

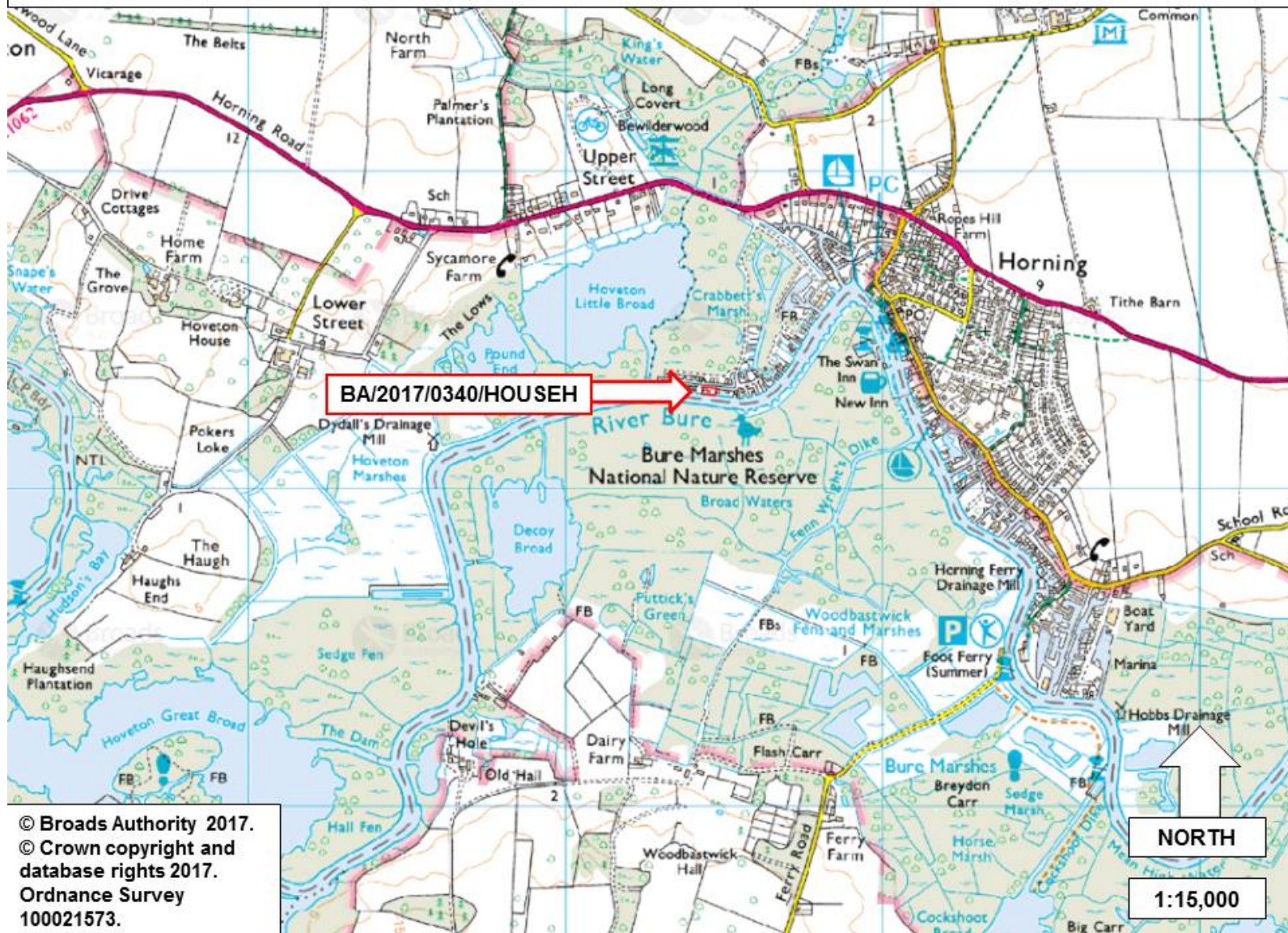
**Reference:**

BA/2017/0340/HOUSEH

**Location**

12 Bureside Estate, Crabbetts Marsh, Horning

BA/2017/0340/HOUSEH - 12 Bureside Estate, Crabbetts Marsh



**Application for Determination**  
Report by Planning Officer

<b>Target date:</b>	15 December 2017
<b>Parish:</b>	Horning
<b>Reference:</b>	BA/2017/0340/HOUSEH
<b>Location:</b>	12 Bureside Estate, Crabbetts Marsh, Horning
<b>Proposal:</b>	Boathouse, quayheading and boardwalk
<b>Applicant:</b>	Mr Martin Dibben
<b>Recommendation:</b>	Approve subject to conditions
<b>Reason for referral to Committee:</b>	Third party objections

