

Application for Determination

Parish	Horning		
Reference	BA/2013/0322/FUL	Target date	24 December 2013
Location	3 Bureside Estate, Crabbetts Marsh, Horning		
Proposal	Resubmission of refusal BA/2013/0227/FUL for a replacement Dwelling House		
Applicant	Mr and Mrs Hutchinson		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Third party objections received		

1 Description of Site and Proposals

- 1.1 The application site is a dwellinghouse at 3 Bureside Estate, Crabbetts Marsh, immediately west of and upstream of the village of Horning. Development across Crabbetts Marsh varies in use, scale and character, with the most developed area being that on the river front, with development of decreasing scale and intensity to the north, terminating in largely undeveloped plots of wet woodland nearest the A1062 to the north. The riverfront development of Bureside Estate consists of dwellings, used as holiday and residential dwellings, on modest plots. The single storey scale of dwellings at the western end of Crabbetts Marsh provides a gentle transition from the undeveloped marshes upstream to the more substantial dwellings, in scale, density and materials, at Racing Reach on the edge of the main village development which itself is much denser and larger in scale and character. The site is outside the Development Boundary and in flood risk zone 3a.
- 1.2 Bureside Estate sits on the apex of a gentle bend in the river where the course changes from a west-east flow to a more northerly direction and consequently, the plot is wedge-shaped, being wider on the river frontage than at the rear where it meets an unmade access track. Along the northeast boundary there is a mooring cut which measures approximately 6 metres by 24 metres and the dwelling sits to the west of this, 14 metres from the river front. All the banks have timber quayheading. To the northeast, there is a storey and a half thatched dwelling sitting parallel with the river and to the southwest there is a vacant plot, beyond which run a series of single storey buildings.

- 1.3 The existing dwelling measures approximately 5.5 metres by 6 metres in footprint (or 33.82 square metres) with a raised deck across the front (river) elevation. This is a single storey chalet with a gabled roof fronting the river covered in felt tiles, over white painted timber walls and joinery. To the rear stand four timber sheds: one provides a toilet to the dwelling; two are in a poor state of repair, with incomplete roofs; and, the fourth shed is sound. These sheds have a combined footprint of 20.44 square metres.
- 1.4 The plot has a high degree of tree cover and the submitted Arboricultural Impact Assessment records 14 individual trees and five groups, including a substantial oak on the river frontage which is the most visually prominent individual tree.
- 1.5 The application proposes removing the existing dwelling and four sheds and erecting a new dwelling 2 metres further back into the site, approximately 16 metres from the river frontage. The footprint would measure 6.3 metres by 12.15 metres and the storey and a half scale dwelling would have a partly hipped roof with the ridge running perpendicular to the river at approximately 8 metres above ground level. The rear (northwest) three metres of the dwelling would be single storey, under a gabled roof with a ridge at approximately 4.5 metres above ground level.
- 1.6 On the southeast (river) elevation a first floor balcony would project from under the partly hipped roof with floor to ceiling windows and doors opening onto this and below this. Each side elevation would have a rooflight and two ground floor windows, with a personnel door on the southwest elevation under a porch roof and one first floor and three ground floor windows on the rear elevation. A flue is also proposed on the southwest elevation.
- 1.7 The floor level is proposed to be raised 0.33 metres above the existing to 1.58m AOD. A raised deck would extend around the northwest, southwest and southeast elevations with steps and an access ramp on the northwest side and steps on the northeast elevation down to a lower level deck proposed across the rear 5.5 metres of the existing mooring cut. This lower level deck would be level with the quayheading which is proposed to be raised 100mm by the introduction of new top boards and the whole plot is proposed to be raised 100mm.
- 1.8 'Charcoal grey' painted timber cladding would sit under a cedar shingle roof, with white painted timber windows and doors.
- 1.9 Nine existing trees are proposed to remain, including the substantial oak on the river front. Five trees on the southwest boundary would be retained and managed and 11 new trees are proposed to be planted along this boundary.

