



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/020

Development Control Committee 3 May 2017

**Planning Application DC/17/0354/HH,
5 West Road, Bury St Edmunds, IP33 3EL**

Date Registered: 27.02.2017 **Expiry Date:** 24.04.2017

Case Officer: Debbie Cooper **Recommendation:** Approve Application

Parish: Bury St Edmunds **Ward:** Risbygate

Proposal: Householder Planning Application - (i) single storey side extension (ii) raising of rear lean-to roof height (iii) 2 metre high timber gate and fence to side (iv) replacement front door and 2no. replacement front windows and (v) 2no. rooflights in rear elevation

Site: 5 West Road, Bury St Edmunds, IP33 3EL

Applicant: Mrs D Cope

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.

CONTACT CASE OFFICER:

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Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel. It was presented before the Delegation Panel at the request of Councillor David Nettleton, the local Ward Member.

A site visit is proposed to take place on Thursday 27 April 2017.

The Town Council raise no objection and the application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for a single storey side extension to create a shower room suitable for disabled access. The proposed extension measures 1.325 metres in width, 4 metres in depth and will be constructed in matching materials. The height to the eaves is 2.7 metres with a ridge height of 3.4 metres.
2. Planning permission is also sought to raise the roof height of the rear lean-to to facilitate level access to the kitchen diner and shower room. This increase in height is 0.5 metre, giving a new height of 3.784 metres.
3. Planning permission is also sought to replace the front door and two front windows and to insert two new rooflights in the rear roof.
4. Lastly planning permission is also sought to construct a 2 metre high timber close boarded fence and gate to the side, in line with the front of the house.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Location plan
 - Existing and proposed block plan
 - Existing and proposed floorplans and elevations
 - Proposed window details
 - Proposed door details

Site Details:

6. The application site comprises of a two storey end terraced dwelling situated within the settlement boundary of Bury St Edmunds. It is situated within a designated Conservation Area and an area restricted by an Article 4 direction which restricts permitted development in order to protect the special character and appearance of the Conservation Area.
7. There is a small front garden with pedestrian access only and parking on-street. Accessed through a gate, there is a shared right of way which runs along the side and rear of the house, providing access to the rear of numbers

7, 9 and 11 West Street. The side boundary comprises of two adjacent fences with a conifer hedge beyond.

Planning History:

| Reference | Proposal | Status | Decision Date |
|------------------|--|---------------------|----------------------|
| SE/04/2373/P | Planning Application - Provision of temporary timber steps to front entrance and provision of handrail | Application Granted | 12.07.2004 |
| SE/03/3896/P | Planning Application - Alterations to steps and provision of handrail to front door | Application Refused | 29.01.2004 |

Consultations:

8. Highways - we note that there is to be no change in the parking, therefore the status quo is being maintained and SCC Highways do not recommend refusal
9. Conservation Officer - no issues with the side extension, the rear roof extension or the rear rooflights. With regards to the proposed replacement windows, numbers 9 and 11 appear to have the original windows and due to the relatively chunky sections of the proposed windows I think it is unlikely that they will match those of the originally detailed windows. The purpose of the Article 4 direction is to reinstate consistency. Based on the information provided, the introduction of the windows as detailed would not appear to match those of the originally detailed windows and would therefore fail to reinstate consistency. The details of the proposed windows therefore are unacceptable. The details for the door as proposed are acceptable.
10. Amended window details were subsequently provided which are still considered larger than would be acceptable when compared to those of a typical traditionally detailed sash and are therefore not acceptable. The proposed development will compromise the consistent and uniform approach the Article 4 direction is striving to achieve.
11. Finally, a fourth set of revised window details has been received on 18th April and which are considered satisfactory.

Representations:

12. Town Council: No objection based on information received subject to Conservation Area issues and Article 4 issues
13. Neighbours: comments received from No. 11 West Road and two other residents. These are summarised below:

- The proposed extension will be built on a path that has had legally shared access with numbers 7, 9 and 11. Agreements are not in place, nor will they be.
- The wheeled bins will likely over time damage the extension as it will be regularly hit.
- I need to move beehives into and from my garden and this extension will restrict this hobby and spoil the enjoyment of my property.
- This extension will directly affect the way I have enjoyed using my house and garden for nearly 20 years.
- The proposed casement window at the back of the current lean-to must not open outwards into the shared pathway as this could cause a personal accident.
- The extension would make the use of bikes, garden equipment, wheelie bins and general access for maintaining the front and the back of the house impossible.
- The measurements for the extension appear to be dependent on the adjoining property's collapsing fence line once number 5's abutting fence is removed. If this boundary moves in the future, even slightly, and a boundary dispute arises between No. 5 and the adjoining property, all houses in the terrace would lose their access to the back of their respective properties.
- Reduction in width of access was not envisaged at the time of purchase and was an important deciding factor at purchase. The current arrangement must be retained otherwise it is detrimental to our enjoyment of our garden.
- The extension is proposed to be built over a legal shared mains drain. No agreements are in place for this, nor will there be.
- The proposed fence and gate would shield and block the shared access from the main road. Will be unable to see if the resident's dog is loose.
- The loss of this shared right of way will make it impossible for us to maintain our houses and preserve the conservation area.
- Access for a disabled person would in the future only be possible by introducing ramps and hand rails to the front.
- We do not believe that the extension will meet building regulation requirements.

