
Parish: ACTON

Location: 6 High Street, Acton, CO10 0AL

Proposal: Erection of 1 No. 1 ½ storey dwelling and 1 No. two storey dwelling;
Erection of garage; construction of new vehicular access and associated works

Applicant: Mr Richard Brand, Foxearth Developments

Case Officer: Graham Chamberlain

Date for Determination: 05.02.10

This application is reported to Committee as representations have been received which are at variance to the recommendation of Officers and the development proposed is equal to or above the scale of two dwellings. Members of the Development Committee visited the site on the 27 January 2010 to assess the impact of the development upon neighbouring properties.

THE SITE

1. The site forms part of the rear garden of 6 High Street, Acton. 6 High Street is part of a semi detached dwelling which fronts the High Street. The properties are Victorian cottage style dwellings. The site is accessed via a path to the side of the house which then runs behind the garage.
2. To the south of the site is a listed building - Pool House. The area to the south of the site is also designated as an Area of Visual or Recreational Amenity (AVRA). The properties within the AVRA are spacious in character due to the large plots. On the southern boundary between the site and Orchard End there are three TPO protected trees (Oaks). On the northern boundary of the site is Gotsfield Close, a mid 20th Century cul de sac development. 16 Gotsfield Close is the closest property to the site with the boundary treatment being a hedge and low close board fence.
3. The entire site is within the Built up Area Boundary, the east boundary of the site being the BUAB. Bats have been sited within the site

THE PROPOSAL

4. The proposal is for the erection of two detached dwellings. The dwellings would be accessed via a shared driveway. The new access and driveway would be located to the south of the existing which would be 'stopped up'. The new driveway would go through part of the AVRA. The new access would also serve 6 High Street. The existing garage would be demolished and two parking spaces would be provided to serve 6 High Street. 6 High Street would also have a revised amenity area. A bin store would be located along the access track.
5. The dimensions of the proposed dwellings are as follows (approximate):-

Height - of Plot 2 is 7.8m, Plot 1 is 6.5m
Width (of each dwelling) - Plot 2 is 10.3m and Plot 1 is 5.4m
Depth – Plot 2 is 8m and Plot 1 is 16m
Floor area - Plot 2 - 170sqm (4bed) and Plot 1 is 140sqm (3bed)

6. The application is supported by a Design and Access Statement, Biodiversity Survey and a Phase 1 Contaminated Land Assessment (without site walkover). These documents can be viewed before the meeting by arrangement with the Case Officer.

RELEVANT HISTORY

7. The most relevant application is B/09/00418 (Delegated Decision). This was for the erection of 2 semi detached dwellings; one was a chalet style bungalow. This application was principally refused for the following reason (it was also refused in the absence of a protected species survey and s106 Agreement relating to open space),

'The erection of two semi detached dwellings as proposed would be contrary to Policies HS28 and HS02 of the Babergh District Local Plan Alt 2 (2006) which requires that new infill development should not represent an over development of the site to the detriment of the environment or residential amenity or adversely impact on space which is important to the village scene, and Policy CN01 of the Babergh District Local Plan Alt 2 (2006) which requires the retention of important, natural local features.

Due to a combination of factors, notably the impact on the TPO protect Oak tree, the location of the gardens under the canopy of the protect tree, the allocation of parking to the front of 6 High Street resulting in visual clutter in the street scene, the width and location of the properties resulting in a camped form of development, the impact of noise and disturbance on the occupants of 6 High Street and the siting of a highway access and drive within an Area of Visual or Recreation Amenity to the detriment of the street scene due to a proliferation of hardstanding, the proposal would represent an over development of the site which is harmful to the street scene and the amenity and environment of the area, and residential amenity, and would fail to safeguard an important natural feature, the protected Oak tree. Consequently the proposal is also contrary to Policy ENV7 of the East of England Plan and Policy HS30 of the Babergh District Local Plan Alt 2 (2006) which requires all new development to be of high quality of layout and design.'

8. The application was not refused in principle; it was considered that the re-siting of the dwellings and a better designed access could overcome this reason for refusal

NATIONAL GUIDANCE

9. **PPS1:** Delivering Sustainable Development
10. **PPS3:** Housing
11. **PPS23:** Planning and Pollution Control

PLANNING POLICIES

12. 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 (EEP) 2008

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

Babergh Local Plan (Alteration No.2) 2006

- **CN01** Maintaining Local Distinctiveness
- **HS02/03** Housing in Villages
- **HS27** Housing Density
- **HS28** Infilling
- **HS32** Open Space
- **TP15** Parking
- **CN06** Listed Buildings

