

**Item No: 8**

**Reference: B/09/01249/FUL**

---

**Parish: STUTTON**

**Location: Land South of High Lodge, Church Road, Stutton**

**Proposal: Erection of two storey detached**

**Applicant: Michael Howard Homes**

**Case Officer: Deborah Board**

**Date for Determination: 18 January 2010**

---

**A panel of Members visited the site on 27 January 2010 to assess the impact of the proposal on its surroundings and access considerations.**

### **THE SITE**

1. The application site is located on the west side of Church Road Stutton. Church Road runs north to south from the main road (B1080) through Stutton from Brantham to Holbrook. The site is located within the built up area of Stutton and within the AONB.
2. The site sits to the south of the property known as High Lodge. High Lodge is a detached bungalow fronting Church Road and the street scene to the north along both sides of Church Road is made up of bungalows.
3. To the south of the site are two groups of terraced properties that front the corner of Hyams Road and Church Road, these properties are two storey. Immediately to the west of the site is an area of garden land associated with these properties, which is accessed from Church Road. This is separated from the application site by a close boarded fence. Within this area are a number of ancillary buildings and parking for the existing dwellings.
4. The site currently contains vegetation and some trees and along the east boundary with the road there is an established hedgerow. From the road the land is banked up into the subject site such that any development would be elevated in the street scene.
5. The extent of the application site boundaries was queried on the Site Inspection. This matter has been raised with the applicant's agent and Members will be updated on this matter at the Committee meeting. The proposals have been assessed (for the purpose of this report) on the basis of the submitted red line application site area.

### **THE PROPOSAL**

6. The application seeks full planning permission for the erection of a single two storey dwelling and the formation of a new access from Church Road. The dwelling is proposed to be sited centrally in the plot with an amenity area located to the south of the dwelling to the side. The access point is proposed in the north east corner of the site, adjacent to the boundary with High Lodge. The access from Church Road leads to a single cart lodge and a parking and turning area.
7. The proposal is for a three bedroom property with a maximum height to the ridge of 8.6 metres.

8. The application is supported by a Design and Access Statement, Phase 1 Habitat Survey and a desk based Land Contamination Report.

## RELEVANT HISTORY

9. B/07/00584/OUT - Outline - Erection of 2 No. two-storey dwellings. Construction of new vehicular access. Access and layout as amended by drawing no. 04.452.06 received on 29/11/07, Withdrawn.
10. B/06/00753/OUT - Outline - Erection of 3 no. dwellings and construction of new vehicular accesses, Withdrawn.
11. It is also of note that application B/06/02053/FHA for the erection of a garage on the piece of land adjoining the west boundary of the site was refused for the following reason:

1. *The proposed development, being the erection of a detached garage/store, by virtue of its scale and height, and proposed position in relation to its surrounding development would represent a prominent and incongruous feature, contrary to the prevailing pattern of development, thereby harmful to local amenity. As such, the proposal is considered to be contrary to the provisions of policies ENV3 and ENV7 of the Suffolk Structure Plan 2001, and policies CN01 and CR02 of the Babergh Local Plan Alteration No.2 (2006). These state that high standards of siting will be required and that all new developments will be required to be of an appropriate scale, form and detailed design whilst paying particular attention to the scale, form and nature of adjacent development and the environment surrounding the site. Also the landscape of the Area of Outstanding Natural Beauty will be safeguarded through the strict control of development.*

*Furthermore, if approved the proposed garage would be seen to be visually disruptive to the prevailing character of development in this rear garden land setting, and would set an undesirable precedent for similar developments to the progressive detriment of the character and appearance of the area.*

## NATIONAL GUIDANCE

12. **PPS1** Delivering Sustainable Development
13. **PPS3** Housing
14. **PPG13** Transport
15. **PPS23** Planning and Pollution Control
16. **PPS25** Planning and Flood Risk

## PLANNING POLICIES

17. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the saved policies of 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** (General Design)
- **CR02** (AONB Landscape)
- **TP15** (Parking Standards – New Development)
- **HS02** (Housing in villages)
- **HS03** (Non-sustainable and Sustainable villages)
- **HS27** (Density)
- **HS28** (Infilling)
- **HS32** (Open Space)

