

Development Control Committee 23 June 2021

Planning Application DC/20/2212/HH – Woodlands, The Pound, Hawstead

Date registered:	16 December 2020	Expiry date:	10 February 2021
Case officer:	Adam Yancy	Recommendation:	Approve application
Parish:	Hawstead	Ward:	Horringer
Proposal:	Householder planning application - three bay cart lodge and machinery store with first floor guest accommodation above		
Site:	Woodlands, The Pound, Hawstead		
Applicant:	Mrs Karen Cuthell		

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:

Adam Yancy

Email: adam.yancy@westsuffolk.gov.uk

Telephone: 07866 172894

Background:

This application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel as the Parish Council objected to the application, contrary to the officer's recommendation of APPROVAL.

Proposal:

1. Planning permission is sought for a cart lodge which is located to the front of the host dwelling. The cart lodge will have three open bays, plus a two-bay enclosed storage area, and will also have accommodation on the first floor, including guest style bedroom accommodation plus shower room and open plan 'studio' space.
2. The proposed cart lodge measures 15 metres in depth and 4.25 metres in width. It also measures 6.5 metres to the ridge. The proposed cart lodge is positioned approximately 9 metres from the boundary with the neighbouring property at Spinney Cottage and 18 metres from the boundary with main road. The building is to be constructed of stained boarding, pan tiles and red facing brick.
3. Amended plans have been received during the course of the consideration of this matter that moved the proposed building further away from the western site boundary. Re-consultation took place in relation to these amended plans.

Site details:

4. The site is located in the countryside and consists of a detached two storey dwelling which is set back from the highway behind trees and otherwise located within a generous plot. The boundary to the front and side of the property consists of mature trees which screens most of the site from the public domain. The trees on the site are not subject to a Tree Preservation Order and neither is the site located within a Conservation Area. The dwelling to the west, known as Spinney Cottage, is Grade II listed.

Planning history:

5.

Reference	Proposal	Status	Decision date
DC/14/0306/CLP	Certificate of Lawfulness for Proposed Development - Use of single storey link extension between existing dwelling and annexe	Application Granted	16 April 2014

Consultations:

6. Conservation officer - The proposed development is located outside a conservation area but is located east of Spinney Cottage a grade II listed building. Spinney Cottage is 1'1/2 storeys with a later 1'1/2 storey and single storey extension added to the east in close proximity to the boundary between Woodlands and Spinney Cottage. Spinney Cottage is set back from the pavement edge with development sited either side albeit

Woodlands is set further into the site. Views looking towards the site from Spinney Cottage are limited and vice versa screened by existing mature planting. Should the planting be removed it would not open up a wide and long uninterrupted planned view but rather a view across a neighbouring property's garden looking towards development on the edge of the village. Whilst views of the roofscape may be possible through the planting I do not consider these views would affect how the asset is appreciated or adversely affect its significance. I therefore have no objections to the proposed development.

7. Tree officer – I have reviewed the Arboricultural Impact Assessment and have no objections subject to conditions.

Representations:

8. Hawstead Parish Council – Hawstead PC first considered this application at its meeting on 14 January 2021. The meeting was attended by three residents who objected to these proposals; no statements in support of the application were received. The meeting considered the planning application together with the comments made by the residents and the following issues;
9. (i) the planning application form contains various anomalies/inaccuracies, including the statement that no trees will need to be removed (there will; some are marked with a cross), the assertion that the proposed structure cannot be seen from the footpath (it will be); the statement that there are no trees within falling distance of the proposed development (there are);
10. (ii) no pre-application advice has been taken;
(iii) the proposal is planned to sit very close to neighbouring property despite the size of the plot;
(iv) as a building intended for ancillary use to main building its unclear why it is situated outside the fence/security arrangements in Woodlands;
(v) the building is large and with its chimney, juliet balcony and substantial first floor accommodation has potential to be used in a variety of ways other than simply as ancillary accommodation there is no justification given as to the proposed scale, yet the structure is equivalent in size to the village hall;
(vi) the dominant impact the proposed structure would have on the street scene as one enters the village; the development would be out of character with its surroundings;
(vii) the structure could be sited in the garden rather than woodland belt to avoid loss of trees;
(viii) it would be a shame if further trees around this property were to be lost many trees have recently been cut down,
(ix) the close proximity to a listed grade II property;
(x) the location to the front of the property would set an unacceptable precedent; (xi) the proposed use of the studio needs clarification;
(xii) no detail of proposed heating in the accommodation is given;
(xiii) the ground floor accommodation will effectively comprise a substantial five bay cart lodge/machinery store;
(xiv) JDMP 2015 Policy DM24.

