



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/009

Development Control Committee 3 January 2019

Planning Application DC/18/1925/HH – Briar Cottage, Bury Lane, Stanton

Date Registered:	02.10.2018	Expiry Date:	27.11.2018
			Extension of time 09.01.2019 (tbc)
Case Officer:	Elizabeth Dubbeld	Recommendation:	Refuse Application
Parish:	Stanton	Ward:	Stanton
Proposal:	Householder Planning Application - Oak cart lodge and office		
Site:	Briar Cottage, Bury Lane, Stanton		
Applicant:	Mr Anthony Bray		

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. The Officer's recommendation is for REFUSAL on the grounds of height and position of the proposal not adhering to DM24 and DM2, and the Parish Council support the proposal.

A site visit is scheduled for Thursday 20 December.

1.0 Proposal:

- 1.1 The application seeks planning permission for the construction of a detached 1.5 storey outbuilding.
- 1.2 The original submission before negotiation measured 12 metres in length along the northern elevation, 8 metres in width along the eastern elevation, 5.8 metres in height for the 1.5 storey component and 4.95 metres in height for the single storey component. This was not considered acceptable from the perspectives of height, layout and proximity to the neighbouring dwelling, and an amended proposal was negotiated.
- 1.3 After negotiation a revised proposal was submitted. This proposed 1.5 storey outbuilding will measure 13 metres in length, 8 metres in width and 4.5 metres in height for the 1 storey component and 5.7 metres in height for the 1.5 storey component.

2.0 Application Supporting Material:

- Location Plan
- Proposed Site Elevations
- Proposed Block Plan
- Proposed Elevations

3.0 Site Details:

- 3.1 The application site is located within the settlement boundary for Stanton The Street, fronting onto Bury Lane.
- 3.2 The application site consists of an existing two storey detached house and its curtilage with a garden and parking area with vehicular access to the front. It shares a portion of the site to the west with 70 Fordhams Close, Stanton, and it is part of this shared portion of the garden that the applicant wishes to develop.
- 3.3 The site is located within an area of properties of mixed use and appearance and varying scale.

4.0 Planning History:

Reference	Proposal	Status	Decision Date
DC/13/0886/HPA	Householder Prior Approval - Single storey rear extension which extends beyond the rear wall of the original house by 4.350m with maximum height of	Not Required	16.01.2014

3.488m and a height of
3.488m to the eaves.

DC/18/1925/HH	Householder Application - Oak cart lodge and office	Planning Pending Decision	
SE/03/3094/P	Planning Application - Erection of two storey side and rear extension	Application Granted	27.10.2003

5.0 Consultations:

- 5.1 Parish Council No further comments received
- 5.2 Environment & Transport - Highways Previous comments apply
- 5.3 Ward Councillor No comments received
- 5.4 Environment & Transport - Highways This proposal would not have any severe impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council, as the Highway Authority, does not wish to restrict the grant of permission
- 5.5 Parish Council Customer made comments in support of the Planning Application.
- The planned lodge and office is situated outside the conservation area. It will be professionally installed as an oak framed building and will mainly be behind an area of mature trees and will have little effect on the outlook of adjacent properties. There are no objections.
- 5.6 Ward Councillor No comments received

6.0 Representations:

- 6.1 Meadowside Bury Lane Representation on original submission
Comment: I would like to express my concerns over the elevation and location of the proposed building.
The height will impact on the natural light coming into the bedroom, lounge and dining room of our property.
I worry the garden will feel very claustrophobic surrounded by the close proximity of the building wrapping around the top corner of our garden fence.
From all three of the above mentioned rooms, all we will see is the roof of the lodge.

I feel that for these reasons this will devalue my property.

No further comments have been received in response to the revised proposals.

7.0 Policy:

7.1 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:

7.2. 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 or Extensions to Dwellings, including Self-Contained annexes and Development within the Curtilage

7.3. St Edmundsbury Core Strategy December 2010

- Policy SCS3 – Design Quality and Local Distinctiveness

8.0 Other Planning Policy:

8.1 National Planning Policy Framework (2018) core principles and paragraphs 56 - 68.

8.2 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 Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

9.0 Officer Comment:

9.1 The main considerations in determining this application:

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

9.2 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.

