

Development Control Committee **4 May 2022**

Planning Application DC/21/2220/HH – **29 Springfield Avenue, Bury St Edmunds**

Date registered: 9 November 2021 **Expiry date:** 04.01.2022
EOT agreed till
6 May 2022

Case officer: James Morriss **Recommendation:** Approve application

Parish: Bury St Edmunds **Ward:** Tollgate
Town Council

Proposal: Householder planning application - single storey rear extension

Site: 29 Springfield Avenue, Bury St Edmunds, IP33 3AY

Applicant: Ms O'Donoghue

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:

James Morriss

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Background:

This application is referred to Committee following consideration at Delegation Panel. The application was brought to Delegation Panel as an objection had been received from the Town Council and the application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for a single storey rear extension. The proposed extension will have a flat roof with two skylights. The extension will provide a larger kitchen/dining space with French doors to the rear. The rear of the proposed extension would sit in line with an existing single storey rear extension, which currently serves as a bathroom.
2. The proposal will have a height of 2.7 metres, a width of 2.56 metres and a depth of 5.93 metres. The proposed materials are to match the host dwelling.

Application supporting material:

3. A sun path and light report has been produced by the agent. The report concludes that the proposed extension will have a low impact on the light received by the neighbouring property, No.27 Springfield Avenue. This shows that, whilst the proposal will result in some extra shading, this effect is minimal due to the existing arrangement. Shading is already present within the rear garden due to the nature of the existing adjacent development.

Site details:

4. The application site consists of a two-storey mid terrace dwelling. The property has a shared two storey and single storey rear extension with the adjoining property, No.31 Springfield Avenue. The site has a narrow and deep rear garden. The site sits at two levels, with the garden being elevated by approximately 1 metre in height.
5. The site is located within the defined housing settlement boundary of Bury St Edmunds. It is not located within a Conservation area or article 4 direction and the building is not listed.

Planning history:

6. There is no relevant planning history associated with this address.

Consultations:

7. Bury St Edmunds Town Council

(Comments received - 16.12.2021)

Objection on the ground of overshadowing and loss of light.

(Comments received - 10.02.2022)

Bury St Edmunds Town Council upholds its previous objection made on the grounds overshadowing and loss of light and requests a proper day/sunlight assessment by an independent specialist.

(Comments received - 10.03.2022)

Bury St Edmunds Town Council upholds its previous objection made on the grounds overshadowing and loss of light and requests a proper day/sunlight assessment by an independent specialist at 29 Springfield Avenue, IP33 3AY, Bury St Edmunds Town Council objects on the grounds of light and overshadowing and requests an independent sunlight assessment.

8. Ward Councillors

Councillor David Nettleton

(Comments received 17.03.2022)

My elector Oliver Ingwall King of 27 Springfield Avenue has contacted me to ask for my support of his objection to this application. Overshadowing and loss of light is a difficult claim to prove, and I have told Oliver that I have no evidence which I could submit to the Delegation Panel. I will, therefore, not be attending Del Panel on Tuesday. All I can do is ask the Panel to read Oliver's various comments on the website and form a judgement.

Representations:

9. No.27 Springfield Avenue (*Adjoining property located east of the application site*)

Objection received – 07.12.2021

Objection received – 21.01.2022

Objection received – 10.03.2022

(Comments summarised – Full comments can be found online)

Objection on the basis of overbearing development resulting in loss of light and harm to outlook. The resident of No.27 also feels that the sunlight report provided is not sufficient to demonstrate the likely impact on light. The resident feels that the development fails to comply with Policy DM2 and DM24 as the proposal would result in harm to residential amenity.

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 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

DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

DM11 Protected Species

DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

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

Policy DM46 Parking Standards

Core Strategy Policy CS2 – Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Other planning policy:

National Planning Policy Framework (NPPF)

12. 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
- Design, form and scale
- Impact upon neighbouring amenity
- Impact upon highway safety
- Impact upon ecology

The principle of development

14. The application site is located within the defined housing settlement boundary of Bury St Edmunds.

15. 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 immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

16. Given the modest nature of the proposal the principle of development is considered generally acceptable, although subject to further material planning considerations as discussed in more detail below.

Design, form and scale

17. Policies DM2 and DM24 state that planning permission for all developments should recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate this.
18. The proposed extension will be constructed using similar materials to match the materials of the host dwelling. This is considered acceptable and can be controlled via a standard materials condition.
19. The proposed extension is to the rear of the property, given this location and mid-terrace position, views from the public domain will be very limited. The proposal will therefore have no impact upon the street scene.
20. The extension is clearly subordinate in its overall height, width and depth to the host dwelling. The proposal will square off with the existing single storey rear extension and will not extend any further beyond this. In this respect, the proposal is consistent with the existing pattern of development.
21. The proposal is considered to comply with the above requirements of policies DM2 and DM24, relating to its overall design, form and scale.

