

## **Development Control Committee 1 September 2021**

### **Planning Application DC/21/0640/HH – 60 The Street, Barton Mills**

<b>Date registered:</b>	23 March 2021	<b>Expiry date:</b>	25 June 2021
<b>Case officer:</b>	Alice Maguire	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Barton Mills	<b>Ward:</b>	Manor
<b>Proposal:</b>	Householder planning application - detached double garage with new driveway		
<b>Site:</b>	60 The Street, Barton Mills, IP28 6AA		
<b>Applicant:</b>	Les Belsberg		

#### **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 the 18 May 2021. It was presented to the Delegation Panel due to the support from the Parish Council. Amended plans have since been received, dated 21.06.2021. This is a resubmission of a similar previously refused proposal determined at a previous Development Control Committee. The application is recommended for REFUSAL.**

## Proposal:

1. Planning permission is sought for one detached garage and vehicular driveway. The proposed garage is two bay, and measures 6.200 metres in depth, 11.030 metres in length, with a height to the eaves of 2.9 metres and an overall height of 4.800 metres. There is an existing access and driveway into the site, which is proposed to be resurfaced.
2. The application has been amended, with the garage originally measuring 6.500 metres in depth, 13.400 metres in length, with a height to the eaves of 3.300 metres and an overall height of 4.800 metres.
3. The proposed garage will be within the residential curtilage of 60 The Street, Barton Mills. It will be located in close proximity to the western boundary of the site in front of the existing dwelling. It will be set back approximately 16 metres from the front boundary and highway.
4. An application for a detached garage and new driveway was refused at Development Control Committee on 18.11.2020. The garage measured larger in footprint and was 1.000 metre higher to the ridge. The overall height of the proposal under this application is 4.800 metres.

## Site details:

5. The application site comprises of a detached, modern infill property located within the Barton Mills settlement boundary. Access is achieved to the site from The Street. The property is also located centrally within the Conservation Area.

## Planning history:

6.

Reference	Proposal	Status	Decision date
DC/20/1063/HH	Householder Planning Application - (i) Garage (ii) vehicular driveway improvements	Application Refused and dismissed at appeal	19 November 2020
F/2012/0245/HOU	Erection of detached double garage with Media Room/Gym over	Refuse	4 October 2012

## **Representations:**

### **7. Parish Council:**

05.05.2021:

The Parish Council has no objections to and strongly support the application based on the proposal affecting no neighbouring properties and there were no issues in relation to other similar garages in the area.

07.07.2021:

Barton Mills Parish Council support this application and strongly disagree with the conservation officers comments as there are many larger double garages on other properties on The Street.

### **Ward Member:**

8. Councillor Brian Harvey requested that the application was referred to Development Control Committee at Delegation Panel on 18 May 2021.

### **Conservation Officer:**

17.05.2021:

9. "The proposed location remains forward of the principal elevation and as a result would continue to be regrettable. It is appreciated there is a mix of development within the conservation area some of which similarly includes garaging forward of the principal elevation. Such an arrangement however does not necessarily contribute towards the character or appearance of the conservation area and would not, in this instance, follow the arrangement of properties either side of the application site. That said the proposed development has been reduced in overall height to the extent the ridge height of the garage roof will now sit below the ridge height of the single storey side extension diminishing in scale and therefore reducing the prominence of an ancillary structure in a prominent location.

Whilst I continue to raise concerns due to its proposed location, the reduced scale is such that I no longer consider the proposed development would cause the extent of harm where a refusal would be warranted. I therefore raise no objection".

05.08.2021:

"...The Inspector's decision is now a material consideration in the determination of the current application and whilst the proposal has been further amended... to include a reduction in the size... the current proposal does not address all reasons for refusal sited in the Inspector's appeal decision".

### **Neighbour representations**

10. Five letters of support have been received. Their comments are summarised and include the following:

- Proposal is significantly away from street and mostly blocked by matured trees.
- Minimal effect on street scene.
- Garage and drive will significantly reduce number of vehicles parked to the front, improving the garden landscape.

**Policy:**

11. 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 Forest Heath District Council.

12. 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
- Policy DM17 Conservation Areas
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage.
- Policy DM46 Parking Standards
- Core Strategy Policy CS5 – Design and Local Distinctiveness

**Other planning policy:**

13. National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision-making process.

**Officer comment:**

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

- Principle of Development
- Appeal Decision
- Impact on the street scene / Conservation Area

- Impact on neighbour amenity
- Design and Form
- Parking and access
- Previous reason/s for refusal

## **Principle of development**

15. The obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 requires decision makers to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. The Framework policies may support a decision in line with the development plan or they may provide reasons which 'indicate otherwise'.
16. The proposal seeks approval for the construction of a detached garage and resurfacing of the existing vehicular driveway. Policy DM24 states that within settlement boundaries, planning permission for the alteration or extension to dwellings, including annexes and development within the curtilage, will be permitted subject to certain criteria. This states that proposals should respect the character, design and scale of the existing dwelling and immediate and wider area, should not result in over-development of the curtilage and should not adversely affect the residential amenity of occupants of nearby properties.
17. The principle of development is therefore acceptable, subject to compliance with DM2, DM24 and, given the site is within the conservation area, DM17. These matters will be assessed in more detail below.

