

Item No: 3

Reference: B/09/00461/FUL

Parish: CHELMONDISTON

Location: Irvine House, Main Road

Proposal: Erection of 2 no. two and a half storey detached dwellings with associated garages (existing dwelling to be demolished). Construction of new vehicular access.

Applicant: B & H Properties

Case Officer: Lynda Bacon

Date for Determination: 31 July 2009

At the request of the Ward Member, a panel of Members inspected the site on 17 March 2010 in order to assess the height and size of the properties in the street scene and the impact on neighbouring properties.

THE SITE

1. The application site is a rectangular parcel of land located on the southern side of Main Road and is within the built up area boundary for the village. Chelmondiston is identified as a sustainable village in the local plan (HS03). To the north of the site on the opposite side of Main Road is the Area of Outstanding Natural Beauty, which extends to include the properties in Meadow Close. Established residential properties adjoin the site to the east and west and are typical linear developments that front the road. Properties to the west of the application site are two storey detached dwellings set back from the road and standing within large grounds, those to the east are semi-detached houses on narrower plots. The site is 29.6m wide, 50.4m deep and measures 0.15ha in area and is occupied by a two storey detached dwelling of traditional red brick construction, positioned towards the centre of the plot with associated detached outbuildings.

THE PROPOSAL

2. Planning permission is sought for the erection of two detached dwellings accessed via a central shared driveway, with the provision of a pair of single garages located to the rear of the proposed dwellings.
3. The proposal has been amended since initial submission. The original scheme proposed two detached properties in a staggered position, each 8.7m high and served by individual vehicular accesses. An integral garage was proposed at Plot 1 whilst a detached double garage was shown to be located adjacent to the rear boundary of Plot 2. In December 2009, the layout, scale and design of the properties was revised to essentially that currently proposed and large attached double garages were introduced in the rear garden area. In February 2010 further revised plans were received to correct drafting errors in the elevations of Plot 1 and to amend the garages from a pair of attached double garages (8m high to ridge) to a pair of attached single garages (4.6m high to ridge).
4. The proposal as amended is described as follows:-

- Plot 1 is located to the western side of the application site, adjacent to 'Hurstbourne' and comprises a 4 bed dwelling (1 bedroom is within the roof space), with a gabled wing projecting centrally from the rear elevation, off of which is a single storey conservatory. The main two and a half storey section of the dwelling measures 9.8m wide, 7.6m deep and is 8.2m high to the ridge, 4.8m to the underside of the eaves. The two storey wing to the rear is 4.9m wide and extends the depth of the building by a further 4.9m; the height of the rear wing is 7.1m. The conservatory is 3.9m square.
 - Plot 2 is located to the eastern side of the application site, adjacent to 'Champ Fleuri' and is a handed design of Plot 1 and is of the same size and dimensions. The front elevation of Plot 2 differs slightly to that of Plot 1 in its detailing. Both properties would be finished externally in a red brick under a natural red pantiled roof with rendered front gable feature.
5. The internal layout of each dwelling is identical although handed and provides for a living room, kitchen, dining area, utility and conservatory on the ground floor. Three bedrooms, an en-suite and bathroom will occupy the first floor and a fourth bedroom is proposed within the loft space.
 6. A s106 agreement securing a commuted sum payment towards public open space provision was completed in August 2009.
 7. An Initial Ecology Survey (phase 1 Habitat Survey, initial bat survey and bird survey) was submitted in February 2010, which did not identify rare or protected species present at the site and considered that it is not necessary to conduct further ecology surveys at the site. The report makes recommendations to enhance the site for wildlife and provide future bat roosts and bird nesting habitats.

RELEVANT HISTORY

8. 2008 – Erection of two detached dwellings and associated double garages (existing dwelling to be demolished), construction of new vehicular access was withdrawn prior

NATIONAL GUIDANCE

9. **PPS1** (Delivering Sustainable Development)
10. **PPS3** (Housing)

PLANNING POLICIES

11. 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

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

Babergh Local Plan (Alteration No.2) 2006

- **LP01** (Planning Obligations)
- **HS02** (Villages)
- **HS03** (Non/Sustainable villages)
- **HS27** (Density and House Type)

- **HS28** (Criteria for Infilling and Groups)
- **HS32** (Public Open Space)
- **CN01** (Design Standards)
- **TP15** (Parking and New Developments)

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

CONSULTATIONS

12. Four separate consultation exercises have been undertaken.

In respect of the plans initially submitted:

13. PC – Strongly recommends that the application be refused due to:

- A biodiversity and tree survey should be carried out.
- The development should be described as three storey, not two and a half and the boundary enclosures have not been correctly described.
- Irvine House is of historic value, being the first to be built on this stretch of road, it is in excellent condition and sits comfortably within the landscape, it is strongly felt that it should not be demolished.
- The proposal is an overdevelopment to the detriment of the environment and fails to have regard to its immediate neighbours and the wider locality.

