

Development Control Committee

3 April 2024

Planning Application DC/23/1578/HH – 2

Stonebridge Avenue, Bury St Edmunds

Date registered: 25 September 2023 **Expiry date:** 04 April 2024 (EOT)

Case officer: Gregory McGarr **Recommendation:** Refuse application

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

Proposal: Householder planning application - a. first floor side extension b. detached cart lodge

Site: 2 Stonebridge Avenue, Bury St Edmunds, Suffolk

Applicant: Mr & Mrs Stephen & Emma Green

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 Development Control Committee following consideration by the Delegation Panel meeting on 13th February 2024. Following receipt of amended plans Bury Town Council withdrew their original objection to the application and recommends approval.

A site visit is scheduled to take place on Tuesday 2 April 2024.

Proposal:

1. The originally submitted plans sought the construction of a two-storey cart lodge comprised of a parking area and store at ground level and a studio at first floor level. The first floor was accessed via an external staircase situated at the north elevation. The proposed siting of this building was to the east of the dwellinghouse.
2. The application description has been amended and now seeks approval for the construction of a first floor side extension and detached cart lodge.
3. The proposed first floor side extension is situated above a single storey element which is marked on the plans as 'garage', albeit which in the proposed plans includes a spiral staircase which would preclude its subsequent use for parking a car. This extension would measure approximately 3.110m in width, 5.085m in depth, 4.720m in height to the eaves and 6.250m in height to the highest point.
4. The proposed detached single-storey cart lodge is inclusive of a store and is situated to the east of the dwellinghouse. This will measure approximately 6.273m in width, 5.935m in depth at the deepest point, 2.095m in height to the highest eaves line and 3.060m in height to the highest point. Due to the difference in levels these measurements have been taken from the point at which the ground is highest and is in line with technical guidance.

Application supporting material:

5. Application form
 - Location plan
 - Existing site plan
 - Proposed site plan
 - Existing floor plan
 - Proposed floor plan
 - Existing elevations
 - Proposed elevations
 - Existing street scene
 - Proposed street scene
 - Flood risk plan
 - Design and access statement

Site details:

6. The application site consists of a two-storey semi-detached dwellinghouse situated within the defined settlement boundary of Bury St. Edmunds. The

dwelling is situated on Stonebridge Avenue and is on a corner plot with Vinery Road to the east. The dwelling benefits from a garden area and hardstanding to the front and side (East) elevations. To the east of the dwelling there is currently a garden shed. The eastern boundary of the curtilage is enclosed by a close boarded fence. There is garden space to the rear of the dwelling.

7. The dwelling is not situated within a Conservation Area and is not a listed building. At the northern most point of the curtilage (rear) there is an area protected by Tree Preservation Order 330 (1973). The application site has no restrictions to its right to permitted development.

8. Planning history:

Reference	Proposal	Status	Decision date
DC/17/1783/HH	Householder Planning Application – (i) Single storey rear extension and (ii) first floor side extension	Application Granted	12 October 2017
NMA(A)/17/1783	Non-material amendment to DC/17/1783/HH – Remove existing sloping garage roof and construct new flat roof over garage at a higher level	Application Granted	16 July 2018
E/96/2160/P	Planning Application – Erection of conservatory on rear elevation	Application Granted	18 September 1996
E/91/1837/P	Erection of single storey extension between existing house and garage	Application Granted	6 June 1991
E/77/2456/P	EXTENSION TO KITCHEN FOR UTILITY AND CLOAKS	Application Granted	23 August 1977

Consultations/Representations:

9. Bury St. Edmunds Town Council:

Comments received on 12th October 2023 based upon original development proposal:

“Based on information received Bury St Edmunds Town Council recommends refusal due to height of proposed building.”

Comments received on 11th January 2024 based upon amended development proposal:

“That based on information received Bury St. Edmunds Town Council recommends approval and withdraws previous objection.”

10. Ward Member (Councillor Richard Rout): "I have been following the above application quite closely given the issues with on-street parking, following West Suffolk Hospital's change in staff parking policy. I have received numerous representations from the Stonebridge Avenue residents concerning parking and am helping those that want it to campaign for permit parking to deter unwanted non-resident parking.

I was approached a few weeks ago by Mr and Mrs Green regarding the parking issues as they have been blocked in their driveway on numerous occasions preventing Mrs Green from taking / picking up her young son from school by inconsiderate parking. During these discussions they also explained that they have been working with their architect and the West Suffolk Council Planning Department to find a solution that will give them additional off-street parking and a home workplace/studio space to provide Mrs Green a place to conduct her business from home.

