

Development Control Committee

1 December 2021

Planning Application DC/21/1562/FUL – 6 and 7 The Village, Rushbrooke

Date registered:	13 August 2021	Expiry date:	8 October 2021 EOT till 3 December 2021
Case officer:	Jo-Anne Rasmussen	Recommendation:	Approve application
Parish:	Rushbrooke With Rougham	Ward:	Rougham
Proposal:	Planning application - a. subdivision of existing single dwelling in to 2 dwellings; b. single storey rear extensions to both dwellings		
Site:	6 and 7 The Village, Rushbrooke, IP30 0ER		
Applicant:	Browne		

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 referred to the Development Control Committee as it is a departure from the Development Plan. The application is recommended for APPROVAL.

Proposal:

1. The application seeks permission to convert the existing property from one dwelling into two separate residential dwellings. A single-storey rear extension is also proposed.
2. The Design and Access Statement states that the house was originally built and used as two separate dwellings, however in the mid-20th century the property was converted to form one large dwelling. The property has remained in residential use.
3. The extension to the rear of the site would have a mono pitch roof with a ridge height of 3.5 metres and eaves of 2.2 metres. The extension has a depth of 1.7 metres and width of 13.1 metres, extending across both cottages.

Site details:

4. The site is located within the village of Rushbrooke which is predominantly made up of housing associated with the adjacent estate / farm. The dwellings in the vicinity are of mixed age, design and size. Whilst the dwellings to the east of the site are relatively modern, they are Grade II listed, as is the pump house. The properties immediately adjacent to the site are of a similar age and design to the cottage on the application site, being early 20th century, thatched, two-storey workers cottages, set within generous plots.
5. The site is on land classified as countryside for planning policy purposes.

Planning history:

6. None.

Consultations:

7. Public Health And Housing

No objections; rooms for sleeping must comply with Part X of the Housing Act 1985. Floor area of room must be 9.3m² or more for two people and 6.5 m² or more for one person. Floor area to be excluded where the ceiling is less than 1.52m high.

8. Environment Team

No objections; given that the application is for the subdivision of an existing residential property back to its original 2 dwellings on an established

residential location, we have no objection to the proposals and no comments on contaminated land or air quality.

9. Conservation Officer

No objection - the proposed works do not affect a listed building or a non-designated heritage asset and are not located within a conservation area.

10. Suffolk County Council Highways

No Objections

11. Suffolk Fire Service

No Objections

12. Natural England

No comments received.

Representations:

13. Parish Council – no comments received

14. No letters of representation received.

Policy:

15. 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.

16. 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:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM15 Listed Buildings

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
Policy DM27 Housing in the Countryside

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
Core Strategy Policy CS2 - Sustainable Development
Core Strategy Policy CS3 - Design and Local Distinctiveness
Core Strategy Policy CS4 - Settlement Hierarchy and Identity
Core Strategy Policy CS13 - Rural Areas

Vision Policy RV1 - Presumption in favour of Sustainable Development

Other planning policy:

17. 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:

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

- **Principle of the development**
 - **Subdivision of the dwelling**
 - **Rear extension**
- **Form and character**
- **Highway safety**
- **Biodiversity**
- **Impact upon the setting of a listed building**

Principle of the Development

- **Subdivision and creation of a new dwelling**

19. Decisions on planning applications are required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to be made in accordance with development plans unless there are material considerations that indicate otherwise.

20. Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless '(d) the

development would involve the subdivision of an existing residential building.’ In this case the application would involve the subdivision of one property into two separate dwellings and as such would comply with the aims of the NPPF. This is a significant material consideration.

21. The proposed development to convert the existing dwelling from one large dwelling to two smaller dwellings would effectively result in a new dwelling being created in a countryside location.
22. Policy DM5 sets out the circumstances where development in the countryside is appropriate. New dwellings in the countryside are restricted to prevent unsustainable and inappropriate forms of development. National and local policies therefore broadly aim to direct development to locations which are both sustainable and will not result in the loss of unspoiled rural landscapes. Policies CS13 and CS4 also aim to resist housing outside of the settlement boundary. The proposal does not meet the provisions of DM27 as it is not within a cluster for the purposes of this policy.
23. Whilst the local planning policies identified do not support the proposed development which weighs against the proposal, significant weight must be given to the NPPF as a material consideration, which specifically supports the subdivision of a dwelling in the countryside. As such it is considered that the proposal would be in accordance with the aims of the NPPF and this material consideration, noting that it post-dates the Joint Development Management policies and Core Strategy, is considered sufficient to outweigh the harm arising from the conflict with the local plan policies.

