

Parish: LONG MELFORD

Location: Rear of Hill House, High Street

Proposal: Erection of 1 No Dwelling.

Applicant: Mr and Mrs I Vogt

Case Officer: Stuart McAdam

A panel of members visited the site on 24th February 2010 to consider the access implications and to assess the impact on the Listed Building.

THE SITE

1. The site comprises land to the rear of Hill House which is within the built up area boundary of Long Melford. Although no longer within the ownership of Hill House, the site is still within the historic curtilage for planning purposes. The site is not within Long Melford Conservation Area but is located immediately adjacent to it. However, it is within a Special Landscape Area. Members are advised that while the site abuts an Area of Visual or Recreational Amenity (to the south of the access) it is not afforded such a designation.
2. The site is bounded to the west by Leyland hedge which runs along the majority of the boundary of the site and outbuildings/chain link fence. To the north it is bounded by mature boundary hedges, to the east by a row of mature ash and sycamore trees and to the south by a tennis court associated with Hill House.
3. The site is currently used as a vegetable garden and has previously been used as a paddock with accompanying stables which are still located on the site. A polytunnel has also been erected on the site.
4. Access is via a single track from the High Street to the south of Hill House which runs alongside the gardens of the adjacent housing development at Harefield. The site is approximately 0.229 ha in size.
5. The application is accompanied by the following information:-
 - Design and Access Statement
 - Planning Statement
 - An Environmental report
 - Tree survey

THE PROPOSAL

6. The proposal comprises a single storey (sub-terranean) detached 3 bedroom dwelling. The dwelling would be sunk into the ground and has a roof height of 2.1m above ground level at its maximum and 1.3m above ground level on the northern elevation. The house would be built in a U-shape arrangement with the main habitable rooms facing eastwards onto a lowered courtyard area. The height is the same as that of the existing wall to the rear of Hill House and is lower than the existing stable building which will remain at the same height; 62% of the building would be below ground level. The mono-pitched roof has a 9 degree pitch and incorporates a sedum finish.
7. It is proposed that half of the stable block would be removed and the remaining structure would be refurbished and used as a garage and garden store.

RELEVANT HISTORY

8. There have been two refusals of planning permission at the site as follows:-
9. B/99/00684/OUT - Erection of one detached dwelling. Permission refused June 1999 (Reasons – backland development, contrary to existing pattern of development, detrimental to character of Special Landscape Area, contrived driveway).
10. B/99/00322/OUT - Erection of two detached dwellings. Refused May 1999. Dismissed at appeal. (Reasons – as above)

NATIONAL GUIDANCE

11. **PPS1** Delivering Sustainable Development
12. **PPS3** Housing
13. **PPS5** Planning for the Historic Environment.

PLANNING POLICIES

14. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan 2008

- **ENV7** Quality in the Built Environment
- **SS1** Achieving Sustainable Development

Babergh Local Plan (Alteration No.2) 2006

- **CN01** Maintaining Local Distinctiveness
- **HS02** Villages
- **HS32** Open Space
- **CR04** Special Landscape Areas
- **CN06** Listed Buildings
- **CN08** Conservation Areas
- **TP15** Parking

This report only includes policy references. For further details please see Page 4.

CONSULTATIONS

15. Long Melford Parish Council – has not responded. Any comments will be reported at the meeting.
16. LHA – no objection subject to conditions relating to the access being bound in an impervious material for the first 5 metres, gradient of access, positioning of any gates parking and manoeuvring.
17. English Heritage – Recommends that the application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.
18. SCC Fire and Rescue Service – No response.
19. BDC Contaminated Land Officer – No response. Any comments will be reported at development committee

