

Development Control Committee 7 August 2019

Planning Application DC/18/2137/HH – Liberty House, Hepworth Road, Market Weston

Date Registered:	23.10.2018	Expiry Date:	18.12.2018
Case Officer:	Elizabeth Dubbeld	Recommendation:	Approve Application
Parish:	Market Weston	Ward:	Barningham
Proposal:	Householder Planning Application (i) single storey side extension (following demolition of existing conservatory) (ii) install sound attenuation fence (Previous Application DC/16/1930/HH)		
Site:	Liberty House, Hepworth Road, Market Weston		
Applicant:	Ms Juliet Hargraves		

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.

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Background:

The application site has been subject to a number of planning applications over the years, notably an application for a single storey extension to the south east elevation (reference DC/16/1930/HH) which was granted in November 2016. Subsequently, an application has been submitted to regularise a discrepancy between the approved plan and the constructed extension. This is the application under consideration in this report.

The site is simultaneously subject to an ongoing application for change of use from single dwelling house (use Class C3) to a holiday let property (sui generis) DC/19/0344/FUL.

A site visit is proposed to take place on Monday 5 August 2019.

Proposal:

1. The application seeks planning permission for the erection of a single storey side extension (following the demolition of an existing conservatory), and the installation of a sound attenuation fence.
2. The proposed single storey side extension extends 8.2 metres from the wall of the existing dwelling, measures 9.6 metres in width and 3.2 metres in height.
3. The proposed fence extends 3.3 metres south east of the proposed extension, 14.6 metres along the south eastern boundary of the site and measures 3.5 metres in height.
4. Consideration of this application has been held pending consideration, assessment and determination of the application to change the use of the premises under DC/19/0344/FUL. Noting that proposal seeks to change the use of the property it is only appropriate to determine this proposal in light of a recommendation of approval of that change of use application.

Site Details:

5. The application site comprises of a two storey, detached dwelling house located within the parish of Market Weston, fronting onto a private road that extends off Hepworth Road. The property is located outside of the housing settlement boundary and is not within a conservation area.
6. The dwelling is located towards the east of a large curtilage, with an outbuilding located to the west of the site. The dwelling has been subject to a number of extensions from the original structure since at least 1995.

Planning History:

Reference	Proposal	Status	Decision Date
DC/16/1930/HH	Householder Planning Application - Single storey extension to south east elevation (following demolition of existing conservatory)	Application Granted	04.11.2016

DC/18/2137/HH	Householder Application (i) single storey side extension (following demolition of existing conservatory) (ii) install sound attenuation fence (Previous Application DC/16/1930/HH)	Planning	Application	Pending Decision	
DC/19/0344/FUL	Change of use from single dwelling house (use Class C3) to a holiday let property (sui generis).	Planning	Application	- Pending Decision	
E/95/1042/P	Erection of single storey wood store to south west elevation of barn as supported by letter dated 17th February 1995 providing further details	Planning	Application	- Application Granted	03.02.1997
E/93/1697/P	Erection of two storey side extension and conservatory, detached double garage and workshop, and detached workshop, store and vehicle shed as amended by plan received 16th June 1993	Planning	Application	- Application Granted	07.07.1993
E/92/1794/P	Construction of store/workshop			Application Refused	08.07.1992
E/90/2233/P	Erection of single storey side extension to form granny annexe			Application Granted	09.08.1990
E/88/2885/P	Erection of detached dwelling house			Application Refused	16.08.1988

Consultations:

Market Weston Parish Council raised the following objection to this application: *It was felt that the extension size was not subservient to the original dwelling size and as such we would consider this to be over development.*

The sound attenuation fence is not fit for purpose and would not serve to reduce the noise pollution from the parties that are regularly held at the house.

Questions were raised about the structural aspect of the structural engineers report. If this was based on the original size of the extension (as submitted previously) can it guarantee the structural integrity of the new extension?

Concerns were also raised about the name on the application and the legality of this.

Councillor Carol Bull on the 26.10.2018:

I would very much like to speak to you about this application which has arisen as a result of an enforcement visit and is linked in with another enforcement matter in relation to change of use.

A great many villagers and also the parish council are very concerned about what is going on at Liberty House.

