

Committee Report

Item No: 6C

Reference: DC/21/01958

Case Officer: Jamie Martin-Edwards

Ward: East Bergholt.

Ward Member/s: Cllr John Hinton.

RECOMMENDATION –PLANNING PERMISSION WITH CONDITIONS

Description of Development

Householder application - Erection of first floor extension above existing garage.

Location

Tanqueray, Fiddlers Lane, East Bergholt, Suffolk CO7 6SJ

Expiry Date: 06/07/2021

Application Type: HSE - Householder Planning Application

Development Type: Householder

Applicant: c/o Fisher Jones Greenwood

Agent: Fisher Jones Greenwood

Parish: East Bergholt

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member: No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning the extent and planning substance of comments received from third parties. A neighbour and objector work for Babergh District Council. Therefore, for transparency and due diligence the application is before Members.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern Policy

CS15 - Implementing Sustainable Development
CN01 - Design Standards
HS33 - Extensions to Existing Dwellings
HS35 - Residential Annexes
NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is within the Neighbourhood Plan Area of East Bergholt.

The Neighbourhood Plan is currently at:-

Stage 7: Adoption by LPA.

Accordingly, the Neighbourhood Plan has Significant weight,

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council

East Bergholt Parish Council

Tanqueray, Fiddlers Lane, East Bergholt, C07 6SJ — Householder Application — Erection of first floor extension over existing garage.

There was some concern that this first floor extension proposed in close proximity to the boundary wall and a neighbouring property might affect the neighbour's amenity and it was proposed by Councillor Woodcock, seconded by Councillor Eley and RESOLVED (unanimously) that, subject to no objection from neighbouring properties, approval be recommended.

County Council Responses

SCC - Highways

No objection, subject to conditions.

B: Representations

At the time of writing this report at least two letters/emails/online comments have been received. It is the officer opinion that this represents two objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

Looking out on to a large brick wall thus spoiling quality of life.

Error in elevation drawings.

Lack of parking

Need

Scale and mass

Overlooking and loss of light.

Disturbance during construction.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: B/15/00537	Erection of single storey rear conservatory extension.	DECISION: GRA 22.06.2015
REF: BIE/15/00481	Erection of conservatory (PD rights removed)	DECISION: PCO
REF: B//97/00651	ERECTION OF 2 DETACHED TWO STOREY DWELLINGS WITH DOUBLE GARAGES AND CONSTRUCTION OF PRIVATE DRIVE AND FOOTPATH AS AUGMENTED BY ADDITIONAL DRAWINGS RECEIVED 26.06.97 AND 02.07.97	DECISION: GRA

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The site is located within East Bergholt built up boundary and contains a two-storey dwelling in a short 'L' shape, with an existing attached single storey garage element on off the south elevation. The dwelling is known as Tanqueray. Tanqueray has red brick walls with grey concrete tiles and white UVPC windows. The existing dwelling is approximately 8m tall. The existing garage is approximately 5.3-metre tall to the ridge of the hipped roof.
- 1.2 It is accessed off the B1070 via Fiddlers Lane. Fiddlers Lane runs east to west with four branches of private road/driveway that serve other residential dwellings sat behind the main stretch of Fiddlers Lane. All of these 'branches' are also known as Fiddlers Lane.
- 1.3 The site is accessed off one of these 'branches' to the north which also serves the neighbour Rooftops. Both Tanqueray and Rooftops are surrounded by existing residential development.
- 1.4 To the east are the dwellings that face the B1070. To the south are the rear gardens and dwellings that face on to the Fiddlers Lane. These are known as numbers 22, 20, 18 and 17 of Fiddlers Lane. To the west is number 15 Fiddlers Lane and to the north are the rear gardens of the row of dwellings that face on to Foxhall Fields.
- 1.5 The linked garage is close to the southern boundary which is shared with number 20 Fiddlers Lane. An existing the annex which serves 20 Fiddlers Lane is set back from this boundary.

