

## **Development Control Committee 18 November 2020**

### **Planning Application DC/20/1222/HH – 31 Acacia Avenue, Bury St Edmunds**

**Date registered:** 3 August 2020      **Expiry date:** 28 September 2020  
EOT 27 November 2020

**Case officer:** Connor Vince      **Recommendation:** Approve application

**Parish:** Bury St Edmunds      **Ward:** Tollgate  
Town Council

**Proposal:** Householder planning application - Single storey detached annexe.  
As amended by plans received 01 October 2020 and 06 October 2020

**Site:** 31 Acacia Avenue, Bury St Edmunds, IP32 6HN

**Applicant:** Mrs Michaela Cooper

**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:**

**This application is presented to the Development Control Committee following consideration at the Delegation Panel on 3 November 2020.**

**It was presented to the Delegation Panel due to the objection from Bury St. Edmunds Town Council. The application is recommended for APPROVAL.**

## **Proposal:**

1. Planning permission is sought for one, single storey detached annexe situated within the rear garden of 31 Acacia Avenue, Bury St. Edmunds. The annexe measures 8.5 metres in total width, 8.5 metres in total depth and 2.9m in height (flat roof). The annexe includes an open plan living and kitchen area, with an en-suite bedroom and a small amenity area, albeit adjacent to, and contiguous with, the amenity area of the host dwelling.
2. Amended plans have been received, as requested by Officers, after concerns were raised regarding the proposed annexe appearing overbearing on the boundary shared with 24 Anselm Avenue in conjunction with the potential adverse impacts on neighbouring garden trees. These amended plans moved the proposed annexe 1 metre north east into the application site.
3. The purpose of the annexe, as explained within the applicant's supporting statements, is to provide a self-contained unit to provide accommodation for the applicant, with a view to the applicant's parents moving into it when the time comes when they require ground floor accommodation. The host dwelling is currently owned by the applicant's parents, with the annexe providing accommodation for the applicant to care for their parents in the future.

## **Application supporting material:**

In support of this planning application, the following has been provided:

- Location plan
- Existing block plan
- Proposed block plan with parking layout
- Proposed elevations
- Three applicant supporting statements

## **Site details:**

4. The annexe is proposed to be situated within the rear garden of 31 Acacia Avenue, Bury St. Edmunds. 31 Acacia Avenue is situated within the settlement boundary for Bury St. Edmunds, within the Tollgate Ward. The annexe is set back 1 metre from the boundary shared with 24 Anselm Avenue to the south west of the host dwelling.
5. The application site contains a number of garden trees, as do neighbouring gardens, visible from the rear gardens of adjacent dwellings in Acacia Avenue and Anselm Avenue. The site is not located in

a Conservation Area and does not contain any trees which are subject to a Tree Protection Order, nor any that are worthy of such protection.

### **Planning history:**

6. No previous planning history.

### **Consultations:**

#### **Bury St. Edmunds Town Council**

7. 13 August 2020 – “Bury St Edmunds Town Council has no objection subject to the neighbour's concerns being satisfactorily resolved and the new building being erected away from the boundary of the neighbouring property in Anselm Avenue.”
8. 15 October 2020 – “Bury St Edmunds Town Council objects, based on new information as it relates to Standard BS5837:2012 and additional information on access and overlooking and loss of privacy and possible over development.”

#### **Suffolk County Council – Highways**

9. 25 August 2020 – “It is noted that the location is a residential area where on-street parking, if necessary, can occur safely. Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include” a condition requiring the parking and manoeuvring plan, as detailed on plan 087-20/P/01, to be provided and retained.

#### **Arboricultural Officer**

- 10.28 September 2020 – “It is difficult to comment on the arboricultural impact of the proposal based on the information at hand. However, I am able to offer the following general observations. The proximity of the annexe to the trees adjacent to the south eastern and south western property boundary is likely to entail significant root severance if a more typical foundation type is to be used. Positioning the structure outside of the root protection areas (as defined by BS 5837:2012) of these trees would avoid such harm, and in its current form, it would be reasonable to expect these trees to rapidly decline as a result of construction related harm. It should also be noted that whilst these trees provide amenity value, it is largely restricted to the surrounding residential gardens and the trees are not visible from wider public views.”