A statement from the tree warden was considered which made following points; (a) the proposed location is in an area of deciduous broadleaf mature woodland; (b) SCC has declared a climate emergency; (c) the proposals will result in the unnecessary destruction of this mature woodland belt; there are other siting options available to the applicant

which would not result in the loss of this woodland belt; (d) no meaningful mitigation has been offered; (e) the proposals would result in an unnecessary and ill-advised loss of woodland which will have an unacceptable impact on local biodiversity; the loss of such habitat within the village is lamentable. It was unanimously AGREED that the Council would OBJECT to these proposals on grounds of scale, location, necessary loss of trees, visual impact and breach of policy DM 24 JDMP 2015.

11. The Council considered the re-consultation at its meeting on 26 April 2021. Following full discussion it was UNANIMOUSLY AGREED that the Council's original OBJECTION (18 January 2021) should be re-stated; those present considered that the relatively minor adjustment in location did nothing to address the previously stated objections regarding the scale of the building, the loss of trees to facilitate the new building and the negative impact on the residential amenity of neighbouring property. The meeting concluded that the proposals still did not meet the criteria of JDMP 2015 policy DM24. The meeting noted that there was no particular justification provided for a building of this scale and size to the front of the property, in front of the building line and there was concern about the potential for it to be used as a standalone dwelling or similar in the future. Councillors noted that the planning authority have recently taken local enforcement action elsewhere in this village in relation to development in front of the building line; other planning permissions recently granted in the village have restricted the height of proposed development; the Council accordingly urges the planning authority to take a uniform approach in relation to this proposal, given its proposed location in front of the building line and its excessive height. Councillors expressed dismay at the ongoing loss of trees at this gateway point to the village and disappointment that there is no protection in place to safeguard this group of trees which make such a valuable contribution to the appearance of the village. The impact of the loss of such woodland on neighbouring listed property was highlighted.

12. Ward Member – No comments received.

13. Neighbour representations

14. Comments received from the neighbouring property at Park House, their summarised comments are as follows:

- Concerns in regard to the loss of trees on the site
- Impact on listed building at Spinney Cottage

Comments were also received in relation to the amended plans which they maintained their objection.

15. Comments received from the neighbouring property at Ballacraigne, their summarised comments are as follows:

- Concerns over loss of trees
- Scale and position of the proposed building

Comments were received in regard to the amended plan which they maintained their objections.

16. Comments received from the neighbouring property at Cullum Cottage, their summarised comments are as follows:

- Impact on listed building
- Impact on trees and biodiversity

No comments received in relation to the amended plans.

17. Comments received from the neighbouring property at Little Owl, their summarised comments are as follows:

- Impact on listed building
- Impact on amenity of neighbouring property
- Impact on trees
- Scale of proposal

No comments were received in regard to amended plans.

18. Comments received from the neighbouring property at Spinney Cottage, their summarised comments are as follows:

- Impact on listed building
- Impact on amenity
- Loss of trees
- Scale of proposal

Comments were received in relation to the amended plans which they maintained their objections to the proposal.

Policy:

19. 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.

20. The following policies of the Joint Development Management Policies Document and St Edmundsbury Core Strategy 2010 & Vision 2031 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 Impact on Listed Buildings
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design quality and local distinctiveness
- Rural Vision 2031

Other planning policy:

21. National Planning Policy Framework (NPPF)

22. 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:

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

- Principle of Development
- Impact on Character of Street Scene/Surrounding Area
- Impact on Amenity
- Impact on Trees
- Impact on Listed Building
- Other Matters

Principle of Development

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, which is the relevant provision in this case, will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the dwelling. It is also a requirement that the proposal will not lead to overdevelopment of the curtilage, nor that it affects the amenity of nearby properties.

