



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/18/038

## Development Control Committee 4 October 2018

### Planning Application DC/18/1010/FUL – Land Adjacent To Forge Cottage, Blacksmith Lane, Barnham

<b>Date Registered:</b>	22.06.2018	<b>Expiry Date:</b>	17.08.2018
<b>Case Officer:</b>	Matthew Harmsworth	<b>Recommendation:</b>	Refuse
<b>Parish:</b>	Barnham	<b>Ward:</b>	Bardwell
<b>Proposal:</b>	Planning Application - 1no. dwelling with associated external works		
<b>Site:</b>	Land Adjacent To Forge Cottage, Blacksmith Lane, , Barnham		
<b>Applicant:</b>	Mr Andrew Blenkiron		

#### **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:

Matthew Harmsworth

Email: [matthew.harmsworth@westsuffolk.gov.uk](mailto:matthew.harmsworth@westsuffolk.gov.uk)

Telephone: 01638 719792

## **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 27 September 2018.**

## **Proposal:**

1. Planning permission is sought for 1 dwelling (with associated external works). The scheme has been revised following comments received from the conservation officer in particular, and which altered the access and parking arrangements somewhat, altered the proposed boundary line for the proposed site, as well making several other minor alterations within the site such as in relation to the soft landscaping and hardstanding proposed. The proposed dwelling is approximately 6.25m in height, 8.213m in depth and 10.575m in width.

## **Application Supporting Material:**

- Application form
- Existing site and location plans
- Proposed floor plans
- Proposed east and west elevations
- Proposed north and south elevations
- Proposed Site Plan
- Appendix to ecology report
- Arboricultural report
- Design and access statement
- Heritage statement
- Preliminary ecological appraisal
- Land contamination questionnaire
- Land contamination report

## **Site Details:**

2. The site is situated to the west of Blacksmith Lane, Barnham and the currently existing host building is a detached two storey, grade II listed dwelling within the built up area boundary of Barnham. The site is also within a conservation area.

## **Planning History:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
DC/18/1010/FUL	Planning Application - 1no. dwelling with associated external works	Pending Decision	

## **Consultations:**

Parish Council

No objection - Parking, privacy and plumbing issues should be taken into consideration.

Environment & Transport - Highways	Suggested conditions to be attached to any given permission.
Conservation Officer	Recommend refusal of the application - Fails to respect setting of the listed building and will harm character of the wider conservation area.
Public Health And Housing	No objections. Suggested conditions to be attached to any given permission.
Environment Team	Risk of contamination low. Advice notes recommended
Countryside Access Team (SCC)	No grounds for refusal on archaeological grounds. Conditions suggested

### **Representations:**

3. Three representations were received citing concerns with the development surrounding the issues summarised as follows:

- Parking and access
- Overdevelopment
- Overlooking
- Condition of the nearby brick and flint walls at the site
- Waste Treatment
- Soakaway and drainage details
- Design not sympathetic to the area

### **Policy:**

4. 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 DM22 Residential Design
- Core Strategy Policy CS3 - Design quality and local distinctiveness
- National Planning Policy Framework 2018

## **Officer Comment:**

5. 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 DM 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.
6. 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.
7. Policy DM22 requires residential development to maintain or create a sense of place and character, as well as to optimise local amenity and be of a high architectural merit. 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 DM22.
8. The issue to be considered in the determination of this application are summarised as follows:

- The principle of development
- Impacts upon the conservation area and listed buildings
- Impacts upon highway safety
- Impacts upon local and neighbouring amenity
- Impacts to trees

### **Principle of Development**

9. The principle of the proposal is acceptable in that it constitutes the provision a new dwelling within the built up area boundary of a defined settlement, thus being in accordance in this particular regard with the principles behind policies DM1 and DM22.

