



Forest Heath
District Council

DEV/FH/17/038

Development Control Committee 4 October 2017

Planning Application DC/17/1211/HH – Hill House, 2 Falmouth Avenue, Newmarket

Date: 04/07/2017 **Expiry Date:** 29/08/2017
Registered: EOT agreed 7/09/2017

Case Officer: Aaron Sands **Recommendation:** Grant

Parish: Newmarket **Ward:** St Mary's

Proposal: Planning Application - Extension to the existing garage, garden and bin store to form a store and 4 bay open cartlodge

Site: Hill House, 2 Falmouth Avenue, Newmarket

Applicant: Mr A Clements
Agent: Mr Daniel Aguilar-Agon - Daniel Aguilar-Agon

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:

Aaron Sands
Email: aaron.sands@westsuffolk.gov.uk
Telephone: 01284 757355

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel, where there were concerns regarding the legitimate use of the site.

A site visit is due to take place on 2 October 2017. The application is recommended for **APPROVAL**.

Proposal:

1. Planning Permission is sought for the extension of an existing cart lodge and store. The proposed extension measures approximately 19.6 metres in depth and 5.5 metres in width with a height of 4.2 metres to the ridge and 2.3 metres at the eaves.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application Form
 - Existing and Proposed Plans and Elevations

Site Details:

3. The site comprises of what appears to be a vet service catering to horses and a number of residential properties. The building is sizeable, and set within a commensurate plot within the settlement boundary of Newmarket. The property is sited along a cul-de-sac, characterised by spacious buildings within large plots. A parking area is located along the south of the site, with an existing garage and store to the front of the site behind an established hedge.

Planning History:

4. F/88/089 – C/use and extension to provide office accommodation and laying out of car park application completed by drawings received 24.2.88. Approved. 05/04/1988.
5. F/2002/457 – Change of use from office to three individual dwellings. Approved. 15/10/2002.
6. F/2007/0953/COU – Change of use from residential to office use (B1). Approved. 14/01/2008.
7. F/2010/0009/HOU – Erection of detached double garage, garden store and bin store (as amended by plans received 02/02/2010). Approved. 25/02/2010

Consultations:

8. Tree Officer: No objection subject to conditions
9. Public Health and Housing: No objection subject to conditions. (*officer note: burning of waste material on site is a matter readily covered by other legislation and it is considered that the condition is not necessary in this instance*)
10. Highway Authority: No objection subject to conditions
11. Town council: Objection on the grounds of excessive scale and dominance and the unjustified removal of three trees

Representations:

12. 2no. representations received incorporating the following points:

- Loss of trees will adversely impact privacy

The following points have also been raised that are not material considerations:

- Access to build the proposal will be required over neighbouring land
- No access will be available to maintain neighbouring property
- The proposal will adversely impact house prices

Access over neighbouring land is a civil issue between the two parties and not a matter that the local planning authority may be involved in.

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

13. 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 and Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage)
- Policy DM46 (Parking Standards)

14. Forest Heath Core Strategy 2010

- Policy CS5 (Design Quality and Local Distinctiveness)

Other Planning Policy:

15. National Planning Policy Framework (2012)

Officer Comment:

16. The issues to be considered in the determination of the application are:
 - Design and Form

- Impact on Trees
- Impact on Neighbouring Amenity

Design and Form

17. Policy DM2 requires that all proposals recognise the key characteristics that contribute to the local distinctiveness of the area and maintain the sense of place created by those characteristics. Proposals should not adversely impact significant street patterns, groups of buildings or open spaces and should respect the character, scale, density and massing of the locality.
18. Policy DM24 requires that proposals respect the character, scale and design of existing and surrounding dwellings and should not result in an overdevelopment of the dwelling curtilage. Policy CS5 requires that all development be of a high quality design to reinforce local distinctiveness.
19. The proposal would result in a sizeable extension of the outbuilding into the site. The property is large, with a generous curtilage that could readily accommodate such an outbuilding. In any event that building appears as a subservient outbuilding by virtue of its height and materials, and would be read as a garage or store against the sizeable host building. The proposal extends into the site, where existing boundary treatment and surrounding development would provide screening. Screening from the planting along the front boundary would be retained and would also screen the proposal. It would not be readily obvious that there is such a sizeable outbuilding except from neighbouring properties, and noting that alterations to private views are not a material consideration, this would not result in harm to the character of the locality. It is therefore considered that the proposal is of a design and form that respects the character of the area and accords with policies DM2, DM24 and CS5.

