

## **Committee Report**

**Item No: 6B**

**Reference:** DC/21/06913  
**Case Officer:** Lynda Bacon

**Ward:** Long Melford.

**Ward Member/s:** Cllr John Nunn. Cllr Elisabeth Malvisi.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Planning Application - Conversion and alteration of existing detached garage to form 1 No. unit of holiday let accommodation (revised scheme to DC/20/03058 - withdrawn).

### **Location**

Genesis Corner, Clay Hall Lane, Acton, Suffolk CO10 0AQ

**Expiry Date:** 01/03/2022

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor All Other

**Applicant:** Mrs Margaret Maybury

**Agent:** Mr Ben Elvin

**Parish:** Acton

**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:** Yes (DC/21/05266)

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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:

The applicant, Mrs Margaret Maybury, is a Babergh District Councillor.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF - National Planning Policy Framework

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CLASSIFICATION: Official

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS03 - Strategy for Growth and Development  
CS15 - Implementing Sustainable Development  
CS17 - The Rural Economy  
CN01 - Design Standards  
CN03 - Open Space within Settlements  
CN06 - Listed Buildings - Alteration/Ext/COU  
TP15 - Parking Standards - New Development

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area (area designated 26 Oct 2021)

Accordingly, the Neighbourhood Plan has Little weight.

### **Consultations and Representations**

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

#### **A: Summary of Consultations**

##### **Town/Parish Council**

##### **Acton Parish Council**

Acton Parish Council objects to this application and recommends refusal.

The application planning statement suggests that the footprint of the building will remain the same but in fact a front porch will be added to the garage building which will increase the buildings footprint. The increased footprint, raising of the roof height and addition of dormer windows into the roof will most certainly increase the overall size and mass of the building.

Currently the garage building sits subservient to the host dwelling. The increase in size and mass will compete with the host dwelling and together have a greater impact on the setting of the neighbouring heritage listed dwelling Puddledock Garden.

The proposed development works will change the character of the existing garage so that it no longer appears subservient to its host dwelling, but instead presents as a self-contained dwelling, thereby harming the character of the area and the adjacent setting of Puddledock Garden.

The impact of the change in character should be considered if the existing roadside hedge of large conifer trees were to be removed.

Increased activity from the proposed development will be more intense than from the current permitted uses. Activity will, in fact, be greater than if it were a new separate dwelling. Vehicle and people

movements from overnight guests, tradespeople and staff will have an impact on the quiet enjoyment of Puddledock Garden.

According to the application planning statement, the holiday let will benefit the local economy by employing two people. Any employment benefit should be expressed as a percentage of a fulltime employee. In this instance the business would be unlikely to generate anything like one fulltime position, let alone two. Therefore, the proposal does not add significant benefit to the local economy.

The planning statement states that there is good access and ample parking but this is not the case. There will need to be provision for parking and ample turning space for vehicles from two separate dwellings, plus additional staff vehicle parking. It is considered that there is inadequate space to accommodate all these vehicles.

The Parish Council is concerned about the increase in traffic along Clay Hall Lane and the difficulties of guests negotiating the poorly designed access.

The loss of a garage/storage space to serve the rural host dwelling should be considered as poor design. The constraints of the site would not allow future owners an opportunity to provide a replacement garage or storage space.

Should officers be minded to approve this application, conditions should be applied which ensure the development is not used as an independent dwelling and a time limit for guest stays to be applied.

A vehicle parking and turning plan should also be submitted.

Additional bin storage should also be considered as this is a commercial business and will require segregation of waste from the host dwelling.

### **National Consultee**

N/A

### **County Council Responses**

#### **SCC – Highways**

The County Council as Highway Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.

### **Internal Consultee Responses**

#### **Heritage Team**

As per my comments on pre-application DC/21/05266, I consider that the proposed scheme reduces the harm from the previous iteration, under DC/20/03058, as the proposed dormer window is now located on the south elevation of the garage, away from Puddledock Garden.

However, I consider that some harm to the latter would remain, due to the increased height of the garage, which is the same as previous, which would likely cause the garage/holiday let building to become overly dominant within the setting of the listed building and thus detract from appreciation of its significance. I would characterise the remaining harm as a very low level of less than substantial. I request that this is taken into consideration against any public benefits, as per para.202 of the NPPF.

If the LPA are minded to approve this application, I would not request any conditions in this case.

### **Environmental Management – Land Contamination**

Confirm no objection to the proposed development from the perspective of land contamination and request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that specified minimum precautions are undertaken until such time as the LPA responds to the notification. Also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

### **Economic Development**

No comments received; consultation period has now expired.

