

Development Control Committee **6 March 2024**

Planning Application DC/23/1938/VAR – 21 Fordham Place, Ixworth

Date registered:	5 December 2023	Expiry date:	2 February 2024
Case officer:	Amey Yuill	Recommendation:	Refuse application
Parish:	Ixworth & Ixworth Thorpe	Ward:	Ixworth
Proposal:	Planning application - variation of condition 5 of DC/20/1784/HH to allow for different design of privacy screen for first floor extension above existing two bay garage and external staircase with balcony to form annexe		
Site:	21 Fordham Place, Ixworth		
Applicant:	Mr Alf Percival		

Synopsis:

Application under the Town and Country Planning Act 1990.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

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Background:

Planning permission was granted under DC/20/1784/HH in 2021 for a first-floor extension above an existing two bay garage, along with an external staircase with balcony to form an annexe. A privacy screen was added during the course of that application to ensure that the effects of overlooking from the raised external staircase were acceptable given the proximity of this site to neighbouring dwellings.

The first-floor annexe and associated staircase and balcony have been built but the privacy screening has not yet been installed.

A previous Variation of Condition application (DC/23/1117/VAR) which sought amendments to the position, form, and materials of the approved privacy screening was refused on 27 October 2023.

This application now being considered, which proposes an alternative variation to the privacy screen, was referred to the Delegation Panel due to Ixworth and Ixworth Thorpe Parish Council supporting the proposal, contrary to the officer's recommendation of refusal.

Following the Delegation Panel meeting on 30 January 2024, it was concluded that the application should be determined by the Development Control Committee.

Proposal:

1. The proposal seeks the Variation of Condition 5 of DC/20/1784/HH, which requires there to be no use of the annexe permitted until the proposed privacy screen, as shown on drawing GCS 2020 41 (amended December 2020 - Privacy Screen Added) has been provided. Thereafter, the privacy screen shall be retained, in the interests of protecting the residential amenities of nearby dwellings. The Variation of Condition 5 is to allow for a different design of the approved privacy screen.
2. The amended design includes a proposed frame to support the privacy screen in square steel sections, powder coated in matte black to match the existing balcony/staircase, which would be bolted to the ground and the existing external staircase. The proposed screen itself would be a willow ribbon fence panel which comprises thin vertical timber battens and a timber outer frame, with willow woven in between the vertical battens. The position of the proposed screen is the same as what was previously approved under DC/20/1784/HH, sitting in line with the rear wall of the garage/annexe.
3. The reasons for the proposed changes to the privacy screen design have been provided by the applicant as follows:
 - It would avoid the difficulty of having to reroute the drain down pipe to install the original screen horizontal braces to the first floor extension outer wall.
 - It would avoid the need to find suitable anchor points behind the outer wall render to secure the horizontal rails to.
 - It would avoid compromising the outer wall render's weather proof integrity by avoiding having to bolt through it.

- The metal construction and anchorage will be a stronger and a longer lasting solution.
- The new design will better integrate with the existing staircase and balcony design, finish and the way it is constructed.
- By altering from vertical slats to match the decking tread materials on the new staircase to a framed willow ribbon fence panel the weight of the willow screen panel is much reduced compared to one made from composite/resin decking.
- Maintenance and replacement of a willow panel if required is much simplified.
- Airflow through either privacy screen panel is comparable.
- The visual privacy provided by either screen panel is much the same.
- The willow screen panel is a wholly natural, sustainable, eco-friendly and traditionally made product compared to one manufactured from composite decking.
- A willow screen is much more visually in keeping with the natural environment, as the location is in a wooded type setting compared to something made from grey composite decking.

Application supporting material:

4.

- Application Form
- Location Plan
- Proposed Block Plan
- Proposed Site Plan
- Proposed Elevations x 2
- Proposed Floor Plan
- Proposed Section
- Previously Approved Existing and Proposed Plans
- Photographs x 6
- Photomontage (indicative)
- Balcony Sketch (indicative)
- Privacy Screen Sketch (indicative)
- Proposed Screen Panel (indicative)

Site details:

5. The application site lies within the settlement boundary for Ixworth, adjacent to a wooded area to the west, which is within the Ixworth Conservation Area.
6. The dwelling is two storey and detached, set back off Fordham Place in a corner plot. The dwelling benefits from a front parking area with some amenity space to the rear.
7. To the side (northwest) of the dwelling is a detached outbuilding which has been extended at first floor to create a self-contained annexe, with the two garage bays retained at ground floor.
8. To the front of the application site is a tree protected by Tree Preservation Order (TPO 291(2000)).