2.0 The Proposal

- 2.1 The proposal is for a first-floor extension above the existing garage, which would be converted to provide ground floor living space.
- 2.2 The materials would match the existing dwelling of red brick, concrete roof tiles and white UVPC windows.
- 2.3 The proposal would result in the full elevation being approximately 7.3 metres tall and cover the full width of the south elevation at approximately 7.1 metres and the length of the garage and link area at 9.3 metres long.
- 2.4 The first-floor extension would have a hipped roof and the proposed porch would serve a boiler room.

3.0 The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 As a proposal for the erection of first floor extension and porch, the proposal is assessed under Local Plan policies CN01, HS33, Core Strategy Policy CS15, Neighbourhood Plan EB09 and the NPPF. The policies protect residential amenity and ensure the environment is maintained and enhanced with consideration of the existing landscape and design of the local area. Subject to compliance with the details of these policies the proposal is considered acceptable in principle.

4.0 Design and Layout [Impact On Street Scene]

- 4.1 The proposal, by matching the existing materials, providing a matching hipped roof with matching roof pitches, and keeping the ridgeline approximately 0.7m below the ridgeline of the existing dwelling, is considered to be a respectful, sympathetic and subservient design that will blend in with the existing dwelling.
- 4.2 The proposal covers the existing single-storey footprint at approximately 9.3 metres long and 7.1 metres wide. This is considered a large first floor extension. However, due to its matching design and subservient ridgeline, along with the existing massing of Tanqueray, it is considered that the proposal can be absorbed by the host dwelling.
- 4.3 Furthermore, for the reasons stated within 4.1 and 4.2 above, the proposal will maintain the character of the site and street-scene (albeit a private branch of Fiddlers Lane) because the only other dwelling within this close (Rooftops) is of similar appearance with red brick and hipped roofs.
- 4.4 In terms of the main street-scene of Fiddlers Lane, the site is set behind existing built form. Gaps between dwellings that front Fiddlers Lane offer glimpses of the site, but these are impeded by existing trees on the boundaries, specifically on boundary of 20 Fiddlers Lane. These screen the proposal. In the winter months when the foliage will be less, or in the scenario that these trees are removed, it is considered that the proposal would still have a negligible impact on the main street-scene as it is set well back maintaining the existing gaps between dwellings.



4.5 Therefore, in terms of design, scale and mass the proposal is considered to have no impact to the host dwelling and a negligible impact on the wider street scene. Therefore, the proposal is compliant with policy HS33 and CN01 of the Local Plan, CS15 of the Core Strategy, EB09 of the Neighbourhood plan and 127 of the NPPF.

5.0 Site Access, Parking And Highway Safety Considerations

5.1 The site would still be accessed by the existing private road that branches off Fiddlers Lane, which includes a large turning area. The site currently supports off-road parking on a driveway in front of the garage and the garage itself.

5.2 The proposed plans indicate that the dwelling would have at least five bedrooms (six if including the library/study room).

- 5.3 Suffolk Parking Guidance (2019) requires at least three off-road parking spaces. Plan 1288/01C shows four off-road spaces, one of which would support visitor parking. Therefore, the proposal would still cater for ample off-road parking spaces.
- 5.4 The Highway Authority has requested a condition for details of parking to be provided; however, plan 1288/01C clearly shows this. Moreover, the justification for the condition is to prevent a detrimental impact to the highway should parking be on the road. However, parking on the public highway as result of the proposal is highly unlikely as the site is located on a private road with a large turning area. Therefore, this condition is not required. A condition to secure the parking on plan 1288/01C shall be used.
- 5.5 The loss of the garage would result in the loss of cycle storage. However, this is not fatal to the application as it is considered there is sufficient space within the wider site to cater for a new cycle storage facility.
- 5.6 The Highway Authority had initially also requested a construction management plan condition to ensure there is no disruption to the public highway for deliveries and construction vehicles and to prevent 'mud' getting on the highway. However, this proposal is considered a very minor development as a householder extension; additionally, no construction vehicles can access the rear of the site and therefore it is reasonable to expect all construction vehicles to be situated on the existing hardstanding driveway. Finally, the private road and large turning head will ensure that all deliveries would be made to the site off the public highway and therefore would not have any adverse impact on highway safety during the temporary period of construction. Therefore, a construction management plan condition is, in this instance, not appropriate.
- 5.7 The Highway Authority has confirmed its agreement with this approach.
- 5.8 Timings of deliveries and construction shall be covered in the residential amenity section below.