2 Site History

- 2.1 Planning permission for the erection of a holiday chalet was granted in 1959 (59/214) and this is understood to be the existing chalet on site and its use was not restricted to holiday use by condition.
- 2.2 In 1997, planning permission was granted for the removal of the existing chalet and shed and erection of a single storey holiday chalet (BA/1997/2194/HISTAP). It is understood that this permission was not implemented.
- 2.3 In January 2013, a certificate of lawful proposed development was approved for a single storey rear extension to the existing chalet measuring 4 metres deep by 5.5 metres wide (BA/2013/0018/CPLUD).
- 2.4 Subsequently, in July 2013, a planning application proposing a replacement dwelling was submitted (BA/2013/0227/FUL). Whilst acceptable in principle, this was refused as the proposed dwelling, by virtue of its scale, form, mass and materials, was considered to be inappropriate for its site and wider setting, including by representing an overdevelopment of the plot and having a wider suburbanising effect. In respect of flood risk, the proposal did not pass the Exception Test. This decision is currently the subject of an appeal (reference BA/2013/0005/REF).

3 Consultation

Broads Society – We had no objections to the original application and I am please to advise you that we have no objection to the resubmission.

Parish Council - I understand that the current position is that the applicants have appealed against the refusal of the original plans and submitted revised plans. Horning Parish council reiterates the original comments made: The plot is in a prominent position on the river. It is currently more or less derelict and the Council supports development to improve the site. However we note that the original and revised plans propose a first floor to the dwelling which is currently only ground floor. Although there are the same number of bedrooms, the proposed footprint is larger including current dwelling and outbuildings. The proposed dwelling, both original and revised will be larger, higher and include a significant area of decking. We consider that this constitutes over intensive development at this end of the village and would suggest that the overall size/height of the proposed dwelling be reduced.

District Member – No response.

Environment Agency – No objection, recommended conditions and provided advice.

Environmental Protection officer – Response awaited.

4 Representations

- 4.1 Three representations have been received. One advises of no objection in principle, but concerned that it should be in keeping with the surrounding properties and area. One representation concerns the potential fire risk of the proposed flue to the adjacent thatched dwelling and noting the proposal does not seem to be in keeping with surrounding properties. The third representation states that the proposal is overlarge for the modest plot and concerned about precedent for neighbouring plots. A position closer to the original dwelling would be preferred with shrub or tree screening to rear.

5 Policies

- 5.1 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.

Adopted Core Strategy (2007)

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS1 – Landscape Protection and Enhancement

Adopted Development Management Policies (2011)

[DMP DPD - Adoption version.pdf](#)

DP1 – Natural Environment

DP2 – Landscape and Trees

DP3 – Water Quality and Resources

DP4 – Design

DP29 – Development on Sites with a High Probability of Flooding

Saved Broads Local Plan (1997)

[Broads Local Plan - Extant Policies Only Dec 2011](#)

HOR1 – Waterside Plots

- 5.2 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.

Adopted Core Strategy (2007)

CS20 – Rural Sustainability

Adopted Development Management Policies (2011)

DP13 – Bank Protection

DP24 – Replacement Dwellings

DP28 – Amenity

- 5.3 The following are also material considerations in the determination of this application:

Adopted Development and Flood Risk Supplementary Planning Document (2008)

Proposed Site Specific Policies DPD (2013) – Policy HOR 4 – Waterside Plots
National Planning Policy Framework (2012)

6 Assessment

- 6.1 In considering this proposal, it is necessary to consider the principle and if this is acceptable: the design, scale, form and materials of the dwelling and associated development; flood risk; impact on trees; amenity; biodiversity; sewerage; and, bank protection.

