings and the character of the Conservation Area; impact on residential amenity.

- 5.2 As the planning history for this site demonstrates there have historically been buildings on the site of the proposed building for many years. Planning permission was granted in 2005 for the construction of a single storey coach house garage building on this site. This building had a building footprint of 18.5m by 8m with a ridge height of 5.5m. Evidence has been provided by the applicant to confirm that the piling and floor slab of the approved building



visible on the site were constructed in November 2005 in accordance with the approved plans. The development has therefore legally been commenced and this planning permission therefore remains extant. The principle of a building this size with a ridge height of 5.5m in this location has therefore been established, which is an important consideration in the determination of this current planning application. Whilst the proposed development includes the addition of accommodation on an upper floor and a redesign of the roof the building to be constructed would be based on the same building footprint, would have the same ridge height and would be very similar in scale to the building that currently has planning permission.

- 5.3 The garages are required to provide garaging/undercover parking for the applicant's cars, as there is none on the site currently, and the upper floor would provide an ensuite bedroom and recreational space to be used incidental to the occupation and enjoyment of the dwelling on the site. The representations received have raised concerns that the request to vary Condition 4 of the previous planning permission would result in this building being used for commercial, industrial or business purposes. However the reason for varying Condition 4 is to provide for the additional use of the building for ancillary accommodation in addition to its use as a garage. There is no intention for the proposed building to be used for any business, industrial or commercial purpose. An email to this effect has been received in support of this application.
- 5.4 It is therefore considered that the principle of the development proposed is acceptable.
- 5.5 The Old Maltings cottages are Grade II\* listed buildings and the site is situated in the Coltishall Conservation Area. It is therefore necessary to assess the design, materials and form of the proposed building and the impact it would have on the listed buildings and the wider Conservation Area.
- 5.6 It is understood that the listed southern boundary wall did historically have buildings along it when the Maltings was in use. There have been no buildings in recent times save a single storey garden room abutting the wall which has since been demolished. The construction of the proposed building is a change to the existing situation, where there is no building currently, but the scheme represents only a relatively modest change to the building which has an extant approval. The proposed building is physically detached by some distance from the listed cottages although the boundary wall creates a visual link between the proposed building and the cottages. The impact on the setting of the listed cottages is considered to be negligible, with the main issue being the partial loss of view of the rear of the cottages from the River Bure. However, historically, the rear elevation of the listed cottages would have been viewed through a working Maltings yard and, whilst this proposal does not seek to replicate that situation faithfully, it is a fact that the rear elevations of the listed buildings were not designed as principal elevations to enjoy views either to or from the River. The proposed building will only be partially visible from Anchor Street and would not impact on the setting of the listed building from this aspect. In terms of the proposed addition to the complex of buildings on the

Maltings site the proposed building is orientated so as to relate to the unlisted dwelling opposite and to form a courtyard with the listed cottages. Whilst the new building will partially obscure the current view to the listed cottages from the River it mirrors the situation on the northern side of the site and, along with the existing dwelling, “frames” the view of the listed cottages and accentuates their axis centred on the arched entrance way. Historically previous buildings (since demolished) would have done the same. The proposed building has been detailed and uses materials that closely match the unlisted dwelling rather than the listed cottages and again, through that contrast, would allow the listed buildings to be clearly read and the hierarchy of form on the site to be retained. In conclusion any harm caused to the setting of the listed cottages on the site is considered to be minimal.

- 5.7 In terms of any visual impact of the proposal on the listed wall it has to be acknowledged that historically this wall had buildings associated with the Old Maltings along it. In terms of the physical impact of the proposal on the listed wall, unlike the extant permission, the current proposal is no longer reliant on the listed wall for structural support, with the scheme including the construction of a series of structurally independent piers adjacent to the wall to support the rear wall of the upper floor. This means that the wall in question will not need to be altered or adapted to ensure it is capable of additional loading. It is therefore considered that the current application cannot be said to impact adversely on the setting of the Maltings wall and is in fact an improvement in terms of the impact on the listed wall.
- 5.8 Whilst it is acknowledged that the neighbouring building, No 18 the Old Anchor Public House is also a listed building, this property sits within a defined separate curtilage and therefore any impact of this proposal on this property has to be considered in the wider area and the fact that the area is located within the Coltishall Conservation Area.
- 5.9 In terms of the impact of the proposed amended scheme on the wider Conservation Area this is again considered negligible. Whilst there is currently no building on the site, as stated above, there is extant consent for a building of similar scale and form on the site. Whilst the detailing of the proposed building has changed slightly from the previously approved plans it now more closely references the dwelling “The Old Maltings” to the north of the site. In terms of any physical and visual impact on the Conservation Area the introduction of a building in this location is considered in keeping with the grain of development along Anchor Street. In this area buildings are constructed (and have been traditionally) both on north, south and east - west axis presenting a variation of flank and gables walls to both Anchor Street and the River. Given the proposal’s orientation and location it is considered an appropriate addition to the Conservation Area in terms of built form. In terms of its detailed design and visual impact on the Conservation Area the building would be visible from the River and indeed from curtilages within the Conservation Area, particularly No 18 which it abuts, however, buildings on the boundary or close to it exist elsewhere in the Conservation Area. Roof structures of neighbouring properties are clearly visible from many neighbouring private curtilages within the area. The same is true in views from

the River and Anchor Street where the complex pattern of existing development is clearly read and indeed part of the character of the area. The use of materials inside the site references the dwelling "The Old Maltings" and in the main the more ornate details are visible only from within the site. The simple wall and roof presented to the neighbouring property in red brick and pantile are again typical of the materials prevalent throughout the Conservation Area. In summary the impact of the proposal on the whole of the character of the Conservation Area (which is the test set in the NPPF) cannot be considered to be adverse.