- **Rear extension**

24. Policy DM24 states that extensions to dwellings will be permitted provided that they respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in over-development of the plot.
25. The proposed extension is modest in size and given the large amenity space that each dwelling would have, it would not result in an overdevelopment of either plot. The design, scale and materials are considered to be appropriate and respectful of the character of the existing dwelling and the surrounding built form. As such it is considered the proposal would comply with policy DM24.

Form and character

26. The property was originally built as two dwellings and this is apparent in its architectural characteristics which mirror the neighbouring semi-detached properties. The proposed sub-division of the dwelling would therefore result in a pair of semi-detached dwellings in-keeping with the form and character of the locality and the original design of the property. Policy DM2 looks for

development to respect the characteristics of the locality and given the above it is considered that the proposal would comply with the aims of policy DM2.

Highway safety

27. Parking is provided for the dwellings in a communal parking area adjacent to the site. The Local Highways Authority have not objected and it is therefore considered the proposal would not result in a negative impact upon highway safety and accords with policy DM2 in this respect.

Neighbour amenity

28. Windows for the property are existing and overlook the front and rear amenity space of the property. The distance to neighbouring properties is sufficient to ensure the development would not result in overlooking or loss of privacy to the occupiers of the neighbouring dwellings.

29. The proposed rear extension is modest in its size and scale and given the distance to the neighbouring properties it is not considered it would result in any adverse impact. As such it is considered that the proposed subdivision and extension would comply with the aims of policy DM2. The plans indicate a low post and rail fence between the properties. This is a modest feature to demarcate boundaries, and its provision is not considered a requirement of the proposal, so no conditional control for this is necessary.

Biodiversity

30. Given the proposed development would involve minimal external changes to an existing dwelling and the small scale rear extension would be within an existing residential curtilage, it is not considered the proposal would have a negative impact upon any protected species and is therefore compliant with policies DM10 and DM11. Biodiversity enhancement is recommended in accordance with Policy DM12.

Impact upon the adjacent listed building

31. 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.

32. Policy DM15 states that proposals to alter, extend or change the use of a listed building will be permitted where they can (i) demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance; (ii) are not detrimental to the building's character or any architectural, archaeological, artistic or historic features that contribute towards its special

interest; (iii) are of an appropriate scale, form, height, massing, and design which respects the existing building and its setting.

33. The site is adjacent to a listed building, the proposal involves minimal external changes and a small rear extension, the existing residential use of the property would remain unchanged. As such it is not considered the proposal would have a detrimental impact upon the listed buildings or their settings. The Conservation officer has stated the proposed works do not affect the setting of any listed buildings or non-designated heritage assets. As such the proposal is considered to comply with policies DM15 and DM16.

Other Matters

34. It is considered reasonable to require compliance with the enhanced standards within the building regulations in relation to water efficiency. Notwithstanding the fact that this is the change of use of an existing structure, given the increased water demands arising from its use as two dwellings, this is considered reasonable and can be secured by condition, in accordance with DM7.

Conclusion:

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions be made in accordance with development plans unless there are material considerations that indicate otherwise. The proposal would result in a new dwelling in the countryside, which is contrary to DM5. However, significant weight must be given to para 80(d) of the NPPF which specifically supports the subdivision of a dwelling in the countryside. No material harm has been identified in terms of the development having a detrimental impact upon ecology, adjacent listed buildings or highways. Further the proposal would be reinstating the property back to a semi-detached dwelling which would be more in-keeping with the traditional character of the property and the form and character of the village. As such it is considered that the proposal would be in accordance with the aims of the NPPF, specifically paragraph 80, and this material consideration, noting that it post-dates the Joint Development Management policies and Core Strategy, is considered sufficient to outweigh the harm noted from the conflict with the local plan policies. The application can therefore be supported in this instance.

Recommendation:

36. The press notice for this proposal does not expire until 10 December, therefore, this recommendation is subject to there being no new material representations being received before the expiration of this statutory publicity.

37. 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:

Reference number	Plan type	Date received
1270-02	Ex elevations & floor plans	28 July 2021
1270-04	Proposed block plan	13 August 2021
1270-05	Proposed floor plans	28 July 2021
1270-06	Proposed elevations	28 July 2021
1270-01	Topographic survey	28 July 2021

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

- 3 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

- 5 No development above slab level shall take place until details of the materials for the new extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 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/21/1562/FUL](#)