

Development Control Committee 3 November 2021

Planning Application DC/21/0687/FUL – 102 Church Road, West Row

Date registered:	6 July 2021	Expiry date:	31 August 2021 (EOT until 05.11.2021)
Case officer:	Olivia Luckhurst	Recommendation:	Refuse application
Parish:	West Row	Ward:	The Rows
Proposal:	Planning application - one dwelling and alterations to existing access following demolition of existing garage/office and containers		
Site:	102 Church Road, West Row, IP28 8PF		
Applicant:	Mr and Mrs Chapman		

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:

1. **This application was considered at Delegation Panel on 21 September 2021 as the Parish Council did not object to the proposal, contrary to the officer's recommendation of REFUSAL. It was agreed by the Delegation Panel that the matter should be referred to the Development Control Committee for determination.**

Proposal:

2. The application seeks permission for one dwelling and alterations to the existing access following the demolition of the existing garage/office and containers currently positioned on the site. The proposed dwelling will measure 7.7m in height, 9.4m in width and 13.8m in depth and will incorporate a dining room, kitchen, snug, living room and playroom at ground floor with 3 bedrooms, an office and a bathroom at first floor. The dwelling will be positioned to the east of 102 Church Road and will provide 2 parking spaces. The dwelling will be constructed from buff brick with upvc windows and doors and will be enclosed by an existing brick wall to the east of the plot.

Site details:

3. The application site is located within the West Row settlement boundary and is not within a conservation area, nor is the site host to any listed buildings. The plot sits to the east of 102 Church Road (a two storey, semi detached dwelling) and currently comprises of an existing garage, office building and storage in the form of shipping containers. The site is positioned on a corner plot which fronts Church Road with Church Gardens located to the east of the site. The application site is also located within the Breckland SPA 7.5km recreational buffer and is within a 200m protected species buffer.

Planning history:

Reference	Proposal	Status	Decision date
DC/16/1280/FUL	Planning Application - 1no. dwelling with associated vehicular access	Application Withdrawn	21 September 2016

Consultations:

4. **Natural England**
No objections
5. **Ecology And Landscape Officer**
No objections subject to the conditioning of the mitigation measures stated within the roosting report.
6. **Ward Councillor**
No comments received
7. **Environment & Transport - Highways**
No objections subject to conditions relating to visibility splays, cycle storage and refuse and recycling bin storage

8. Public Health And Housing

No objections subject to the conditioning of construction hours

Representations:

9. Parish Council

No objections

Policy:

10. 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.

11. 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 DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM22 Residential Design

Policy DM46 Parking Standards

Core Strategy Policy CS5 - Design quality and local distinctiveness

Core Strategy Policy CS1 - Spatial Strategy

Site Allocations Local Plan 2019 (former Forest Heath area) SA1 - Settlement boundaries

Other planning policy:

12. National Planning Policy Framework (NPPF)

The 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:

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

- Principle of Development
- Impact on Amenity
- Impact on the Street Scene/Design and Form
- Highways and Parking
- Landscaping
- Biodiversity
- Contamination
- Other Matters

Principle of Development

14. The site lies within the settlement boundary for West Row which is identified as a primary village within Core Strategy Policy CS1, providing basic local services and is able to accommodate small scale housing growth to meet local needs. Therefore, the principal of new residential development in this area is considered acceptable subject to the compliance with other policies in the Local Plan.

15. Policy DM2 states that all development should, as appropriate, recognise and address the key features, characteristics, local distinctiveness and special qualities of the area. Proposals should also maintain or create a sense of place and/or local character, particularly restoring or enhancing localities where strong local characteristics are lacking or have been eroded.

16. Policy DM22 states that all residential development proposals should maintain or create a sense of place and base designs on an analysis of existing buildings and utilise the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location. Proposals should create and contribute to a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming.