Relevant Planning history:

9.

Reference	Proposal	Status	Decision date
DC/20/1784/HH	Householder planning application - First floor extension above existing two bay garage and external staircase with balcony to form annexe	Application Granted	27 January 2021
DC/23/1117/VAR	Planning application - variation of condition 5 of DC/20/1784/HH to allow for different design of privacy screen for first floor extension above existing two bay garage and external staircase with balcony to form annexe	Application Refused	27 October 2023

Consultations/Representations:

10. **Parish Council** – Comments of support were received from Ixworth and Ixworth Thorpe Parish Council.
11. **Ward Member** – No comments were received from Councillor John Griffiths MBE, Ixworth Ward Councillor, however, Councillor Griffiths did attend the Delegation Panel meeting on 30 January 2024.
12. **Neighbour Representations** – One neighbour representation was received from 7A Gough Place stating “whilst the proposed new screen design appears to provide the desired privacy to my courtyard garden, can you confirm that the screen once erected will reach balcony floor level and that there is no gap at the bottom. Can you also confirm that there will be a planning requirement for the screen to be replaced when required due to its limited life span.”

Policy:

13. 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.

14. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 have been taken into account in the consideration of this application:

Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM13 Landscape Features
- Policy DM17 Conservation Areas
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Policy DM46 Parking Standards

St Edmundsbury Core Strategy:

- Policy CS3 - Design and Local Distinctiveness

Other planning policy:

15. National Planning Policy Framework (NPPF)

16. The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

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

- Principle of development
- Design and impact on character
- Impact upon neighbouring amenity
- Other matters

Principle of development

18. It is proposed, under this variation of condition application, to amend the design of the privacy screen element of the approved first floor extension to the garage to create an annexe, which was granted permission under application DC/20/1784/HH.

19. The principle of the first-floor extension above the existing two bay garage, along with an external staircase and balcony to form an annexe was deemed acceptable under the previous approval, subject to a requirement that the well-designed and effective privacy screen, which was part of the annexe structure and detailed on the approved plans, would be installed prior to its occupation. The annexe along with the staircase and balcony has been constructed but it is understood the annexe is not currently occupied due to the privacy screen being outstanding.

20. The principle of amending the design of the privacy screen is acceptable, subject to the consideration of other material matters, which will be examined below.

Design and impact on character

21. Paragraph 135 of the National Planning Policy Framework (2023) (NPPF) includes the requirement for planning decisions to ensure development functions well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture; are sympathetic to local character; and establish or maintain a strong sense of place.

22. Paragraph 139 of the NPPF further explains that development that is not well designed should be refused.

23. Paragraph 140 of the NPPF states that:

“...Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

24. The importance the NPPF places on good design is echoed in Development Plan policy DM24 of the Joint Development Management Policies Document (JDMPD) stating that development will be permitted provided that the proposal (a) respects the character, scale and design of the existing house and the character and appearance of the immediate and surrounding area.

25. Furthermore, in accordance with policy DM2 of the JDMPD, proposals are required to respect the character and appearance of the immediate and surrounding area, and not result in an adverse impact upon residential amenity, highway safety or important trees within the street scene.

26. Policy CS3 of the St Edmundsbury Core Strategy states new development must create and contribute to a high quality, safe and sustainable environment, with proposals expected to address the understanding of the local context and how it will enhance the area.

27. Under this new scheme the frame which is to support the privacy screen is proposed to be square steel sections, powder coated in matte black to match the existing balcony/staircase. The frame would be bolted to the ground as well as the existing external staircase. The proposed screen

itself would be a willow ribbon fence panel with vertical timber battens, a timber outer frame, and willow woven in between the vertical battens. The screen would be screwed into the steel frame using TEK screws (screws which do not require a pilot hole).