Impact on Trees

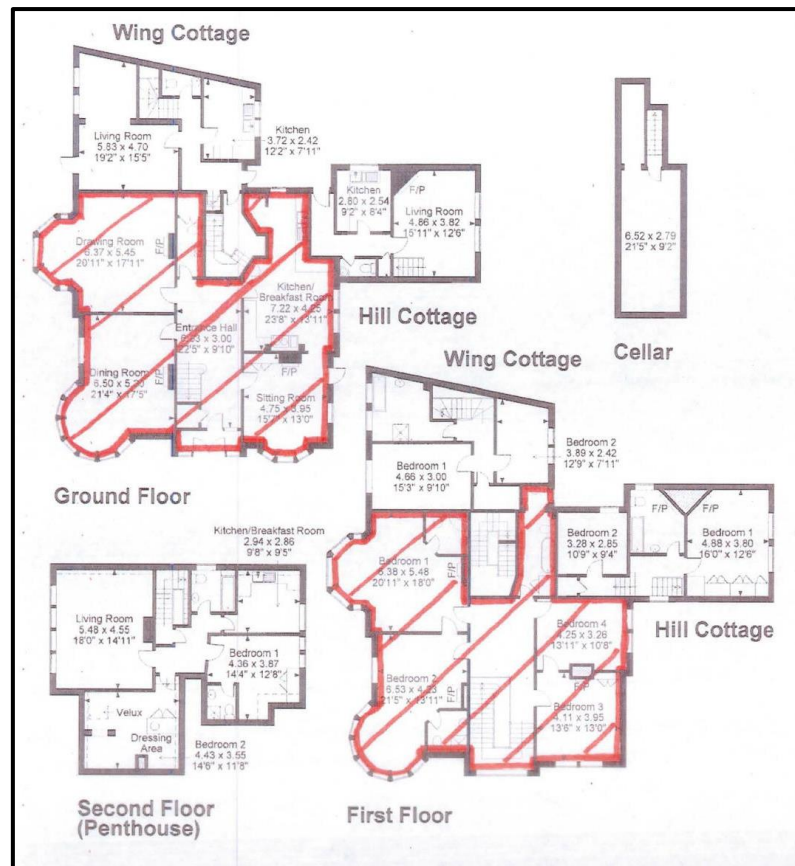
20. The proposal involves the loss of a small number of trees. These trees are not within a conservation area or covered by any tree preservation order and could therefore be removed at any stage. The tree officer has considered that those trees to be removed are of a low quality, and it would not therefore be appropriate to serve a tree preservation order in any event. While he has noted that there should be some mitigation for the loss, it is unclear where that mitigation might be planted. There is limited space towards the front of the site except in front of the host dwelling, where it would obscure an otherwise very attractive façade. There is limited room further back in the site, and any trees planted here would have very little public amenity benefit given the existing planting and built development along the front of the property.
21. While the loss of trees without mitigation is regrettable, it is considered that these trees are not of sufficient amenity value such that their loss would result in a significant detriment to the amenity value and character of the locality. The removal of these trees is therefore considered acceptable.

Impact on Neighbouring Amenity

22. Policies DM2 and DM24 require that proposals do not adversely impact the amenity of neighbouring residences through impacts of noise, smell, overlooking, overshadowing, overbearing or other impacts.
23. The outbuilding would be sited alongside an existing boundary wall, on the other side of which is another deep outbuilding that would provide a barrier between the actual outside space and the proposal. The height of the proposal is such that it would not result in an overbearing impact, being only 2.3 metres in height at the eaves, and not achieving full height of 4.2 metres until approximately 3.8 metres from the boundary. Coupled with the intervening outbuilding in the neighbouring property it is considered that the proposal would not result in an adverse impact to neighbouring amenity.

Other Matters

24. Members at Delegation Panel raised concerns regarding the use of the site and whether it was legitimate. At present, the site is used as dwellings and as office space for veterinary service. Officers have reviewed the history of the site and it appears that the uses are legitimate and benefit from planning permission. In 1988 permission was first granted to convert the building in its entirety into office space. Then, in 2002, permission was granted to convert the building into three dwellings. Following that, in 2007, permission was granted for a partial conversion of the dwelling back into office space, covering the first two floors. The image below is from that permission (F/2007/0953/COU), indicating the office space. From the officer's site visit, it very much appears that this is how the building is used.



Approved Floor Plan F/2007/0953/COU. Hatched area to be converted.

25. The outbuilding is located in a parking area that serves both the office accommodation and the dwellings. The agent has further clarified that the building would be mainly utilised by the residents of the site for storage and parking purposes. Officers do consider it likely that there would be some modest overlap in use between the residential and office elements of the site, but there is more than ample parking in the site, and the proposal represents an overall increase in parking and storage serving the site.
26. Some concern was raised regarding the potential use of the building, and whether it indicated a potential change in the functional use of the site, particularly the office accommodation. Case law¹ has held that, in granting permission, it is of great importance to ask what the consequences for the locality would be and what side effects would flow from granting permission. That said, there must be something more than a generalised concern or assertion, i.e. there would need to be some evidence that the use is likely to have an impact. In any event, a material change of use would require planning permission, and action could be taken at that stage as necessary. Officers would not consider that the extension of this outbuilding would set a precedent or otherwise make it difficult to resist such a change of use, as the material differences would need to be assessed in their own right firstly, and against the existing use secondly.

27. A query was raised at the delegation panel regarding the land ownership,

¹ Collis Radio Ltd V Secretary of State for the Environment [1975] JPL 221

and for the avoidance of doubt officers have also confirmed that the applicant is indeed the owner of the site land. The land was sold at one time to a neighbouring property (8 Birdcage Walk), though it had previously been part of the land serving Hill House. That property and the land was then bought by the applicant, who intends to re-unite the historic land with the original building and make use of that land that is currently vacant.

Conclusion:

28. 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:

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

1. 01A – 3 year time limit
2. 14FP – Accordance with approved plans
3. Construction hours only between 08:00 and 18:00 Mon-Fri and 08:00 to 13:30 Sat
4. Parking and manoeuvring area retained
5. Tree protection measures to be agreed and implemented

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=summary&keyVal=ORF7D0PDHBG00>