



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/18/027

## Development Control Committee 5 July 2018

### Planning Application DC/18/0476/HH – 9 Darcy Close, Bury St Edmunds

<b>Date</b>	13.03.2018	<b>Expiry Date:</b>	08.05.2018
<b>Registered:</b>		<b>EOT agreed:</b>	06.07.2018
<b>Case Officer:</b>	Debbie Cooper	<b>Recommendation:</b>	Approve
<b>Parish:</b>	Bury St Edmunds	<b>Ward:</b>	Moreton Hall
<b>Proposal:</b>	Householder Planning Application - First floor extensions to front and rear		
<b>Site:</b>	9 Darcy Close, Bury St Edmunds		
<b>Applicant:</b>	Mr & Mrs Wright		

#### **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 as the applicant is employed by St Edmundsbury Borough Council.**

**A site visit is proposed to take place on Thursday 28 June 2018.**

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

**Proposal:**

1. Planning permission is sought for two first floor extensions, one to the front elevation and one to the rear, to create enlarged bedrooms and to enable an additional bathroom.
2. The proposed first floor front extension above the existing porch measures 1.3 metres in depth and 3.5 metres in width, with an eaves height to match the existing house and a ridge height of 6.8 metres.
3. The proposed first floor rear extension above the existing single storey extension measures 3 metres in depth and 5 metres in width, with the eaves and ridge heights set lower than the existing house at 4.6 metres and 7 metres respectively.
4. The application as originally submitted proposed a first floor rear extension with an eaves and ridge height to match the existing house. The application was subsequently amended to show an extension that has been narrowed by half a metre with both the eaves and ridge height lowered by half a metre along with the introduction of a hipped roof. This was in response to concerns by officers in relation to the effect upon the reasonable amenities of the neighbouring property.

**Application Supporting Material:**

5. Information submitted with the application as follows:
  - Location plan
  - Proposed block plan
  - Existing and proposed floorplans and elevations
  - Photographs of adjacent trees

**Site Details:**

6. The application site comprises of a two storey detached dwelling situated within the settlement boundary of Bury St Edmunds.
7. The dwelling is set back from the road with off-road parking and a garage. To the Northern boundary with numbers 4,6 and 8 Sutton Close is a close boarded fence, with mature trees in the garden of 8 Sutton Close beyond.

## Planning History:

Reference	Proposal	Status	Decision Date
E/97/1890/P	Planning Application - Erection of (i) single storey rear extension and (ii) front porch as amended by letter and plans received 11th July 1997 indicating revised scale	Application Granted	14.07.1997
E/85/1097/P	Erection of 84 No. dwellings and garages together with estate roads, footpaths and verges as amended by letter dated 26th February 1985 (ref. JRS/SCB/184) and accompanying plan TJ1 84/A Rev.1	Application Granted	15.03.1985
E/82/2587/P	Regulation 5 Outline Application - Phase I, Stage 2: Residential development, (including layout of roads and sewers, lay out of plots and associated Public Open Space)	Application Granted	11.10.1982
E/78/2370/P	ERECTION OF 175 DWELLINGS & CONSTRUCTION OF VEHICULAR & PED. ACCESS WITH EST. RD	Application Granted	06.10.1978
E/78/2054/P	RESIDENTIAL DEVELOPMENT OF 175 DWELLINGS	Application Refused	05.06.1978
E/74/2548/P	CONSTRUCTION OF ROADS, SEWERS, RESIDENTIAL DEVELOPMENT, PRIMARY SCHOOL ETC.	Application Granted	03.04.1975

## Consultations:

8. Tree Officer: The trees that will be impacted by the proposed extension are situated in the back garden of 8 Sutton Close. The Cherry tree and two Silver Birches have been subject to poor pruning practices, which has led to a significantly reduced amenity value and remaining longevity. The previous pruning appears to have been carried out due to the conflict caused by the close proximity of the trees in relation to the dwelling of 9 Darcy Close. Any further encroachment from new development would undoubtedly place these trees under further pressure for unsuitable management practices or removal.

## Representations:

9. Town Council: No objection (to the original or amended proposal)

10. Ward Members:

Cllr Warby – no objections

Cllr Beckwith – verbally expressed concerns about the impact of the proposal on 6 and 8 Sutton Close, in terms of an overbearing impact and loss of light.