#### **Ward Members**

11. Cllr Hind (03 November 2020) – Comments provided in writing as part of the considerations of the Delegation Panel - “I want to ask you to consider the impact on the area of permitting the development. Three residents raised objections directly with me, and one of them was too scared to submit a formal application, but did write to Connor.
12. When the original planners shaped the area they built the houses with long back gardens to give people space to enjoy being outdoors and to

have their own garden idyll. This application represents a change in character of the area. Obviously the car was less dominant back in the 1930's/40's.

13. The main complaints common to all the objectors (and to other people who were afraid to register a formal objection) was the impact on traffic, and security. Even the person at no 33 who had always thought an annexe would suit him and has said that if this proceeds he will submit a similar application, outlines the problems of traffic in the area.
14. If sufficient residents all sought to do the same (and the precedent would be set) then it would increase the traffic. Acacia Avenue is a narrow residential street with a bus service, and when the bus is travelling, or parked, a car cannot overtake if a car is already coming in the other direction.
15. Another consideration here is access for emergency services. The property does not have an open or accessible sideways. The original outbuilding is joined to the house so access to any property in the rear garden would have to be via the main house.
16. I ask you to consider these facts in determining this application and refer it to Development control with video evidence of the street and the side access to the property at 31."

### **Representations:**

17. A total of four letters have been received, all objecting to the proposed development. The areas of concern are summarised below:
  - Access and parking
  - Noise and disturbance
  - Impact on garden trees bordering the sites
  - Impacts on Biodiversity
  - Setting a precedent
  - Overdevelopment of the site
  - Loss of privacy
  - Loss of amenity
18. **Policy:** On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous 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.
19. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM24 Alterations or Extensions to Dwellings, including Self Contained Annexes

Policy DM46 Parking Standards

**Other planning policy:**

20.National Planning Policy Framework (NPPF).

21.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:**

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

- Principle of Development
- Impact on Residential Amenity
- Impact on Character and Appearance
- Parking Standards and Impacts on Highway Safety
- Arboricultural Impacts
- Impacts on Ecology and Biodiversity
- Other Matters

**Principle of Development**

23.Policy DM2 states proposals for all development should recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or

building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate and produce designs that respect the character, scale density and massing of the locality. Policy CS3 of the St. Edmundsbury Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment.

24. 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.
25. The application seeks planning permission for an annexe within the curtilage of Number 31 Acacia Avenue. The annexe is self contained in that it contains basic facilities for day to day independent living, albeit is sited intimately within the curtilage of the host dwelling, sharing parking and amenity space. The annexe appears to be the minimum necessary, incorporating a small, open area to the front of the annexe, with a lounge, kitchen, one bedroom and bathroom inside. Access to the annexe will be via the host dwelling.
26. Noting the wording of Policy DM24, which supports the principle of self contained annexes within the curtilage of a dwelling, the principle can be supported, albeit careful consideration must also be given to the wider effects, including upon the amenity of nearby residents, and the character and appearance of the area. Furthermore, in confirming satisfaction, officers consider that a condition would be necessary on any consent to limit occupation to an annexe in conjunction with the main house, noting that independent occupation, in such an intimate location relative to the main house, would lead to considerable mutual harm to the amenities of both dwellings.

### **Impact on Residential Amenity**

27. The proposed annexe is located to the rear of Number 31 Acacia Avenue, approximately 1 metre away from the boundary shared with 24 Anselm Avenue to the south west and with an approximate 11 metre standoff distance to the south western elevation of the host dwelling. The annexe would also have a standoff distance of 16.5 metres to rear elevation of 33 Acacia Avenue, 15 metres to the rear elevation of 29 Acacia Avenue and approximately 23m to the rear elevation of 24 Anselm Avenue. The annexe measures 8.5 metres in total width, 8.5 metres in total depth and 2.9m in height (flat roof) and incorporates timber cladding to the front elevation, with facing brick to the rear and side elevations. The annexe will have an overhang with LED spotlights on the underside, with aluminium sliding doors to the front elevation, with an aluminium door to the rear to access the small parcel of land between the annexe and the border with 2 Anselm Avenue.
28. It is therefore considered that the annexe is a suitable size and relates well to the existing dwelling and its curtilage, and to surrounding

dwelling. Due to the substantial plot that the annexe is located within and given also the relatively large existing dwelling, it is considered that the annexe meets the requirements set by policy DM24.

