

## **Committee Report**

**Committee Date: 28 April 2017**

**Item No: 5**

**Reference: B/17/00214 & B/17/00215**

**Case Officer: Matthew Harmsworth**

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**Description of Development:** The upgrading of the existing single storey rear lean-to extension and erection of single-storey side extension to form an annexe

**Location:** Tills Farm, Hadleigh Road, Polstead, SUDBURY, CO10 5JJ

**Parish:** Polstead

**Ward:** Lower Brett

**Ward Member/s:**

**Site Area: 0.55**

**Conservation Area:** Not in Conservation Area

**Listed Building:** Grade 2

**Received:** 14/02/2017 06:00:36

**Expiry Date:** 28/04/2017

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**Application Type:** Full Householder Application

**Development Type:**

**Environmental Impact Assessment:**

**Applicant:** Mr Ward

**Agent:** Optimum Architecture Ltd

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

List of applications supporting documents and reports to be considered

**Drawing 1053-01-01**

**Drawing 1053-01-02**

**Drawing 1053-01-03D**

**Heritage design and access statement (1053-01-HDAS (Rev. A))**

The application, plans and documents submitted by the Applicant can be viewed online [www.baberghmidsuffolk.gov.uk](http://www.baberghmidsuffolk.gov.uk). Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

## **SUMMARY**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend refusal of this application. The proposed development causes noticeably less than substantial harm to a grade II listed heritage asset and does not provide a public benefit such for the mentioned harm to be considered acceptable.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

- This application is reported to committee as the applicant is a District Councillor.

The Monitoring Officer has reviewed the application file and is satisfied that the application has been processed properly and correctly in accordance with all established procedures and requirements.

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## **PART TWO – APPLICATION BACKGROUND**

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This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

### **History**

1. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/17/00214	The upgrading of the existing single storey rear lean-to extension and erection of single-storey side extension to form an annexe	
B/17/00215	Application for Listed Building Consent-The upgrading of the existing single storey rear lean-to extension and erection of single-storey side extension to form annexe	
B//00/01052	Application for Listed Building Consent - Internal and external alterations including alterations to fenestration	Granted 13/09/2000
B//92/00089	ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSIONS AND GARAGE	Granted 04/03/1992

### **Details of Previous Committee / Resolutions**

2. None

### **Details of Member site visit**

3. None

### **Details of any Pre Application Advice**

4. Pre-application advice was provided by the heritage team who commented that the lean-to has some significance and historic interest and more information was required as to how it relates to the development of the house. The lean-to form is traditionally a complete one and the most subservient - it is not usual to find this extended traditionally. Commented that the proposal would be unlikely to be supported in principle and suggested trying to find an alternative location for the accommodation.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **Consultations**

5. Summary of Consultations

#### **Polstead Parish Council**

- Support the application

#### **County Highway Authority**

- No objection subject to conditions

#### **Heritage Team**

- Notably less than substantial harm to a designated heritage asset - broadly acceptable subject to minor alterations. Recommends that the quantity be reduced and proportions altered of the proposed conservation grade rooflights to better preserve the existing plain appearance of the lean-to element and reduce visual impact of superfluous inserted features to an otherwise uninterrupted roof slope.

### **Representations**

6. Summary of neighbour and other representations

None Received

### **The Site and Surroundings**

7. The application site is located to the north of Hadleigh Road, Polstead, and the host dwelling is a grade II listed dwelling.

## **The Proposal**

Please note details of the proposed development including plans and application documents can be found online.

8. The application is for the upgrading of the existing single storey rear lean-to extension and erection of single-storey side extension to form an annexe.