- 9.3 In the case of this application, the existing dwelling in its curtilage is able to accommodate the scale of extension without over-development occurring, as the garden area to the front of the property is generous in size.
- 9.4 The proposed development will comprise of single storey and 1.5 storey components. It will have a pitched roof and will be located close to the boundary of the neighbouring property on Bury Lane, Meadowside.
- 9.5 The original proposed design raised significant concerns around its relationship to the neighbouring property, as the proposed outbuilding would have been substantially taller than the existing shed in the same location at approximately 6 metres in height and not at all subservient to the existing dwelling, and was therefore considered to have an oppressive and overbearing visual impact on Meadowside. It was also proposed to have an 'L' shaped layout, and would have wrapped around the boundary of Meadowside in a manner that exacerbated the overbearing impact.
- 9.6 It would therefore have created a harmful relationship to the adjacent property, with concerns held that this would not have met the requirements of Policies DM2 and DM24 in particular.
- 9.7 After some discussion with the applicant on site on 17.10.2018 and negotiation via telephone and email on several occasions between this meeting and 02.11.2018, a revised plan was submitted in which the layout of the proposed outbuilding was straightened, the location shifted a further 0.8 metres away from the neighbouring property's boundary (locating the proposal a total of 1.8 metres from the boundary), and the proposed height mitigated by the proposed cutting down the building platform by 40cm.
- 9.8 This amended design will slightly reduce any harmful impact on the adjacent property, relative to the original submission, although the proposed eaves line is still higher than that of Meadowside, and the dominating impact is not reduced enough to comply with the requirements of DM2 and DM24, noting that this should be a modest and subserviently scaled outbuilding, not a structure that is in fact of greater height and scale than a dwelling might be, located only 7.5 metres away from the rear elevation of Meadowside. This rear elevation of Meadowside contains what appear to be all the principal windows to all the main rooms of the property, further exacerbating any harm arising from the excessive scale and the close proximity between structures.
- 9.9 The issue of the height remains the key concern in determining this proposal, in particular as the neighbour has also raised concerns of the dominating effect of the proposed building in relation to the original plan.
- 9.10 The proposed outbuilding, even as amended, is still considered to have a harmful impact on the residential amenity of occupants of Meadowside given the relationship between this property and its neighbour.
- 9.11 The neighbour at Meadowside has also raised concerns of the dominating effect of the proposed building in relation to the original plan, and despite a re-consultation process, has not withdrawn or amended this representation in relation to the amended plans.

9.12 During the negotiation, the applicant was clear that a further reduction in height would not be possible as it would render the project unviable, and so it is clear that this proposal cannot be negotiated further such that it might otherwise result in a mutually acceptable outcome for both the applicant and the Local Authority.

10.0 Conclusion:

10.1 In conclusion, the detail of the development is considered to be unacceptable and not in compliance with relevant development plan policies and the National Planning Policy Framework.

11.0 Recommendation:

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

- 1 Policy DM24 requires proposals to respect the character of the local area, not overdevelop the curtilage of a dwelling, and to not adversely affect the residential amenity of occupants of nearby properties, and this supports the requirements of DM2. In this regard the neighbouring property, Meadowside, will experience a material and significant reduction in the quality of its residential amenity as a direct result of the proposed development, with the proximity and height of the proposed outbuilding resulting in loss of light, obstructed outlook and a notable overbearing impact arising from the proximity between this structure and the property and amenity space of Meadowside. Consequently it fundamentally fails to meet the requirements of Policies DM24 and DM2 with respect to development protecting the residential amenity of occupants of nearby properties, conflicting in turn therefore with the provisions of the NPPF which seek to protect amenity.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1925/HH](https://www.dorsetcouncil.gov.uk/DC/18/1925/HH)