### **Effect upon the Conservation Area Listed Buildings**

10. Forge Cottage is a reasonably sized detached property located in close proximity to the boundary of its site adjoining Blacksmith Lane. Given that the proposal site is within the Barnham Conservation Area, special regard is required to either preserve or enhance the character or appearance of the Conservation Area as well as preserving the character of the nearby listed buildings.
11. The size of the existing property is such that it demands a reasonable setting. The provision of the dwelling will not only compromise the current arrangement but also its relationship with the neighbouring listed buildings due to the dimensions and design of the proposal in a location with a configuration and quantity of curtilage amenity space that would be at odds with an area otherwise characterised by detached properties set close to the road and generally with substantial plots and amenity space. It is considered therefore that the proposal would result in a development that would appear cramped in its plot with a relatively limited amenity area afforded to it as well as encroaching upon the visual separation between the dwellings along Blacksmith Lane such to be out of keeping with the character of the area. This harm is exacerbated considerably by the contrived plot subdivision which increases in width behind the adjacent property and by the fact that the frontage is otherwise dominated by car parking and circulation space, with both these factors rendering the proposal at odds with the very spacious existing character.
12. Therefore the proposed development would fail to either preserve or enhance the character or appearance of the Conservation Area as well as failing to respect the setting of the listed building.
13. When combined with the resulting cramped nature of the proposed development relative to the space afforded to neighbouring plots, it is considered that it would fail to respect the spacious and expansive setting of many of the detached buildings located within the Conservation Area along Blacksmith Lane. As a consequence the development would fail to preserve or enhance the character of the conservation area and the nearby listed buildings, thus causing harm to the significance of the area such to prove contrary to policies DM2, DM15, DM17, DM22 and CS5, along with the requirements of the NPPF.

14.This is consistent with the views expressed by the conservation officer who objected to the application. The conservation officer further noted that there is no historic precedent for such development at the location.

### **Impacts upon Highway Safety**

15.Further to this, it is not considered that the development would cause any negative impacts upon issues of highway safety given the proposed layout of the site, nor would it be likely to have any negative impacts upon issues relating to contaminated land or public health and housing given the context, history and proposed use and works on the site. This is consistent with the comments received the relevant statutory consultees.

### **Impacts Upon Local and Neighbouring Amenity**

16.It is also considered that given the siting of the proposal in its wider context, the proposal has been designed such that, given the separation between the dwellings and the boundary treatments at the proposed and adjacent plots, the proposal would not cause a loss to local or neighbouring amenity with regard to issues relating to overlooking or over dominance such to warrant refusal of the application on these grounds.

### **Impacts to Trees**

17.With regard to the trees at the site the revisions include the provision for further planting at the site which it is considered would likely mitigate the loss of modest trees existing at the site, albeit if a development were to be considered acceptable at this location, further tree survey and replacement planting information would be required.

18.The development is therefore not considered to be in accordance with development plan policies nor with the relevant provisions of the NPPF which seek to protect heritage assets.

### **Conclusion:**

19.In conclusion, the principle and detail of the development is not considered to be acceptable and not therefore in compliance with relevant development plan policies nor the revised National Planning Policy Framework.

### **Recommendation:**

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

- 1 Policies CS3, DM2 and DM22 require development proposals to respect the character and appearance of an area, Policy DM15 requires development proposals to have specific regard to the setting of listed buildings, and Policy DM17 requires development proposals to have specific regard to their Conservation Area setting. The proposed dwelling is set notably far back in the site, contains a contrived boundary arrangement and a frontage dominated by car parking, and is also set within an uncharacteristically small plot, relative to the wider area. By reason of this, and by reason of its proximity to the host dwelling, it is considered that it will materially and harmfully erode the spacious character of the listed building and wider

Conservation Area, leading to a development that appears not to be in keeping with its spacious, historic context. Consequentially, the development will prove materially harmful to the character and appearance of the area and the nearby listed building, proving contrary to the provisions of the above polices, plus the requirements of the NPPF in relation to good design.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1010/FUL](#)