



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/005

Development Control Committee 1 February 2018

Planning Application DC/17/2276/FUL – 11 Hardwick Lane, Bury St Edmunds

Date Registered:	15.11.2017	Expiry Date:	10.01.2018 (EoT 02.02.18)
Case Officer:	Jonny Rankin	Recommendation:	Refuse Application
Parish:	Bury St Edmunds	Ward:	Southgate
Proposal:	Planning Application - 1no. dwelling		
Site:	11 Hardwick Lane, Bury St Edmunds		
Applicant:	Mr & Mrs D Webber		

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:

Jonny Rankin

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Background:

This application is before Members of the Development Control Committee as the Officer recommendation is one of REFUSAL contrary to the Town Council's no objection.

It has been referred to the Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel since the Town Council had no objection to the proposal, contrary to the Officer recommendation for REFUSAL.

Proposal:

1. Planning permission is sought for 1no. dwelling. A bungalow with integral garage is proposed inclusive on 2no, bedrooms and brick, pantile and UPVC external materials.

Site Details:

2. The application site is a fence and tree lined plot within the residential curtilage of no. 11 Hardwick Lane served by a dropped kerb and including an area of gravelled parking and a residential garden. The site is situated within the Housing Settlement Boundary and bordered by Hardwick Lane to the west and then Wilks Road and the pedestrian footpath to the south.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
DC/16/0171/HH	Householder Planning Application - Single storey rear extension	Application Granted	26.01.2016	24.03.2016
DC/17/2276/FUL	Planning Application - 1no. dwelling	Pending Decision	31.10.2017	
SE/08/1535	Planning Application - Erection of detached garage to side as amended by plans and email received on the 28th November 2008 which reduces the ridge height of the garage and introduces protective fencing.	Application Granted	27.10.2008	09.12.2008
SE/08/1212	Planning	Application	22.08.2008	22.09.2008

	Application - Granted			
	Erection of (i) single storey front extension (ii) front porch and (iii) pitched roof over existing flat roof rear extension			
E/98/2296/P	Planning Application - Granted	Application	15.07.1998	18.08.1998
	Erection of single storey, flat-roofed extension			
E/75/2105/P	ERECTION OF 2 DETACHED DWELLINGS AND GARAGES	Application	16.06.1975	07.08.1975
		Granted		

Consultations:

3. Development Implementation and Monitoring Officer - if the site area on the application form is correct, it is below our CS5 threshold, so no S106 AH requirement.
4. Public Health and Housing - no objection subject to proposed conditions.
5. Environment Team - Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low.
6. County Highways - Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below.

7. Representations:

9 Hardwick Lane Bury St Edmunds Support

Neighbour representation - 1no. letter of support received.

Town Council - No objection based on information received.

Ward member:

Cllr Chung; after looking at the plan I have no objection to the proposal.

Cllr Stamp; I wish to wholeheartedly support the above planning application by the residents of 11 Hardwick Lane.

I have visited the site and spent quite some time with Mr and Mrs Webber looking at their plans and trying to understand what it is they are looking to achieve, and what impact that will have on the surrounding area. Helpfully, Mr Webber was able to

show me the exact floor area that would be affected and spent some time walking me around the plot explaining the situation.

I understand you are recommending refusal based largely on interpretation of policy DM2, but I do not believe that to be a valid reason to refuse permission and I would ask that the members of Development Control visit the site and see for themselves what is planned before it comes to committee on the 1st February.

Mr Webber has explained how he bought the plot of land at the back of the site and how in fact the existing house would be sold with a slightly bigger plot therefore than he originally purchased. I do not believe the Webbers would seek to reduce the value of their existing property by selling it with a smaller than expected garden.

I do understand policy DM2 but I believe from the plans I have seen and the visit I made that both the existing house and the proposed new build would still be in keeping with the existing street scene should it be permitted.

In addition to this, the plot is sheltered by a large hedge and the proposed bungalow would not be visible from the road. I also understand that the Webbers have sought your advice and have amended the plans considerably based upon the advice that has been given, demonstrating their willingness to work together to find a solution that is acceptable to the planning authority.

8. Policy:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable Design and Construction
- Policy DM22 Residential Design
- Policy DM46 Parking Standards
- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV2 - Housing Development within Bury St Edmunds
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness

Other Planning Policy:

9. National Planning Policy Framework.

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on Neighbouring Amenity

Principle of Development

11. Policy RV3 states that within the Housing Settlement Boundary for Bury St. Edmunds, planning permission for new residential development will be granted where it is not contrary to other planning policies.
12. The site is located within the Housing Settlement Boundary for Bury St Edmunds and as such the principle of an additional residential dwelling is acceptable. The principle of residential development is also considered entirely appropriate in this location being surrounded by residential development. It is therefore considered a sustainable re-use of land.
13. The proposal comprises a bungalow in the curtilage of no. 11 Hardwick Lane, Policy DM24 states that proposals for alterations and extension to dwellings should not result in the over-development of a dwellings curtilage. In this case, the dwelling is positioned within a curtilage which is able to accommodate a degree of expansion without over-development occurring.
14. As such, the principle of development is acceptable in this location subject to its design, scale, form and impact.