11. Neighbours: objections received from three neighbouring properties, commenting on the application as originally submitted. These are summarised below:

- i. 7 Darcy Close – no objection to the proposal but concerned about driveway access and potential damage to their new driveway. (Officer Note: concerns regarding the possible blocking of and damage to the driveway are not ones that can be addressed through the planning process as these are civil matters to be agreed between the parties)
- ii. 8 Sutton Close – concerned that the rear extension is imposing and will alter the aspect currently enjoyed in their garden. The extension will be immediately vertical in close proximity to the boundary. Also concerned about the impact on their established trees and how the building works will be carried out without affecting their property. (Officer Note: issues of access for construction are civil matters to be agreed between the parties)
- iii. 6 Sutton Close – concerned that the proposal will have an unacceptably adverse impact on their amenity and the surrounding area by reason of overlooking, loss of privacy, overshadowing and a visually overbearing impact. Also concerned about access for works via the rear path between the two properties and potential damage to a recently installed fence. (Officer Note: concerns regarding access and fence damage are civil matters to be agreed between the parties)

12. Commenting on the amended plans, one letter of objection was received, summarised as:

- i. 8 Sutton Close – continue to strongly object as the proposed rear extension will have a considerable visual impact and will be overbearing, changing the scale and proportion of the rear of the property. It is overbearing in its design and size, is too close to the boundary and the adverse visual impact will remove all enjoyment currently experienced in the back garden. Also concerned about noise and disturbance during the construction process and how the works will be completed without accessing their land in any way.

13. **Policy**: The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

- 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
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Vision Policy BV1 - Presumption in Favour of Sustainable Development

**Other Planning Policy:**

14. National Planning Policy Framework (2012)

**Officer Comment:**

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

- Principle of Development
- Design and Form
- Impact on Neighbours
- Impact on adjacent trees

16. 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 dwelling curtilage or adversely affect the residential amenity of neighbouring dwellings.

17. In this case, the dwelling is positioned within a curtilage of a sufficient size such that the proposal does not represent overdevelopment of the plot.

18. The extensions constitute subservient additions to both the front and rear of the property and are considered to be respectful of the character, scale, design and appearance of the existing dwelling and the surrounding area. The proposed front extension is a modest addition with no adverse impacts on neighbouring amenity by virtue of loss of light, overbearing or overlooking.

19. The application as originally submitted proposed a first floor rear extension with an eaves and ridge height to match the existing house. The amendments to the application have resulted in both a lower eaves and ridge height, which along with the introduction of a hipped roof are considered to considerably reduce the visual prominence of the extension when viewed from neighbouring property along Sutton Close. Nonetheless, the fact remains that an extension of this scale, even amended, in this proximity to the site boundary, and noting the flank to rear relationship between the host dwelling and the neighbouring properties on Sutton Close, does have the potential to have some adverse effects upon amenity by reason of overbearing impact.

20. Concerns have been raised by neighbours in relation to the rear extension and its potential overbearing impact. The rear gardens of the properties to the North along Sutton Close are 12.5 metres in depth, with the width of No. 8's garden being 9.5 metres. The extent of the proposed rear extension along the boundary with No. 8 is 4.2 metres which represents less than 50% of the extent of the rear boundary. The remainder of the proposed extension

falls to the rear of No. 6, extending along approximately 30% of their boundary.

21. There are three mature trees along the boundary of the site and No. 8 Sutton Close, but located within the garden of 8 Sutton Close, and which provide a degree of screening particularly during the summer months. These trees overhang the application site and have been pruned back to the boundary as entitled under common law. It is acknowledged that such pruning is not ideal for the amenity and longevity of the trees, but it is considered that the situation will not change significantly as a result of a first floor addition. Furthermore, whilst these trees provide some degree of screening between the two properties there are not otherwise formally protected, nor are they considered worthy of such protection, and so the rights of the applicant to extend up to their boundary is respected notwithstanding the potential adverse effects upon the neighbouring trees.
22. The proposed rear extension has no windows on the side elevation, with one window facing Westwards towards their garden. Any views from this window would not alter the amenity relationship significantly beyond that of the existing first floor windows and therefore no overlooking impact arises.
23. Considering all this therefore leads to a balanced conclusion. The scale and proximity of the extension to the site boundary, plus the possibility that the works will lead to the eventual erosion or loss of the neighbouring trees, leads to a view that the extension as proposed will have some adverse impacts upon the neighbouring property by reason of its overbearing effects. However, given the separation distance, the proportions and siting of the rear extension and the extant tree screening, and notwithstanding the possibility that the extension will lead to the eventual loss of the neighbouring trees, it is considered that there will be no significant adverse impact on neighbouring amenity by reason of loss of light or by being overbearing that would be at such a level that a refusal could otherwise be justified.
24. The extensions are proposed to be constructed in a composite weatherboard finish in a 'sail cloth' (cream) colour with brown concrete tiles to match the existing house. This material finish is an appropriate one which will complement the existing. I note that the owners of No.8 Sutton Close have expressed that they do not wish to allow access onto their land for construction works, however this is a civil matter that the parties involved will need to resolve amongst themselves. If it were not possible to construct the extension using weatherboarding it may be possible to construct a brick built extension using an overhand method and it is considered that a matching brick finish would also be an acceptable one.

### **Conclusion:**

25. 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:**

26. 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:

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
7228 01	Ex Elevations & Floor Plans	13.03.2018
7228 03	Proposed Elevations & Floor Plans	17.05.2018

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

**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=P5HGOIPDMQC00>