Neighbour amenity impact

22. Policies DM2 and DM24 are also relevant in considering the impact on the amenity of adjacent dwellings. Policy DM2 states that the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated) must be considered.
23. The proposed extension is within close proximity to the adjoining property No.27 Springfield Avenue. The extension therefore has the potential to impact upon the amenity of this property and as such the above requirements of policy DM2 and DM24 must be considered.
24. The proposed extension will have a flat roof design, with a height of 2.7 metres. The extension will extend along the eastern boundary with a depth of 5.93 metres, as measured from the rear elevation of the host dwelling.
25. Under Schedule 2, Part 1, Class A of the General Permitted Development Order (2015) a rear extension with a depth of 3 metres and height of 3 metres can be constructed without requiring planning permission.
26. The proposal is 2.9 metres deeper than what could be achieved under permitted development. However, for the first 3 metres of the extension, the

proposal is 0.3 metres lower in height than what could be constructed without planning permission.

27. When considering the permitted development fallback, the LPA must factor in the likelihood of it being implemented. In this case, should permission be refused, it is considered likely that the permitted development fall back would be considered / constructed. Weight must therefore be given for the permitted development fall back.
28. In this case, the first 3 metres of depth will result in the most potential impact. The additional 2.9 metres beyond what could be achieved under permitted development would not result in such a significant adverse impact when compared to the impact of the first 3 metres of depth. As previously noted, the extension is also 0.3 metres lower than what could be achieved under permitted development. The additional depth will therefore not be any more harmful to the amenity of No.27 than the potential permitted development fallback.
29. The proposal is for an infill extension, providing a more modern and open plan design within the host dwelling. The proposal will modernise the property with an extended kitchen/living area, moving the bathroom upstairs.
30. It must also be considered that the application originally included a first-floor element. This has been removed from the scheme with a much more subordinate addition and with a more neighbourly relationship with No.27.
31. The sunlight report provided demonstrates some increase in shadowing during the evenings in winter months. This increase is not considered so adverse as to warrant refusal and due to the tight and closely knit nature of the existing development, some shadowing is to be expected.
32. In conclusion, the proposal will result in some additional shadowing to No.27, and in addition will also have some visual impact from the wall adjacent to the boundary. However, noting the above assessment, this will not result in a significant adverse impact upon the amenity of No.27 and the application is therefore not considered to fail policy DM2 or DM24 in this regard.
33. The proposal will also not result in any adverse impact upon the opposite adjoining property, No.31. This is because the extension is set lower than the existing two storey and single storey rear extension and will not be visible from ground floor level on that side.

Ecology Matters

34. When determining applications, the LPA has a statutory duty to consider biodiversity under s40 NERC Act 2006. The NPPF (2021) within section 15, para 180 seeks to conserve and enhance biodiversity and suggests that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
35. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

36. In this instance, the site is within an established residential curtilage and as such, a formal ecology report is not considered necessary. No valued or protected landscapes or habitats will be affected by the proposal, which is not considered to be at odds with the above identified policies.

37. Whilst the application site is located within the SSSI impact risk zone, due to the nature of the proposal and that no additional residential units will be created, the proposal is not considered to have an adverse impact upon the SSSI.

Impact on highway

38. Paragraph 111 of the National Planning Policy Framework (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

39. The proposal does not include the addition of any new bedrooms or alterations to the highway. The proposal is not considered to result in any additional risk to highway safety and is therefore considered acceptable, in-line with the requirements of the National Planning Policy Framework (2021).

Conclusion:

40. In conclusion, the application site falls within the defined housing settlement boundary of Bury St Edmunds and the principle of development is therefore considered acceptable, subject to the criteria considered in the preceding paragraphs.

41. The proposed extension will result in some additional shadowing during the winter months upon No.27. However, this effect is minimal and given the permitted development fall back, the impact from the proposal is considered acceptable. The detail of the development is considered to be acceptable and in compliance with the relevant development plan policies 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:

Reference number	Plan type	Date received
A1-06	Ex elevations & floor plans	9 November 2021
A1-10	Existing floor plans	9 November 2021
ASA01 A1-05	Proposed elevations	14 January 2022

ASA01 A1-20	Proposed elevations	28 March 2022
ASA01 A1-05	Proposed floor plans	14 January 2022
ASA01 A1-01	Proposed layout	14 January 2022

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/21/2220/HH>