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

## CONSULTATIONS

18. PC – Several residents of neighbouring properties spoke at the meeting regarding concerns over the size of the plot of land shown on the plans, proximity to the road, parking and access and overall size of the proposed building.
19. Following concerns raised by residents at the Stutton Parish Council meeting on 7th December, a site meeting was held.
20. The Parish Council would make the following comments:
  - The scale of the proposed house is too large for the piece of land and not in keeping with its surroundings.
  - It is significantly higher than the neighbouring bungalow and terraced properties. Also, the building line will be in front of these properties, almost onto the road.
  - If the house is to be built at road level (as it appears on the plans), a considerable amount of excavation and shoring-up will be necessary, to prevent movement of the neighbouring land.
  - The road is narrow and busy, as it is the main access route to Stutton Close, Lower Street and Crowe Hall. Without provision for visitors parking, any parking in the lane will cause traffic problems.
  - As a test, the embankment of the site was dug back to expose the true edge of the road. When measuring the width of the plot from this point, it was found to be less than the 13.8 metres quoted in the Design and Access Statement.

On the basis of the above, Stutton Parish Council would recommend refusal of the application.

21. LHA – recommend refusal as the new access joins Church Road with sub standard visibility.
22. SWT - We have records of slow-worm from this parish and we have also been advised by residents of Church Road that this species is present in their gardens and on vacant

rough land in the area. There is, therefore, a strong possibility that slow-worms may also use the site of the above proposal.

23. We have read the Landscape Planning Limited Phase 1 Report for the site and note that, although it says records of reptiles were found in the desktop study, it does not directly address the suitability of the habitat on site for this group, or the likelihood of their presence on it. We note that the survey was undertaken outside the normal reptile surveying season and we could not find any reference to the weather conditions at the time of the survey. It is, therefore, possible that sub-optimal timing and weather conditions may have reduced the chance of reptiles being observed.
24. Reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 and are Biodiversity Action Plan Species and as such are a material consideration in any planning application. We strongly recommend, therefore, that the ecologists are asked for a more detailed opinion on the possible presence of reptiles, specifically slow-worm, on the site. This should cover possible hibernation sites as well as usage during the active period.
25. We note that the report recommends that the site is cleared outside the bird nesting season and we endorse this but note that it may lead to a timing issue with regard to reptiles. Below is best practice with regard to site clearance where reptiles may be present and as you will see it requires warm weather when the animals are active:
  - Undertake vegetation clearance work when reptiles are active, during warm sunny weather.
  - Use hand held machinery to cut back vegetation, rather than heavy 'driven' machinery.
  - Cut back vegetation in stages, working from the centre of the site outwards, to prevent stranding.
  - Dismantle log and rubble piles by hand.
26. We therefore suggest that the ecologists' opinion is obtained prior to this application being determined as it may have a material impact on the decision. Should permission be granted it is imperative that the above best practice is followed.
27. If any protected species are discovered at any point during clearance or development work must cease immediately and further advice be sought.

**Response to amended plans:**

28. PC – maintain earlier comments and recommend refusal
29. LHA – to be reported
30. SWT – amendments make no material change to earlier comments

**REPRESENTATIONS**

31. Five letters of representation have been received and the comments are summarised as follows:
  - The plans are very misleading. It appears on the plans that the proposed plot for development is nearly half of the area of land which originally consisted of 6 equal

pieces of land belonging to the six cottages; the current owner owns the first two strips which equals 1/3 of the total area.

- The size of property is out of scale to the size of plot, it will be very close to the road edge and the back boundary fence. None of the other properties in Church Road are this close to the road, setting it well forward of the planning line. Another resident in Church Road at 'Tiwi', applied for planning for a garage which was turned down, the decision appealed against, and still refused. Would moving the planning line forward in this way be setting a precedent for the future?
- We applied for planning permission for a garage with a room in the loft space, on the piece of land immediately to the rear of this site, planning application no: Ref:B/06/02053/FHA and were told that it was out of scale to the surrounding properties and our application was refused. We accepted this, so to allow this development to go ahead, which is significantly bigger would show double standards in favour of this application and that this proposal is receiving preferential treatment.
- Where this proposed property is to be built, the road is particularly narrow with cars waiting either in front of 21 church road, or opposite High Lodge to allow another car to pass single file down this piece of road, so to build so close to the road edge would be a hazard, as well as the work involved in the development of this site. There is a small road /track to one end of the plot which is in constant use by cars belonging to houses no 20,21,22,23 and 24 and at no time could it be obstructed. Parking on the road by either developers or residents would be dangerous as it would obstruct the road, and also the road has no footpath and is used by children walking to the school situated at the top of the road, and it would force them to walk in the centre of the road to get by. I am also sending a letter and photo to the Highways dept. Explaining my concerns and showing the congestion caused during a 10 minute delivery by a Jewson lorry when it made a delivery to 21 Church Road.
- The planned garage is sited directly in front of a sitting room window at High Lodge and would result in the owners looking onto a brick wall and would considerably reduce their light.
- I have grave concerns as to whether the council has a clear understanding of the size of this site and its limitations.
- Regarding the 'Natural Habitat Survey', Suffolk Wildlife Trust and Natural England have been informed of sightings of slow worms on this site, which I also informed Babergh of on the 10<sup>th</sup> August. According to the ecological plan of the site, it shows an area of bare land which was created by the developer when he was attempting to clear the whole site, without any ecological considerations, it was due to action on my part and the support of the Suffolk Wildlife Trust and Alison Collins from Natural England that the clearance was stopped. A proper survey of this site will need to take place before any further clearance is undertaken, and this could not commence effectively until at least March, depending upon the weather as the slow worms will not be active until this time, as I am sure you are well aware of.
- Suffolk Wildlife Trust and Natural England Have been informed of this planning application.
- The size of property seems to be out of scale completely with the size of the plot. It seems to me, far from an expert, that the dwelling would be very substantial. It would be out of keeping with all nearby dwellings.
- I have grave concerns about the proximity of the proposed dwelling to the road. It seems to be very close to the road. No other dwellings seem to be this close.
- Church Road is not a wide road at any point. It is a particularly narrow road at this point. I would be very concerned with any development that could risk public safety.