### **B: Representations**

At the time of writing this report at least 2 letters/emails/online comments have been received. It is the officer opinion that this represents one objection, and one general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Note that first floor windows are on the opposite side from the original design, meaning that neighbour's bedroom and garden will not be overlooked.
- Revised application is not substantially different and does not address the remaining concerns raised previously by the neighbour, the Heritage Team and Acton Parish Council.
- Detrimental impact on visual and residential amenities, raising the roof of the existing garage will appear incongruous. A new self-contained dwelling squeezed alongside the existing is out of character with the area and the listed building and its curtilage.
- There is no requirement for a holiday let within Acton.
- Marginal or zero benefit to the local community, longer term pressure for a change of use to a separate independent dwelling.
- Noise: lacks sound insulation or other improvements to absorb noise and mitigate disturbance.
- Highway safety: site has a difficult means of access and a poorly designed area for car parking.
- Planning History: existing dwelling (granted in 2012) was designed 'with limited impact on a listed building and its curtilage' and material harm was mitigated. Proposed development conflicts with these planning measures and is an unnecessary over development of the site.

(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**

<b>REF:</b> DC/20/03058	Full Application - Change of use (and associated alterations/works) from existing garage to 1 No. unit of holiday let accommodation	<b>DECISION:</b> WDN 05.01.2021
<b>REF:</b> DC/21/05221	Householder Application - Erection of front porch extension.	<b>DECISION:</b> GTD 17.11.2021

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

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### **1.0. The Site and Surroundings**

- 1.1. Genesis Corner is a detached one-and-a-half storey dwelling, with detached double garage adjacent, located to the east of Clay Hall Lane within the defined Built-Up Area Boundary (BUAB) for Acton. The site has minimal frontage onto Clay Hall Lane and is largely concealed from direct public view by the existing hedgerow in the ownership of the neighbouring property (Puddledock Garden).
- 1.2. The site benefits from established vehicular access, adjoining the highway of Clay Hall Lane at its western most tip.
- 1.3. To the north, south and south-east are detached residential dwellings. To the east, the area opens towards agricultural countryside, delineated by domestic rear gardens and mature trees/hedgerows. The Grade II listed Puddledock Garden is located to the north of the site. To the west is a Tree Preservation Order (TPO) group listing and a definitive Public Right of Way (PROW) runs along the southern and eastern boundary of the site.
- 1.4. The site is within a wider area designated in the Local Plan (2006) as an Area of Visual and/or Recreational Amenity (AVRA) and is not within any vulnerable flood zone area and is otherwise unconstrained.
- 1.5. The subject garage is situated to the north of the host dwelling and is also immediately south of the detached dwelling known as Puddledock Garden, an early C19th clay lump cottage with a thatched roof.

### **2.0. The Proposal**

- 2.1. The proposal seeks planning permission for the conversion and alteration of the existing detached double garage to form a holiday let comprising accommodation over two floors, with open-plan living space on the ground-floor (including a shower room) and one bedroom at first-floor level with en-suite bathroom facilities.
- 2.2. Proposed alterations include the introduction of glazing at ground floor level together with the addition of a front entrance porch. A double-width window dormer roof extension with PV panels above is proposed to the southern roof slope and the existing eaves and ridge levels will be raised by 0.5m (to 2.75m and 6.094m respectively) to facilitate the accommodation at first floor level.
- 2.3. Parking for the existing dwelling and the proposed development is provided on the driveway within the site and an attached cycle store is to be attached to the rear of the building.
- 2.4. The application is a revised proposal to that submitted In July 2020 under application reference DC/20/03058, which was withdrawn prior to determination. The current application differs to that previously submitted as the proposed side dormer window has been located to the opposite (southern) side of the building and the internal layout and fenestration have been amended accordingly.

