



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/037

Development Control Committee 7 September 2017

Planning Application DC/17/0232/FUL - 65 Horsecroft Road, Bury St Edmunds

Date Registered:	24.02.2017	Expiry Date:	21.04.2017
		Extension of time:	11.09.2017
Case Officer:	Matthew Gee	Recommendation:	Refuse
Parish:	Bury St Edmunds	Ward:	Westgate
Proposal:	Planning Application - (i) 1no new dwelling with extension to existing access drive and (ii) Single storey side extension to No.65 Horsecroft Road and remaining works to new drive entrance		
Site:	65 Horsecroft Road, Bury St Edmunds		
Applicant:	Mr Trevor Grange		

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:

1. The application is referred to the Development Control Committee in order to ensure full openness of the application process, and in light of the interest in this proposal.

Proposal:

2. Planning permission is sought for 1no. dwelling, with 2 bedrooms and a floor area of approximately 115sqm. The proposed dwelling will measure 2.8m to the eaves, and 4m in height.
3. The application has been amended since submission to reduce the overall height of the dwelling, amend the design and size of the dwelling and reposition the proposed dwelling in the site.
4. Permission is also sought for a single storey side extension to no.65, the extension will measure 2.7m wide, 7.6m deep, 2.4m to the eaves, and 3.8m in height.

Site Details:

5. The site is situated within the housing settlement boundary for Bury St Edmunds. The site comprises a detached bungalow with a detached single bay garage. The site has a large garden and is served from a private gravel track off Horsecroft Road. The track serves two other bungalows; No. 67 and No. 69.

Planning History:

Reference	Proposal	Status	Decision Date
DC/13/0484/FUL	Planning Application - Erection of 1½ storey dwelling	Application Withdrawn	10.12.2013
DC/14/2281/FUL	Planning Application - erection of a bungalow as revised by design and access statement received 26 February 2015.	Application Refused and dismissed at appeal	05.03.2015
SE/10/0838	TPO161a(1992)5 - Tree Preservation Order Application Balance crown by 15% reduction to north side to one Oak tree (T1 on Order)	Application Granted	27.08.2010
E/74/1205/PR	NEW SINGLE STOREY DWELLING, RESIDENTIAL	Application Granted	02.05.1974

Consultations:

6. Highways Authority: No objection subject to conditions
7. Bury Society: Object to the application on the grounds that it is over-development of the site.
8. Environment Team: No objection
9. Public, Health and Housing: No objection

Representations:

10. Town Council - 9th March (prior to amendments): Object on "*grounds of overshadowing, overlooking, over development, loss of amenity, out of character with the area and contrary to the principles of good design set out within Policy CS3 of the St Edmundsbury Core Strategy 2010*"
11. Neighbour comments (prior to amendments):
Letter of representation have been received from numbers 136, and 140 Hardwick Lane, making the following summarised objections
 - Proposal does not respect the existing character of the area and is over-development of the site
 - New access is "contrived and unsightly positioning"
 - Concerns of parking and manoeuvring space and impact that this may have on highway safety
 - Impact on amenity of neighbouring residents
 - Proposal would create a dangerous precedent for the sub-division of neighbouring plots
12. Neighbour comments (prior to amendments):
Letter of representation have been received from numbers 65 Horsecroft Road, making the following summarised comments in support of application:
 - Proposal is good use of current wasted land
 - Not detrimental to area as it would be hardly seen
 - Dwelling with well-kept garden would improve the site from how it currently looks
 - Security of the site would improve and the safety of the site
 - Proposed plans for the drive also help any changes that are proposed
13. Town Council – 29th June (following amendments made on 12th June):
Withdraw previous objection
14. Neighbour comments (following amendments made on 12th June):
Letter of representation have been received from numbers 136, 138, and 140 Hardwick Lane, making the following summarised objections
 - Proposed amendments result in a proposal with little architectural merit

- Concerned that proposal couldn't be built as shown
- Concerned about future encroachment on the site once constructed
- Proposal would likely result in close boarding fence along boundary further urbanising the area
- Proposal is cramped and out keeping with existing character
- Proposal is closer to boundary thereby increasing level of intrusion
- Site is sloping as such proposal may appear higher than stated