14. LHA - Recommend the imposition of 7 standard planning conditions in respect of the access layout, visibility, surface water drainage and the provision and retention of the parking areas.

15. SCC Archaeology Service – this application is in an area of high archaeological value, and the site is crossed by a number of linear cropmarks. These cropmarks are part of an extensive Roman settlement in this area. This application therefore has the potential to disturb archaeological deposits. There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important archaeological deposits. Any permission should, however, be the subject of a condition to ensure that an adequate record is made of any archaeological features or finds that would otherwise be destroyed by development.

In respect of the revised plans received on 21 Dec 2009:

16. PC – Strongly recommends that the application be refused as, in addition to comments made previously, consider that :

- The asbestos shed in the garden requires professional removal.
- The properties have been repositioned in closer proximity to their neighbours thus causing an unacceptable lack of privacy.
- The development shows no consideration to neighbours as the development will have a huge impact as a result of its scale, density and form, which overshadows adjoining property who have benefited from uninterrupted light for more than 30 years.
- The proposed double garages at 8m high and 16m wide will be the size of a small bungalow, towering over gardens and blocking light.
- How the shared drive and open back gardens will be portioned off is queried.

17. LHA – As above.

18. SCC Archaeology Service – As above.

In respect of the revised plans received on 3 Feb 2010:

19. PC – Strongly recommends that the application be refused as, in addition to comments made previously, it is considered that the proposal is:

- An inappropriate overdevelopment of the site.
- The height of the two garages is still excessive and the positioning does not fit with the established street scene.
- Impact on neighbouring amenities in terms of loss of privacy and light.
- The gap between the proposed houses and neighbouring houses is too small and will unacceptably impact on neighbouring amenity.
- The gap between the two proposed dwellings is too large compared with the gap given between these houses and their established neighbours.
- The height of the adjacent properties has not been given.

20. LHA – As above.

In respect of the Initial Ecology Survey received on 26 Feb 2010:

21. PC – It was considered that this Ecology Report could not and did not reflect the true position, as most of the habitat had already been removed before the inspection took place. The report states that “the 3 trees and boundary hedges should be maintained, as they have potential to support birds and invertebrates.” Sadly all but one of the trees has been removed along with all the hedges. The report also makes several recommendations to compensate for the loss of potential roost sites, which would enhance the roosting potential of the proposed new development for bats. If the developer gives no consideration to this report then it is useless.

22. Natural England – advises that the proposals as presented have the potential to affect protected species and reference is made to their Standing Advice on protected species, which requires your officers to identify whether a protected species survey should be carried out. Following which and in the absence of any protected species at the site being identified, Standing Advice confirms that there is no need for further consultations and that opportunities should be sought for biodiversity enhancements.

REPRESENTATIONS

23. Four separate public consultation exercises have been undertaken.

In respect of the plans initially submitted:

24. Seven individual letters of objection were received together a pro-forma letter submitted 23 times by other objectors, the main issues raised are summarised as follows;

- Hurstbourne is affected by the development on plot 1; the height will have an oppressive impact and the development will tower over Hurstbourne by at least a metre and the rear veranda (extension constructed 29 years ago) together with bedroom windows leading to the veranda and a side lounge window will be completely blocked of any sunlight for most of the day. This small site would be grossly overdeveloped for a village within the AONB. Plot 1 should be repositioned in advance of Hurstbourne to preserve light enjoyed to the veranda and side lounge window.
- Irvine House is a family house in excellent condition, is of an appropriate style and height and is one of the original houses in Chelmondiston.