## **Appeal Decision**

18. Following the refusal of the previous planning application at this site, referenced DC/20/1063/HH, an appeal was submitted by the applicant. A decision was received on 16<sup>th</sup> June 2021 and the appeal was dismissed. This appeal is relevant to the consideration of this planning application, given the similarity of the proposals and is a material planning consideration.
19. Since the former application, the proposal has been amended to reduce the overall scale, however the positioning of the garage forward of the principal elevation remains largely the same.
20. The Inspector agrees that the significance of the conservation area in which the application site is located, is identified as relating to its low density and dominance of landscape. They also state that the appeal site retains an open and spacious nature due to the distance of the property from the road which makes a positive contribution to the significance of the Conservation Area. They note that the garage would be located in the front garden and be highly visible and prominent within the street scene. It is also acknowledged that the garage is of a bulky and large scale which would appear dominant within the street scene and not be subservient to the host dwelling. The Inspector does not agree that the other garages on The Street are comparable to the proposal given their location and scale.

21. In conclusion, the Inspector states that the development fails to preserve the character and appearance of the surrounding area and Barton Mills Conservation Area and would conflict with Section 72(1) of The Act. The proposal therefore conflicts with Policy CS5 of the Forest Heath Core Strategy Development Plan Document (2010) and Policies DM2, DM17 and DM24 of the West Suffolk Joint Development Management Policies Document (2015).

### **Impact on the street scene and conservation area**

22. Policy DM2 states that proposals for all development should recognise and address the key features and character of the areas within which they are to be based. It also states that they should maintain or create a sense of place, preserve or enhance the setting of conservation areas and not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement.

23. Section 72 (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 the character or appearance of a conservation area.

24. Policy DM17 states that proposals for all development within conservation areas should preserve or enhance the character or appearance of the area, be of an appropriate scale, form, height and massing, which respects the area's character and setting, retaining important natural features such as open spaces and plot divisions, and demonstrate a clear understanding of the significance of the area.

25. Given the location of the proposed garage, forward of the principal elevation of No. 60, views of the development will be visually prominent from both the street scene and wider conservation area.

26. The site is located centrally within the conservation area, and No. 60 itself is a generous modern infill dwelling within the street scene. The character of this area comprises of large, open frontage plots which are of low density and have a verdant and open character which contributes towards its special character. Within the Barton Mills Conservation Area Appraisal (2008), it is noted that some of the key characteristics of the conservation area include the low density, attractive variation in space between buildings, and the important green spaces. It also refers to the infilling of plots during the 20th century, which would include the plot at No. 60. It states that these plots are mainly at a low density, so that the landscape features dominate, so much that the character is still rural and not suburban.

27. The proposed garage is considered to interrupt the open character of this area, given its prominent position and overall scale. Its prominent location forward of the principal elevation will compromise the otherwise uninterrupted spacious character of the large front gardens enjoyed by 60 The Street and its immediate neighbours, affording undue prominence to an ancillary structure forward of the principal elevation. Despite the reduction in floor area (approx. 20 percent) since the original submission, the overall scale, height and massing of the structure is still not considered to maintain or create a sense of place and consequently will not preserve or enhance the character or appearance of the conservation area.

28. The reduction in overall height by one metre from the previously refused scheme and reduction in width and depth has been acknowledged and is considered to result in a modest improvement, reducing the overall bulk, scale and massing. However, it is not considered to be a sufficient reduction to overcome the excessive scale and prominent location within the plot in relation to the dwelling and wider area. The Conservation Officer still raises concerns in respect of the location of the garage and considers that the current proposal does not sufficiently address all of the reasons for refusal in the Inspectors appeal decision, received on 16.06.2021.
29. It is acknowledged that there are some other examples within the street scene further away from the site, of garages to the front of properties, such as at No. 68. It is however considered that the other examples are not comparable in their scale, nor location, given that the properties from No's. 58-66 are set back further from the highway with a more open, spacious character. The Inspector also concludes within the appeal decision that although there are several other examples of garages to the front in the area, they do not represent a prevailing part of the character of the streetscene, nor do they set a precedent sufficient to justify approval in this case.
30. An application for a single storey detached garage at No. 60 was considered and refused at Development Control Committee on 4 October 2012 (F/2012/0245/HOU). This application is comparable in its position within the plot, although is larger in scale and form. This application proposed a garage which would have a height to the ridge of 5.7m, depth of 6.5m and width of 13.6m. The development was also proposed to be located in the front garden of the property, approx. 15m from the front boundary. This application was refused on the grounds that the bulk and massing of the proposed garage was of an excessive scale in relation to the dwellinghouse, and that it dominates a prominent location within the site, out of keeping with the character of the existing dwelling. It was also refused on the basis that the design and character failed to take into account its conservation area setting, and the design, bulk and mass of the proposed building detracted from the appearance of the conservation area.
31. Given the comparable location of the proposed garage to the previously refused application, it is considered that these reasons for refusal are still relevant. The policy context has since been updated, however the issues set out here still remain and are relevant to the consideration of this application.