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:

15. Joint Development Management Policies Document:

- Policy DM1 - Presumption in Favour of Sustainable Development
- Policy DM2 - Creating Places – Development Principles and Local Distinctiveness
- Policy DM7 - Sustainable Design and Construction
- Policy DM13 - Landscape Features
- Policy DM22 - Residential Design
- Policy DM24 - Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage
- Policy DM46 – Parking Standards

16. St Edmundsbury Core Strategy December 2010

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

17. Bury St Edmunds Vision 2031

- Policy BV1 – Presumption in Favour of Sustainable Development
- Policy BV2 – Housing Development within Bury St Edmunds

Other Planning Policy:

18. National Planning Policy Framework (2012) core principles and paragraphs 56 - 68

Officer Comment:

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

- Principle of Development
- Design, scale and form
- Impact on amenity
- Impact on highways
- Other concerns

Principle of development

20. BV2 of the Bury St Edmunds Vision 2031 supports new dwellings located within the housing settlement boundary of Bury St Edmunds. Consequently, the principle of a new dwelling in this location is accepted subject to the design and the impact on the locality.

Design, scale and form

21. Policy DM22 details that all residential development should maintain or create a sense of place by:
- Employing designs that are specific to the scheme
 - Basing design on an analysis of existing buildings, landscape or topography.
 - Utilising the characteristics of the locality to create buildings that have a strong sense of place
 - Creating or contributing to a coherent and legible place
 - Creating and supporting continuity of built form and enclosure of spaces.
 - Apply innovative highways and parking measures to avoid the visual dominance of these elements
 - New dwellings should also be of a high architectural quality; providing adequate space light and privacy.
22. Policy DM2, states that proposals for new development will be considered favourably where they recognise and address the key features, character, landscape/townscape character, local distinctiveness and special qualities of the area. The National Planning Policy Framework similarly attaches significant importance to the design of the built environment, stating that decisions should ensure that developments will add to the overall quality of the area, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping (para.58).
23. This area is defined by reasonably sized bungalows with large open gardens. Nos. 67 and 69 have their own driveways leading to double garages. The access track runs in front of No. 65 forming a driveway to this property. A new access off Horsecroft Road has been installed for no.65, although at the time of writing this report it does not appear to be in use.
24. The bungalows to the rear of the site (Hardwick Lane) and this section of Horsecroft Road have been designed to be well separated from each other, set within spacious plots. The new dwelling will be located close to No. 65 and close to the boundary with No. 136 Hardwick Lane.
25. A previous application DC/14/2281/FUL was submitted and refused in 2014 for 1no. single storey dwelling. The dwelling had a floor area of approximate 78sqm, with a traditional pitched roof approximately 6m high with gable flank walls. The application was refused on the grounds that:
- The proposal will result in a contrived and cramped development which does not recognise the existing spacious urban form and pattern of development in this locality, which consists of well sized dwellings set within generous plots. The subdivision of the site will cause the existing dwelling No. 65 to be out of proportion to its plot size with minimal private amenity space. Furthermore, the proposed building does not relate to the proportion and scale of the existing buildings; and given its steep and high roof will appear at odds with*

the adjacent bungalows. Consequently, the scheme will result in a harmful disruption to the spacious character of the area.