## **1 Description of Site and Proposal**

- 1.1 The application site, as defined by the submitted location plan, is a holiday dwelling and its curtilage at 12 Bureside Estate - the riverside estate of dwellings and moorings at Crabbetts Marsh, just upstream of the village of Horning. The dwelling and its curtilage sit on the riverfront towards the upstream end of this development. A private dyke runs parallel with the river to the rear of the river fronting plots and a series of further dwellings and moorings runs along this dyke, forming two parallel lines of development with wet woodland to the rear. The scale and intensity of development decreases with distance from the village, forming a gentle transition to the marshes beyond.
- 1.2 The detached storey and a half dwelling sits in the western, upstream part of the site, with a detached single storey boat store to the rear and wet dock and slipway to the eastern side. The remainder of the curtilage lies to the east of the dwelling and occupies a plot which was, until relatively recently, in separate ownership and use. It was known as 'Plot 11' and was something of an anomaly, being a vacant, undeveloped plot within a continuous run of dwellings fronting the river. It has timber quayheading to the river and although the plot was maintained, as far as our records indicate, the land and its river frontage were not used. In 2016, following purchase by the applicant,

planning permission was granted for it to be used as residential curtilage (BA/2016/0115/CU). No operational development was proposed and the permission simply changed the use, allowing it to be used incidental to the enjoyment of the dwelling. Since that permission was granted, a section of the boundary fence which previously divided it from the dwelling has been removed to allow access and some ornamental planting has been provided along the rear boundary. It is otherwise laid to lawn and has trees each side towards the rear. There are views across the site to and from the river, including from dwellings and plots across the rear dyke, the private path that provides access to these and from the windows of the neighbouring storey and half dwelling to the east, Windward.

- 1.3 The application proposes the construction of a boathouse, quayheading and boardwalk. The boathouse would be sited on the eastern part of what was formerly Plot 11, 2 metres from the side boundary and 2.5 metres from the rear boundary. The boathouse would measure 7 metres by 12 metres in footprint and sit over a new wet dock measuring approximately 5 metres by 21.5 metres with timber quayheading. The front of the boathouse would be set back approximately 10.5 metres from the river and a boardwalk would run along the western side of wet dock to the river. It would have a dual-pitched roof at a ridge height of approximately 5.5 metres covered in cedar shingles over light blue coloured timber featheredge boarding - both materials would match the dwelling. The east elevation would have one personnel door and the west would have two as well as two windows. Each gable would have glazing also and the south elevation to the river would have a roller shutter door. Internally, a 0.8 metre wide walkway would run around each side of the dock. There would be no first floor and no means of accessing the roof space.
- 1.4 Two relatively small trees would require removal in the area of the boathouse and a landscaping scheme is proposed across the rest of the site, including full removal of the fence that previously divided the two plots and provision of soft landscaping and gravel/bark paths across the existing lawn.

## **2 Site History**

BA/2004/1351/HISTAP Certificate of Lawfulness for existing use of property as holiday dwelling – Issued

BA/2004/1381/HISTAP Certificate of Lawfulness for permanent residential use – Refused

BA/2006/1243/HISTAP Erection of two-storey replacement holiday dwelling – Approved subject to conditions

BA/2007/0081/FUL Proposed replacement dry boatshed and wind generator - Approved subject to conditions

BA/2007/0294/FUL Insertion of two roof windows and two solar panels -- Approved subject to conditions

BA/2011/0395/FUL Renewal of Existing quayheading - Approved subject to conditions

BA/2016/0115/CU Change of use to residential garden to Sedgemere, 12 Crabbetts Marsh – Approved subject to conditions

### **3 Consultation**

Parish Council – The Parish Council supports this application.

District Member – The application can be determined by the Head of Planning.

### **Representations**

Representations have been received from seven neighbouring plot owners in response to the initial and/or re-consultation. These raise objections on the basis of: the boathouse being described as ‘small’; believing policies would not allow the plot to be built on; that this undeveloped plot should remain undeveloped; the effect on views from neighbouring properties and the path; concern an upper floor may be added for residential use; over-intensive use and suburbanisation; wind obstruction; tree removal; unneighbourly and overbearing development; loss of daylight; removal of marsh; covenant on the land and queries over ‘curtilage’ use of plot.

### **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  
Development-Plan-document](#)

DP2 - Landscape and Trees  
DP4 - Design  
DP13 - Bank Protection

[HOR4 – Waterside Plots](#)

CS1 – Landscape Protection and Enhancement  
[Core Strategy Adopted September 2007 pdf](#)

- 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.

DP28 – Amenity

## **Neighbourhood plans**

- 4.3 There is no neighbourhood plan in force for this area.