25. In this case, the proposal is for the construction of a detached cart lodge to the front of the site. The curtilage of the site is large enough to accommodate the proposal without overdevelopment occurring. Therefore, it is considered that the proposal is acceptable in principle.

Impact on Street Scene/Surrounding Area

26. The proposal is positioned to the front of the site and in front of the existing dwelling. Therefore, consideration must be given for the proposal and its impact on the host dwelling and the surrounding area. The proposed cart lodge is of a clearly notable scale, containing five parking / storage bays, plus accommodation above. However, given the scale of the existing host dwelling, plus the generous plot on which both would sit, plus the set back from the road and the extent of retained soft landscaping, the proposal would still be subservient to the host dwelling in terms of its overall height and scale.

27. The boundary to the front and side of the dwellings consists of mature tree cover which does help screen the proposal from the public domain. In addition, the application proposes to reinforce the boundary with further planting, which will help provide further screening. Given the scale of the building, there would be some views of the roofscape from the public domain, but this would not be considered to be harmful in terms of impact the character or appearance of the surrounding area and it is also noted that the building itself is attractively designed using suitable materials, including red plinth brickwork, stained boarding for the walls, and plain tiles of the roof. Given the set back from the road and the size of the property frontage this conclusion would remain, even if the site was not bounded by soft landscaping.
28. Third party comments were also received in regard to the scale of the proposed building and its impact on the character and appearance of the surrounding area. Although the proposed cart lodge is of a notable scale, it would still remain subservient to the host dwelling in terms of its overall scale and height, and otherwise positioned spaciouly within a generous plot. Given its position which is to the front of the site, there may be some views of the proposal from the public domain, in particular the roofscape. However, given the remaining tree cover on the boundaries of the site and the additional planting which would be conditioned, it is considered that a building of this scale to the front of the site would not result in an adverse impact on the character or appearance of the host dwelling or the surrounding area and would therefore comply with Policies DM2 and DM24, plus CS3.

Impact on Amenity

29. The proposed cart lodge is positioned approximately 9 metres from the boundary with the neighbouring property at Spinney Cottage. The building proposed has a height of 6.5 metres to the ridge. The proposed cart lodge has three rooflight windows positioned on the side elevation which faces towards the neighbouring property at Spinney Cottage. These are shown to be obscure glazed, and could be conditioned to be so, plus fixed shut. There is also an external staircase and timber landing area to the south end of the proposed outbuilding. The standoff distance, plus the existing intervening soft landscaping, added to the fixed obscure glazed nature of these rooflight windows would limit any potential overlooking of the private amenity space of the neighbouring property at Spinney Cottage to a level that is considered to be acceptable. In addition, the boundary between the two properties consists of trees which would obscure views of the cart lodge from the neighbouring property. Given this and the separation, it is considered that the proposed cart lodge would not result in a materially adverse impact on the amenity of the neighbouring property in terms of loss of light, overlooking or to otherwise have an overbearing impact.
30. Third party comments were also received in regard to the impact on amenity of the neighbouring property at Spinney Cottage. As mentioned above, given the separation distance of the cart lodge from the boundary of the site and the remaining tree cover on the boundary of the property, it is considered that the proposal would not result in an adverse impact on the amenity of the neighbouring property in terms of loss of light or overlooking of the private amenity space. This would be subject to

conditions in relation to obscure glazing and non-openable rooflight windows on the west elevation. Therefore, officers have no concerns in this regard.

Impact on Trees

31. The proposal will result in the loss of nine trees which are positioned further into the site and away from the frontage. These trees are not considered to be of a high amenity value and as such the tree officer does not object the removal of these trees. These trees are not subject to a Tree Preservation Order and neither are they located within a Conservation Area and therefore the removal of trees would not require consent.
32. Third party comments have been received in relation to the cart lodge. One of these objections is in relation to the loss of existing trees on the site and the impact on the trees to be retained. In regard to this, consent would not have been required for the prior removal of the trees on the site as it is not covered by a tree preservation order. In addition, the tree officer has considered that the proposed cart lodge is positioned a sufficient distance away from the trees not to be of a concern. A tree protection and Arboricultural Method Statement would be conditioned to ensure that retained trees are protected during the construction of the cart lodge.
33. The proposal will not result in the loss of any trees positioned on the boundary of the property and the proposal was amended to ensure that building would be positioned away from the root protection areas of these trees. An arboricultural impact assessment was submitted with the application. The tree officer has reviewed the details and confirmed no objection to the proposal subject to conditions for a tree protection plan and arboricultural method statement, and subject to a tree planting condition which would see more trees planted on the boundary of the site to increase the screening of the proposal from the public domain. The Tree Officer has also confirmed that the existing trees, whilst of some value, are not worthy of formal protection.
34. Therefore, there is no objection in regard to the proposal and its impact on the surrounding trees.