- During development I can't imagine where builders/developers could park cars, lorries, diggers etc. They would need to be contained within the plot at all times. To do otherwise would obstruct the road and cause real danger to passers by, including pedestrians such as older residents and children attending the local school.
- Any plans for development should be in harmony with the surroundings;
- A modest bungalow would therefore be more appropriate;
- The size of the proposal would impact on High Lodge, the garage would impact on the kitchen and lounge windows;
- The proposal is over ambitious;
- Concerns about the proximity of the dwelling to the road;
- Church road is narrow at this point, concern about public safety.

#### **Response to amended plans:**

32. None received at the time of writing.

#### **PLANNING CONSIDERATIONS**

33. The main issues in consideration of the proposal are:

- The Principle of Development
- Design and Layout
- Impact on Residential Amenity
- Access and Parking

#### **The Principle of Development**

34. Policy HS03 identifies Stutton as a non-sustainable village. Policy HS02 provides that new housing development in Non-Sustainable Villages will take the form of infilling (up to a maximum of 3 dwellings) within the Built-Up Area boundary. It directs that such development will be acceptable providing that there is no adverse impact.
35. Further policy HS28 refers specifically to infilling and sets out that proposals for such development will be refused where the site should remain undeveloped as an important visual feature; the proposal represents a harmful form of overdevelopment; the layout is poor or that the proposal is of an inappropriate form of scale for the area out of keeping with surrounding dwellings.
36. The identified application site is located within the built up area of Stutton. As such there is no objection in principle to the provision of a dwelling on the site. However the site must be able to accommodate the dwelling without harm.
37. The application site is a wide and narrow plot with a frontage to Church Road. There is a level change between Church Road and the application site, with the site sitting higher than road level. Along the west side of Church road the area is characterised by bungalows set within large plots with the dwellings set back in the street scene. Plot size allows for generous private amenity areas and on plot parking. Whilst the dwellings to the south are terraced fronting Hyams Lane it is the street scene of Church Road that the application site will primarily relate to and should be assessed within.
38. The application proposals seek permission for in essence a two storey property. The design of the dwelling is such that the east elevation (facing Church Road) is proposed

as 1 ½ storey at the north of the site rising to a true two storey at the south end of the site, with the south elevation (end facing Church Road when viewed from the south) being a significant two storey feature. It is considered that the proposed dwelling is of an inappropriate scale and form for the location out of keeping with surrounding properties, contrary to HS28, and harmful to the character of the locality. Issues of layout are addressed in the next section.

### **Design and Layout**

39. Policies HS28 and CN01 of the Local Plan require all new development to be of an appropriate scale, form, design and finish (including architectural detailing) which respects and reflects the surrounding context, maintaining local distinctiveness. Policy ENV7 of the East of England Plan states that all new development should be of high quality and based on a robust site appraisal. Planning Policy Statement 3 in Paragraph 10 states that planning authorities should deliver well designed high quality housing; this is echoed in Planning Policy Statement 1 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.
40. The constrained and limited nature of the site is such that the layout of the proposed dwelling is contrived. Whilst numerically the proposal provides in excess of 100 square metres of amenity space and adequate car parking off street the amenity space would have to be provided to the side of the dwelling. In order for this space to be private and usable some form of boundary treatment would have to be provided to the south (side) and east (front/road) boundary. The extent of the changes required is not detailed on the submitted plans and the applicants have been asked to provide this detail for the Committee to consider. This would have a significant impact on the character and appearance of the site within the street scene, which is currently of a soft landscaped character appropriate to a rural street scene.
41. In this respect it is considered that the layout is poor and harmful to the locality contrary to HS28, CN01 and HS03. Further the proposals fail to either preserve or enhance the landscape quality of the sites location in the AONB.