### **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.
- 3.2. As a planning application for conversion and alteration of an existing detached garage to form one unit of holiday accommodation, the application is assessed primarily against Saved Local Plan policies CN01, CN06 and TP15, Core Strategy policies CS01, CS15, CS17 and the NPPF.
- 3.3. Saved Policy CN01 requires that developments are of an appropriate scale, form, design and materials for the location; and should respect adjacent development and the surrounding environment. In addition, and whilst no works to a listed building are proposed here, Saved Policy CN06 goes on to refer to new work within the curtilage or setting of a listed building and requires proposals to harmonise with the existing building and its setting; and retain a curtilage area and/or setting which is appropriate to the listed building and the relationship with its surroundings. Saved Policy TP15 requires new development proposals to comply with current parking standards.
- 3.4. Core Strategy Policies CS01 CS3, CS15 and CS17 support the presumption in favour of sustainable development at the local level and state, *inter alia*, that the rural and local economy should be supported through the encouragement of tourism and leisure-based businesses.
- 3.5. The proposal is considered to comply with the development plan and core strategy policies listed above. These policies are consistent with the aims of the NPPF. Paragraph 84 of the Framework is of relevance and offers support for sustainable rural tourism. Paragraph 202 is also relevant as it deals with less than substantial harm to the significance of a designated heritage asset.
- 3.6. The application site is within the Built-Up Area Boundary (BUAB) of Acton and is therefore considered to be situated within a sustainable location and the principle of converting the garage into a modest, one-bedroom holiday let is considered acceptable. To ensure the use is restricted to holiday accommodation only, a planning condition to this effect is recommended.
- 3.7. The key issues fall to determining the proposal's impact on the setting of the adjacent Grade II listed building, residential amenity and highway safety.

### **4.0. Site Access, Parking and Highway Safety Considerations**

- 4.1. The proposal does not seek to alter the existing access or driveway arrangements. Whilst the proposal would displace the potential to park two cars from within the existing garage and on to the driveway, there remains adequate parking and turning space on the plot such that parking provision would remain compliant with the Suffolk Parking Standards. Parking for the holiday accommodation is proposed to the front of the garage building and, in total, four parking spaces are available for the proposal and the host dwelling.
- 4.2. The proposal would not have a detrimental impact on the existing highway and is therefore acceptable in this regard.

### **5.0. Design And Layout [Impact On Street Scene]**

- 5.1. The garage is an existing building with an existing relationship with the host dwelling and its Grade II listed neighbour, Puddledock Garden, situated to the north. The existing layout of the site is largely unaltered by the proposal. The proposed extensions to the garage to facilitate the proposed holiday let use are, of themselves, minimal additions comprising a side dormer window, front porch addition and an increase in roof height of 0.5m. The design and appearance of the building would also be altered; cream boarding will be applied to the existing red brick facades and glazing installed in one of the garage door openings. The modest scale and form of the proposal ensures that the development retains a subservient relationship with the host dwelling and the design and materials are considered appropriate alongside the main dwelling. In this regard the development is in accordance with Saved Policy CN01.
- 5.2. The impact of the development on the existing street-scene would be negligible. The garage is largely concealed from public view due to the oblique position of the site in relation to the highway and the intervening hedgerow and tree screen, which includes a group of Silver Birch trees protected by a Tree Preservation Order.
- 5.3. The key issues in the determination of the application are the impact of the proposal on the setting of the adjacent Grade II Listed building and residential amenity.

#### **6.0. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

- 6.1. The proposal does not affect the wider landscape and would cause no harm to biodiversity or protected species and no enhancement measures are required.

#### **7.0. Land Contamination, Flood Risk, Drainage and Waste**

- 7.1. The proposal does not give rise to any land contamination issues.
- 7.2. The site is situated within Flood Zone 1 and is therefore at low risk from flooding.
- 7.3. Waste arising from the proposal will be disposed of utilising the existing collection service.

#### **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. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving listed buildings and their setting, which is of considerable weight and importance.
- 8.2. Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.3. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 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, where appropriate, securing its optimum viable use.