## **5 Assessment**

- 5.1 The application proposes the erection of a boathouse and associated works in the curtilage of a dwelling for use incidental to the enjoyment of that dwelling and this is acceptable in principle. It is noted that the dwelling is restricted to holiday use only but this does not affect the principle of the proposal. Dwellings, including holiday dwellings, generally benefit from permitted development rights for ancillary buildings, which could include boathouses. In this case, the change of use to residential curtilage was subject to the removal of these permitted development rights.
- 5.2 It is appreciated that many representations object to the principle of any development here. It is the case that pre-application advice has been provided on a number and variety of schemes here, for example construction of a new dwelling, and the advice has been that planning permission would not be granted. This has been interpreted locally as meaning no development would be acceptable here whereas the pre-application advice has only related to the pre-application proposal(s). Consequently, there is disappointment locally that the scheme has come forward. There has been some misinterpretation about which policies apply to the site and the current proposal.
- 5.3 There has also been some misinterpretation locally about which policies apply to the site and the current proposal and it is useful to explain this. Had the land been simply a mooring plot, the erection of a boathouse or other building upon it would likely be contrary to Policy DP17 - a policy which relates only to leisure and mooring plots and does not allow for the creation of any new plots or building upon existing plots. Prior to the change of use to residential curtilage, however, the land was not a mooring plot, it had a nil planning use. Some representations have suggested that the application for change of use to residential curtilage was a precursor to this application for a boathouse and a means of circumventing policy. Some representations also suggest that Policy DP17 is applicable here, which it is not. Whatever the route to this application has been, it proposes a boathouse within the curtilage of a (holiday) dwelling and, in principle, this is acceptable.
- 5.4 The key considerations are therefore the design and impacts on the character of the area, amenity, geodiversity and biodiversity, landscaping and navigation.

### Design and character of the area

- 5.5 In terms of siting, the boathouse would be at the furthest point from the dwelling, leaving a large gap (over 18 metres) between the two. In visual



and functional terms it may be preferable to site it closer to the dwelling, however this may have a greater impact on properties to the rear and would require the removal of two mature willows and a silver birch which positively contribute to the character and amenity of the area. Whilst there is no right in law or in planning to a private view, the gaps between buildings allow views to the river from this group of properties and the private path to access them as well as views from the river to the buildings and woodland beyond. This adds to the understanding and enjoyment of the area by those on water and land. The proposed siting would retain views in both directions, and whilst these may be reduced from some aspects, it would not be to an extent which is unacceptable.

- 5.6 It is noted representations have objected to the architect's description of the building as 'small' in the application documents. The building would not be insubstantial and its scale is dictated by the boat it has been built to house. Amendments have been made since the application was first submitted and the scale has been reduced by removing a dry boatstore to the rear. Relative to the dwelling it would serve, it would be subservient and not dissimilar in scale to other ancillary and independent boathouses in the area. It is noted that some of the smaller single storey chalets are also of a similar scale. The form is simple and traditional and the fenestration has been reduced to ensure the building has an ancillary boathouse appearance, rather than appearing more domestic. The detailed design and materials would match the dwelling, tying the two together visually and reinforcing the functional relationship between them.
- 5.7 The timber quayheading would match the existing along the river frontage and there is no objection in principle to the creation of a wet dock, subject to considerations of geodiversity addressed below. The extent of boardwalk has been significantly reduced from the original proposal and is now at an acceptable level.
- 5.8 Site Specific Policy HOR4 seeks to protect the area from over-intensive development and suburbanisation (including from the character of quayheadings and boundary treatments) and highlights the low key and lightweight forms of building characteristic of the area. The proposed boathouse, quayheading and boardwalk, in terms of siting, scale, form and design are considered appropriate to the area and would not result in either over-intensive development nor suburbanisation. It should be noted that some representations have referred to Policy HOR6. This policy relates to the land north of the waterside plots which is largely undeveloped wet woodland and is not applicable to this site or proposal.
- 5.9 The scale and siting will be considered further below in relation to amenity, however in terms of design and the impact on the character of the area, the proposal is acceptable in accordance with Policies DP4 and HOR4.

### Amenity

- 5.10 The objections received include significant concerns regarding the impacts on neighbouring dwellings. Whilst the loss of private views is not a material planning consideration, it is noted that views towards and up the river from Windward (to the immediate east) and Sedgeway (to the immediate north) would be affected by the proposal. Overbearing, overshadowing and loss of light as a result of the development are material considerations. Sedgeway to the rear is over 20 metres from the proposed building, across the dyke. By virtue of this distance and retention of the open area to the west of the building directly in front of Sedgeway, it is not considered that the proposal would have an overbearing effect on this dwelling or any overshadowing or loss of light.
- 5.11 Windward to the east is closer. The boathouse would be approximately 2 metres from the boundary to this dwelling (which is occupied as a permanent residence) and there is a gap of approximately 5 metres between the dwelling and this side boundary, an area used for parking. This dwelling has a door and three ground floor windows on the elevation that would face the side of the boathouse and ground and first floor windows and a balcony on the river elevation have an oblique view across the front of the site. The amendments made to the proposal reduce the length of the building and set it further back into the plot, in line with the front of Windward. This would maintain the open frontage (and largely unobscured views of the river from the front elevation) and, whilst the development would change the outlook, it is not considered that the boathouse is of such a scale, form or siting that it would result in overbearing, overshadowing or loss of light to this neighbouring dwelling to such an extent as to result in unacceptable impacts on amenity or justify a refusal of permission on this basis.
- 5.12 Therefore, whilst it is accepted that the proposal would affect the outlook of neighbouring properties, particularly Sedgeway and Windward, and the visual amenity of those using the rear dyke and path and the river, it is not considered that any impacts on amenity would be so significant as to be unacceptable and contrary to Policy DP28.