REPRESENTATIONS

20. Suffolk Preservation Trust has objected to the proposed development for the following reasons:-
 - Impact upon the setting of Hill House (a Grade II Listed building) – the introduction of a new dwelling would change the character through the creation of formalised domestic curtilage, in lieu of the existing informal vegetable patch. The building would project approximately 2 metres above ground level and the existing hedging is not capable of being TPO'd and therefore cannot be relied upon to provide long term protection
 - The house is a higher status villa, designed to exploit its setting on the edge of the settlement. The creation of tandem development to its rear would effectively divorce the villa from its semi-rural context. The house would become surrounded by development on all four sides and its historic connection to the countryside would be lost
 - Impact of the setting of the conservation area - The historic character of the conservation area is defined by linear morphology of the ribbon development northwards into the surrounding countryside along High Street, from earlier settlement to the south. The introduction of development to the rear of the development frontage along the east side of High Street would serve to erode the distinctive character of this part of the conservation area. Whilst the site is not within the area designation, it is immediately adjacent to it and its development would adversely affect its immediate setting for the reasons set out above. We accept that the development would have very limited expression in the wider public realm, but submit that this is not the relevant test. Development does not have to be publicly visible to harm the character of the conservation area. Indeed it is for this reason that Section 72 (1) is drafted to distinguish between *character* and *appearance*. The appearance of an area can be unaffected by development that may be significantly harmful to its character as is the case in this instance.
21. Seven letters of objection have been received from residents of Harefield in respect of the application. The objections are summarised as follows:-
 - The development would result in backland development contrary to the existing pattern of development and detrimental to the character of the Special Landscape Area and Long Melford Conservation Area
 - Highway safety issues and substandard visibility at access

- The access is only wide enough for one vehicle and could lead to reversing onto the High Street
- Security – potential troublemakers would be able to access all of the neighbouring properties
- Design is not in keeping with the area and is in close vicinity of a listed building
- If one property is allowed this will set a precedent
- Increased noise and pollution to my property
- My house would overlook this property
- Headlights will shine into my windows every time the access is used at night time
- High Street is not well served by public transport
- Impact on tree roots and drainage as this is a sub-terranean building

PLANNING CONSIDERATIONS

Principle of Development

22. The site is within the built up area boundary and in accordance with PPS3 and policy HS02 of the adopted local plan, the principle of the development is acceptable subject to compliance with relevant criteria (see below).
23. The key issues in this proposal are:
- the effect of the development on this part of Long Melford and the Special Landscape Area;
 - the impact on the setting of Long Melford Conservation Area and the nearby listed building (Hill House); and
 - highway safety issues

Design and Impact on Character of Area

24. Policies HS02 and CN01 of the local plan require all new development to be of an appropriate scale, form, design and materials for the location. Paragraph 10 of PPS3 states that planning authorities should deliver well designed high quality housing; this is reflected in PPS1 which places design towards the centre of the planning system (Paragraph 35) stating that development which fails to improve the quality and character of the area should not be supported.
25. Policy HS02 is relevant and new development in villages is acceptable providing there is no adverse impact on:
- the scale and character of the village
 - residential amenity
 - landscape characteristics, particularly in Areas of Outstanding Natural Beauty and Special Landscape Areas
 - the availability of services and facilities
 - highway safety
 - the natural and built environment, particularly conservation areas, listed buildings and areas of biodiversity and archaeological remains
 - space which is important to the village scene or an important recreational asset for the locality
 - The application site is within a Special Landscape Area and therefore Policy CR04 is of relevance. Policy CR04 states that development proposals in Special Landscape Areas will only be permitted where they:
 - maintain or enhance the special landscape qualities of the area identified in the relevant landscape appraisal; and
 - are designed and sited so as to harmonise with the landscape setting

26. The test under Policy HS02 is whether the proposed development is acceptable in terms of form, scale, design and in particular, the scale and character of the village and impact on the landscape characteristics.
27. Members are referred to the supporting text to Policy HS02, Para. 3.34 which states **“The built up area as defined represents the physical limit of the town. It does not imply that all sites in it may be suitable for housing development as other criteria may apply”**. This is a key point which is backed up in the recent amendment to PPS3 para 41 which states **“There is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed”**.

Design

28. Whilst properties in the area exhibit traditional building styles and materials, there is variety amongst them. The proposed dwelling is unique and has been designed to reduce the impact of the development on the landscape by incorporating a natural roof covering and sinking it into the ground which will help the dwelling merge into the landscape. However, the fact that the building would have a “green” roof and a lower height than that of a traditional building it would still be evident as a built form extending beyond existing development into the countryside. That being said it is not considered to be offensive and a refusal could not be justified on design grounds alone. The visual intrusion of the development in this area would nonetheless be apparent as it would significantly alter the interface between settlement and countryside, to the detriment of the largely open and rural setting of this part of the village and Conservation Area.