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

13. BDC Contaminated Land Officer – No comments at time of writing,
14. Acton Parish Council – Recommend refusal – in its acknowledged that the developer has attempted to address the objection made to the previous application B/09/00418 however the design is contrived to fit an awkward shaped plot which is narrow, consequently the 1 ½ story dwelling has been located to close to the boundary with 16 Gotsfield Close. Although the 1 ½ storey scale is an attempt to address any harm, the building would still be over powering to the occupants of 16 Gotsfield Close.
15. BDC Arboricultural Officer – The layout currently provides for insufficient space for the protected tree(s) in relation to the development. The proximity and the orientation of the proposal will also result in the trees being overly dominant to residents and cause a significant obstruction to sunlight.
16. Suffolk Wildlife Trust - No objection subject to the recommendations in section 4 of the ecological report being fully implemented.
17. LHA – No objection subject to conditions relating to the access (surface, gradient and visibility).

REPRESENTATIONS

18. Three letters of objection was received from the occupants of 6 Station Road objecting to the scheme for the following reasons:-
 - There are bats roosting in the trees
 - Highway safety concerns regarding an access close to the bend
 - Loss of privacy via overlooking
 - Impact on TPO protected trees
 - Loss of light
 - The proposal is an over development of the site
19. Two letters of support were received raising the following points:-
 - Impressed with the design and the way the mature trees and hedges have been skilfully considered and protected
 - The proposal will enhance the appearance of both 6 High Street and Pool Cottage

PLANNING CONSIDERATIONS

Principle of Development

20. The proposal is for the erection of two houses in the Acton built up area. Therefore, the principle can be supported within the context of Policies HS02 and HS03 and national guidance in PPS3 subject to the relevant criteria being met and adherence to the other relevant policies set out earlier in this report.

Design and Impact on Character

21. Policies HS28 and CN01 of the Local Plan require all new development to be of an appropriate scale, form, design and finish. Policy ENV7 of the EEP states that all new development should be of high quality and based on a robust site appraisal. PPS3 in Paragraph 10 states that planning authorities should deliver well designed high quality housing; this is echoed in PPS1 which places design towards the centre of the planning system (Paragraph 34) stating that development which fails to improve the quality and character of the area should not be supported.
22. Policy HS28 of the Local Plan specifically relates to residential infill development such as that proposed. It states that planning permission will be refused if the:
- Site should remain undeveloped,
 - Proposal represents over development,
 - Layout provides unreasonable standards of privacy, garden size and amenity,
 - Proposal would be of a scale, density or form which would be out of keeping with the surrounding area.
23. The majority of the site is not located within an AVRA although part of the access is. The development within the AVRA can be supported if there is an overall improvement and the special qualities which resulted in the area receiving an AVRA designation are not adversely eroded. In this instance only one access is proposed in lieu of the existing. The access would be located further away from the bend in the road and there will be an enhancement in the street scene with the planting of additional hedging. On balance there is no objection to the access going through the AVRA - the use of paviors is a good solution as this is a higher quality material than tarmac.
24. The rest of the site is pleasing and adds to the street scene by giving a rural backdrop to the frontage development along the High Street. It can however accommodate further development and retain this character and contribution to the street scene. It will be important that any development of the site has regard to the positive features of the site - the boundary hedges and trees throughout the site. In light of this assessment the site should not remain undeveloped. There are no issues relating to contaminated land and as discussed in more detail below, there is no concern with regards to biodiversity.
25. As the principle of the development is acceptable, and the site does not need to stay undeveloped on visual or environmental terms, the assessment under Policy HS28 moves on to the question of over development and the form, scale and design of what is proposed.
26. The site area (including the access drive and nature area) is approximately 0.1676ha. This gives a density of 12 dwelling per hectare (dph). This is low, and is below the national indicative minimum of 30dph. The surrounding area is, however, characterised by a pattern of low density development, therefore one would expect the new development to have a low density to complement the character of the area. The density of a scheme is only an indicator of whether or not the scheme is over development; the buildings relationship with the plot and surroundings also needs to be assessed. There are other indicators of over development such as a cramped appearance which is out of character, contrived design or an under provision of amenity space and parking.

