



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/12

Development Control Committee

4 February 2016

Planning Application DC/15/1629/FUL

Kevor House, 62 Out Westgate, Bury St Edmunds

Date: 10 September **Expiry Date:** 5 November 2015
Registered: 2015 (extended to 8 January 2016)

Case Officer: Sarah Drane **Recommendation:** Refuse

Parish: Bury St Edmunds Town Council **Ward:** Abbeygate

Proposal: Planning Application - (i) Extension to front and rear of existing apartment block to create additional 4no. apartments (ii) Alterations to 3no. existing apartments (Resubmission of DC/15/0881/FUL)

Site: Kevor House, 62 Out Westgate, Bury St Edmunds

Applicant: Thingoe Ltd

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

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Background:

This application is referred to the Committee following consideration by the Delegation Panel. Bury St Edmunds Town Council raise no objections and the application is recommended for refusal.

A site visit is scheduled to take place on Thursday 28 January 2016.

Proposal:

1. Planning permission is sought for front, rear and first floor side extensions to an existing block of three, two bed, flats to create an additional four two bed apartments. Access and parking remains as existing, with access along the eastern side of the site and parking for eight cars at the rear. An existing garage and shed at the rear of the site would be demolished. Covered cycle storage with space for 16 bikes is also proposed on the eastern boundary. There is a pedestrian access and bin storage along the western boundary of the site. A new brick retaining wall is also proposed at two points along the boundary adjacent to No 64.
2. Additional information has been submitted providing a more detailed daylight/sunlight assessment.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Existing and proposed plans including landscaping plans
 - Planning, Design & Access Statement
 - Daylight/Sunlight assessment
 - Land contamination assessment
 - CGI (Computer Generated Image) of proposals

Site Details:

4. The site is situated on Out Westgate Street, to the south west of the town centre in an area which is predominantly residential in character. It is within the settlement boundary of the Town. The site is rectangular in shape and slopes upwards from front to back (south to north). The existing building is of a simple three storey gable fronted brick construction, and set back within the site at a higher level than either the road or adjacent dwellings. There is a brick wall along the site frontage with a single point of access for pedestrians and vehicles off Out Westgate Street. To the west is a Victorian terrace of dwellings, separated from the site by a mix of fencing and hedging. To the east are two properties set behind a substantial wall and gates fronting the main road. There is also a tall leylandii hedge towards the front and fence towards the back along this boundary.

Planning History:

5. DC/15/0881/FUL - Planning Application - (i) Proposed 5 no. Flats in existing apartment block, 'Kevor House' (ii) Front and Rear extensions and alterations to 3 no. existing apartments, also in Kevor House - refused

Consultations:

6. Highway Authority: No objection subject to conditions

Environment team: No objection

Public Health and Housing: No objection

Landscape Officer: Object – concerns about impact on the walnut tree and whether the landscaping proposals would establish considering the site conditions.

Representations:

7. Bury St Edmunds Town Council: No objection.
8. Representations have also been made from the Annexe 60 Out Westgate, 60, 99, and 105 Out Westgate, 5 and 9 Hospital Rd, raising the following concerns:
 - Negative impact on amenity of adjacent properties due to size, depth, height and massing of proposals.
 - Visually overbearing
 - overdevelopment
 - loss of light / overshadowing
 - overlooking and loss of privacy
 - increase in road traffic noise
 - insufficient parking
 - paved area at the front out of keeping with other front gardens adjacent
 - flyover gate entrance out of keeping with the street scene
 - Extension will kill adjacent leylandii hedge which screens the existing building.
 - Increase generally in noise, pollution and dust
 - Further extension of building will create a wind tunnel effect
 - Impact on substantial Walnut Tree to rear of the site
 - Light pollution

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

9. Joint Development Management Policies Document:
 - DM2 – Creating Places
 - DM22 – Residential Design

10. St Edmundsbury Core Strategy December 2010

- Policy CS1 – Spatial Strategy
- Policy CS3 – Design & Local Distinctiveness
- Policy CS4 – Settlement Hierarchy and Identity

11. Bury Vision 2031

- BV1 – Presumption in favour of sustainable development
- BV2 – Housing development within Bury St Edmunds

Other Planning Policy:

12. National Planning Policy Framework (2012)

- core principles
- Section 6 – Delivering a wide choice of quality homes
- Section 7 – Requiring Good Design

Officer Comment:

13. The issues to be considered in the determination of the application are:

- Principle of Development
- Impact on amenity
- Design Considerations
- Landscaping
- Highways Considerations

Principle of Development

14. This site is within the settlement boundary of Bury St Edmunds. It is a sustainable location, close to the town centre. The principle of an extension to an existing building to create additional flats is acceptable, subject to achieving satisfactory access, parking, amenity impact and a suitable design. It is these matters which will be considered in detail below.