Design and Form

15. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
16. The application site lies within a primarily residential area, surrounded by housing and with a Primary School to the immediate south on the opposite side of the road. Policy DM2 in the Joint Development Management Policies Document 2015, whilst not defining specific sites, seeks to ensure that development does not involve the loss of gardens that make a significant contribution to the character and appearance of a settlement.
17. Policy DM2 states that proposals for all development should not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
18. The proposed dwelling is single storey in scale and proposed to fill the width of the plot presenting a side elevation to Wilks Lane. The bungalow is out of

character with the surrounding detached dwellings which are typically two storey with associated outbuildings within generous plots and with retained amenity space to both the front and rear elevations. Furthermore, and importantly, the bungalow is also proposed in a prominent location at the entrance of Hardwick Lane and on a corner plot which presently offers a visual separation and stand-off with landscaping between Wilks Road and the regularised pattern of development on Hardwick Lane (no. 3, 5, 5a, 5b, 7a, 7b, 7c, 9 and 11). The proposed dwelling presents a cramped and contrived over-development of the site, out of character with the prevailing pattern of development in the surrounding area. The identified location for the dwelling is right upon the boundary with Hardwick Lane and thereby fails to respect the character of the existing site of no. 11 Hardwick Lane or the character, scale and spaciousness of the surrounding properties. Other buildings in such close proximity to Hardwick Lane are domestic outbuildings with less of a visually intrusive impact therefore.

19. Accordingly, it is considered that the proposed new dwelling would have a harmful effect on the character and appearance of the area. Therefore, the development would not accord with Policy CS3 of the St Edmundsbury Core Strategy 2010 and Policies DM2 and DM22 of the Joint Development Management Policies Document 2015. Amongst other things, these policies require high quality design that has an understanding of local context and responds to its surroundings. The development would also fail to meet the aims of the National Planning Policy Framework in terms of securing good design that responds to local character.

Impact on Neighbouring Amenity

20. Given the location within the curtilage of no. 11 Hardwick Lane and scale of the proposal the relationship with neighbours is considered acceptable. As such, given the design and scale of the proposed development and the relationship between the neighbouring properties, it is considered that there will be no adverse impact to the neighbouring amenity by virtue of loss of light, overlooking or overbearing as to cause significant harm.

Other Matters

21. There are no other matters that would otherwise preclude the development of this site including in relation to highways access, biodiversity, contamination, flood risk or archaeology. It is also respected that the provision of a dwelling within an otherwise suitable area is also a factor which must be weighed in favour of the proposal. However, this merit is modest in the overall balance.

Conclusion:

22. As such, there is limited, if any, public benefit deriving from the development and which would not be sufficient to outweigh the harm caused by the proposed dwelling.

Recommendation:

23. It is recommended that planning permission be **REFUSED** for the following reason:

1. Policy DM2 states that proposals for all development should not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.

The proposed dwelling is single storey in scale and proposed to fill the width of the plot presenting a side elevation to Wilks Lane, and also in very close proximity to Hardwick Lane. The bungalow is out of character with the surrounding detached dwellings which are typically two storey with associated outbuildings set within generous and spacious plots with retained amenity space to both the front and rear elevations. The bungalow is proposed in a prominent location at the entrance of Hardwick Lane and on a corner plot which presently offers a stand-off and landscaping between Wilks Road and the regularised pattern of development on Hardwick Lane (no. 3, 5, 5a, 5b, 7a, 7b, 7c, 9 and 11). The proposed dwelling presents a cramped and contrived over-development of the site, out of character with the prevailing pattern of development in the surrounding area. The identified location for the dwelling is upon the boundary and thereby fails to respect the character of the existing site of no. 11 Hardwick Lane or the character, scale and spaciousness of the surrounding properties.

The proposed new dwelling would have a harmful effect on the character and appearance of the area. Therefore, the development would not accord with Policy CS3 of the St Edmundsbury Core Strategy 2010 and Policies DM2 and DM22 of the Joint Development Management Policies Document 2015. Amongst other things, these policies require high quality design that has an understanding of local context and responds to its surroundings. The development would also fail to meet the aims of the National Planning Policy Framework in terms of securing good design that responds to local character.

Informatives:

- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the application proposals represent a clear departure from policies contained in the Joint Development Management Policies Document 2015 any amendments to the proposals could not address these 'in-principle' objections.

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=OYOF2SPDK7G00>