- 5.10 On the basis of the above assessment it is considered that this proposal would not have an adverse impact on the listed buildings/structures either within the site or in the vicinity of the site or on the character of the wider Conservation Area. It is therefore considered to be in accordance with Policies CS5 of the Core Strategy, DP4 and DP5 of the Development Management Policies DPD and Part 12 of the NPPF.
- 5.11 The representations received have raised the issue of the proposed building having an adverse impact on residential amenity as a reason for objecting to the scheme. The main concerns are that there would be overlooking on the residential properties either side of the application site from the dormer windows and the balcony, and that the building would have an over dominant effect on the residential property to the south. Concern has also been raised about the ultimate use of the building and any impact this may have on their residential amenity.
- 5.12 In terms of addressing the issue of overlooking and resultant loss of privacy, there are to be no dormer windows in the southern roof plane of the building. Any views from the four dormer windows to be added to the northern roof plane would all be screened from any views into the garden of 8 Anchor Street, to the north of the site, by the existing dwelling on the application site. Any oblique views that may be possible from the westernmost window would be down towards the westernmost end of the neighbouring garden adjacent to the river. Whilst no detail has been provided of the exact material to be used on the balcony balustrading it has been confirmed by the applicant that the material used would restrict views to the north and south, with views being directed westwards towards the River. This can be achieved/ controlled through the use of a planning condition. An additional consideration is that the balcony is only approximately 2m wide at its widest point and also includes the staircase. It therefore would not create a space that would be readily used as a seating area. It is therefore considered that the development proposed would not give rise to a loss of privacy through overlooking. It should also be acknowledged that the gardens of both residential properties on either side of the application site are open to the River Bure on their western boundaries and so their privacy is already compromised.
- 5.13 The owners of the property to the south of the site, 18 Anchor Street, are concerned that the building, as proposed, would have an overly dominant effect on their garden. A material consideration in the determination of this application is that there is an extant planning permission for a building with the

same building footprint and the same ridge height as the building proposed. Whilst the design of the building has been modified to accommodate the upper floor it is not considered that these amendments in themselves generate an unacceptable effect of over dominance. The boundary wall is currently 3.1m high and the wall of the proposed building would only extend 1m above the existing wall. The roof of the building then slopes away from the boundary up to a ridge height of 5.5m, as currently approved. The adjoining property has a large garden with the main orientation of the garden being towards the river. The proposed building would also be to the north of the garden of 18 Anchor Street which is another factor minimising the impact the proposed building would have on the enjoyment of this area of the garden. The owner of 18 Anchor Street has stated that the subject building would have an adverse effect on the views that they currently enjoy to the north. However, there is no right to a view and this is not therefore a valid consideration in the determination of this application.

- 5.14 As mentioned previously concern has been raised that the request to vary Condition 4 is borne out of a desire to use this building for commercial, industrial or business uses that would not be compatible with the residential character of the area. However there is no intention to use the building for any purpose other than as incidental to the occupation and enjoyment of the Old Maltings as a single private dwelling house. The need to vary the condition is to enable the permitted use to include the ensuite bedroom and recreation space as well as the garages.
- 5.15 On the basis of the above assessment it is concluded that the proposed scheme would not have an adverse effect on the residential amenity of the residential properties on either side of the application site and that the application is in accordance with Policy DP28 of the Development Management Policies DPD.

## **6 Conclusion**

- 6.1 In conclusion it is considered that the submitted scheme is an acceptable amendment to the extant permission that exists on the site. The design and materials of the building proposed are considered to respect the setting of the listed building and to preserve the character of the Conservation Area. Whilst concerns have been raised over the adverse effect the proposed building would have on the residential amenity of the adjoining residential properties, it is concluded that there would be no such adverse effect generated. The scheme is therefore considered to be in accordance with the relevant Policies contained in the Core Strategy and the Development Management Policies DPD as well as Part 12 of the NPPF.

## **7 Recommendation**

Approve subject to the following conditions:

1. Development to be commenced within 3 years;
2. Development to be carried out in accordance with submitted plans;

3. Submission of material samples prior to commencement ;
4. Approval of balcony balustrading treatment;
5. Approval of construction detail for eaves on southern roof plane and the junction between the new piers and the existing wall;
6. Restriction of the use of the building to purposes incidental to the occupation and enjoyment The Old Maltings as a single private dwelling house and preventing its use for any business, commercial or industrial purposes;
7. Removal of any permitted development rights.

## 8 Reason for Recommendation

In the opinion of the Local Planning Authority the development proposed is in accordance with Policies CS1 Landscape Protection and Enhancement CS4 Creation of New Resources and CS5 Historic and Cultural Environments of the Core Strategy, Policies DP4 Design, DP5 Historic Environment and DP28 Amenity of the Development Management Policies DPD and Part 12 of the NPPF.

Background papers: BA/2018/0025/COND and BA/2018/0026/ COND

Author: Alison Cornish  
 Date of report: 4 May 2018  
 Appendices: Appendix 1 – Map