Representations:

7. Six public objections from three objectors have been submitted in response to this application. The main issues cited are:
 - Original application overbuild represents overdevelopment of the site
 - Character, scale, design and appearance not respectful to the existing dwelling
 - Owner of the property not the applicant
 - Boundary line shown on drawings incorrect
 - Concern over structural integrity of extension, and request to resubmit structural engineering documents
 - Sound attenuation fence not sufficient to block noise
 - Sound attenuation fence too close to existing ditch
 - Sound attenuation fence an 'eyesore'
 - Screening of Sound attenuation fence provided by neighbour's hedge which he intends to remove, meaning the fence will be very visible in the future
 - Impact of noise from the property on the heath and amenity of surrounding residents
 - Inaccuracy of application submitted as a householder application if the use is not domestic
 - Use of the property resulting in damage of amenity to the village and rural character of the area

Policy:

8. On 1 April 2019 Forest Heath District Council merged with St Edmundsbury Borough Council to become a single Authority, West Suffolk Council. The development plans for the merged local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
9. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 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 DM5 Development in the Countryside
 - Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

- Core Strategy Policy CS3 - Design and Local Distinctiveness

Other Planning Policy:

10. National Planning Policy Framework (2019)

11. The NPPF was revised in February 2019 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 provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

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

Principle of Development

12. The proposed extension under consideration is a deviation from an application for a single storey side extension approved in 2016. The original application had a similar design and layout to the one now under consideration, but proposed to extend the floor area by 67m², whereas the extension that was subsequently built measures 75.5m², effectively increasing the floor area of the approved extension by 7.5m², and requiring a new application. The application for an extension has an additional element of a 3.5 metre high sound attenuation fence.

13. 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.

Design and Form

14. Core Strategy Policy CS3 requires proposals for new development to create and contribute to a high quality, safe and sustainable environment.

15. DM24 requires domestic extensions within the countryside to be subservient in scale to the original dwelling. Whilst it is not accepted that this would necessarily be the case in the scenario given the extent of previous extensions and additions that have increased the size of this property, the extension now proposed is subservient in terms of its height and footprint to the building being extended, which sits within a generous

and discrete curtilage, and any technical conflict with the provisions of DM24 in this regard therefore is not considered sufficient to justify a refusal.

16. Accordingly, it is considered that the proposed extension is of a design that does not appear inharmonious to that of the existing dwelling, through the use of complementary materials, yet reads as visually subservient.

17. The proposed fence will be constructed of timber, a suitable material for the countryside setting.

Impacts on Residential Amenity

18. In the case of this application, the dwelling is located within a large curtilage which is able to accommodate the scale of extension without over-development occurring. The height of the proposed extension is modest at 3.2 metres, and the fence at 3.5 metres and would not impact negatively on the residential amenity of neighbouring properties, partly due to existing screening from a large hedgerow and trees on the neighbouring properties. Also given the significant size of the adjoining properties, and the distances between dwellings, the visual impact of the proposal is not anticipated to be of any harm.

Impacts on Street Scene/Character of the area

19. The existing extension is not visible from either Hepworth Road or from Walnut Tree Lane (the private road). It is not anticipated that the proposed fence will be visible from either road once constructed.

20. The surrounding dwellings are all of mixed design and character, with a few listed buildings nearby, the closest being Three Waters, (a grade II listed former farmhouse from the 16th and 17th centuries), as well as a number of dwellings of more recent construction. Many of the buildings in the surrounding area have been extended and altered, giving the area a varied character. In this context, the extension and fence do not make a significant impact on the street scene, nor harm the character of the surrounding area.

Conclusion:

21. DM5 states that the extension of existing buildings will be permitted as long as they 'preserve the openness, appearance and character of the countryside'.

22. Liberty House is situated within a large curtilage, and has significant space on site to accommodate the proposed extension without impacting on the sense of openness that characterises the countryside. The proposed fence is of a substantial height at 3.5 metres, but given the existing vegetative screening, it is not anticipated that this will have a significant visual impact which could cause harm to the openness or character of the countryside.

23. Overall, the proposed side extension and sound attenuation fence are considered to be in compliance with the relevant planning policy. In conclusion, therefore, 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:

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

1. Time Limit
2. Compliance with plans.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2137/HH](#)