29. Officers initially considered, in light of the Town Council's comments and given the location of the annexe, as originally submitted, right on the boundary shared with 24 Anselm Avenue, that the annexe had the potential to appear overbearing in conjunction with the immediate loss of trees that screen the two aforementioned sites. As a consequence, amended plans have been provided which show the proposed annexe as having been moved 1 metre north-east into the site. These revisions have been determined by officers to be acceptable, noting this increased distance from the boundary and the reduction therefore in potential impacts. A standard reconsultation was sent to consultees and neighbours, where three subsequent neighbour objections were subsequently received, with the Town Council also objecting to the proposed development.
30. Views of the proposed annexe will largely only be available from from the adjacent residential properties of Acacia Avenue to the east, Anselm Avenue to the west and Waveney Road to the north west. As the annexe measures 2.9 metres in height, approximately 0.9 metres will be visible above the garden fences of 33 Acacia Avenue to the north, 29 Acacia Avenue to the south and 24 Anselm Avenue to the west. There is also a gradual incline from the annexe to the south west. However, given the single storey nature of the annexe and its flat roof, it is considered that there will be no significant or material adverse impacts associated with overlooking, loss of privacy or otherwise arising from the annexe appearing overbearing, in particular relation to 24 Anselm Avenue, 33 Acacia Avenue or 31 Acacia Avenue. Furthermore, it is not considered that the occupation of this building as an annexe would give rise to any material adverse noise impacts upon any nearby dwellings, over and above those arising in any event from the use of the garden or any other incidental building within such, also noting the relationship and stand off distance between the site and neighbouring dwellings.
31. As will be further discussed below, the position of the building does have some potential, through root severance as a consequence of building works, to adversely affect the trees within off site gardens. As noted above, the removal of these trees may increase the perception of overbearing impact, noting the height at 2.9 metres being higher than typical garden fencing. It was for this reason that the annexe was sited away from the boundary. Not only will this potentially limit the adverse effect on off site trees, but if the annexe and its foundations still have an effect, as anticipated, will mean that the subsequent loss of these trees will not otherwise render the structure physically overbearing. The off site trees, whilst being a feature, are of limited wider amenity value, and their removal is not otherwise considered harmful. Further, it is not considered that these trees would be worthy of a Tree Preservation Order. In this regard, officers consider that the revisions strike an appropriate and reasonable balance between the rights of one property owner to maintain and retain trees and soft landscaping within their garden, and the rights of another homeowner to develop within their garden and, overall, and on balance, the effects upon amenity are considered to be satisfactory.

## **Impact on Character and Appearance**

32. As noted above, the structure is located within an otherwise enclosed rear garden, with very limited public views. Similar structures to the proposed annexe are visible within the rear gardens of Anselm and Acacia Avenue, with the wider character of the area being generally residential in nature and also including a variety in the appearance and design of buildings. Within this context it is considered, with reference to Policy DM2, that the effects upon character will be satisfactory. It is possible that there will be glimpsed views of the annexe between dwellings on Acacia Avenue, but this will not be obvious, will be over some distance, and will only be of a domestically scaled building otherwise typically found within residential gardens.

33. Accordingly, and given the relative location of the annexe, there will be no obvious views of the annexe from the public realm. Officers are therefore content that there will be no adverse impacts associated with the annexe's construction in relation to visual amenity within the street scene.

## **Parking Standards and Impacts on Highway Safety**

34. Policy DM46 requires that proposals provide appropriately designed and sited car parking in accordance with the current adopted standards. Paragraph 110 of the 2019 NPPF also states that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The car parking for the site will remain unchanged, with two identified car parking spots to the front (north east) of the host dwelling on Acacia Avenue.

35. Suffolk Parking Guidance requires three car parking spaces for a 4+ bedroom property and the block plan indicates space for two vehicles, with sufficient on-street parking on Acacia Avenue. However, notwithstanding this under-provision there are no objections from the Highway Authority to the proposed development and it is not considered therefore that a refusal on the basis that the proposal will lead to any material harm to highway or pedestrian safety would withstand the scrutiny of an appeal. The proposed development is therefore determined to comply with the provisions of Policy DM2, DM46 and paragraph 110 of the NPPF.