### **Impact on neighbouring amenity**

32. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity.
33. The proposed garage will be located to the western side of the plot, and as such, No. 58 would be most adversely impacted. The proposed garage is located close to the boundary, to the north west of No. 58 so will not cause overshadowing and given that this is adjacent to the front of the neighbouring property and is an area that is used as vehicular parking space and not private garden space, it is not considered that any adverse detrimental impacts to the residential amenity of No. 58 will arise.

34. The proposal is therefore considered to accord with Policy DM2, in relation to impact on neighbouring amenity.

### **Design and form**

35. Policies DM2 of the Joint Development Management Policies Document and CS5 of the Core Strategy seek to ensure that developments produce designs that respect the scale, character, density and massing of the locality.

36. Policy DM24 states that proposals for development within settlement boundaries will be permitted where they respect the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area.

37. The proposed garage is for two cars. It is considered to be of a large scale, measuring 11.030 metres in length, with an overall height of 4.800 metres. The Suffolk guidance for parking document (2019) states that a car port or garage access or door width should be a minimum width of 2.400 metres. This highlights that the length of 11.030 metres for a two bay garage is still significantly larger than would otherwise be required for such a structure.

38. The height and scale of the garage has been reduced as part of this application, however, these changes are not considered to overcome the concerns about the bulky scale and form of the garage, and its prominent location to the front of the property. The garage is not considered to respect the scale or character of the immediate or wider area.

39. The proposal is therefore considered to be contrary to Policies DM24, DM2 and CS5, with respect to its design and form.

### **Parking and Access**

40. Policies DM2 and DM46 both state that proposals for all development should produce designs that are in accordance with standards, that maintain or enhance the safety of the highway network and provide appropriately designed and sited car parking.

41. This application seeks improvements to the vehicular driveway, and a double garage. There is an existing access to the site. There is an existing integral garage at the property, however it is believed that this has been converted into a plant room. There is currently sufficient parking on the vehicular driveway, and the proposal will create two additional parking spaces. In conclusion, the proposal meets the parking standards set out by Suffolk Highways and is considered to be in accordance with Policies DM2 and DM46 in relation to parking and access.

### **Previous reason/s for refusal**

42. The application referenced DC/20/1063/HH was refused on the basis that the proposed garage was considered to be a large, bulky and visually prominent addition that would compromise the open character of the conservation area, in conflict with policies CS5 of the Core Strategy, policies DM2, DM17 and DM24 of the Joint Development Management Policies Document, and the National Planning Policy Framework.

43. This application has been amended through the reduction of the overall height of the proposed garage by 1.000 metre, through the reduction in width by 0.300 metres and depth by 2.370 metres. The reduction is considered to result in a minor improvement by slightly reducing the overall bulk, massing and scale of the garage. However, the proposal is still considered to appear dominant and out of keeping with this particular part of the street scene by virtue of its size and positioning within the plot, in what is an area that offers a sense of openness as part of its character. As such, it is still considered that the former refusal reason is still relevant and the amendments have not overcome this.

### **Conclusion:**

44. In conclusion, it is not considered that the application has sufficiently overcome the previous reasons for refusal or the comments made by the Inspector within the associated appeal decision. The garage is of an excessive height and floor space, resulting in a large and bulky structure. The positioning of the garage in a prominent location forward of the house and the harmful impact on the spacious nature of the site remain a concern. As such, it is not considered that the proposed garage complies with the provisions of policies DM2, DM17 and DM24 given that it is of a large scale and form that results in a harmful impact on the character and appearance of the conservation area which is characterised by open, spacious and verdant plots.

45. As the proposal is contrary to policies within the development plan and core strategy, as well as the provisions of the National Planning Policy Framework (2021) as set out above, the recommendation is one of refusal.

### **Recommendation:**

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

The pattern of development in this particular part of the village comprises of large, detached properties that are set back from the highway with large front gardens which offer a sense of openness. This spaciousness is considered to contribute positively to the character and appearance of the area. The proposed garage is considered to be a large, bulky and visually prominent addition that will compromise the open character of the area. It would also fail to preserve the character and appearance of the Barton Mills Conservation Area and would conflict with Section 72(1) of The Act. The proposed garage is therefore considered to be in material conflict with policy CS5 of the Core Strategy, policies DM2, DM17 and DM24 of the Joint Development Management Policies Document, and the advice contained within the National Planning Policy Framework which seeks to ensure that new development is sympathetic to the local character.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0640/HH](https://www.barnet.gov.uk/DC/21/0640/HH)