I also understand there are 'Permitted Development' solutions that will give them what they need, but not in a suitable form, and several compromises have been made to achieve an attractive solution whilst avoiding erecting outbuildings in the rear garden, which is set on much higher ground than the front. I have seen their latest design, which I understand was submitted to you earlier this week and would like to add my support as I feel this is an attractive, non-offensive design that works well with the aesthetic along Stonebridge Avenue and helps to address the on-street parking issues in the area.

Thank you for considering the above, I look forward to this proposal reaching a positive outcome that will help address the needs of Mr & Mrs Green and, indeed, their neighbours on Stonebridge Avenue."

11. Neighbour representations: Two neighbour representations were received during the second consultation period. These were from No. 3 Stonebridge Avenue and No. 25 Vinery Road and both support the proposal.

Policy:

12. 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.

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

St Edmundsbury Core Strategy 2010:

- Policy CS3 - Design and Local Distinctiveness

Other planning policy:

14. 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. Paragraph 135 of the National Planning Policy Framework seeks to ensure that designs are visually attractive as a result of good architecture, establish or maintain a strong sense of place and will add to the overall quality of the area over the lifetime of the development.

Officer comment:

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

- Principle of Development
- Impact on Character and Appearance
- Impact on Residential Amenity
- Impact on Landscape Features
- Other Matters

Principle of Development

16. In accordance with Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010). National planning policies set out in the NPPF 2023 are also a key material consideration.

17. Paragraph 11 of the NPPF (2023) (as well as policy DM1) states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay. Conversely therefore, development not in accordance with the

development plan should be refused unless material considerations indicate otherwise.

18. Policy DM24 of the Joint Development Management Policies Document (2015) states that planning permission for extensions to existing dwellings 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.
19. The dwelling is located within a curtilage that is considered to be able to accommodate some form of development. Therefore, the principle of development in this instance is considered to be acceptable. However, matters relating to design, impact upon character and appearance and impact upon neighbouring amenity are also of significance and will be considered below.

Impact on character and appearance

20. Policies DM2, DM24 and CS3 all seek to ensure that proposals respect the character, scale and design of the host dwelling and the surrounding area. 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.
21. Paragraph 135 of the National Planning Policy Framework seeks to ensure that designs are visually attractive as a result of good architecture, establish or maintain a strong sense of place and will add to the overall quality of the area over the lifetime of the development.
22. The application site is situated in a visually prominent corner plot where there are considerable level differences between the application site and the adjacent highway, with the application being elevated above the highway and therefore forming a key element of the street scene in views in both directions along Vinery Road. The corner of the application site at which the extension and cart lodge is proposed is visible and views of the proposed development will be prolonged when travelling along Vinery Road. The space to the east of the host dwelling and Vinery Road has been deliberately and consciously retained in the original planned layout in order to respect the generally prevailing set back of dwellings in the streetscene and therefore contributes to the openness and sense of place, as is demonstrated by the position of the original garage away from Vinery Road and further within the site.
23. The original plans which sought the two-storey cart lodge with studio and store were considered to have an unacceptable impact upon the character and appearance of the area. This was as a result of the overall height of the outbuilding which was greater than the eaves of the dwellinghouse and its visually prominent location at the corner of Stonebridge Avenue and Vinery Road. The overall design and form was considered to be ill proportioned and one which exhibited an incongruous external staircase at the north elevation. Amended plans were subsequently submitted. The cart lodge shown on the amended plans has a dramatically reduced height

and is of a different design and form. As a result of this, this part of the proposal is considered to be acceptable in this regard.

24. The proposed first floor side extension was not a part of the original proposal and has been included as a result of the negotiation process with the agent and applicant. This element is not considered to have an acceptable impact upon the character and appearance of the host dwelling or the wider surrounding area. This element is an addition to a previous side extension and which have therefore been designed independently of each other. This is demonstrated by the front elevation protruding further forwards than the previously approved side extension. In addition, the roof form of this proposed additional element drops down awkwardly and therefore appears incongruous and lacks cohesion with the host dwelling, particularly when viewed from the east and rear elevations which are prominent in the wider street scene. This is as a result of an existing element at ground floor level which has a pitched roof. This is further exacerbated as a result of its location within the site and its elevated position which allows for prolonged views particularly when travelling in a southerly direction along Vinery Road, and also by its generous, cumulative, width, which elongates and dominates the property in an inelegant manner.
25. Due to the above reasons the proposed first floor side extension is considered to be harmful to the character and appearance of the host dwelling. This is due to the proposed development elongating the frontage of the dwelling in an inappropriate manner. Furthermore, the visually prominent location, which is elevated within the street scene, contributes to further harm towards the character and appearance of the immediate and surrounding area. The proposal is therefore not considered to accord with Policies DM2, DM24 and paragraph 135 of the National Planning Policy Framework and consequently cannot be supported.
26. For absolute clarity, the proposed cart lodge with store is considered to be acceptable with regards to its impact upon character and appearance. This is as a result of its design and form which is more in keeping with a traditional cart lodge and in particular its drastically reduced height which has resulted in it now being single storey. It is also noted that whilst the proposed cart lodge is not itself permitted development it is close to what could be achieved under permitted developments rights.