Impact on the Setting of the Listed Building, Conservation Area and Special Landscape Area

Impact upon the setting of the listed building

29. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the setting of listed buildings. Policy HE10 of PPS5 (which replaces PPG15) and the English Heritage Guidance which accompanies this document are directly relevant in this instance, i.e. the impact of the development on the setting of a heritage asset (in this case the listed building) and requires Local Planning Authorities to “treat favourably applications that preserve the elements of the setting that make a positive contribution to or better reveal the significance of the asset Local Planning Authorities should weigh up any such harm against the wider benefits of the application”.
30. Policy CN06 is concerned not only with proposals for the alteration, change of use or extension of listed buildings but also for new work within the curtilage of a listed building. While the land in question forms a separate parcel of land from the listed Hill House, it does form part of the original curtilage which would have been laid to garden and grounds to complement the design of the house and respect its position on the fringe of the settlement overlooking farmland and open countryside. As a result of the proposed development, Hill House would become surrounded by development which would compromise its setting at the edge of the settlement and the historic relationship with the open countryside, which contributes to its setting would be lost.

Impact upon the Conservation Area and the Special Landscape Area

31. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of “preserving or enhancing” the character or appearance of conservation areas. The site is not within but is immediately adjacent to Long Melford Conservation Area and therefore the impact of this development on views into and out of the area is a material planning consideration.
32. It should be noted that development does not have to be publicly visible to harm the character of the conservation area. Indeed it is for this reason that Section 72 (1) is drafted to distinguish between *character* and *appearance*.
33. Policy CN08 is directly relevant to the proposal as it seeks inter alia, to preserve or enhance the character of the conservation area “*or it’s setting*”. This is in line with PPS5, specifically Policy HE10 and the English Heritage Guidance which accompanies this document which highlights the effect of an application on the setting of a heritage asset (in this case the conservation area) is a material consideration in determining the application and the desirability of preserving the heritage asset.
34. The village of Long Melford has a rural setting and a distinctive form. The High Street to the west and north takes the form of ribbon development of buildings close to the street frontage and backing onto open fields. The site is similar to backland and the proposed development would be at odds with the local development pattern. It is enclosed on three boundaries by private gardens which are predominantly open and in keeping with the adjoining countryside. It is considered that the piecemeal manner which does not relate to the existing pattern of development. Harefield to the south, a modern housing estate dating from the 70s, is the exception to this but this does not provide any justification for the proposal as the houses are set well back from the main road behind a small green and has a completely different character and appearance which is grouped around a series of cul-de-sacs.
35. One of the key aspects of the site is its open and undeveloped nature which makes a significant contribution to the village, the setting of the conservation area and the Special Landscape Area in an area of transition between open countryside and the built up area.
36. In dismissing the appeal for the two houses, the Inspector referred to the development of the site which would in her opinion change the character from being “*semi-rural to urban, dominated by buildings rather than soft open space. It would extend the built form of the village in a piecemeal and harmful way, disrupting the linear form of the development along High Street and it would be an alien intrusion on the edge of this part of the village*”.
37. It is accepted that the impact of a ‘sub-terranean’ house will have a much reduced impact when compared to the two substantial houses and garages which were dismissed on appeal. However, the proposed development will still significantly alter the character of this part of Long Melford for same reasons.
38. There is a real prospect that domestic paraphernalia such as drying equipment, play equipment and garden furniture etc. would spread out into the wider garden which would further erode its character and cause harm to the Special Landscape Area. This is something that would be difficult to control by planning conditions. Additionally, a house in this location would have an impact on the night sky which would cause further intrusion into the landscape, to the detriment of this area as interior lights would be visible from a considerable distance. Again it would be difficult to control this by condition.