Impact on Listed Building

35. The neighbouring property at Spinney Cottage is a Grade II listed building and as such, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.
36. In this regard, the proposed cart lodge is positioned 9 metres from the boundary with the neighbouring listed building, which itself sits on the boundary. Although the proposed building is generous in scale it would also be screened by existing mature planting on the boundary of the site which would obscure views of the proposal from the neighbouring property.

37. In addition, the conservation officer has reviewed the proposal and has concluded that given the existing mature planting on the boundary of the property, which would obscure views of the proposed outbuilding from Spinney Cottage, and vice versa, that it is considered that the proposed development would not affect how the asset is appreciated or otherwise adversely affect its significance. Furthermore, the conservation officer has also stated that even if the planting were to be removed that it would not open up a wide and long uninterrupted planned view but rather a view across a neighbouring property's garden looking towards development on the edge of the village. The conservation officer has also explained that whilst views of the roofscape may be possible through the existing planting, that any such views would not affect how the heritage asset is appreciated or adversely affect its significance.

38. Third party comments were also received in regard to the impact on the neighbouring Grade II listed building at Spinney Cottage. Given the position of the listed building and the remaining tree cover that will screen most of the proposed cart lodge from the listed building the conservation officer has concluded that the proposal would not result in an impact on the setting of the listed building and therefore would comply with policy DM15.

39. Therefore, the conservation officer has no objections in regard to the proposal, even in the eventuality that the onsite screening planting were to be removed. Given this, it is considered that the proposal would not result in an adverse impact on the setting of the listed building and would comply with Policy DM15.

Other Matters

40. Objections were received from Hawstead Parish Council (PC) in regard to the proposal. Their comments were mostly in line with objections received from neighbouring and nearby properties as reported above. However, the PC also made comments in regard to concerns that the proposed cart lodge had the potential to be used as an outbuilding in the future. In this case the building includes accommodation to be used in conjunction with the main dwelling, and this can be controlled by a condition, as recommended below.

Conclusion:

41. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with Policies DM2, DM25, DM24 and CS3 and the National Planning Policy Framework.

Recommendation:

42. 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, unless otherwise stated below:

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

Reference number	Plan type	Date received
20/92/01	Existing block plan	16 December 2020
20/92/03	Proposed elevations & floor plans	16 December 2020
20/92/02 A	Proposed block plan	1 April 2021
(-)	Heritage statement	31 March 2021
(-)	Arboricultural assessment	31 March 2021

- 3 Prior to commencement of development a detailed Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall show the extent of root protection areas, details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. The AMS shall include details of all construction measures within the root protection areas of those trees on and adjacent to the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation for hard surfaces, boundary treatments and service routes. The TPP and AMS shall include a schedule of monitoring and a programme of arboricultural supervision.

The development shall be carried out in accordance with the approved TPP and AMS unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

- 4 Prior to completion of the development hereby approved, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include 3x standard (10-12cm girth) *Acer campestre* in the locations shown on drawing 'UTC-0585-P05-TPP'. Planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period shall be provided. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 The cart lodge hereby permitted shall be occupied only in conjunction with and for purposes ancillary to the residential use of the existing dwelling known as Woodlands 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.

- 6 Before the cart lodge hereby permitted is first occupied/brought into use, the three rooflight windows in the rear / south west elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall consist only of non-operable fixed lights and shall be retained in such form in perpetuity.

Reason: To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not adversely affected, in accordance with policy DM2 and DM24 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 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/20/2212/HH](https://www.westsuffolk.gov.uk/DC/20/2212/HH)