

Development Control Committee 6 January 2021

Planning Application DC/20/1708/HH – 11 St Marys Square, Newmarket

Date registered:	14 October 2020	Expiry date:	15 January 2021
Case officer:	Adam Yancy	Recommendation:	Approve application
Parish:	Newmarket Town Council	Ward:	Newmarket East
Proposal:	Householder planning application - (i) single storey rear extension (ii) conversion of garage into habitable space		
Site:	11 St Marys Square, Newmarket, CB8 0HZ		
Applicant:	Mr M Sayyad		

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:

This application is presented to Development Control Committee following consideration at Delegation Panel on 21 November 2020. It was presented to the Delegation Panel due to the objection from the Town Council. The application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for a single storey rear extension and the conversion of an existing garage to a living space. There is currently an existing extension on site without the benefit of planning permission. This application seeks for permission for retention of this structure with changes made to the external materials.

Application supporting material:

2.
 - Location and Block Plan
 - Existing Floor Plans
 - Existing Elevations
 - Proposed Floor Plans
 - Proposed Elevations

Site details:

3. The site consists of an end of terrace property located in the Newmarket settlement boundary. The property is visible from Mill Hill and is located outside of the conservation area which is positioned just south of the site.

Planning history:

4. None relevant

Consultations:

5. **Conservation officer** – The proposed development is located outside the conservation area and involves the construction of a modest single storey extension to the rear of 3 storey modern property. Located outside the conservation area, the impact of the proposed development on the setting of the conservation area is therefore considered.

Whilst the proposed extension may be visible looking towards the conservation area its modest form and scale set against a backdrop of a 3 storey modern property will have no greater impact on the setting of the conservation area than the existing building I therefore have no objection.

Representations:

6. **Newmarket Town Council** - Newmarket Town Council's Development & Planning committee considered this application and agreed to object on the grounds of overdevelopment of the site and the negative impact on the conservation area. Further, the proposals do not comply with Neighbourhood Plan Policy NKT3: St Mary's Square.

7. **Ward Member** – No comments

8. **Neighbour Representations** – 46 Mill Hill. I would like to object to this application. It is retrospective as the extension is already built. The basis of my objection is that the house to which the extension is attached is in the conservation area and does nothing to enhance that, indeed because of the poor quality of the work it detracts from it. The property to which it is attached is a three storey town house and the owner has already converted its integral garage into two additional bedrooms. I have been assured by a planning enforcement officer that the house is to be occupied by one family, although I and other near neighbours believe it is being set up as an HMO. The loss of the integral garage will add to the current pressure on local parking, which is extremely limited. The owner of this property obviously had no intention of applying for planning permission for this extension and was only pressed into doing so when residents contacted the planning authority to ask whether planning permission had been granted.

9. **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 Forest Heath District Council

10. The following policies of the Joint Development Management Policies Document and the Forest Heath 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

DM17 - Conservation Areas

Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

DM46 – parking standards

Core Strategy Policy CS5 - Design and Local Distinctiveness

Newmarket Neighbourhood Plan NTK3 (St Mary's Square)

Other planning policy:

11. National Planning Policy Framework (NPPF)

12. 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:

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

- Principle of Development
- Impact on Amenity
- Impact on character/appearance of conservation area
- Other Matters

Principle of Development

14.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 dwelling and curtilage and scale not adversely affect the residential amenity of occupants of nearby properties.

15.In this case, the proposal is for rear extension to the property and the conversion of a garage to living space. The curtilage of the site is large enough to accommodate the proposed extension without overdevelopment occurring. Therefore, the principle of the development is considered to be acceptable, albeit further consideration is necessary in relation to the design and amenity impacts, the effects on highway safety and the effects upon the setting of the nearby conservation area.

Impact on Amenity

16.The proposed rear extension is located along the boundary of the dwelling which is adjacent to Mill Hill and is 2.8 metres in height overall. The extension will be positioned 3 metres from the neighbouring property and as such, it is not considered that it will result in any adverse impact on the amenity of neighbouring properties in terms of loss of light, overbearing impact or from any overlooking.

17.The proposed conversion of the existing garage to a living space will not result in the creation of additional floorspace for the dwelling and will not result in the creation of windows on the side elevation. Therefore, it is considered that the proposed garage conversion will not result in any adverse amenity impacts upon any nearby dwellings.

Impact on character/appearance of conservation area

18.As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive

range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.

19. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 72) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
20. DM17 states that proposals within adjacent to or visible from Conservation Areas should preserve or enhance the character or appearance of the conservation area, or its setting, views into, through and out of the area and be of an appropriate scale, form, massing and design. The property is not located within a conservation area, however it is located just outside and would be visible from the conservation area. Therefore, consideration will be given for the proposal and its impact on views from and into the conservation area.
21. The proposed extension will be 2.8 metres in height overall and exceeds that of the existing two metre wall on the boundary of the property. Therefore, the proposal would be visible from the conservation area and considered is given as a result to its impact on the conservation area. The extension is positioned against the backdrop of a modern three storey dwelling and in the opinion of officers the proposed extension would not have any greater impact than does the existing dwelling. The pitched metal roof will pitch away from the boundary, further limiting its visibility in the streetscene. Therefore, it is considered that the proposed extension is acceptable in this regard.
22. In addition, and importantly, it should be noted that the application proposes to replace the existing timber on the extension to a matching brickwork, which is considered to be an appropriate material for the proposal and better respects the host dwelling and views of it from and into the conservation area. As such, the conservation officer has no objections in regard to this proposal and its impact on the conservation area, which is considered to be neutral.
23. In this regard, a condition is proposed requiring the use of the proposed facing bricks within three months of the date of the decision. Noting the adverse impacts currently from the external cladding and the fact that if no condition as imposed the developer could have as long as they wished to amend the brickwork (noting that in the meantime the building would be unauthorised and subject still to enforcement action) this is considered reasonable.

Other Matters

24. The proposed conversion of the garage will result in the creation of two additional bedrooms for the dwellings which will take it to five bedrooms in total. The proposal would also involve the loss of a parking space. However, given its location and the fact that there are no restrictions on permitted development, the conversion of the garage itself does not require planning permission to undertake. In addition, given the town centre location of the dwelling and the existing parking restrictions on Mill Hill which already serve to restrict on street parking, it is not considered

that the proposal would result in any adverse impact on the safety of the highway and the proposal therefore conforms with policy DM46.

25. An objection was received in relation to this application from the neighbouring property at 46 Mill Hill. Their comments were in relation to the poor quality of the extension and concerns that the property is being set up as a House of Multiple Occupation (HMO) property. In addition, concerns were raised that the conversion of the garage would lead to restricted parking spaces. As discussed above, the proposal for this application is to replace the existing timber cladding with an external brick finish that matches the existing building, so although the existing structure may presently be considered to be of poor appearance as a result of the materials presently used, it does not represent what is in fact being proposed. The use of matching bricks, as now proposed, will drastically improve the appearance of the property, to the extent that in the opinion of officers concern regarding its appearance cannot be sustained.
26. The issue of the potential use of the property as a HMO is not a matter that is relevant to consideration of this proposal. Firstly, there is no indication that the property is or is otherwise proposed to be used as a HMO. Secondly, in any event, the use of a single dwelling as a HMO for up to six persons is permitted development and can be undertaken without needing planning permission. If the site was to be used as a HMO, and if it was occupied by more than six residents, then permission would be required and the matter could be considered further at that point.
27. Newmarket Town Council objected to the application with one of their reasons being that the proposal does not comply with Policy NKT3 (St Mary's Square) of the Newmarket Neighbourhood Plan. This policy relates to the Environmental Improvement Area in which the site is located. The policy also states that any significant development in the Environmental Improvement Area should be considered in the context of an overall vision for the area. The proposal for the rear extension and conversion of the garage is not considered to be a significant development in the context of the area and would not result in an adverse impact of the Environmental Improvement Area.
28. Also material to any assessment in this regard is the fact that, had it been first applied for under the correct notification procedure, an extension of this depth, in this location, and using materials that are similar in appearance to those on the host dwelling, would have been considered permitted development in the absence of any amenity related objections from adjoining properties as, it is noted in the case here. This fall back is no longer available as it can only be utilised if such notification is made before the works take place, but it nonetheless serves to indicate that this is an extension that is otherwise modest in scope with generally benign impacts arising.

Conclusion:

29. 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.

Recommendation:

30. 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:

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

3. Within three months from the date of this decision, the extension hereby permitted shall be clad in facing bricks to match the original dwelling, in accordance with the detail shown on drawing 111 (02)-02 Revision B.

Reason: In the interests of the character and appearance of the area.

Documents:

31. All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1708/HH](https://www.dorsetcouncil.gov.uk/DC/20/1708/HH)