14. **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:

1. Joint Development Management Policies Document:
 - Policy DM1 – Presumption in Favour of Sustainable Development
 - Policy DM2 – Creating Places, Development Principles and Local Distinctiveness
 - Policy DM16 - (Local Heritage Assets and Buildings Protected by an Article 4 Direction)
 - Policy DM17 - (Conservation Areas)
 - Policy DM24 – Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
2. St Edmundsbury Core Strategy December 2010
 - Policy CS3 (Design and Local Distinctiveness)
3. Bury Vision 2031 (September 2014)

- Policy BV1 (Presumption in favour of Sustainable Development)

Other Planning Policy:

15. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68 and 126-141

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on neighbouring amenity
- Impact on the Conservation Area / Article 4 Area

17. Policy DM24 states that extensions and alterations shall respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in over-development of the plot of the dwelling curtilage or adversely affect the residential amenity of neighbouring dwellings.

18. In this case, the dwelling is positioned within a curtilage which is able to accommodate a degree of expansion without over-development occurring.

19. The concerns expressed by neighbours primarily relate to the encroachment of the side extension into the shared right of way that allows access to the rear of numbers 7, 9 and 11 West Road. The side extension will reduce the width of the access to 75 centimetres at its narrowest point. This will make the movement of wheelie bins (a standard wheelie bin has a width of 58 centimetres), wheelbarrows and so on more difficult. However, this is not a material consideration that would carry any weight sufficient to justify a refusal of the application.

20. It is stated by third parties that the development will lead to a loss of amenity as a result of a narrowing of the access. Officers do not accept this argument. Firstly, the access is, in any event, being retained, at a width sufficient to ensure pedestrian, bicycle and wheeled bin access to the rear of the property. Secondly, the provision of terraced properties with access to rear gardens through the property itself is not considered an unusual scenario, such that weight against proposal as a result of this is not considered to arise.

21. Notwithstanding these arguments, this right of way is considered to be a property right which is governed by legislation outside the planning system and so, regardless of the outcome of this planning process, any interference with that right could not be remedied through planning legislation. This is a civil matter between the relevant parties to resolve, and which any affected parties can seek to remedy themselves if they wish. It is not however within the scope of the planning system to mediate in any dispute and the application must be considered on its merits in planning terms.

22. The property is situated within a designated Conservation Area and an area restricted by an Article 4 direction which seeks to protect the special character

or appearance of the Conservation Area, to retain traditional features where they exist and encourage accurate reinstatements where they have been lost. Article 4 Directions are served on buildings which make a positive contribution to the Conservation Area and where they have qualities which are likely to be prejudiced by unsympathetic change. Policy DM16 seeks to protect buildings covered by an Article 4 Direction from unsuitable development. This includes respecting the historic fabric, design, materials, elevational treatment and ornamentation of the original building, in addition to preventing the unacceptable loss or damage to original features.

23. Furthermore Policies DM17 and CS3 ensure proposals preserve or enhance the character or appearance of the Conservation Area, with specific reference in DM17 to the retention of important traditional features such as original windows, which contribute to the character of the area and fenestration which respects its setting.

24. In this case, the side extension, the rear roof extension, the rear rooflights and the fence / gate are not considered to impact on the character or appearance of the Conservation Area / Article 4 Area. The proposed development also involves the replacement of two front windows and the front door. The replacement door details provided are acceptable, however the proposed window details originally submitted were considered larger than would be acceptable when compared to those of a typical traditionally detailed sash and were therefore not acceptable. The purpose of the Article 4 direction is to ensure accurate reinstatements where they have been lost. The originally proposed development would not have resulted in such a provision and as a result would have compromised the consistent and uniform approach the Article 4 direction seeks to achieve. Amendments have been sought and now received on 18th April 2017 detailing acceptable window proportions and detailing.

25. The proposed extensions and alterations are of an appropriate design, scale and form and respect the character of the dwelling and the wider area.

26. Given the location, nature and scale of the proposed side extension, rear roof extension and rear rooflights, it is considered that there will be no adverse impact on neighbouring amenity by virtue of loss of light, overbearing impact or overlooking.

Conclusion:

27. 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:

28. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 Time limit.

- 2 Compliance with approved plans.
- 3 Hours of construction / demolition.

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=OLIYO5PDMRB00>

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