27. There are two areas of concern which leads Officers to conclude that the development as proposed is an over development of the site - the impact on the protected Oak trees and the impact on neighbour amenity.
28. The developable area of the site is much reduced due to the canopies of the Oak trees and the presence of other trees which could be bat roosts (and therefore protected under separate legislation). The site is further constrained by the proximity of 16 Gotsfield Close to the north boundary. The development has therefore been located in the only area which is available, to the immediate south of 16 Gotsfield Close. The impact on the trees and neighbour amenity is discussed in more detail below.
29. The applicant is proposing a development which is meant to 'read' as a traditional style house with a subservient outbuilding. In this respect the applicant's intentions are broadly successful. The two dwellings would be viewed as a coherent group with a clear design rational. Certain elements would need to be addressed via condition such as the proposed use of cottage style white painted windows in the barn (which do not fit the barn rational - simple black windows would be more appropriate) and the use of white render to the main house and the unfortunate side 'extension' which could draw unnecessary attention when viewed from the High Street. The aesthetic design is therefore considered to be acceptable subject to conditions/negotiation. However this does not outweigh the concerns relating to the impact on the protected trees and neighbour amenity, nor does the acceptable way bin storage and parking has been designed into the scheme.
30. Although it can be considered that the design will maintain local distinctiveness, due to the location and scale of development, the proposal is considered to be an over development of the plot contrary to Policy HS28 - the applicant has proposed too much development in the developable area of the site.

Impact on Protected Trees

31. Policies EN04, CN01, HS02 and HS28 of the Local Plan require new development to provide for the protection of semi natural features on site such as trees, protect the natural environment and the village scene, safeguard the character of the locality and pay particular attention to existing landscaping.
32. The mature Oak trees on the southern boundary of the site are protected by a TPO and therefore by definition have public amenity value aiding the village scene and semi rural character of Acton High Street. The Oak trees are therefore important features which enhance the amenity of the area.
33. The Councils Arboricultural Officer has assessed the proposal and has recommend refusal. Although the proposed development is further away from the trees than the previous scheme (thereby providing sufficient growth space) their proximity and orientation with Plot 2, in particular, would result in the trees causing a significant obstruction to sunlight and daylight. This would result in post development pressure to reduce or remove the trees.
34. The Arboricultural Officer is of the opinion that a single dwelling could be accommodated within the site as the garden area would be larger resulting in less pressure on the TPO trees.

Impact on Neighbour Amenity

35. Policies HS02 and HS28 of the Local Plan seek to safeguard residential amenity.

36. The distance between the proposed dwellings and 5 and 6 High Street, Pool Cottage and Orchard End are sufficient to ensure there would be no harm by way of overlooking loss of light or over bearing. The property which would be most impacted would be 16 Gotsfield Close a bungalow to the north of Plot 2.
37. The distance between the corner of 16 Gotsfield and the north elevation of Plot 1 is 4.2m. Plot 1 is 2 metres from the boundary. As indicated above Plot 1 is 16m in depth and 6.5m in height. Its orientation is such that it would run along the entire southern boundary of 16 Gotsfield (the boundary is 15m long). 16 Gotsfield has a kitchen window facing the property.
38. The applicant is of the opinion that there would be no harm to neighbour amenity because there is a 4m high intervening hedge and the garden of this property is predominantly on the northern side. Furthermore the kitchen is dual aspect. Although these are material considerations, Officers are of the opinion that they do not address the impact of the structure. It would dominate the southern aspect of the property reducing light to the kitchen and reducing the outlook. The structure would be over bearing due to its height and proximity to the boundary. The building would 'box in' the property. The previously refused scheme had included a chalet bungalow so as to reduce any impact on No 16 Gotsfield Close. The proposal is therefore considered to be contrary to Policies HS28 and HS02 of the Local Plan.

Highways and Parking

39. The proposal provides sufficient parking for both the new dwellings and 6 High Street. The access would be moved away from the bend in the road. The Local Highway Authority has no objection. The proposal is considered to be acceptable in terms of highway safety.

Biodiversity

40. Bats have been sighted within the site. A protected species survey was undertaken and submitted with the application. The recommendations are set out in Section 4 of the report. The recommendations are that mature trees should be retained and bat and bird boxes erected throughout the site. In light of this the applicants are proposing a nature area (as this is where the mature trees are within the site). It is proposed that the nature area would be managed by the occupants of both properties. A management plan could be required via condition (although it may be better if only one of the properties had control of the nature area as dual ownership could lead to complications). As it stands the impact on biodiversity is not considered to be a reason for refusal as conditions can be applied to mitigate impacts.

Impact on Listed Building

41. The Historic Buildings Officer has confirmed that the proposal will have no adverse impact on the setting of Pool Cottage.

Open Space

42. At the time of writing a Section 106 Agreement relating to open space has not been completed. This is required under Policy HS32. The proposal is therefore recommended for refusal being contrary to Policy HS32.

RECOMMENDATION

That planning permission be refused for the following reasons:-

- Adverse impact on protected trees (HS28, EN04, CN01)
- Adverse impact on neighbour amenity (HS28 and HS02)
- Lack of a s106 Agreement relating to open space provision (Policy HS32)