### Geodiversity and biodiversity

- 5.13 The application site is within a marsh area that has been developed over the years. As such, the site has high potential for peat soils and the proposal would result in the excavation of a wet dock 5 metres by 21.5 metres and 1.5 metres deep. A Boring Survey has been undertaken which identified there is peat within the area to be excavated, but that it is generally in poor condition, having been modified by the deposition of dredged material on top in the past. The application proposes depositing the excavated material across the site as the wet ground conditions would keep this close to the water table, reducing oxidation and the release of carbon. This is an appropriate solution and the proposal is acceptable with regards peat soils and geodiversity. In order to manage any impacts on



biodiversity, conditions requiring agreement of any external lighting and installation of biodiversity enhancements are considered necessary. Subject to these conditions, the proposal is considered acceptable in accordance with Policy DP1.

### Landscaping

- 5.14 A landscaping scheme has been submitted proposing planting across the site and no additional hard surfaces. The existing boundary fence between the two previously separate plots is proposed to be removed and it is considered this and the low level planting scheme would help visually unite the two plots and complement the development. The two young trees that would be removed to accommodate the development would not be replaced and in order to retain the openness of the plot and maintain views across it, this is acceptable. The retention of the two mature willow and trees and a silver birch nearer the dwelling is welcomed. Whilst designed domestic gardens of this nature are not typical of this area where many plot frontages are just laid to lawn, the proposal is not unacceptable in landscape terms in accordance with Policy DP2 and criterion (b) of Policy HOR4.

### Navigation

- 5.15 It is not considered that the creation of a new wet dock on this relatively wide section of river would have any adverse impact on navigation. The erection of a building on this currently open site may create a wind obstruction to sailing boats and it is noted this is a well-used stretch of river with Horning Sailing Club downstream. This is, however, a well developed stretch of riverbank and the proposal would retain an open gap between the boathouse and dwelling. It is not therefore considered the proposal would have any unacceptable impact on navigation.

## **6 Conclusion**

- 6.1 The application proposes the erection of a boathouse within the curtilage of a dwelling; land which has previously been open and undeveloped. The existing development in this area is generally low key and lightweight and the semi-natural character of the area is appreciated with glimpsed views of the wet woodland to the rear and open marshes opposite and upstream. Accordingly, Site Specific Policy HOR4 seeks to protect the area from over-intensive development and suburbanisation.
- 6.2 The erection of a boathouse ancillary to the dwelling is acceptable in principle and it is considered that the siting, scale, form, design and materials are appropriate to the character of the area and would not result in over-intensive development or suburbanisation. It is appreciated that the proposal would change the appearance of this previously open, undeveloped plot and that the building would impact on views of the site and across it from the river, neighbouring properties and the private path. However, it is not considered that the scale and siting of the building is such that any impacts on the visual

amenity of the area and its users or the residential amenity of neighbouring occupiers would be unacceptable or contrary to Policy DP28.

- 6.3 Subject to appropriate conditions, the proposal is considered acceptable with regards geodiversity, biodiversity, landscaping and navigation. It is therefore recommended for approval.

## **7 Recommendation**

Approve subject to conditions

- (i) Standard time limit
- (ii) In accordance with approved plans
- (iii) Biodiversity enhancements to be agreed
- (iv) Landscaping scheme to be completed in first available planting season
- (v) Replacement planting within five years if any plants die
- (vi) No external lighting without agreement
- (vii) Use ancillary to dwelling

## **8 Reason for recommendation**

- 8.1 The proposal is considered acceptable in accordance with Policy CS1 of the adopted Core Strategy (2007), Policies DP1, DP2, DP4, DP13 and DP28 of the adopted Development Management Policies DPD (2011), Policy HOR4 of the adopted Site Specific Policies Local Plan (2014) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

Background papers: BA/2017/0340/HOUSEH

Author: Maria Hammond

Date of report: 23 November 2017

Appendices: Appendix 1 – Location Plan

BA/2017/0340/HOUSEH - 12 Bureside Estate, Crabbetts Marsh