28. This proposal is an improvement from the previous screen proposed under the refused Variation of Condition application (DC/23/1117/VAR), due to the changes to the frame material to tie in with the existing staircase and balcony. However, the screen itself, a willow ribbon fence panel, is not deemed to be acceptable in terms of the materials, its design, and its ad hoc arrangement, which is considered to diminish the overall quality of the previously approved annexe scheme.
29. Whilst the applicant has stated they believe the willow fence panel would be "more visually in keeping with the natural environment" than the louvre style screen approved, natural screens, such as the woven willow panel proposed, are more appropriate as fencing between and around gardens, rather than at first-floor level, where they could appear rather incongruous. In addition, the life span of the willow ribbon fence panel is limited (10 years), with it potentially becoming unsightly much before this lifespan. Furthermore, it has been detailed that the willow fence panel will be affixed to the metal frame with TEK screws, however, whilst the metal frame may be strong and long lasting, as stated by the applicant, the fence frame surround is a 6cm narrow strip of timber which is to be screwed into the frame, therefore, officers have strong concerns about how robust a solution this will be and whether it is even possible for the fence panel to be attached to the frame successfully.
30. Given the proposed materials and method of construction the proposal is not considered to be a robust or well-designed method of screening. The proposed screen would result in a materially diminished substitute from what was consciously negotiated with the applicant as part of the approval of the original annexe. The approved design was considered to be a bespoke and effective architectural solution which integrated with the design of the annexe and provided sufficient screening. As the amendment is not considered to be good design and would materially diminish the quality of approved development, the National Planning Policy Framework indicates that it should be refused. The refusal of the application is also warranted by it being contrary to Local Plan policies DM2, DM24 and CS3.

Impact upon neighbouring amenity

31. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. Policy states 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.
32. Policy DM24 supports this by stating that development should not adversely affect the residential amenity of occupiers of nearby properties.
33. With the variation of condition 5 involving changes to the privacy screening, which were carefully negotiated and conditioned under application DC/20/1784/HH to ensure the privacy of neighbouring

properties from the staircase and balcony associated with the annexe, the impact on neighbouring amenity has been carefully assessed for this application.

34. The application site is located within a residential estate, in a plot which is set back from the road, with other residential properties sharing the site boundaries to the north and east. The approved annexe is positioned close to the northern boundary, which is shared with 7A Gough Place. 7A Gough Place has a small courtyard garden which is visible from the annexe staircase and balcony and is therefore extremely sensitive to the development. In addition, the rear garden of property beyond 7A Gough Place, 8A Gough Place, is partially visible from the balcony of the annexe, however, the current views are of the rear of a garden shed and a large shrub within the garden of 8A Gough Place, therefore views are screened into the usable space of the garden, meaning this relationship is not as sensitive as that between the annexe and 7A Gough Place.
35. One neighbour representation has been received from 7A Gough Place. This property would be the most affected by the proposed changes to the privacy screen. The representation stated that the proposed new screen design appears to provide the desired privacy to their garden, however, they queried whether there would be a gap at the bottom of the screen and the staircase/balcony and whether there would be a planning requirement for the screen to be replaced when required due to its limited life span.
36. In terms of the query as to whether there would be a planning requirement for the replacement of the screen due to the limited lifespan of the screen, condition 5 of DC/20/1784/HH requires the approved privacy screen to be retained, however, the Local Planning Authority (LPA) is not able to control the maintenance of the screen through a planning condition. Section 215 of the Town and Country Planning Act could be used to require the upkeep of the panel should its poor condition impact on the amenity of the area.
37. Regarding the neighbour's query as to whether there would be a gap at the bottom of the screen between the screen and the staircase/balcony, from the submitted north east elevation, which is the elevation which would be seen by 7A Gough Place, there is no gap between the screen and the staircase, however, there is a 13cm gap (when measured at the scale detailed for the elevational drawing) on the south west elevation between the bottom of the screen and the staircase/balcony. The applicant has also confirmed there is a gap, however, did not wish to amend the north east elevation to show the gap. Therefore, officers have assessed the proposed screen on the basis that there is a small gap between the privacy screen and staircase/balcony. There are no concerns that this gap will lead to a loss of privacy, noting that when sat or stood on the balcony, this gap would be level with the floor of the balcony, therefore, the only ways to look through the gap would be to lay on the floor of the balcony, pause when walking up the stairs or crouch to look through the gap when walking down the stairs; none of which are considered to be positions which would be held for long periods of time.
38. In terms of the level of privacy the proposed amended design will provide between the application site and neighbouring properties, it is accepted