17. The development proposes a dwelling following the demolition of the existing garage, office buildings and shipping containers which are located to the east of 102 Church Road. The new dwelling will be located 11m back from the footpath at the front of the site and 0.5m (at its nearest point) to the footpath at the side of the plot. The site is located on a prominent corner which is visible from Church Road and Church Gardens. To the east of the site on the

opposite side of the junction sits a detached bungalow, set back within the site 6.7m from Church Gardens with an uninterrupted grassed garden which forms part of the open character of the area. The proposed two storey detached dwelling has a large protruding gable to the rear which will measure 7.2m in height, 4.9m in depth and 5.2m in width. The dwelling will be visible from all surrounding roads and footpaths. The placement of a two storey dwelling on this prominent corner plot adjacent to the junction is considered to interrupt what is currently, even with the single storey office building on the site, a fairly open junction. The dwelling would appear dominant and overbearing in the street scene. The dwelling is not considered to maintain or create a sense of place and would erode the open character of the site and views into it. Therefore, the site is not considered as an acceptable location for a new dwelling and would not comply with policies DM2 or DM22.

Impact on Residential Amenity

18. The proposed dwelling will be positioned next to 102 Church Road following the demolition of existing structures and the removal of storage containers. The design incorporates a large two storey gable which protrudes from the rear elevation. This addition does not incorporate any windows that could potentially lead to any overlooking or loss of privacy, however, given the scale of the dwelling and the orientation of the site the neighbouring property may experience a slight degree of additional over shadowing. This would be limited to the morning and is therefore not considered to unacceptably impact on the amenity afforded to warrant a refusal. The first floor windows positioned on the east side elevations are proposed to be obscured and given the separation distance to the neighbouring bungalow located on the opposite side of the road, it is not considered that the proposal would result in overlooking in this direction. Given that the site has already been occupied for commercial and domestic uses (business and residential), the provision of a new dwelling is not considered to have a detrimental impact on residential amenity and complies with policy DM2 in this regard.

Impact on the Street Scene/Design and Form

19. The application site is surrounded by a mixture of bungalows, one and a half and two storey properties which appear similar in appearance in terms of materials. The street scene is made up of a mixture of red and buff brick with upvc windows and doors with many dwellings benefiting from large driveways and front gardens. The application site when viewed from Church Road is considered to be open with uninterrupted views into the junction of Church Gardens despite the single storey structures and shipping containers. The proposed dwelling is considered to incorporate materials which would appear in keeping with the street scene and is of an acceptable design for a new dwelling. However, given that the site is positioned on a prominent corner plot adjacent to a junction with a bungalow located to the east, the addition of a large, two storey dwelling would erode the openness of the site and would appear overbearing and visually dominant. The siting of a new dwelling in this location is considered to be unacceptable and inappropriate and does not comply with policies DM2 and DM22.

Highways and Parking

20. The proposed dwelling will utilise an existing access from Church Road which will be widened. The site also proposes 2 parking spaces for the new dwelling whilst also retaining 2 spaces for the neighbouring property and will therefore comply with the Suffolk Guidance for Parking and policy DM46. The Highways Authority were consulted on the application and have no objections to make.

However, conditions were requested if the development was approved in relation to visibility splays, cycle storage and refuse and recycling bin storage. Overall, the proposed development is not considered to have a detrimental impact on the highway and provides an acceptable amount of parking in accordance with DM46.

Landscaping

21. The application site is set within a rural village location where most plots are fairly open in character with either low level fencing or brick walls enclosing the front garden and parking areas. The site plan shows low level planting proposed either side of the existing access which will soften the appearance of the driveway and is overall considered acceptable and complies with policy DM13.

Biodiversity

22. Policy DM11 seeks to prevent any development that may have an adverse impact on species protected by the Conservation of Habitats and Species Regulations (2010) (as amended) and the Wildlife and Countryside Act (1981). DM12 requires all new developments to include biodiversity enhancements commensurate with the scale of the development. In this case, the site is within a 200m protected species buffer and the application was submitted with a Preliminary Roost Appraisal, the details of which were considered acceptable by the Ecology Officer subject to mitigation measures noted in the report being secured by condition. The information submitted is sufficient in order to enable the Local Planning Authority to demonstrate compliance with its statutory duties including its biodiversity duty under s40 of the NERC Act 2006.