6.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 6.1 The site is outside of the AONB and surrounded by existing residential development. This coupled with the fact that the proposal does not breach the existing ridge line of the host dwelling and that there is a negligible impact on the street scene (as per paragraph 4.4 above), the proposal will have no impact on the wider landscape.
- 6.2 The proposal does not require or include the loss of any trees.
- 6.3 The site is an existing residential use and does have trees on the west and north boundaries. The proposal will not have any impact on these trees as there are no new foundations or excavations required for a first-floor extension therefore there is no risk to any root canopies.
- 6.4 There are no priority habitats on the site. There is no requirement to provide an ecology report for a house extension that does not result in the loss of trees, hedgerows or impact the root canopy of any trees.

7.0 Land Contamination, Flood Risk, Drainage and Waste

- 7.1 The site is an existing residential use and development is proposed on top of existing built form. Therefore, there is no requirement for a land contamination survey.

- 7.2 The site is within Flood Risk Zone 1 and consider very low risk of flooding. There are no known issues of surface water or flooding within Fiddlers Lane.
- 7.3 There is no increase of surface area, therefore there is no increase in the area that may capture additional surface water.

8.0 Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 8.1 The building is neither listed nor in a conservation area.
- 8.2 Stuarts and Carriers Arms are two Grade II listed buildings to the east. These are approximately 150 metres and 170 metres away and separated from the site by the existing residential development on Fiddlers land and Gaston St.
- 8.3 Therefore, the proposal to extended an existing dwelling, will not lead to any harm to these heritage assets.

9.0 Impact On Residential Amenity

- 9.1 There are no residential amenity impacts to the dwellings to the north, as the shared boundary is approximately 30 metres away from the development and separated by the existing built form of the two-storey host dwelling.
- 9.2 No.15 Fiddlers Lane is to the west. This neighbour sits centrally within a large plot, which also includes a holiday let (approved under ref. B/15/01665). The rear private amenity area for no.15, which includes a patio and seating area directly to the rear, is to the north west and will not be impacted by the proposal as it is at least 30 metres away and separated by the existing built form of no.15. The shared boundary has a band of tall trees and is approximately 8 metres from the west elevation of the proposal.
- 9.3 The space beyond this shared boundary within the curtilage of no. 15 is a 'front' garden space. Notwithstanding the existing trees on the shared boundary, there would be overlooking to the front amenity area of no.15. However, this is not considered to be significant enough to warrant a refusal as a) main private amenity space is to the rear of no. 15 and b) this area is already overlooked through the access and use of the holiday let.