Impact on amenity

15. This site is surrounded on all sides by existing residential properties. The existing building is set back from the site frontage (by approx. 9m) and is of a substantial scale already. It is three storeys in height (approx. 10m measured on the front elevation) and measures 11.4m in depth. The proposed rear extension measures 13.25m in depth and 7m in height (dropped down in height from the main building by about 2.95m). It is set in off the western boundary by approx. 2.4 – 2.6m. Whilst this amended scheme has removed a storey from the rear extension, this still creates a significant expanse of building along a significant proportion of the boundary to No. 64, which is a modest two storey end terrace dwelling with long rear garden. Whilst the alterations to the windows within the existing building have improved the relationship with No. 64 and the windows within the extension would not overlook the rear of No. 64, the scale, in terms of both the height and depth of the extension are still considered to create an overbearing and unneighbourly relationship with this property.

16. The relationship of the proposed extensions to the two properties on the eastern side of the site is also an important consideration, and raises similar issues to those discussed above. The existing building already has windows in the east elevation which would overlook the adjoining properties if the existing substantial leylandii hedge was not there. First floor windows in the extension on the east elevation provide further living room windows with a stand off of only 5.1m to the boundary. The additional landscaping proposals submitted show that overlooking could to some extent be mitigated. However, these windows would not overlook private amenity space as this is on the opposite side of and to the rear of No. 60. It would be difficult to therefore substantiate a reason for refusal on grounds of overlooking.
17. There is less of an overbearing relationship with properties to the east, given the further reduction in height of the rear extension (by nearly 3m), particularly as they are set further away. However, even with the existing and proposed landscaping, the extended building would still be of a significant scale in much closer proximity than that which exists at present. That combined with the greater overshadowing that would be caused, particularly during the autumn/winter months in the later part of the day when the sun is lower in the sky will have a detrimental impact on the amenity of those adjoining occupiers.
18. In addition to the scale of the building, there would also be a significant increase in vehicular movements along the eastern boundary arising from the increased number of dwellings and from the proposed position of car parking spaces relative to off site property. At present there are only three units on the site, but this is being increased to seven; whilst this is one less than the previous scheme, this is still more than double the existing arrangement. Vehicular movements in the car park and along the access, in close proximity to off site dwellings, will have a detrimental impact on the residential amenity presently enjoyed by adjoining properties, creating additional noise and disturbance generally.
19. In addition to vehicular movements, there will be significantly increased pedestrian activity along the western boundary immediately adjacent to the private rear garden of No. 64, with the entrance to three of the flats on the west elevation. This again, will have a detrimental impact on the residential amenity presently enjoyed by No. 64, creating additional noise and disturbance generally. At present the existing building is accessed through a single entrance point at the rear of the building, so there is direct access into the building from the rear car park.
20. As a result of the above considerations it cannot be concluded that the proposal will have a satisfactory impact upon the reasonable amenities of nearby dwellings. It is therefore considered contrary to Policies DM2 and DM22, as well as to the general requirements of the NPPF which seek to ensure an acceptable standard of amenity for all existing and future residents.

Design Considerations

21. This proposal sees the existing footprint and scale of the building more than doubled. The front and side extension is that which will appear most prominent in the street scene, noting its increased width, height and, importantly, its closer proximity to the road. The existing building is set back into the site which helps reduce its present impact. The proposed front and side extension brings the existing building in line with the adjacent two storey terrace and creates a significant visual presence in the street scene. The front/side extension has been designed to fit in with the scale and character of the adjoining Victorian terrace. The existing gable is brought forward and the roof hipped. The extension then drops in height, with a similar ridge and eaves to the adjacent terrace. The side extension is also hipped. The previous application presented an array of fenestration types, with dormer windows serving 2nd floor accommodation, a Juliet balcony at first floor, a standard multi paned window at 1st floor, bay window on the ground floor, as well as an expansive area at first floor devoid of any fenestration. This has now been simplified in this present application. A standard window has replaced the Juliet balcony at 1st floor level and the area previously devoid of fenestration now has two windows which line up over the ground floor entrance doors. The side extension has also been set back slightly to provide a visual break in what is now a very wide elevation compared to what exists at present. On balance, the design of the front part of the site is acceptable.
22. There are some enhancements to the existing building as a result of the proposals, particularly in relation to the windows in the west elevation which have been rationalised to reduce overlooking. The rear extension is further set down from the height of the existing building which does provide a more obvious visual break in the roofline than previously proposed, but due to the substantial length and three storey height, this large building will change into a significantly larger block to the detriment of the amenity of adjoining occupiers, as discussed above.