39. It is therefore difficult to see how the proposal would “maintain or enhance” the special landscape qualities of the area as required by policy CR04.
40. While the applicant’s agent has gone some way to overcoming some of the issues of concern with the previous refusals, the design, form and layout does not reflect the prevailing character of the surrounding area and would result in piecemeal development.
41. Reference is made to a recent appeal decision at 1 Stone Cottages, High Street, Long Melford Ref. B/08/01310 (demolition of existing garage and erection of new single storey dwelling). The comments are noted and it is acknowledged that there are similar issues in both cases such as the impact of the development on the listed building and impact on the existing pattern of development. However, the two applications are different in all other respects. This proposal was for the replacement of an existing garage which had a frontage to the High Street, flanked on either side by existing ribbon development, unlike the proposal before Members which as indicated earlier in this report is more akin to backland development with a greater subsequent impact on the locality and under environment.
42. It is acknowledged that planning policy has moved on since the appeal decision in 1999. However, there is no presumption that land that has previously been developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed. It has not been demonstrated that the development can take place without the open aspect of the area being harmed and it is therefore considered that the intentions of protecting its contribution to both the village, the setting of the conservation area and the Special Landscape Area should be given considerable weight.

Highway Issues

43. Access to the dwelling is from an existing access on High Street and concerns have been raised as to the suitability of this access to serve the house due to poor visibility.
44. The circumstances of the access in relation to the previous refusals has been investigated. The LHA did not object to the first proposal (for one dwelling) subject to visibility splays being agreed in writing. The LHA objected to the proposal for two houses as it was considered that the development would have created more traffic movements than the existing lawful access. This view was endorsed by the Planning Inspector in dismissing the appeal.
45. The LHA has carried out a further site visit to assess the current proposal. It has confirmed that there will not be any significant change in traffic generation to that experienced by the existing lawful access which serves the site. Acceptable visibility is available from the setback which can be considered as an absolute minimum i.e. 2m. Taking this into account together with the positioning of any gates parking and manoeuvring, the LHA has no objection to the proposed development subject to the imposition of conditions as outlined in the consultation responses above.
46. The proposal provides sufficient parking for the new dwelling.

Impact on neighbours

47. Objections have been received from 7 properties in Harefield, to the south of the application site. Many of the concerns have been discussed in the report above.

48. The level of traffic from the proposed dwelling would be relatively low and not in the opinion of the Local Highway Authority significantly more than the existing lawful access and this coupled with the existing conifer trees/hedging and fencing along the boundary of the access road and beyond would provide reasonable screening to the houses and gardens on Harefield. Furthermore, the proposed house separated from the site by the existing tennis court and the access road. It is therefore your officer's opinion that there would be no detrimental impact upon the residential amenities of the adjoining residents by virtue of noise and disturbance, loss of privacy or visual impact.

Other issues

49. Security concerns have been expressed by residents in Harefield. While security from potential troublemakers might be an issue, this is not a matter that is of direct relevance to the operation of the land-use planning system.
50. The possibility of establishing a precedent for development of other backland sites has been raised in objection letters. However, Members are respectfully reminded that each development proposal must be dealt with on its own planning merits.
51. Concerns have been raised as the High Street is not well served by public transport. It is noted that the site is within walking distance of local amenities and is served by a rural bus service. It is not considered that a refusal would be merited on these grounds.
52. Issues raised in respect of the impact on tree roots and drainage could be addressed by condition and again a refusal would not be considered reasonable on these grounds alone.
53. An s106 legal agreement as required under Policy HS32, has been signed to secure a contribution towards open space provision.

Conclusion

54. For the reasons indicated above, it is considered that the proposed dwelling would have a detrimental impact on the setting of Long Melford Conservation Area and the setting of the listed building and would neither preserve or enhance the Special Landscape Area. Furthermore the development would not be in keeping with the existing pattern of development which prevails in the locality. Members are therefore recommended to refuse the application for the reasons outlined below.

RECOMMENDATION

That planning permission be refused for the following reasons:

- Detrimental impact on the existing pattern of development of this part of Long Melford (CN01, CN02); and adverse impact upon the Special Landscape Area (CR04); the setting of a listed building (CN06, PPS5); and the setting of the conservation area (CN08, PPS5)