- 8.4. Saved Policy CN06 states that new work within the curtilage or setting of a listed building should, amongst other things, be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting. The Grade II listed Puddledock Garden is located to the north of the site and the subject garage is approximately 9 metres from its gable end, the impact of the proposal on the setting of the listed building requires assessment here.
- 8.5. The Heritage Officer has identified that the proposal will lead to a very low level of less than substantial harm and that this level of harm is due to the increased height of the garage, which would likely cause the garage/holiday-let building to become overly-dominant within the setting of the listed building and thus detract from appreciation of its significance. Paragraph 202 of the NPPF is, therefore, engaged; and the identified very low level of harm is required to be weighed against the public benefits of the proposal.
- 8.6. The Supporting Statement submitted with the application considers the benefits resulting from this proposal, as follows:
- i) The proposal will result in the employment of two people, generating direct economic and social benefits through increased employment in the local area. In turn, this will lead to increased spend in the local economy where staff will live and spend locally.
  - ii) The proposal will generate local spend through the provision of holiday accommodation in a sustainable location where access to local services and facilities is available by a range of transportation methods. Paragraph 81 of the NPPF is clear that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The weight to be given to these benefits would, thereby, outweigh the very limited harm to the heritage asset identified.
  - iii) Local B&B facilities, have now been closed for many years, meaning that there is a recognised need for such accommodation in the immediate area. The continued success of villages such as Lavenham as a tourist destination continues to provide additional need for good quality accommodation in sustainable locations such as this. The proposal would, therefore, meet an identified need in the wider area also.
  - iv) The accommodation also provides facilities for both able bodied and less able people, thereby being accessible to all. Cycling and walking will be promoted for access to all tourist attractions locally.
- 8.7. The identified “very low of less than substantial heritage harm” is as a result of the proposed increase in height of the garage roof by adding 0.5m to the existing wall plate; the profile and pitch of the existing roof remains unaltered. This level of harm has been reduced from the previous iteration (DC/20/03058 identified ‘low level’ harm), as the proposed dormer window has now been located away from Puddledock Garden and the plainness of the roofline towards the listed building has been sustained. As the heritage harm is of a ‘very low level’, the public benefit to be weighed against it needs only to be ‘low level’ to be balanced in favour of the development.
- 8.8. The public benefits identified in the application are modest economic and social benefits; namely the provision of an employment generator offering accessible holiday accommodation in a sustainable location. When balanced against the scale of any harm or loss and the significance of



the heritage asset, the public benefits are considered to outweigh the very low level of harm identified.

#### **9.0. Impact On Residential Amenity**

- 9.1. It is considered that the proposal does not impact on the amenity of neighbouring properties by reason of its scale, form or detailed design. Given the positioning and scale of the extensions, the proposal is not considered to result in any significant impact on neighbouring amenity, including loss of light, privacy, or outlook or on the wider setting of the site to warrant refusal.
- 9.2. In terms of the proposed use as a one-bed holiday let, the accommodation is modest and unlikely to generate an intensification of use that would be more apparent in the locality than the domestic use of the whole property by a single family household.
- 9.3. As there is a close physical relationship between the building and the host dwelling, it is considered appropriate to restrict the control of the operation to the occupants of the main dwelling only.

#### **10.0. Parish Council Comments**

- 10.1. The majority of matters raised by Acton Parish Council have been considered in the above report however, the following issues have also been raised:
  - The impact of the change in character should be considered if the existing roadside hedge of large conifer trees were to be removed.
  - Concern expressed about the increase in traffic along Clay Hall Lane and the difficulties of guests negotiating the poorly designed access.
  - The constraints of the site would not allow future owners an opportunity to provide a replacement garage or storage space.
- 10.2. In terms of the affect that the removal of the roadside hedge could have on the potential impact of the proposal, it is the Case Officer's assessment that the set-back position of the garage behind the front elevation of the main dwelling, the good degree of separation to the highway and the TPO protected Silver Birch trees, are cumulatively sufficient to mitigate any negative visual impact on the street scene. The impact of the proposal on the setting of the Listed building is not predicated on how well screened the development is from public view.
- 10.3. The increase in traffic along Clay Hall Lane and the suitability of the access have been assessed by the Local Highway Authority and it is considered that the development will not have a detrimental effect upon the adopted highway. Furthermore, it is anticipated that future occupiers of the holiday let will be given directions by the provider as part of the rental agreement.
- 10.4. In terms of replacement storage facilities, there is sufficient space about the building to accommodate an additional shed building, if required. A replacement garage would, however, be likely to require planning permission and should permission not be forthcoming, adequate off-street parking is retained and alternative secure storage could be achieved in a shed elsewhere.

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## **PART FOUR – CONCLUSION**

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### **11.0. Planning Balance and Conclusion**

- 11.1. The site is within the built-up area boundary of the village and is in a sustainable location for holiday-let purposes. The proposed extensions are modest additions to an existing building that do not materially impact on neighbouring amenity, the existing street-scene or highway safety. The intensity of use for holiday accommodation purposes is constrained by the limited scale of the building.
- 11.2. A very low level of less than substantial harm to a heritage asset has been identified. A balanced judgement of the scale of harm and the significance of the heritage asset has been undertaken and it is considered that the proposal delivers an economic and social public benefit, albeit modest, to outweigh the harm.
- 11.3. The application accords with relevant development plan policies and national planning guidance and there is no significant conflict with the NPPF.
- 11.4. Planning permission is recommended.

### **RECOMMENDATION**

That the application is GRANTED planning permission and includes the following conditions:-

Standard time limit  
Approved Plans  
Holiday let occupation restriction  
Holiday let operator restriction