Principle

- 6.2 In terms of principle, Development Management Policy DP24 allows for replacement dwellings outside development boundaries, subject to criteria. Despite being one of a decreasing number of surviving chalets from the original period of development at Crabbetts Marsh, the chalet is not considered to be of any historic, architectural or cultural significance to render it worthy of retention and replacement is considered acceptable in accordance with criterion (d) of Policy DP24.
- 6.3 The use of the dwelling was not restricted by condition on the original permission (59/214) and it could lawfully be occupied as a residential dwelling. While the dwelling has not been occupied or used residentially with any particular intensity in recent years, it remains capable of occupation and there is no suggestion of abandonment of the permitted use. It is therefore considered to have a lawful residential use in accordance with criterion (c) of Policy DP24.
- 6.4 Criteria (a) and (b) shall be considered below and subject to complying with these criteria, the proposal is considered acceptable in principle in accordance with Policy DP24. The principle of the proposal is also in accordance with both site specific policies, subject to the appropriateness to and impact on the surrounding area. The Site Specific Policies DPD is due to be examined in February 2014 and in the last round of consultations there was no objection to Proposed Policy HOR4 and no minor modifications are proposed, therefore this policy can be given significant weight in the determination of this application.

Design, Siting and Layout

- 6.5 The proposal represents a significant increase in scale from the existing dwelling in footprint and height and it is noted that the Parish Council and neighbouring occupiers consider the proposal to be too large for the site, including due to the addition of first floor accommodation. Broadly speaking,

along this stretch of river, development increases in scale from modest single storey dwellings at the far western end, to substantial two storey dwellings downstream at Racing Reach nearest the village. By sitting on a bend in the river, the site forms an important feature in the transition in the scale of dwellings. Storey and a half dwellings do exist within the Bureside Estate upstream of the site and it is considered that, in principle, first floor accommodation could be achieved here, subject to the overall scale and mass and with regard to the objectives of Proposed Policy HOR4.

- 6.6 In terms of footprint, at approximately 76.5 square metres (measured externally), the proposal is more than twice as large as the footprint of the existing dwelling (33.82 square metres). However, this is approximately equal to the footprints of the existing dwelling, the four sheds and a rear extension to the existing dwelling which has been demonstrated to be lawful (BA/2013/0018/CPLUD) but has not been built. In considering whether this scale is appropriate for the plot, it is also necessary to consider the overall scale and mass of the development.
- 6.7 The simple form presents a single gable to the river and relates to the form of the nearest dwellings upstream. The first floor accommodation is contained under the relatively steeply pitched roof which reduces the visual mass when viewed from the river and access track and the single storey area at the rear of the dwelling also reduces the visual mass over the length of the dwelling and breaks up the long side elevations. As well as the dwelling, large areas of decking and boardwalks are proposed which increase the area of built development. These have been reduced in area since this application was first submitted and the decking over the cut is proposed flush with the proposed raised ground level, rather than the higher floor level, which reduces its impact.
- 6.8 In terms of design, the significant eaves overhang and dominant roof form are characteristic of this area. It will be necessary for the sides of the raised decking to have intermittent boarding to allow flood water beneath and the sides to the additional boardwalk and decking over the cut would not be entirely solid. These features and the metal flue would assist in producing a lighter weight appearance, which is generally characteristic of buildings in this area, to this larger scale dwelling, although its appearance would not be as low key as the existing dwelling or other buildings more characteristic of the area. Whilst it is acknowledged that the proposal represents a significant increase in scale from the existing dwelling, the form and detailed design assist in reducing the visual mass to a level not inappropriate for the site and its setting. Accordingly it is not considered that the scale and mass would be inappropriate to the character of the area and, on balance, the proposal is considered acceptable in accordance with criterion (d) of Development Management Policy DP4 and the objectives of Proposed Policy HOR4.
- 6.9 In terms of siting, the front elevation would be 2metres further back which would, to an extent, assist in reducing the visual prominence of the dwelling from the river which is the most publically visible aspect. Flood risk does not vary across the site, and therefore with regard to criterion (b) of Policy DP24

only, the siting is considered acceptable. The siting would require removal of a number of trees and include decking over part of the existing cut and in these respects it does not respond positively to the constraints of the site. However, the footprint of the dwelling is simple and retains open areas to each side and a replacement tree planting and a landscaping plan are proposed. Subject to agreeing the details of new parking and surfacing, it is considered that the siting and layout of the development would satisfactorily reflect the characteristics of the site in accordance with criterion (a) of Development Management Policy DP4.