23. The site is also located within the 7.5km recreational buffer of the Breckland Special Protection Area (SPA). In-combination recreational effects were considered in the Habitats Regulations Assessment for the Site Allocations Local Plan for the Forest Heath area of West Suffolk. A conclusion of no adverse effects on the integrity of the Breckland SPA was found based on the implementation of the natural greenspace strategy to reduce and avoid any in-combination effects on the Breckland SPA from development. The strategy measures are concentrated on major planning applications and the main areas of growth. This is because these are the areas where measures would be more effective in providing meaningful new recreational facilities and also the areas where most people will be living, so reducing the overall number of visits to the SPA. Therefore, the proposal is considered to comply with policies DM11 and DM12.

Contamination

24. Based on the information submitted with the application, it is considered that the site is of a low risk of contamination and the Environment Team has no objections to the proposed development in this location and therefore, the proposal complies with policy DM14.

Other Matters

25. Water Efficiency

DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. A condition could be imposed to ensure that either water

consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

26. Air Quality

Section 3.4.2 of the Suffolk Guidance for Parking states that "Access to charging points should be made available in every residential dwelling." Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. DM14 seeks to minimise all emissions and to ensure there is no deterioration to air quality. The NPPF at paragraph 107 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and paragraph 112(e) states "Within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations." On this basis a condition could be imposed to secure a vehicle charging point for the new dwelling if the development was otherwise acceptable.

Conclusion:

27. In conclusion, the principal of residential development in this area is considered acceptable given its location within the West Row settlement boundary which is defined as a primary village within Core Strategy Policy CS1.
28. However, the application site is positioned on a prominent corner plot adjacent to a junction which currently benefits from open and uninterrupted views into Church Gardens, even with the single storey structures and storage containers on the site. To the east of the site on the opposite side of the junction sits a detached bungalow, set back within the site with an uninterrupted grassed garden which forms part of the open character of the area.
29. The addition of a large two storey detached dwelling located on the site would interrupt the openness of the area and would appear dominant and overbearing in the street scene. The dwelling is not considered to maintain or create a sense of place and would erode the open character of the site and views into it.
30. The Council can also rely on the West Suffolk Five Year Housing Supply Report (September 2020) which demonstrates a 5.6 year supply of housing land including a five per cent buffer. The policies relevant for the consideration of the application are considered broadly aligned with the NPPF and as such carry full weight. Therefore, the benefit of one new dwelling is not considered to outweigh the harm caused to the character and appearance of the area as a result of the proposed development.
31. The proposal is considered to be contrary to the provisions of the development plan, in particular policies DM1, DM2 and DM22 of the Joint Development Management Policies Documents and policies CS1 and CS5 of the Forest Heath Core Strategy. It is also not considered to accord with the provisions of the National Planning Policy Framework, in particular paragraph 130.

Recommendation:

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

1. The application site is located on a prominent corner plot which is visible from both Church Road and Church Gardens. The proposed two storey, detached dwelling incorporates a large protruding gable to the rear and will be highly visible from all surrounding roads and footpaths. The placement of a two storey dwelling on a corner plot adjacent to the junction is considered to interrupt what is currently, even with the single storey office buildings that exist on the site, a fairly open junction, and the dwelling would appear dominant and overbearing in the street scene. The dwelling is not considered to maintain or create a sense of place and would erode the openness of the site and views into it. Therefore, the site is not considered as an acceptable location for a new dwelling and would not comply with policies DM2 or DM22 of the Joint Development Management Policies Documents and policy CS5 of the Forest Heath Core Strategy. It is also not considered to accord with the provisions of the National Planning Policy Framework (2021) in particular paragraph 130.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0687/FUL](#)