- The proposed houses are 3 storey, not 2 and a half and are out of proportion to the space available, roofs should be hipped. The roof windows will cause overlooking problems. The garage roof at plot 2 is unsightly and excessively high and not in keeping with surroundings, blocking light to neighbouring gardens.
- The asbestos shed in the garden requires professional removal.
- It appears that there are a large number of bats around the property, believed to be living in the outhouse roof and the roof of the main house. Many birds, some rare, also nest in the gardens. The House Martins returned this year to nest but were unable to do so as the developer had destroyed the site under the eaves.
- The height of the proposal will impact on sunlight to the bungalows in Meadow Close opposite.
- The bulk, scale, form and design of the development is out of keeping with surrounding houses and the existing pattern and spacing of prevailing development, there is inappropriate space between properties and in visual terms relate poorly to the immediate surroundings and wider setting. The siting would result in a loss of amenity, quiet amenity and expectations of living conditions enjoyed by neighbours.
- It is already difficult to cross this busy road and with more cars visiting this site, we feel threatened and therefore request a public crossing. The police use this spot as a Speed Control.
- Side elevation of Plot 2 presents an oppressive, overbearing brick wall to Champ Fleuri, Plot 1 extends past Plot 2 to the rear of Champ Fleuri. Design Contrary to PPS 1. Infringement on right to light, the kitchen, dining room and landing light at Champ Fleuri will be obstructed and the rear garden will be overshadowed. Solar panel will be affected.
- No provision for affordable housing.

In respect of the revised plans received on 21 Dec 2009:

25. A further five letters of objection were received to the amended house designs, in addition to which a further two separate pro-forma letters were received from 16 individual signatories. The new issues raised are summarised as follows;
- Plot 1 impacts on Hurstbourne; lounge side window will be completely blocked from light and due to its height the garage will block light to south facing lounge windows. There is a side window in the west elevation of Plot 1 that will look onto Hurstbourne. The new property will extend beyond Hurstbourne by 3.1m at the front and 4m at the rear, and will be 1.7m from the boundary having an overpowering, oppressive impact on Hurstbourne.
 - The garage is shown to be 8m high, 16m long and 8.5m wide, which is excessive and out of keeping with surroundings and will block light to neighbouring properties.
 - Proposal is still of a scale, density and form that that is out of character and is unreasonably close to neighbouring properties. How are the properties going to be separated for privacy and safety? The double garaging and additional parking will mean extra noise and pollution to neighbours, the large expanse of paved area is detrimental to the environment and removes a natural habitat. The size of dwelling will mean the properties will be expensive and beyond the means of many local people.
 - The back extension to Plot 2 adds to the height and length, which towers above the garage and garden of Champ Fleuri. Including the conservatory, the development extends 11m beyond Champ Fleuri and affects its open southerly and westerly aspect. Loss of sunlight will be detrimental to the established garden, decked seating area and green house.

- The garages would be better positioned to the side of each garage and would give future occupiers an improved outlook. The removal of the well established hedge is totally unnecessary and impact on neighbours.

In respect of the revised plans received on 3 Feb 2010:

26. Two letters of objection have been received from the immediate neighbours;
- The reduced height of the garages is still too high and will dominate the rear of the property, blocking light to rear and side windows and shade gardens. The height of the garages rises almost to the eaves of Hurstbourne and it is unreasonable to have two storey garages in the back garden and will set a precedent. The datum line to the Street Scene Plan appears to be inconsistent with measured heights.

In respect of the Initial Ecology Survey received on 26 Feb 2010:

27. One letter of objection has been received;
- The survey is at best poor and an independent survey of the property should be done in May when the bats will not be hibernating. The statements are written to accommodate the developers. The author of the survey was unable to identify one of the three trees not destroyed, a Walnut tree was mistaken for an Ash. The limitations of the survey are that it is a preliminary assessment of the site's value for wildlife and was not designed to determine the presence or absence of species. The survey recommends that three trees and boundary hedges should be maintained, one of the trees has been removed which housed many garden birds.

PLANNING CONSIDERATIONS

Principle of Development

28. Policy HS02 states that new housing development will be acceptable in non-sustainable and sustainable villages providing (inter alia) there is no significant adverse impact on the scale and character of the village; residential amenity; landscape character and highway safety. Policy HS27 seeks to secure a density of development of at least 30 dwellings per hectare unless the character and appearance of the local area dictate otherwise. Under the terms of Policies HS28 infilling will be refused where, amongst other things; the proposal represents an overdevelopment of the site to the detriment of the environment or where the scale and form is considered out of keeping with adjacent development.
29. The application site lies within the built up area of Chelmondiston, situated between existing residential properties on either side. As such, there can be no fundamental objection in principle to the redevelopment of the site. In addition, PPS3 promotes designs and layouts which make efficient and effective use of previously developed land. However, the application must also be assessed on the suitability and siting of the dwellings proposed, having regard to the site and its setting.

