



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/18/031

## Development Control Committee 6 September 2018

**Planning Application DC/18/1013/HH &  
DC/18/0795/LB – 7 Bury Road, Hengrave, Bury  
St Edmunds**

<b>Date Registered:</b>	25.05.2018	<b>Expiry Date:</b>	20.07.2018
<b>Case Officer:</b>	Matthew Harmsworth	<b>Recommendation:</b>	Approve
<b>Parish:</b>	Flempton Cum Hengrave	<b>Ward:</b>	Risby
<b>Proposal:</b>	Householder Planning Application - 1no. Dormer Window		
<b>Site:</b>	7 Bury Road, Hengrave, Bury St Edmunds		
<b>Applicant:</b>	Mr Warwick Lowe		

### **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:

**The application is before the Development Control Committee following consideration by the Delegation Panel.**

**A site visit is scheduled to take place on Thursday 30 August 2018.**

## Proposal:

1. Planning permission and listed building consent is sought for a first floor dormer window within the thatched roof to the rear elevation of 7 Bury Road, Hengrave. The extent and detail of the dormer window can be viewed on the plans corresponding to the current application.

## Application Supporting Material:

- Application form
- Block plan
- Location Plan
- Proposed elevation and roof plan
- Proposed roof design
- Window Details
- Proposed Floor Plan
- Design and access statement

## Site Details:

2. The site is situated to the north of Bury Road, Hengrave, and the host dwelling is a detached thatched dwelling, which is also a grade II listed building. The site also comprises private amenity areas and is located within a conservation area.

## Planning History:

Reference	Proposal	Status	Decision Date
DC/18/0795/LB	Application for Listed Buildings Consent - 1no. Dormer Window	Pending Decision	
DC/18/1013/HH	Householder Planning Application - 1no. Dormer Window	Pending Decision	

## Consultations:

Parish Council	Object due to works being carried out partially before planning consent sought, overlooking issues, accuracy of the drawings. Also raise the question of whether the dormer is a fire escape and if so then whether a fire safety officer should have been consulted.
Ward Councillor	No comments received
Conservation Officer	No objection subject to suggested condition.

**Representations:**

Pigeon Cottage

**Object**

- The proposal is retrospective.
- The dormer overlooks the private garden of Pigeon Cottage.
- Would be happy to support a dormer on the front elevation.
- Question the accuracy of the drawings.
- Question if the fire service have been consulted.

3. **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 DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design quality and local distinctiveness

National Planning Policy Framework 2012

**Officer Comment:**

4. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM15, DM17, and DM24, and it is necessary to understand how the NPPF deals with the issues otherwise

raised in these policies, and to understand how aligned the DM Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant DM Policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant DM Policy.

5. Paragraph 189 of the revised NPPF, states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 190 of the revised NPPF also states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 193 of the revised NPPF also states that When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Noting the support offered within Policy DM15 to ensure a clear understanding of listed buildings is required for applications affecting a listed building and the development appropriately respects such heritage assets, officers are satisfied that there is no material conflict between Policy DM15 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM15. Furthermore, noting the same NPPF paragraphs and noting the support offered within policy DM17 for the preservation and enhancement of conservation areas, officers are satisfied that there is no material conflict between Policy DM17 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM17.
6. Paragraph 124 of the NPPF indicates that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. DM24 requires proposals to respect the character of the local area, no overdevelop the curtilage of a dwelling and not adversely affect the residential amenity of occupants of nearby properties. In this regard therefore it is considered that there is a high degree of alignment between the DM24 and the provisions of the NPPF, such that full weight can be given to DM24.
7. Core Strategy Policy CS3 requires proposals for new development to create and contribute to a high quality, safe and sustainable environment.
8. It is considered that this Policy aligns sufficiently closely with the provisions of paragraph 124 of the NPPF regarding good design being a key aspect of sustainable development in making development acceptable to communities, such that weight can be attached to CS3, notwithstanding its age.

9. The main considerations in determining this application are:

- Impacts on residential amenity
- Impacts on the street scene/character of the area
- Impacts on the conservation area
- Impacts on the listed building
- Design and Form

10. Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

11. The proposed dormer window is of a relatively modest scale and span as currently proposed across the rear of the existing thatched dwelling. As such, the impact upon the character and appearance of the host dwelling and the wider area resulting from the dormer window has been minimised. It is also considered that the development would further facilitate the enjoyment of the host dwelling for modern living, noting that there are presently no windows lighting the first floor.

12. Objections raised from the parish and neighbouring properties with regard to overlooking issues are noted, and this matter has been considered very carefully, including having been viewed from within the neighbouring rear garden that is most likely to be affected. However, with the benefit of multiple site visits from multiple planning officers, including an on site meeting with the applicant and taking into full consideration the position of the proposal, host dwelling and neighbouring dwellings and amenity areas, it is concluded that on balance any overlooking issues are not sufficient to warrant refusal of the application. This is considered on the basis of multiple factors. The arrangement of properties in the vicinity of the host dwelling is somewhat mixed with some overlooking issues already existing as a result of this mixed configuration largely resulting from the historic nature of the dwellings and when they were erected. Taking this in to consideration, while the dormer would overlook some amenity areas of Pigeon Cottage in particular, this dwelling does also benefit from amenity areas that have a significant degree of separation from the proposed dormer window such as to limit the degree of any invasion of privacy resulting from the proposal. It is also the case that amenity could readily be protected by the owners of Pigeon Cottage through the simple provision of landscaping or even planters which would effectively minimise and screen any direct views from the proposed window. Therefore, it is considered that sufficient private amenity areas remain afforded to neighbouring dwellings when considered the current proposal.

13. Regarding the design of the proposal with respect to the listed building and the conservation area, it is considered that the proposal has been sympathetically designed such that no harm results from the proposal on either account such to warrant refusal of the application. This is in accordance with the comments received from the conservation officer.

14. With regards to other concerns raised, it is recognised that work commenced before the planning application was submitted. However the necessary

planning and listed building consent applications have now been submitted satisfactorily and the current applications must therefore be judged on their current merits regardless of this fact. The local planning authority has also reviewed and is satisfied with the accuracy of the drawings submitted as part of the application. In considering the proposal as a fire escape, this factor is a matter to be reviewed at the building control stage rather than as a planning matter and is not therefore relevant to the consideration of this proposal. The fact that the works are retrospective is not a factor that has been given material weight in the planning balance. It is not considered that the works were intentional unauthorised development and, even if they were, it would not be considered that this fact would outweigh the positives of this scheme such that it would otherwise justify a refusal.

15. The development is therefore considered to be in accordance with development plan policies.

### **Conclusion:**

16. In conclusion therefore, the principle and detail of the development is considered on balance to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

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

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

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

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
(-)	Proposed Roof Plan	15.05.2018
(-)	Location Plan	15.05.2018
(-)	Window Details	25.05.2018
(-)	Window Details	25.05.2018
(-)	Block Plan	16.05.2018
(-)	Proposed Floor Plans	10.07.2018

- 2 A minimum of seven days' notice shall be given to the Local Planning Authority of the commencement of the removal of any roof rafters resulting from the development;. Opportunity shall be allowed for on-site observations and recording by a representative of the Local Planning Authority or a person nominated by the Authority during any period of work relating to this element of the works and no part of the roof rafters of the building altered or removed by the works shall be removed unless first approved in writing by the Local Planning Authority.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1013/HH](#)