- 6.10 The proposed materials are considered appropriate for this development and its setting, in accordance with Policy DP4 and Proposed Policy HOR4, subject to agreement on the colour of the cladding.

Flood Risk

- 6.11 The site is in flood risk zone 3a and in accordance with the Development and Flood Risk Supplementary Planning Document (SPD) the existing dwelling can be replaced on a like-for-like basis in terms of the number of bedrooms and footprint. Whilst the proposal maintains two bedrooms, the proposed footprint would be larger and includes the footprints of development which has not been built (rear extension) or exists and is not sound or functional (two sheds). The proposal is therefore not in accordance with the SPD, however this itself is not fully consistent with the National Planning Policy Framework which does not set any limitations on size or accommodation of replacement dwellings in the floodplain, which are allowed subject to passing the Exception Test. The weight that can be attributed to the SPD is consequently reduced.
- 6.12 As set out at paragraph 102 of the Framework, to pass the Exception Test:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and
 - a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

Both elements of this test must be passed for the development to be permitted.

- 6.13 Guidance on 'sustainability benefits' is provided in the SPD which states development should make a significant contribution to the objectives of the Core Strategy's Sustainability Appraisal and the Local Development Framework. These objectives include protecting and enhancing the natural and cultural environment and reducing vulnerability to climate change and flooding. It is not considered that the proposal would adversely affect the Broads' environment and it would reduce vulnerability to climate change and flooding in comparison to the existing dwelling. However, the proposal significantly increases the footprint of the dwelling within the floodplain and

has a greater floor area in terms of the volume (and value) of property at risk. The benefits therefore, at best, balance with the risks of flooding.

- 6.14 The proposed raised floor level, first floor refuge, resilience measures and response plan represent improvements in flood safety relative to the existing dwelling. The Environment Agency are satisfied that the proposal represents a significant betterment and have no objection to the proposed land raising, but note the ground floor would flood by 0.1metre in the event of a 1% climate change enhanced event. The development would not be safe for its lifetime and the access route is at risk of flooding by a significant depth, however, these residual risks could be satisfactorily managed by appropriate resilience measures and a robust response plan, secured by condition. It is not considered that flood risk to property is reduced, but this is not essential to pass the Exception Test.
- 6.15 Being mindful that the Environment Agency have no objection to the proposal and that it represents significant improvements in flood safety relative to the existing dwelling, it is considered that the proposal is not unacceptable in respect of flood risk or contrary to the National Planning Policy Framework, Development Management Policy DP29 or Core Strategy Policy CS20 and the SPD insofar as they are consistent with the Framework.

Trees and Landscaping

- 6.16 The proposal would significantly reduce tree cover on this plot, which is currently somewhat atypical and surrounding plots are much more managed and maintained as domestic gardens. The proposed tree removal would open up the site, although on the southwest boundary trees are proposed to be retained and existing trees replaced to maintain a boundary feature that would, in part, screen the proposed development. At the rear of the site it would be completely open and this area is proposed to be used for parking.
- 6.17 Criterion (b) of Proposed Policy HOR4 seeks for new development in this area to contribute to an increase in the amount of trees and other planting. Whilst this site is atypical in its current condition, it is considered that as much tree cover as possible should be retained, with additional planting to complement the proposed replacement dwelling. The submitted Arboricultural Impact Assessment does not relate to the current proposals and a revised Assessment is awaited to determine if the impacts on the retained trees would be acceptable. Subject to receiving a satisfactory assessment and securing appropriate protection measures, it is not considered that the proposal would result in the loss of any trees of landscape or ecological importance in accordance with Development Management Policy DP2. A Landscaping Plan has been submitted and subject to agreeing some amendments and additional details, appropriate replacement planting can be secured by condition in accordance with Proposed Policy HOR4.