Impact on Residential Amenity

27. Policy DM2 states that developments will not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or residential amenity.
28. Furthermore, policy DM24 supports this by stating that development should not adversely affect the residential amenity of occupants of nearby properties.
29. As a result of the location of the proposed development there is not a negative impact upon neighbouring amenity. The principal consideration is the impact on No. 4 Stonebridge Avenue which is the adjoining neighbour

to the west. This dwelling is not impacted by overlooking, loss of light or either of the two elements of the proposal being physically overbearing in relation to it. Both elements of the proposal are therefore considered to be acceptable in this regard.

Impact on Landscape Features

30. At the north of the application site there is an area protected by Tree Preservation Order 330 (1973) and as such Policy DM13 which relates to landscape features has been considered. Due to the location of the proposed development, it is not considered that there would be an adverse impact on any landscape features within the site. There is an existing tree, that is not protected by a Tree Preservation Order or otherwise, forwards of the proposed cart lodge. It is stated on the plans that this tree is to be retained.
31. As a result of the above the proposed development is considered to have an acceptable impact upon landscape features.

Other Matters

32. The issue of parking along Stonebridge Avenue has been raised in a number of representations. The southern side of the highway along Stonebridge Avenue has double yellow lines and there are double yellow lines immediately forwards of the dropped kerb for the host dwelling. It is appreciated that these may not be respected but this is a matter that is not controlled or enforced by the Local Planning Authority.
33. It is unclear how the proposal will result in a change to the existing parking arrangements/issues on Stonebridge Avenue as the proposed plan shows one vehicle in the cart lodge and provision for one vehicle on the hardstanding. The existing arrangement would allow for one vehicle on the hardstanding and one vehicle in the garage. The garage may not be currently used as a garage and is lost under the proposed scheme but it is noted that the provision of hardstanding under permitted development in the areas shown on the proposed plan would result in two off street parking spaces. In addition, the issue of the driveway being blocked by those parking on double yellow lines is not impacted under this proposal and is outside of the control of the Local Planning Authority.
34. During the discussions with the agent and applicant, an indicative block plan of the location of an outbuilding constructed under permitted development rights was provided. There are no restrictions on permitted development for this property. As such this indicative structure could be constructed at any time. The impact of doing this upon the character of the area is a concern which has been raised by the Ward Member but as it would be permitted development this is outside of the control of the Local Planning Authority. The applicant has expressed the view that a 'permitted development' solution would not meet their needs, so the relevance of this is modest. No discussion has taken place as to the suitability or acceptability of an outbuilding in any other part of the garden.
35. It is noted that one of the justifications for the proposal is to accommodate the needs of the applicant and their family. This is noted, however, the

Local Planning Authority is not able to take this into account as it is not a material planning consideration.

36. During the latter parts of the negotiation and discussion process, the applicant was invited to amend the proposal description so that it only included the detached cart lodge at which point this element of the application could have been approved as a delegated decision. In this instance, they have elected not to pursue this route. Therefore, the application presented to the Committee includes both the detached cart lodge and first floor side extension and is to be determined as such.

Conclusion:

37. In conclusion, the proposed development is considered to be unacceptable as a result of the proposed first floor side extension which results in a material detrimental impact upon the character and appearance of both the host dwelling and the wider surrounding area. The proposal is therefore not in accordance with the referenced policies in the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015, the St Edmundsbury Core Strategy and the provisions of the National Planning Policy Framework.

Recommendation:

It is **recommended** that planning permission be **refused** for the following reason:

1. As detailed in Policy DM2 and Policy DM24 proposals must be based on a contextual analysis of the surrounding area and must respond to key features, characteristics and landscape character. Due to its design and form, the proposed first floor side extension which exhibits a roof form that drops down awkwardly and lacks cohesion with the host dwelling due to the way in which the dwelling has been developed results in an incongruous addition to the host dwelling which is considered to have a materially harmful impact upon the host dwelling. The siting of this proposed development in a visually prominent location contributes to its impact upon the character of the immediate and surrounding area which is further exacerbated by its generous, cumulative width which elongates the property in an inelegant manner. As such the proposal is considered to be in conflict with Policies DM2 and DM24 of the Joint Development Management Policies Document (2015), Policy CS3 of the St. Edmundsbury Core Strategy (2010) and paragraph 135 of the NPPF (2023).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/1578/HH](https://www.stedmundsbury.gov.uk/DC/23/1578/HH)