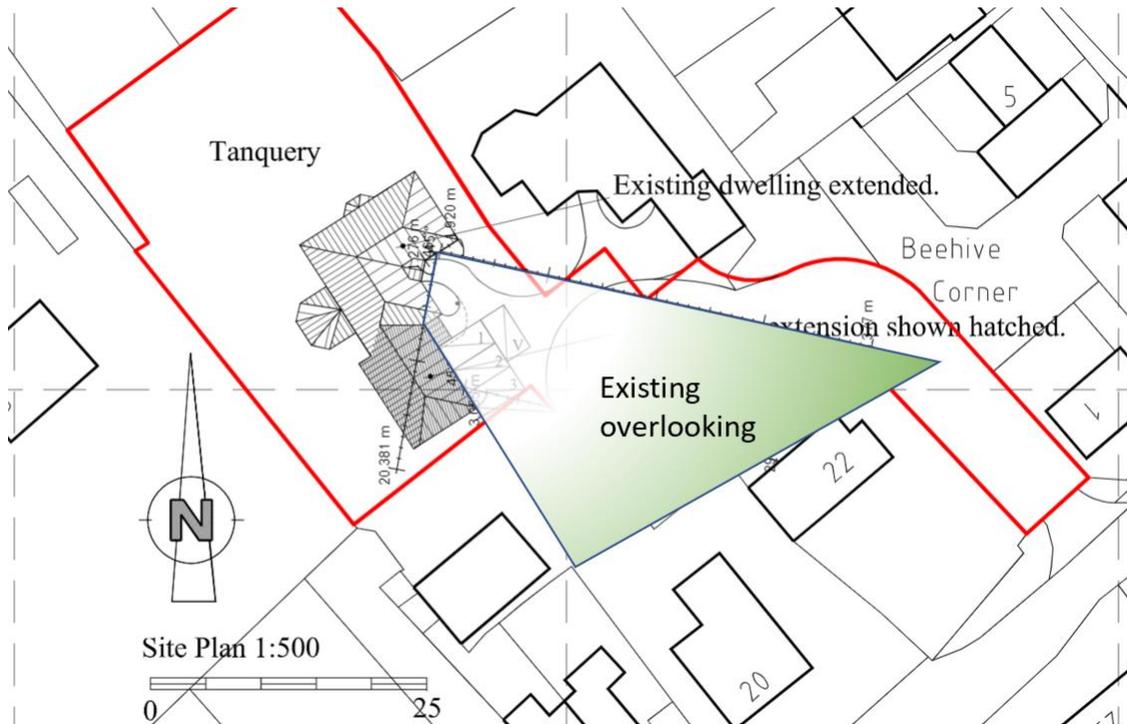


- 9.4 There will be no loss of amenity to no. 17, 18 and 19 Fiddlers Lane as the proposal is separated by existing verdant boundaries and existing built form in the rear garden of no. 20 Fiddlers Lane.
- 9.5 No. 20 Fiddlers Lane has a curtilage which wraps around the back of no.18. The immediate area of rear garden for no. 20 is not overlooked or overshadowed by the proposal as a) there are no facing openings on the south elevation of the proposal and b) there is at least 20 metres distance between the proposal and no. 20.
- 9.6 The area of rear garden for no.20 that wraps around the rear of no.18 is adjacent and shares a boundary with the site. In this area of garden no. 20. has an existing single-storey pitched roof annexe.
- 9.7 Firstly, this is south of the proposal and, therefore, would not be overshadowed as the sun moves from east to west via the south. Secondly, this area would not be overlooked as there are no openings at first-floor level on the southern elevation.
- 9.8 The occupiers of no. 20 have objected to the proposal, citing overbearing impacts that a first-floor extension would lead to on their amenity space. However, whilst it is acknowledged that there would be some impact as a result of this proposal, it has been reduced through a hipped roof rather than gable end design. Additionally, this would not be overbearing for the whole amenity space but rather a small area that does not serve the main dwelling. For these reasons it is considered that the overbearing impact is not significant to warrant a refusal.



- 9.9 The occupiers of no. 22 Fiddlers Lane have also objected to the application. Regarding amenity concerns, the following assessment is made.
- 9.10 Similarly to no. 20, no. 22 has a rear garden that wraps around the rear of no.20. The site is approximately 13.5 metres from no.22's rear garden that wraps around no.20. However, the site is approximately 22 metres from the main area of no.20's rear garden space. The rear amenity area of no. 22 is in a south eastern direction from the proposal and backs on to the turning head of the private drive area for Tanqueray and Rooftops. A 1.8-metre fence separates the rear amenity space of no. 22 and the turning head of Fiddlers Lane to the rear.
- 9.11 Regarding any loss of light, as no.22 is to the south-east of the site, where the existing built-form at Tanqueray, together with trees and the 1.8-metre boundary fence, contribute to an existing (if limited) loss of light to no.22.
- 9.12 Any additional loss of light to the dwelling or amenity space of no. 22 would seem to be limited to being very late on a summer's evening. For most of the year (including the key months of March or September, when Daylight and Sunlight assessments are normally undertaken, as per the Building Research Establishment's guidance) there is little existing direct sunlight.
- 9.13 It is, therefore, considered highly unlikely there would be any extra loss of light such as to warrant a refusal.