Amenity

- 6.18 With regard to amenity, the site to the southwest is currently vacant and to the rear across the access track there are a number of mooring plots. As noted above, the siting further back into the site would, to a degree, lessen the impact from the most publically visible impact of the river. The visual impact would however be greater to the users of the moorings plots to the rear, however it is not considered that their amenity would be unacceptably affected.
- 6.19 The northeast elevation ground floor windows would face the side elevation of the neighbouring dwelling, however there are windows in this elevation of the existing dwelling. The first floor balcony would provide elevated views over the neighbouring plots, however these are open to views from the river and it is not considered that this would result in any unacceptable impacts on amenity, including to any future occupiers of the currently undeveloped site to the southwest. A response from the Environmental Protection Officer on the proposed flue is awaited and subject to this, the proposal is considered acceptable in accordance with Policy DP28 which, although not wholly consistent with the National Planning Policy Framework, can be given weight in the determination of this application.

Highway Safety

- 6.20 There is sufficient space for up to two vehicles to park at the rear of the dwelling, albeit perhaps not to also turn within the site. The track is not an adopted highway and provides access to only one dwelling and mooring plots beyond the application site, therefore any reversing out of the site would not result in adverse impacts on highway safety.

Biodiversity

- 6.21 A Protected Species Survey has found no evidence of bats, otters, nesting or other protected birds on the site, however it is considered necessary to secure appropriate precautionary measures and biodiversity enhancements by condition in accordance with Development Management Policy DP1.

Sewerage

- 6.22 In accordance with criterion (a) of Proposed Policy HOR4, the proposal should contribute to an upgrading of private sewage plants. The application proposes utilising the existing pumped connection to the mains sewer and no representations were received to suggest this is inadequate or requires upgrading. In this respect the proposal can be considered to be in accordance with Development Management Policy DP3.

Bank Protection

- 6.23 The proposed raising of the quayheading and new boardwalks would not encroach on the navigation area and these aspects of the proposal are considered acceptable in accordance with Development Management Policy DP13.

7 Conclusion

- 7.1 There is no objection to a replacement dwelling on this site in principle. The application represents a revised proposal for a previously refused replacement dwelling and the amendments that have been made broadly address the reasons for refusal. A significant increase in scale is proposed from the existing dwelling and the local concerns in this respect are appreciated. However, the simple form of the dwelling presents a scale and mass not considered appropriate to this site and its wider setting and the detailed design and materials would reinforce local distinctiveness.
- 7.2 The design is considered acceptable on balance and in respect of flood risk the proposal can be considered to pass the Exception Test and is not contrary to the National Planning Policy Framework. No unacceptable impacts on amenity, highway safety, sewage infrastructure or navigation are considered to result and trees and biodiversity can be satisfactorily protected and enhanced subject to appropriate conditions.

8 Recommendation

- 8.1 Approve subject to conditions:
- (i) Standard time limit
 - (ii) In accordance with approved plans
 - (iii) Sample of cladding to be agreed
 - (iv) Details of boarding around raised decking
 - (v) Retain void beneath dwelling
 - (vi) Minimum finished floor level of 1.58m AOD.
 - (vii) Scheme for the provision and implementation of flood proofing measures
 - (viii) Flood Response Plan
 - (ix) Arboricultural Method Statement
 - (x) Landscaping scheme
 - (xi) Replacement planting within 5 years
 - (xii) Ecological mitigation measures and biodiversity enhancements
 - (xiii) Remove permitted development rights

9 Reason for Recommendation

- 9.1 The proposal is considered to be acceptable in accordance with Policies DP1, DP2, DP3, DP4, DP13, DP24, DP28 and DP29 of the adopted Development Management Policies DPD (2011), Policies CS1 and CS20 of the adopted Core Strategy (2007), saved Policy HOR1 of the Broads Local Plan (1997) and the Development and Flood Risk SPD (2008), Proposed Policy HOR4 of the Proposed Site Specific Policies DPD (2013) and the National Planning Policy Framework (2012) which are material considerations in the determination of this application.

Background papers: BA/2013/0322/FUL

Author: Maria Hammond
Date of Report: 21 November 2013

List of Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2013/0322/FUL - 3 Bureside Estate, Crabbetts Marsh, Horning
Resubmission of refusal BA/2013/0227/FUL for a replacement Dwelling House