Design and Layout

30. Policy CN01 requires 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 emphasis on design, stating that development which fails to improve the quality and character of the area should not be supported.

31. The immediate locality is characterised by linear two storey residential development fronting Main Road. Individual detached dwellings with 10 – 13m deep front gardens and standing within generous plots are situated to the west of the application site, whilst those to the east are semi-detached houses on narrower plots and typically have a front garden depth of 9.5m. Irvine House, which currently occupies the application site, is positioned in line with neighbouring properties to the west and represents the transitional point between existing developments to the east and west.
32. The layout and siting of the development seeks to address the differing positions of existing properties relative to the road by proposing a staggered positioning whereby Plot 1 sits forward of Hurstbourne to the east by 2.4m (3m to the gable feature) and Plot 2 sits 3m forward of Plot 1, which in turn is set 1.6m (excluding gable feature) behind Champ Fleuri to the west. The provision of two detached dwellings in a staggered alignment provides articulation and interest to the proposal whilst respecting the character and layout of the prevailing style and pattern of development in the vicinity. Furthermore, the positioning of the dwellings allows for substantial rear amenity areas to be provided, both in excess of 200 square metres, and the provision of ample parking and landscaping to the front of each dwelling.
33. The layout of development includes the provision of a pair of single attached garages located towards the centre of the rear garden areas, accessed via a central shared access drive. There are examples of garages situated in rear garden locations in the vicinity and as such there is no objection in principle to the siting of the garages in this location.
34. The application has been amended significantly since its initial submission whereby the design and layout has been revised to address the scale and appearance of the development in the street scene. Originally, the roofscape of both properties included gable walls to either side elevation and the ridge was 8.7m high. The revised design now proposes a hipped roof treatment that is 8.2m to the ridge. The 'Street Scene' plan indicates that the ridge height of 'Champ Fleuri' and 'Hurstbourne' are 8.1m and 8.0m respectively. The hipped roof design in lieu of the gable roof initial proposed has significantly reduced the bulk and mass of the both properties and reflects the predominate roofscape in the immediate locality.
35. The external appearance of the proposed dwellings has been amended to include more traditional features and it is now considered that the design and detailing of the development sits comfortably within the street scene.
36. Concern has been expressed that the proposal represents an overdevelopment of the site. The development however seeks permission to erect 2 dwellings on a site measuring 0.15 hectares in area, equating to 13.3 dwellings per hectare, which falls well short of the 30 dwellings per hectare required to strictly accord with Policy HS27. Whilst the density of this development is considered appropriate in this context, it cannot be considered as an excessive overdevelopment of the site.

Impact on Neighbouring Amenity

37. Policies HS02 and HS28 require new housing developments to maintain a reasonable standard of residential amenity. Amenity in this instance normally refers to loss of light, dominance and over looking. It can also refer to the amenity of future occupants of any dwelling as well, therefore other issues such as noise, the provision of private amenity space and the general conditions afforded future occupants need to be considered.