9.14 In terms of overlooking, it is appropriate to start with the existing situation. The first-floor south-facing window of Tanqueray (which serves the master bedroom) already causes a level of overlooking. This is approximately 28 metres to the boundary line and 36 metres to the rear elevation of no. 22 Fiddlers Lane. In this situation it is not considered to cause significant overlooking, even though it is directly facing the neighbour, because of the distances between the window and no. 22 and its boundary.



9.15 Taking the same angle of view from the closest proposed window, a smaller area would be overlooked when compared with the existing. However, this overlooking would be approximately 21 metres to the boundary and 30 metres to the rear elevation of the dwelling. These are shorter distances; however, 20-metres plus is still considered an acceptable level of distance.

9.16 The BRE publication "Site Layout Planning for Daylight and Sunlight – a Guide to Good Practice" at paragraph 5.3.1 for privacy describes recommended privacy distances of over 18 metres. This is not a policy document but does give an indication of acceptable levels.

9.17 Much the same could be said regarding the neighbour to the east "Rooftops".

9.18 In conclusion, it is considered that, due to the distances and angle of outlook, this overlooking is not sufficient to warrant a refusal. This is without taking into consideration the existing trees and hedging on the boundary line that would offer some screening, particularly in the summer months.



- 9.19 Moving to the neighbour directly opposite to the east, known as Rooftops, there would be direct overlooking; however, this already exists from a bedroom window in the existing dwelling which is closer and within a distance of 18 metres. The new proposed windows at first floor level are slightly further from this neighbour and face the neighbour's single-storey garage. Therefore, there is no significant increase in overlooking that would warrant a refusal.
- 9.20 Based on the assessments above, the proposal does not give rise to any significant overlooking looking or overshadowing, nor would it be considered overbearing. As such the proposal is considered to be compliant with policies HS33 and CN01 of the Local Plan and EB09 of the East Bergholt Neighbour Hood plan.
- 9.21 As the site is surrounded by residential units, to prevent any adverse impacts on residential amenity during the construction of the proposal, a condition will be used to restrict construction and deliveries between the hours of 8am and 6pm Monday to Saturday, with no construction or deliveries on Sundays or Bank Holidays.

10.0 Other Matters

- 10.1 It has been raised through the objections that Fiddlers Lane (the private drive) is owned by Rooftops and that Tanqueray has a right of access over it. For the avoidance of doubt, as the red line plan includes this access, whilst no development will take place within the private access, notice was served on the owner on the 14th of May. As such, the application cannot be determined during the 21-day notice period. This period ended on the 4th of June and the application can now be determined.
- 10.2 Objectors also raised concerns that no north west elevation of the proposal was originally included in the application; this has now been rectified under plan drawing 1288/08B.
- 10.3 Objectors also raised concerns that the proposal did not clearly show adequate parking for a 5 or 6-bedroom dwelling. This has been rectified through drawing 1288/01C that shows on-site parking.

11.0 Parish Council Comments

11.1 The Parish Council raised no objection so long as no neighbour objections were received. Two neighbours have objected; however, the material considerations raised within these objections relating to design and loss of amenity have been assessed in the above report.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

12.1 The proposal is considered to be of a design, scale and mass that will blend in with the host dwelling and surrounding area.

12.2 As per the paragraphs 9.1 to 9.13 the proposal does not give rise to any significant adverse impacts to existing residential amenity to warrant a refusal.

12.3 The proposal is, therefore, compliant with policies HS33 and CN01 of the Local Plan, CS15 of the Core Strategy, EB09 of the Neighbourhood Plan and paragraph 127 of the NPPF.

RECOMMENDATION

That the application be GRANTED planning permission and include the following conditions:-

- Standard three-year timeframe to commence.
- Approved plans.
- Materials to match existing.
- Construction and delivery times restricted to 8am – 6pm Mon -Sat. No works on Sundays or Bank holidays.
- Details of cycle storage to be submitted prior to first use of the proposed.
- Securing parking areas shown on drawing 1288/01C.