### **Impact on Residential Amenity**

42. 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, over bearing 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.
43. The main relationship of the proposed dwelling and car port is with the property High Lodge, which is a bungalow and set two metres from the shared boundary. This dwelling shares a boundary with the application site and has two side windows that would face the application site. The rear window appears to be a kitchen window and the front of the two windows appears to be a secondary window to the property's lounge.
44. The element of the proposal that would impact on this property is the proposed cartlodge. This is proposed to be sited in the north west corner of the site and would have a height to the ridge of four metres and would be treated with a pitch roof form. The existing boundary treatment has a height of approximately two metres and as such the element of the garage visible to High Lodge would be the roof form to the eaves to ridge. The roof would slope away from the adjacent property. It is concluded that, considering all these

elements, which the proposals would not result in overlooking, loss of light, or an overbearing impact to High Lodge sufficient to refuse planning permission on this ground.

### **Access and Parking**

45. The access to the site is proposed in the north east corner of the site, adjacent to the boundary with High Lodge. The access arrangements have been amended by the applicant's agent to meet the requirements of the LHA. The formal comments of the LHA on the amendments have not been received to date and will be reported to Members via the addendum sheet.
46. Parking requirements in the Suffolk Advisory Parking Standards are a maximum of two spaces for a three bedroom property in a rural or suburban location. The layout can achieve two car parking spaces and this is considered acceptable.

### **Other Material Planning Issues**

#### *Protected Species*

47. PPS9 and Local Plan Policy EN02 state that development would not be permitted which would have a material adverse impact on protected species. The SWT have raised concerns that the submitted Phase 1 ecological report is not sufficient to establish that the proposals would not result in harm to protected species. Adopting a precautionary approach, as advocated by PPS9, this is added as a reason for refusal.

#### *Open Space*

48. Policy HS32 requires that developments which will provide 1 unit or more should either provide a financial contribution towards the provision or upgrade of open space nearby (via a s106 Legal Agreement) or provide a public open space equal to 10% of the gross site area. No public open space is being provided, therefore a contribution is required. In the absence of a completed s106 agreement this is added as a reason for refusal.

#### *Land Contamination*

49. As the proposal is for residential development, the scheme will result in a sensitive end user. A contaminated land assessment has been submitted. At the time of writing comments are awaited from Environmental Health.

### **RECOMMENDATION**

50. That planning permission be refused for the following reasons:
  - The proposed development, being the erection of a detached two storey dwelling, by virtue of its scale and height, and proposed position in relation to its surrounding development would represent a prominent and incongruous feature, contrary to the prevailing pattern of development, thereby harmful to local amenity. As such, the proposal is considered to be contrary to the provisions policies CN01 and CR02 of the Babergh Local Plan Alteration No.2 (2006). These state that high standards of siting will be required and that all new developments will be required to be of an appropriate scale, form and detailed design whilst paying particular attention to the scale, form and nature of adjacent development and the environment surrounding the site. Also the landscape of the Area of Outstanding Natural Beauty will be safeguarded through the strict control of development.

- The erection of a two storey detached dwelling 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. If approved the proposed dwelling would be seen to be visually disruptive to the prevailing character of development in this rear garden land setting, and would set an undesirable precedent for similar developments to the progressive detriment of the character and appearance of the area.
- On the basis of the information submitted the Council cannot be satisfied that the proposal would not result in harm to protected species contrary to policy EN02 of the Babergh Local Plan Alteration No.2 (2006) and PPS9.
- Policy HS32 of the Babergh Local Plan Alteration No.2 (2006) states that proposals ranging from a single dwelling up to the development of a 1.5 hectare site will be required to provide open space and play equipment in proportion to the number of dwellings to be built. Developers will be given the choice to either provide a financial contribution to secure public open space and play equipment on an alternative site or provide 10% of the application site as public open space. The Local Planning Authority has identified a need for the provision of public open space and play equipment across the District, however in the absence of a signed and completed legal agreement no contribution to its delivery is made by this planning application. The development would, if approved, be prejudicial to the Council's strategy to establish a comprehensive long-term framework for the development of outdoor playing space provision throughout the District.