## **NATIONAL PLANNING POLICY FRAMEWORK**

9. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

## **CORE STRATEGY**

10. **Babergh Core Strategy 2014**

- **CS1** - Applying the Presumption in Favour of Sustainable Development in Babergh
- **CS3** – Strategy for Growth and Development
- **CS15** - Implementing Sustainable Development in Babergh

## **NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS /AREA ACTION PLAN**

11. None

## **SAVED POLICIES IN THE LOCAL PLAN**

12. **Babergh Local Plan Alteration No.2 (2006)**

- **HS35**- Residential Annexes
- **CN01**- Design Standards
- **CN06**- Listed Buildings

## **Main Considerations**

13. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is

taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

14. The following are identified as the main considerations in assessing this application.

### **The Principle Of Development**

15. Policy HS35 which states that annexes to existing dwellings will be permitted in the form of extensions, which will be considered against policy HS33. In such cases the application should explain the need for the annexe, demonstrate functional and practical linkage, and give an indication of how it will be used if the present need for an annexe ceases to exist.
16. In this set of circumstances it is considered that the principle of an annex in its proposed form can be considered appropriate and acceptable.

### **Site Access, Parking And Highway Safety Considerations**

17. The principle of the annexe is acceptable on the grounds of access, parking and highway safety. The highway authority have recommend that, in the event that planning permission is granted, conditions should be imposed to ensure that a minimum width of 3m for a distance of 5m from the edge of the carriageway should be maintained for the proposed access, and that prior to the proposed annexe being first occupied the access to the highway should be properly surfaced a minimum of 5m from the edge of the highway in accordance with details previously submitted to and approved.

### **Heritage Issues**

18. 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.
19. Tills Farm is a Grade II listed building standing to the north of the road (A1071) between Boxford and Hadleigh; not within a Conservation Area. The building is listed as 16th-17th century timber framed, with later brick casings to the front and sides.
20. The lean-to form is traditionally a subservient element and the proposed additions in this application to form an annexe largely maintain the hierarchy.
21. However there is a distinct plain appearance to what is currently a store room and is proposed to be altered to become an annexe. Notably less than substantial harm is caused to the character of the building by virtue of the insertion of a number of roof lights to the store room in facilitating its upgrading to an annexe. An alternative arrangement such as a reduction in the scale and number of roof lights would reduce visual impact of the development enabling better preservation and enhancement of the heritage asset and its setting. This alternative would overcome the 'harm' identified and therefore address the concerns raised, thereby presenting a development which could be supported by officers.

22. The local planning authority discussed alternative fenestration arrangements with the agent and applicant, however no agreement was reached for any scheme that would be found to be acceptable by both the local planning authority and applicant to reduce the scale and number of roof lights proposed.
23. In this case the proposal would not lead to any public benefits, as the scheme would provide benefits for the applicant. Therefore the harm indicated by the Heritage Team is not outweighed and the proposal is considered to conflict with paragraph 134 of the NPPF and policies CN06 from the Local Plan.

#### **Impact On Residential and General Amenity**

24. The proposed new use would not materially affect the amenity of any neighbouring property given the rear location of the proposal and due to the scale and design of the proposal.

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## **PART FOUR – CONCLUSION**

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#### **Planning Balance**

25. When taken as a whole and as a matter of planning judgement, the proposal is not considered to meet the aims and requirements of the adopted development plan and NPPF and therefore cannot be considered sustainable development. The NPPF states that development that conflicts with an up to date development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations that would justify an approval. The application is therefore recommended for refusal.

#### **Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.**

26. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
27. In this case the local planning authority has worked with the agent and applicant to identify alternative arrangements to the proposal with regard to the roof lights and other fenestration proposed to agree a proposal that would not cause harm to the heritage asset such as a reduction in scale and proportions to the roof lights and other alterations to the fenestration from what is proposed. However no agreement was reached.

#### **Identification of any Legal Implications of the decision**

28. It is not considered that there will be any Legal Implications should the decision be approved.

29. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.

- Human Rights Act 1998
- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

### **RECOMMENDATION**

That planning permission and listed building consent be refused for the following reason:-

- The proposal, in particular the use of rooflights as a serial feature on the roof slope of the existing lean-to extension, would cause harm to the character and appearance of a designated Heritage Asset. Whilst that harm may be considered 'less than substantial', the proposed annex is a private facility and the harm is not outweighed by any public benefit.
- As such, the proposal conflicts with the aims and requirements of the National Planning Policy Framework (para. 134), and policies CS15 of the adopted Babergh Core Strategy and saved policies CN01 and CN06 of the adopted Babergh Local Plan, which are consistent with the Framework.