26. In addition, application DC/14/2281/FUL went to appeal and was dismissed, with the inspector concluding that, having:
- carefully considered the benefits of the proposal in terms of contributing to housing supply in a sustainable location with the harm which the proposal would cause to the character and appearance of the area. I have also considered the harm which would be caused to the living conditions of the occupiers of no 65. On balance, I conclude that the totality of the harm I have identified would outweigh the benefits of the proposal.*
27. The inspector commented that they; *"consider that both the proposed new bungalow and no 65 would sit in small plots which would be at odds with the prevailing character of the area. The loss of the garden area and its replacement with built development would have a detrimental effect on the spacious and locally distinctive character of the area".*
28. The inspector also noted that; *"...there is a mix of both traditional and modern properties with a diverse palette of materials ranging from flint to brick. However, whilst there are some notable exceptions on the western side of Horsecroft Road, the prevailing character on the eastern side of Horsecroft Road and also on Hardwick Lane is that of detached properties set in spacious plots. This lower density development provides an appropriate transition between the higher density development of the town and the open countryside which is reached a short stretch along Horsecroft Road from the appeal site. Consequently, the proposal would be at odds with the existing pattern of development and I, therefore, conclude that it would have a detrimental effect on the spacious character and appearance of the area".*
29. The subdivision of the site remains nearly identical to that of the previous application. Although, in fact, the footprint of the dwelling has increased, resulting in more development of the site. It is noted that attempts have been made to reduce the visual impact of the proposal. These amendments include reducing the overall height of the proposed dwelling from 5.9m to 4m, which is considered to reduce but not entirely minimise the harm arising from the visual bulk of the dwelling. Limited views of the proposed dwelling would be available from the public realm, although it will largely be screened by existing foliage and dwellings.
30. However, as the previous inspector noted the lower density development in the area provides an appropriate transition between the higher density development of the town and the open countryside. The LPA still considers that the loss of current garden would have a detrimental impact on the character and local distinctiveness of the area. Furthermore, the division of the site will result in the loss of a spacious plot with a detrimental impact on No. 65 which would no longer be of a scale commensurate with its plot size. Consequently No. 65 and this new dwelling will both appear cramped within their respective plots, and at odds with the prevailing pattern and grain of development in the area.

31. Furthermore No.65-69 all relate well to the junction with Horsecroft Road and Hardwick Lane. The proposed development would not relate to this highway system and represents an out of character development, noting its position set back unusually behind other development, within a much smaller than typical plot. It is noted that the properties to the rear of the site on Hardwick Lane were also 'backland development' in the late 20th Century. However, this is a larger site with a distinct access road from Hardwick Lane which is well landscaped and unobtrusive to the area and neighbouring properties, and which still maintained the distinctive character of large dwellings set within spacious and attractively soft landscaped plots. In particular, those dwellings are viewed along this access track thereby creating a well-designed development. This proposal, on the contrary, will not relate well to adjacent buildings which were not built as one development, or relate to the existing character of spacious plots.
32. Consequently, noting the significant harm arising to the character and appearance of the area the proposal is not considered to accord with policy DM2 and DM22 of the Joint Development Management Plan, CS3 of the St Edmundsbury Core Strategy 2010, and paragraphs 17,53, and 56 of the NPPF.
33. The proposed extension to the existing dwelling of no.65 is considered to be sympathetic to the existing dwelling, and respectful of the existing character and appearance of the surrounding area. As such it is considered that the proposal complies with the requirements of policy DM24.

Impact on amenity

34. The proposed dwelling is of an acceptable height and is orientated in a manner which will not adversely overshadow neighbouring residents. Additionally, it is not considered that the proposed dwelling will result in any overlooking or loss of privacy to neighbouring residents. However, the proximity to neighbouring boundaries, particularly No. 63 and 65 Horsecroft Road and No. 136 Hardwick Lane will introduce a more intimate relationship which will reduce neighbour amenity however this is not deemed to be to at a significant level that would warrant a refusal.
35. One of the reasons for refusal of the previous application, DC/14/2281/FUL, was on the grounds of its impact on the amenity of no.65 through the loss of its private amenity space. Following the most recent application, a new vehicular access to no.65 has been installed off Horsecroft Road, which has consent from SCC. The new access, at the time of writing, does not appear to be in use. Whilst, planning permission has not been submitted for the new access, a new access can be constructed under permitted development. Furthermore, the Highways Authority have raised no objection to the application subject to conditions.
36. The appeal inspector noted that the proposed development would result in no.65 having little private amenity space, due to it being visible from Horsecroft Road. Fencing has been installed along Horsecroft Road in an attempt to reduce the overlooking from the Horsecroft Road. Planning permission has not been submitted for the fencing, and as such it cannot

be taken into consideration as part of this application. In addition, it is considered that the fencing has resulted in a negative impact on appearance of the area due to its uneven level and unfinished appearance. It has also resulted in a further domestication of what is currently a green and semi-rural appearance, thereby detracting from the overall character of the area.