Landscaping

23. The Council's Tree and Landscape Officer has considered the detailed proposals put forward. The proposals show the retention of a conifer hedge on the neighbours' property (to the east) and the planting of a pleached hornbeam with a yew hedge adjacent to reduce any issues relating to neighbour amenity. The landscape Officer is of the opinion that the new landscaping would not be easily established under these circumstances.
24. To the western side of the new development, a line of *Ligustrum japonica* trees is proposed. Whilst these are relatively small trees, they could grow to a height of between 3-7m. They are also evergreen and planted close to the neighbouring boundary. This screening vegetation is likely to overhang the neighbouring garden rather than soften the proposed built development. It is also likely to add to the buildings' dominance by extending a wall of green above and over the existing property boundary. This planting is also going to reduce light into rooms on the west elevation, particularly as it is in close proximity to the building (planted within 2-3m of the building) and could therefore lead to future pressure

for its removal. It is considered that it is simply not possible to mask such a substantial building, with material treatment or landscaping, when the scale and proximity considerations and implications arising discussed above remain so fundamental.

25. In addition to proposed soft landscaping, the proposal provides hard landscaping and paving throughout the site including beneath the existing walnut tree located in the neighbouring garden. This tree is protected by a TPO. An arboricultural method statement has been included on plan LSDP 11227, however the root protection area (RPA) of the tree has not been determined and the proposal is to use mechanical excavators beneath the canopy of the tree. There is therefore concern that the protection of the tree has not been properly considered. The proposal is to then allow car parking beneath the tree canopy which will contribute to future pressure to continually reduce, crown lift and prune it back.

Highways Considerations

26. The site plan shows parking for eight cars which is enough for one per unit plus one visitor space. This provision along with cycle storage is considered by the Highway Authority to be sufficient and they recommend no objections subject to conditions. This site is in a sustainable location, close to the town centre with shops, services and public transport. This aspect of the proposal is therefore considered acceptable.

Conclusion:

27. In conclusion, the proposed development by virtue of its overall scale and massing in close proximity to neighbouring properties is considered to create an unneighbourly and overbearing relationship, detrimental to the amenity of residential occupiers, which cannot be mitigated by the proposed landscaping scheme. The proposals would also be detrimental to the residential enjoyment of neighbouring properties by reason of the significant intensification of the use of the site from three to seven flats. The parking area is also located at the rear of the property and would lead to additional parking and turning in close proximity to neighbouring properties. In addition, there will be significantly increased pedestrian activity along the western boundary immediately adjacent to the private rear garden of No. 64, with the entrance to 3 of the flats on the west elevation. Finally, as set out above, it is considered that there are significant arboricultural impacts that have not been satisfactorily addressed.

28. Accordingly, the detail of the development is not therefore considered to be acceptable or in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that planning permission be **Refused** for the following reasons:

1. Policy DM2 of the Joint Development Management Policies Document

states that development should not adversely impact on the amenities of adjacent areas and should incorporate designs of a scale, density and massing compatible with the locality. The proposed development by virtue of its overall scale and massing in close proximity to neighbouring properties is considered to create an unneighbourly and visually overbearing relationship, detrimental to the amenity of residential occupiers and which cannot be mitigated by the proposed landscaping scheme. The proposed planting is likely to overhang the neighbouring garden rather than soften the proposed built development. It is also likely to add to the buildings' dominance by extending a wall of green above and over the existing property boundary. This planting is also likely to reduce light into rooms on the west elevation of Kevor House, particularly as it is in close proximity to the building (planted within 2-3m) and could therefore lead to future pressure for its removal, thereby exacerbating further the amenity concerns set out above. The development is therefore considered to represent an overdevelopment of the site and fails to incorporate a design which would contribute positively to making places better for people contrary to Policy DM2 and to the provisions of the National Planning Policy Framework.

2. The development would be detrimental to the residential enjoyment of neighbouring properties by reason of the significant intensification of the use of the site from three to seven flats. The parking area is located at the rear of the property and would lead to additional parking and turning, and associated noise impacts, in close proximity to neighbouring properties. In addition, there will be significantly increased pedestrian activity, and associated noise impacts, along the western boundary immediately adjacent to the private rear garden of No. 64, with the entrance to 3 of the flats on the west elevation. The development is therefore contrary to policy DM2 which requires development to not adversely affect the amenities of adjacent areas by reason of noise or volume of vehicular activity generated.
3. The proposals include hard landscaping beneath the existing walnut tree located in the neighbouring garden (5 Hospital Road). This tree is protected by a Tree Preservation Order. An arboricultural method statement has been included on plan LSDP 11227, however the root protection area of the tree has not been determined and the proposal is to use mechanical excavators beneath the canopy of the tree. The protection of the tree has not therefore been properly considered. The proposals also include car parking beneath the tree canopy which will contribute to future pressure to continually reduce, crown lift and prune it back. The development is therefore contrary to policy DM2 which seeks to ensure that development proposals do not adversely affect important landscape features.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NSWUDNPDJS200>

Case Officer: Sarah Drane

Date: 16.12.2015