that the willow ribbon fence panel will provide a similar level of screening to that which was previously approved when first installed. However, it may not offer the same level of protection for the life of the development, noting its 10 year lifespan. Officers also consider the materially diminished design of the screen will result in material harm to the amenity and outlook of 7A Gough Place, noting the elevated position of the screen, close to the shared boundary, which is visible from the rear garden of 7A Gough Place. Therefore, the proposed development is deemed to be contrary with policy DM2 and DM24 of the JDMPD in that regard.

Others matters

39. Policy DM13 of the JDMPD states development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
40. The application site is adjacent to the Ixworth Conservation Area to the west, which is a wooded area with a significant dip in gradient away from the host dwelling and garage/annexe development. In addition, to the front of the application site is a tree protected by Tree Preservation Order (TPO 291(2000)).
41. With the privacy screen and frame being positioned to the rear of the site, out of range of the protected tree to the front, on an area of hardstanding which is associated with the annexe, outside of the Conservation Area, officers do not consider that the proposed variation to the design of the privacy screen would have an adverse impact on trees of high amenity value, therefore, the proposal is deemed acceptable in terms of policy DM13.
42. Policy DM2 and DM17 of the JDMPD are relevant to the proposal, noting the application site sits adjacent to the Ixworth Conservation Area. Policy DM17 states that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area. This stance is supported by The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 72) which requires special attention to be paid by the decision maker to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
43. The proposed screen and application site may be visible from land to the west of the application, which is within the Ixworth Conservation Area, however, this area of the Conservation Area is a wooded, deep pit, and is only accessed via private gardens, therefore, the impact of the proposed screen amendments on the Conservation Area is considered to be limited, even acknowledging that impacts on Conservation Areas do not have to be public views if they do have an impact
44. Policy DM46 of the JDMPD states that all proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles, in accordance with the adopted standards current at the time of the application. The proposed development does not result in the loss of parking and the application site

is considered to house sufficient parking to support the domestic use of the site.

45. Policy DM1 of the JDMPD states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LPAs will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. In this case, officers have attempted to work with the applicant in order to resolve the concerns raised in terms of the acceptability of the privacy screen's design, however, have been unable to negotiate an appropriate design on this occasion.

Conclusion:

46. Whilst the principle of amending the design of the privacy screening for the approved annexe is acceptable, the design is considered to be an ad hoc addition which is not robust nor well-designed, leading to a materially diminished design from what was approved under the application for the annexe, as well as adversely impacting the amenity of neighbouring properties, contrary to local and national policy to a degree which warrants the refusal of the application.

Recommendation:

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

1. Policy DM2 and DM24 requires development respects the character, scale and design of the existing house and the character and appearance of the immediate and surrounding area and does not adversely affect the residential amenity of occupiers of nearby properties, which is supported by policy CS3.

Paragraphs 135, 139 and 140 of the NPPF require quality, well designed and visually attractive development which is not materially diminished between permission and completion.

The proposed privacy screen is not considered to be a robust or well-designed method of screening, resulting in a materially diminished substitute from what was consciously negotiated with the applicant as part of the approval of the original annexe.

The proposed changes to the privacy screen design are deemed to lead to an incongruous screening solution which is not sufficiently robust to provide an adequate level of screening for the life of the development, leading to a visually oppressive and jarring relationship to the neighbouring property (7A Gough Place) to a degree which would be materially harmful.

Therefore, the proposal is deemed to be contrary to policies DM2 and DM24 of the Joint Development Management Policies Document, CS3 of

the St Edmundsbury Core Strategy, as well as paragraphs 135, 139 and 140 of the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/1938/VAR](#)