37.As the existing fencing cannot be taken in consideration, it is concluded that the proposal would have a detrimental effect on the living conditions of the occupiers of No 65 by virtue of reducing the amount of private garden space. A fence of 1metre in height could be constructed without the requirement for planning permission. However, it is not considered that this would provide sufficient privacy to the occupiers of no.65. As such it is considered that the proposal would be contrary to Policy DM22, criteria K which requires that new dwellings are fit for purpose and function well, providing adequate space, light and privacy and; paragraph 17 of the Framework which seeks to secure a high standard of amenity for existing and future occupiers.

38.The proposed to the existing dwelling of no.65, will remove 2no. windows in the side elevation of no.65 which will reduce the possible overlooking of the proposed new dwelling. In addition, it is considered that the proposed extension is of a suitable height that it will result in no loss of light to neighbouring residents, or result in any overlooking to neighbouring residents.

Impact on highways and parking

39.The Highways Authority have raised no objection to the application subject to conditions requiring parking be retained and the new access being surfaced.

40.Additionally, both the proposed dwelling and new dwelling have a sufficient area for the parking of vehicles that complies with the requirements of the SCC Parking Standards Guide.

Other matters

41.It is noted that there are a number of trees along the boundary. The proposed new dwelling is not located within the root protection area of these trees and therefore the proposal will not harm the trees. However, a tree protection plan is required prior to commencement on site to ensure that the trees are properly protected during construction.

42.The site is not within a flood risk area as to require flood proofing measures. The land slopes down to the east and south east. Consequently any surface water is likely to naturally drain within the grassed area.

Conclusion:

43.In conclusion, Paragraph 7 of the National Planning Policy Framework sets out the economic, social and environmental dimensions of sustainable development. Whilst the proposal would make a small contribution to the

economic dimension through the construction phase this would be very modest and short term. The contribution which a single dwelling can make to housing supply is, by its nature, very limited. In terms of the environmental aspect, the proposal would be situated in a sustainable location in close proximity to services.

44. However, the proposed development will result in a contrived out of proportioned dwelling which does not respond to the local character. The new dwelling does not recognise the existing urban form with spacious plots which relate well to the road. The development therefore does not incorporate designs of a scale, density, and massing compatible with the locality. The subdivision of the plot will result in No. 65 being out of scale with its plots size with little private amenity space. Consequently, the proposal would result in a cramped form of development that is contrary to the principles of good design.

45. The remaining principal private amenity space of no.65 would be visible from the Horsecroft Road, thereby the proposal would have an adverse impact on the amenity and living conditions of any current and/or future occupiers of no.65. The proposal would therefore fail to provide a good standard of amenity for all existing and future occupants, and therefore not adhere to the NPPF or policy DM2 and DM22.

Recommendation:

46. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The proposal will result in a contrived and cramped development which does not recognise the existing spacious urban form and pattern of development in this locality, which consists of well sized dwellings set within generous plots. The subdivision of the site will cause the existing dwelling No. 65 to be out of proportion to its plot size with minimal private amenity space. Furthermore, the proposed building does not relate to the proportion and scale of the existing buildings; and given its contrived roof design will appear at odds with the adjacent bungalows. Consequently, the scheme will result in a harmful disruption to the spacious character of the area. The proposal is therefore considered contrary to the principles of good design set out within Policy CS3 of the St Edmundsbury Core Strategy (2010), Policies DM2 and DM22 of the Joint Development Management Policies Document (Feb 2015) and the National Planning Policy Framework.
2. The remaining principal private amenity space of no.65 would be visible from Horsecroft Road, thereby the proposal would have an adverse impact on the amenity and living conditions of any future occupiers of no.65. The proposal would therefore fail to secure a good standard of amenity for the future occupants contrary to policies DM2 and DM22 of the Joint Development Management Policies Document 2015 and one of the Core Principles of the NPPF (para 17).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/0232/FUL](#)