## **Arboricultural Impacts**

36. Policy DM13 states development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. Reference has been made to the potential impact of the annexe on adjacent trees, and this has also been discussed briefly above. The proximity of the annexe to the trees adjacent to the south eastern and south western property boundary is likely to entail adverse impacts upon the viability of these trees. It must also be noted however that whilst these trees provide amenity value, this value is largely only appreciated from the surrounding residential gardens and that the trees are not visible from wider public views. The trees are also not protected by reason of a Tree

Preservation Order, nor from being situated within a Conservation Area, and neither would they be suitable for such protection. The applicant has provided a supporting statement in light of the neighbour objections received and has stated they will appoint an arboriculturalist who will compile a method statement to ensure the works do not harm the trees concerned. However, even if they do, given the modest value of these trees, officers are satisfied that the arboricultural implications of the proposal remain satisfactory regardless, and that conditional control of this point is not needed. The trees are not suitable for formal protection and whilst their intrinsic loss might be unfortunate, the rights of a homeowner to maintain garden trees within their property must also be balanced against the rights of neighbouring homeowners to extend within their property. Due to the modest nature of these trees, there is limited or even no public interest in securing amendments to the scheme that would enable to retention of these trees, with the modest additional stand off distance to the boundary that has been secured being, in the opinion of officers, a suitable balance to ensure that if the off site trees are lost, as is expected, as a result of this proposal, that the works will not in and of themselves otherwise appear overbearing.

37. In conclusion therefore, the arboricultural related impacts of this proposal are considered satisfactory without the need for any further conditional control.

### **Impacts on Ecology and Biodiversity**

38. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected species and either maintain the population on site or provide alternative suitable accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.
39. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancement.
40. The site is not situated within any protected species buffer, nor is it proposed that any trees will be felled as a result of the proposed development. Therefore, it is considered there will be no adverse impacts associated with the development concerning ecological and biodiversity matters. The proposal therefore complies with the provisions of Policies DM11 and DM12.

### **Other Matters**

41. As detailed within Schedule 2, Part 1, Class E of the General Permitted Development Order (2015), outbuildings can be constructed using Permitted Development Rights, providing that the building does not sit forward of the front elevation of the host dwelling or exceeds 2.5 metres in the case of a building within 2 metres of the boundary of the curtilage. In this case, the building measures 2.9 metres and is within 2 metres of the boundary and therefore would not comply with the Permitted

Development criteria, however would comply if the height was reduced by 0.4 metres and was for a use 'incidental' to the host dwelling. This could entail being a hobby room, for example, and this is a further factor which supports the conclusion drawn in relation to the impacts on off-site trees. On balance, officers consider the proposal acceptable as it stands.

### **Conclusion:**

42. 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. It is acknowledged that, as result of the development, there is likely to be some adverse impact upon, and a subsequent loss of, garden trees within neighbouring properties, as well as there being a deficiency of parking provision when measured against the Suffolk County Council parking standards. However, on balance, as the aforementioned trees are not worthy of protection, and given there are no objections from Suffolk County Council the proposal is not considered to lead to any material harm at such a level that a refusal would be justified.

### **Recommendation:**

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

1. The development hereby permitted shall be begun not later than three 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>Plan Type</b>	<b>Reference</b>	<b>Received</b>
Location Plan	087-20_S_1000	24 July 2020
Existing Block Plan	087-20_S_1001	24 July 2020
Proposed Block Plan	087-20_P_01 Rev A	01 October 2020
Proposed Floor Plans	087-20_P_02 Rev C	06 October 2020
Proposed Elevations	087-20_P_51 Rev A	01 October 2020
Proposed Elevations	087-20_P_50 Rev C	06 October 2020

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

3. The use shall not commence until the area within the site shown on Drawing No. 087-20/P/01 Rev A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users

of the highway.

4. The extension/annex hereby permitted shall be occupied only in conjunction with and for purposes ancillary to the residential use of the existing dwelling known as 31 Acacia Avenue to which it is associated and together they shall form a single dwelling house.

Reason: To enable the Local Planning Authority to regulate and control the development, in accordance with policy DM24 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 5 of the National Planning Policy Framework and all relevant Core Strategy Policies.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1222/HH](#)