



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/038

Development Control Committee

4 May 2016

Planning Application DC/16/0329/HH

Beyka House, Tollgate Lane, Bury St Edmunds

Date	15 February	Expiry Date:	11 April 2016
Registered:	2016	Agreed Ext of time:	11 May 2016
Case Officer:	Karen Littlechild	Recommendation:	Grant
Parish:	Bury St Edmunds Town	Ward:	Northgate
Proposal:	Householder Planning Application - Part retrospective: 2 No. Dormer windows in rear roof slope and new boundary wall to highway with electrically operated frontage gates.		
Site:	Beyka House, Tollgate Lane, Bury St Edmunds		
Applicant:	Mr Bulent Celik		

Synopsis:

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

CONTACT CASE OFFICER:

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Background:

This application is presented to the Committee following consideration by the Delegation Panel. The application was referred to Delegation Panel at the request of the Ward Member and the Officer recommendation to approve is contrary to that of the Town Council.

Proposal:

1. Planning permission is sought for the retention of two dormer windows in the rear roof slope, boundary wall to the highway and proposed electrically operated gates.
2. The proposed wall has a varying height of 1.7m to a maximum of 1.85m, the brick piers measure a maximum height of 2.25m and the gates measure 1.9m.

Application Supporting Material:

3. Information submitted with the application as follows:

- Location Plan
- Proposed Floor Plan & Elevations (Drawing No. 1894/SK1E)
- Wall and gate Plans (Drawing No. 1894/CO(90)01)
- Block Plan (1804/L0(-)03)

Site Details:

4. The site comprises of a two storey detached dwelling which benefits from two, two storey side extensions. The site is adjoined by Tollgate County Primary School to the west and the rear boundaries of the dwellings to the east along Philip Road. This site is within the settlement boundary of Bury St. Edmunds.

Planning History:

1. DC/13/0439/HH [Planning Application - Erection of 2 no. two storey side extensions \(following demolition of garage and conservatory\)](#) Granted
2. DC/14/1025/HH [Planning Application - 2 no. two storey side extensions and single storey rear extension \(following demolition of garage and conservatory\) \(Revised Scheme\)](#) Granted

Consultations:

3. [Highway Authority:](#) No objection, the development will have no impact on the highway. Highways further commented that electric gates are a safer option to manually operated gates which would require the driver to leave

the vehicle to open the gate.

Representations:

4. Parish Council: Object on the grounds of loss of amenity to residents, overlooking/loss of privacy, vehicular access and highway safety.
5. Ward Member Councillor Diane Hind: Requested application to be referred to Delegation Panel on the basis that *'residents object to dormer windows which remove their privacy and therefore loss of amenity. There is great concern about the electric gates and the disruption these could cause in Tollgate Lane which is a main artery across the town'*.
6. Neighbours: One letter of objection has been received on behalf of three of the residents in Philip Road making the following summarised comments:
 - Object to the 2 dormer windows in the rear roof of the property, these were not part of the previous application which showed 3 light tubes in the roof.

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:

7. Joint Development Management Policies Document:
 - Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places Development Principles and Local Distinctiveness
 - Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
8. St Edmundsbury Core Strategy December 2010
 - Core Strategy Policy CS3 - Design and Local Distinctiveness
9. Bury Vision2031:
 - Policy BV1 - Housing Development within Bury St. Edmunds

Other Planning Policy:

10. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

Officer Comment:

11. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Design
 - Neighbour Amenity
 - Highway Safety

12. The policies listed above state that planning permission for alterations, extensions to dwellings, annexes and other ancillary development will be permitted provided that the proposal respects the character and design of the existing dwellings, will not result in over development of the curtilage and will not adversely affect the residential amenities of neighbouring properties.

13. Dormer Windows

The application is for the retention of two dormer windows to the rear elevation which serve a landing area and store room on the 2nd floor. The windows measure 1.9m wide by 1.9m high. There is a distance of 22m from the dormer windows to the rear wall of the nearest dwellings to the east along Philip Road.

The dormer window on the left as viewed from the rear garden is over the original part of the dwelling and therefore could be constructed under permitted development. This is the window that would have the greatest impact on neighbouring dwellings.

Whilst the dormers increase the potential for overlooking and perceived overlooking into neighbouring gardens, it is not considered to do so in a more substantive way than the existing first storey windows, or in a way that would otherwise be unacceptable in this context, particularly given the fact that a Lawful Development Certificate could be granted for the dormer nearest to neighbouring properties.

14. Boundary Wall & Electrically Operated Gates

The proposed boundary wall has been partially built and has been constructed in a matching brick to the main dwelling. The wall is of a similar design and scale to that of the neighbouring property. The development is therefore considered to be of an appropriate design, form and scale as to comply with the relevant policies.

The electrically operated gates are to be set back approximately 1.6m from the front boundary wall and 4.5m from the edge of Tollgate Lane. The proposed height is similar to the boundary wall. The remote automatic gate opening device contains a SIM card that responds over the mobile phone network with the operators own mobile phone. The SIM card is programmed only to accept predetermined callers in order to maintain security. The gates can usually be activated from about 400m to enable vehicles to drive directly off the highway without stopping.

Highways have commented that electric gates are a safer option to manually operated gates which would require the driver to leave the vehicle whilst opening the gate. The proposals in this respect are considered acceptable.

Given the nature and scale of the proposed works, it is considered that there will be no adverse impact to neighbouring amenity.

Conclusion:

15. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that planning permission be **Approved** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

- Location Plan dated 15.02.2016
- Block Plan - Drawing number: 1804/L0(-)03 dated 07.04.2016
- Wall and Gate Details – Drawing number 1894/C0(90)01 dated 15.02.2016
- Proposed Floor Plans and Elevations – Drawing number 1894/SK1E dated 15.02.2016

Reason: To define the scope and extent of this permission.

3. The development hereby permitted shall be constructed entirely of the materials detailed on the application form

Reason: To ensure that the external appearance of the development is satisfactory.

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=O2LF9LPD05L00>