38. In this regard both new dwellings would be sited in such a manner that the relationship to neighbouring dwellings is considered acceptable. Each dwelling maintains a separation of 1.7m to the respective side boundaries. Plot 1 is situated to the east of its neighbour 'Hurstbourne' and the ridge will be approximately 0.2m higher. The main 2 ½ storey block of Plot 1 projects 2.4m forward of Hurstbourne whilst the rear two storey wing extends in line with the rear of Hurstbourne (as extended) and is set off the common side boundary by 4m. The side elevation facing Hurstbourne contains a window at ground floor level only, which will serve the dining room; and the side elevation to the rear conservatory is glazed. A new 1.8m high close boarded fence is proposed along the length of the side boundary with Hurstbourne, to the rear of the dwelling.
39. Much of the concern expressed by the occupants of Hurstbourne is in relation to the perceived oppressive impact of the dwelling at Plot 1 and the loss of light to the side lounge window and the veranda and bedroom windows above. The main body of the 2 ½ storey dwelling proposed does not extend as far back as the rear two storey extent of Hurstbourne and the veranda currently has open views to the rear but views to the eastern side towards Plot 1 are restricted by a diminishing screen wall. Sideways views from the veranda above the screen wall will be of the blank wall of the rear wing at Plot 1, which is 4.7m high to the eaves, rising to 7.1m high at the ridge that will be 6.5m away from the shared boundary with Hurstbourne. Whilst skyward views have been enjoyed to the eastern side of the veranda for many years, there is no right to a view and any 'right to light' claim must be registered as such in order to be valid. The side lounge window at Hurstbourne is a shallow, higher level window that is secondary to the main patio doors in the rear elevation. It is expected that this side window will lose a degree of early morning sunlight as a result of the development. Owing to the siting, separation to the boundary and the absence of first floor side windows, it is considered that proposed dwelling on Plot 1 would not result in the unacceptable overshadowing of Hurstbourne, nor result in any loss of privacy or have an overbearing impact.
40. Plot 2 is located to the west of Champ Fleuri. The main body of the 2 ½ storey dwelling proposed extends 0.75m beyond the rear of Champ Fleuri and is 1.7m from the shared boundary. The two storey rear wing then extends Plot 2 a further 4.9m beyond the rear of Champ Fleuri and is inset from the shared boundary by 4m. Champ Fleuri has been extended at the rear in an 'L' shaped form and the lounge area is on the eastern side, adjacent to 'Balmoral' and a distance of 8m will adequately separate the side wall of the lounge extension at Champ Fleuri and the side wall of two storey rear wing at Plot 2. As such the loss of any late afternoon/evening light within the lounge is expected to be minimal.
41. The occupiers of neighbouring property have expressed concern that the size and positioning of the garages will adversely affect their enjoyment of their own property. By revised drawings received in February 2010 the garage block was reduced from being a pair of double garages to a pair of single garages and the ridge height was reduced from 8m to 4.6m high. Consequently, the reduction in size and scale of the garages together with the central positioning, which provides for a separation to both side boundaries of more than 10m, it is considered that the impact of the garages on neighbouring amenity in terms of loss of light or dominance is acceptable. The parking and manoeuvring of vehicles associated with the garage will be via a shared driveway between the proposed dwellings and is not expected to disturb neighbouring dwellings to any greater degree than that currently experienced in the locality. It should also be noted that at present a significant amount of the rear garden could potentially be covered by buildings measuring up to 4m in height, which could be erected as 'permitted development' not requiring planning permission.

Parking Provision and Highway Implications

42. Concern has been expressed by nearby households regarding the potential highway danger of an increased number of vehicles visiting the site. Parking for in excess of two cars per dwelling is proposed along with space to manoeuvre vehicles on site, in order to leave in forward gear. The Local Highway Authority has raised no objections to the development subject to a number of conditions, including conditions to secure satisfactory surface water drainage and visibility.

Biodiversity (bats)

43. The possibility that the site may be occupied by bats has been raised during the public consultation exercise and in response, the applicants were asked to prepare and submit a biodiversity survey, in accordance with the Standing Advice issued by Natural England. The survey did not identify rare or protected species and advises that it is not necessary to conduct further ecological surveys. Comments have been received questioning the methodology employed and the validity of the survey. Natural England have received a copy of the survey and advises that its Standing Advice should be followed, which indicates that if protected species are not present, there is no need for further consultations and that opportunities for biodiversity enhancement should be sought. The survey has been completed by an Environmental Consultancy and there should therefore be no reason to question its findings and recommendations.

Planning Obligations

44. Policy HS32 of the adopted Local Plan requires all applications proposing new dwellings to make provision for public open space. This is either in the form of on-site provision (minimum of 10% of the application site area) or off-site provision in the form of a commuted payment. In this case, a commuted sum payment would be considered appropriate if the development was to be granted planning permission and the applicant has entered into S106 agreement which was completed in August 2009.

REASONS FOR APPROVAL

45. The proposed development involves the erection of 2 detached dwellings, associated garaging and new vehicular access, following the demolition of the existing dwelling. It is considered that the development generally accords with the aims and provisions of PPG3 and Policies LP01, HS02, HS03, HS27, HS28, HS32, CR01, CN01 and TP15 of the Babergh Local Plan Alteration No.2 (2006) and will not result in any material impact upon any interest of acknowledged importance. In particular, the proposed development is not considered to result in any significant adverse impact upon the character of the area or reduce the amenities enjoyed by occupants of neighbouring property to an unacceptable degree. Furthermore, the development is considered acceptable in terms of highway safety and convenience.

RECOMMENDATION

- (1) That planning permission be granted subject to the following conditions:
 - Standard time limit
 - As per LHA requirements
 - Materials
 - Levels
 - Landscaping
 - Removal of permitted development rights for extensions
 - Archaeological condition.